

SENATE BILL 22

By Watson

AN ACT to amend Tennessee Code Annotated, Title 36;  
Title 37; Title 38 and Title 68, relative to autopsies  
performed on children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-3-624(c), is amended by deleting the language "mode of death" and substituting instead the language "mode of death; provided, however, any such protocol shall contain provisions that ensure compliance with § 38-7-120".

SECTION 2. Tennessee Code Annotated, Section 38-7-106, is amended by adding the following new subsection thereto:

(c) Any person performing an autopsy on the body of a child, as defined by § 38-7-120, shall ensure compliance with § 38-7-120 prior to the performance of such an autopsy.

SECTION 3. Tennessee Code Annotated, Section 38-7-201, is amended by adding the following new subsection thereto:

(e) Any guidelines for death investigations and forensic autopsies in this state developed by the chief medical examiner and promulgated as rules through the department of health shall contain provisions that ensure compliance with § 38-7-120.

SECTION 4. Tennessee Code Annotated, Section 68-1-1102(f), is amended by adding the following new language to the end of the subsection:

Any person performing an autopsy on the body of a child, as defined by § 38-7-120, shall ensure compliance with § 38-7-120 prior to the performance of such an autopsy.

SECTION 5. Tennessee Code Annotated, Title 38, Chapter 7, Part 1, is amended by adding the following new section thereto:

§ 38-7-120.

(a) For purposes of this section:

(1) "Child" means a person or body of a person who is under the age of eighteen (18) years of age;

(2) "Parent" means the:

(A) Natural or adoptive parent of a child, provided that the natural or adoptive parent's parental rights to such child have not been terminated; or

(B) Legal guardian of a child, except in cases when guardianship is held by an agency pursuant to a determination of abandonment or surrender of parental rights;

(3) "State" means the state of Tennessee, any political subdivisions of the state, and all departments, commissions, institutions, boards and agencies thereof;

(4) "Supervised" means the presence of another person in order to ensure evidence that may be used in the investigation into the death of a child is not damaged or destroyed, but shall not include preventing the parent to touch or hold the child; and

(5) "Visit with" or "visitation" means face-to-face contact with a child and includes touching and holding the child.

(b)

(1) Except as provided in subdivision (b)(2), if the state performs an autopsy upon the child, the state shall, upon request made by the

parent of the child, allow such parent to visit with the child prior to such autopsy being performed; provided, however, such visitation shall be supervised.

(2) Notwithstanding subdivision (b)(1), if a parent of a child is allowed to visit with the child prior to an autopsy being performed and the state has reasonable cause to suspect that the parent may have contributed to the cause of death of such child, the state may require that the parent not be allowed to hold the entire body of the child; provided that the parent shall be allowed to touch and caress the body of the child.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.