

SENATE BILL 2021

By Stewart

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

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 by substituting instead the language "mode of death; provided, however, such protocol shall contain a procedure to ensure compliance with § 38-7-120."

SECTION 2. Tennessee Code Annotated, Section 38-7-106, is amended by adding the following as a new subsection (c):

(c) An individual performing an autopsy under this section shall ensure compliance with § 38-7-120 prior to commencing performance of the autopsy.

SECTION 3. Tennessee Code Annotated, Section 38-7-108(c)(4), is amended by deleting the period after the first sentence and by adding the following language:

; provided, however, any such protocol shall contain provisions to ensure compliance with § 38-7-120.

SECTION 3. Tennessee Code Annotated, Section 38-7-201, is amended by inserting the following as a new subsection (e):

(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 to ensure compliance with § 38-7-120.

SECTION 4. Tennessee Code Annotated, Section 68-30-301, is amended by adding the following language after the semicolon in subsection (1):

provided, however, there are procedures in place to ensure compliance with § 38-7-120 prior to commencing performance of the autopsy or the removal of the pituitary gland;

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

38-7-120.

(a) For purposes of this section:

(1) "Adult" means a person or the body of a deceased person who was eighteen (18) years or older at the time of death;

(2) "Parent" means the natural or adoptive parent of an individual, provided that the natural or adoptive parent's parental rights to an individual were not terminated prior to the individual's eighteenth birthday;

(3) "State" means the state of Tennessee, any political subdivision thereof, and any office, department, agency, board, commission, or instrumentality thereof;

(4) "Supervised" means the presence of another person to ensure that evidence that may be used in an investigation into the death of an individual is not compromised, damaged, or destroyed;

(5) "View" means face-to-face observation of an individual's body without the presence of a physical or spatial barrier;

(b)

(1) If the state authorizes, orders, or otherwise arranges for an autopsy to be performed on a deceased adult, prior to commencing performance of the autopsy, and upon a request made by a parent of the

deceased adult to the county medical examiner, and except as provided under subdivision (b)(2), the parent shall be permitted to view the body of the adult child, even in the absence of consent of the deceased individual's next of kin;

(2) In the event that the state has reasonable cause to believe that evidence of a criminal act may be compromised by an individual touching the body of the deceased, the state may require that the visit be supervised and may prohibit the parent from touching the body of the deceased to the extent reasonably necessary to preserve the integrity of the evidence. If the state has reasonable cause to believe that a parent contributed to the cause of death of the deceased, the state shall require that the visit be supervised and may prohibit the parent from touching the body of the deceased to the extent reasonably necessary to preserve the integrity of the evidence.

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