

FIRST REGULAR SESSION

# HOUSE BILL NO. 1264

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PERSON.

2441H.011

DANA RADEMAN MILLER, Chief Clerk

## AN ACT

To repeal section 58.720, RSMo, and to enact in lieu thereof one new section relating to certifying causes of death.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 58.720, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 58.720, to read as follows:

58.720. 1. When any person dies within a county having a medical examiner as a result of:

- (1) Violence by homicide, suicide, or accident;
- (2) Thermal, chemical, electrical, or radiation injury;
- (3) Criminal abortions, including those self-induced;
- (4) Disease thought to be of a hazardous and contagious nature or which might constitute a threat to public health; or when any person dies:
  - (a) Suddenly when in apparent good health;
  - (b) When unattended by a physician, chiropractor, or an accredited Christian Science practitioner, during the period of thirty-six hours immediately preceding his **or her** death;
  - (c) While in the custody of the law, or while an inmate in a public institution;
  - (d) In any unusual or suspicious manner;

the police, sheriff, law enforcement officer or official, or any person having knowledge of such a death shall immediately notify the office of the medical examiner of the known facts concerning the time, place, manner and circumstances of the death. Immediately upon receipt of notification, the medical examiner or his **or her** designated assistant shall take charge of the

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 dead body and fully investigate the essential facts concerning the medical causes of death. He  
19 **or she** may take the names and addresses of witnesses to the death and shall file this information  
20 in his **or her** office. The medical examiner or his **or her** designated assistant shall take  
21 possession of all property of value found on the body, making exact inventory thereof on his **or**  
22 **her** report and shall direct the return of such property to the person entitled to its custody or  
23 possession. The medical examiner or his **or her** designated assistant examiner shall take  
24 possession of any object or article which, in his **or her** opinion, may be useful in establishing the  
25 cause of death, and deliver it to the prosecuting attorney of the county.

26         2. When a death occurs outside a licensed health care facility, the first licensed medical  
27 professional or law enforcement official learning of such death shall contact the county medical  
28 examiner. Immediately upon receipt of such notification, the medical examiner or the medical  
29 examiner's deputy shall make a determination if further investigation is necessary, based on  
30 information provided by the individual contacting the medical examiner, and immediately advise  
31 such individual of the medical examiner's intentions.

32         3. Notwithstanding the provisions of subsection 2 of this section to the contrary, when  
33 a death occurs under the care of a hospice, no investigation shall be required if the death is  
34 certified by the treating physician of the deceased or the medical director of the hospice as a  
35 natural death due to disease or diagnosed illness. The hospice shall provide written notice to the  
36 medical examiner within twenty-four hours of the death.

37         4. In case of sudden, violent or suspicious death after which the body was buried without  
38 any investigation or autopsy, the medical examiner, upon being advised of such facts, may at his  
39 **or her** own discretion request that the prosecuting attorney apply for a court order requiring the  
40 body to be exhumed.

41         5. The medical examiner shall certify the cause of death in any case where death  
42 occurred without medical attendance or where an attending physician refuses to sign a certificate  
43 of death, and may sign a certificate of death in the case of any death.

44         6. When the cause of death is established by the medical examiner, he **or she** shall file  
45 a copy of his **or her** findings in his **or her** office within thirty days after notification of the death.  
46 **The medical examiner shall not certify the cause of death as suicide in any case, including**  
47 **a case in which the person who died was previously reported missing, unless substantial**  
48 **evidence exists to prove suicide was the cause of death.**

49         7. (1) When a person is being transferred from one county to another county for medical  
50 treatment and such person dies while being transferred, or dies while being treated in the  
51 emergency room of the receiving facility, the place which the person is determined to be dead  
52 shall be considered the place of death and the county coroner or the medical examiner of the

53 county from which the person was originally being transferred shall be responsible for  
54 determining the cause and manner of death for the Missouri certificate of death.

55 (2) The coroner or medical examiner in the county in which the person is determined to  
56 be dead may, with authorization of the coroner or medical examiner from the transferring county,  
57 investigate and conduct postmortem examinations at the expense of the coroner or medical  
58 examiner from the transferring county. The coroner or medical examiner from the transferring  
59 county shall be responsible for investigating the circumstances of such and completing the  
60 Missouri certificate of death. The certificate of death shall be filed in the county where the  
61 deceased was pronounced dead.

62 (3) Such coroner or medical examiner, or the county where a person is determined to be  
63 dead, shall immediately notify the coroner or medical examiner of the county from which the  
64 person was originally being transferred of the death of such person and shall make available  
65 information and records obtained for investigation of death.

66 (4) If a person does not die while being transferred and is institutionalized as a regularly  
67 admitted patient after such transfer and subsequently dies while in such institution, the coroner  
68 or medical examiner of the county in which the person is determined to be dead shall  
69 immediately notify the coroner or medical examiner of the county from which such person was  
70 originally transferred of the death of such person. In such cases, the county in which the  
71 deceased was institutionalized shall be considered the place of death. If the manner of death is  
72 by homicide, suicide, accident, criminal abortion including those that are self-induced, child  
73 fatality, or any unusual or suspicious manner, the investigation of the cause and manner of death  
74 shall revert to the county of origin, and this coroner or medical examiner shall be responsible for  
75 the Missouri certificate of death. The certificate of death shall be filed in the county where the  
76 deceased was pronounced dead.

77 8. There shall not be any statute of limitations or time limits on cause of death when  
78 death is the final result or determined to be caused by homicide, suicide, accident, criminal  
79 abortion including those self-induced, child fatality, or any unusual or suspicious manner. The  
80 place of death shall be the place in which the person is determined to be dead, but the final  
81 investigation of death determining the cause and manner of death shall revert to the county of  
82 origin, and this coroner or medical examiner shall be responsible for the Missouri certificate of  
83 death. The certificate of death shall be filed in the county where the deceased was pronounced  
84 dead.

85 9. Except as provided in subsection 7 of this section, if a person dies in one county and  
86 the body is subsequently transferred to another county, for burial or other reasons, the county  
87 coroner or medical examiner where the death occurred shall be responsible for the certificate of  
88 death and for investigating the cause and manner of the death.

89           10. In performing the duties, the coroner or medical examiner shall comply with sections  
90 58.775 to 58.785 with respect to organ donation.

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