

FIRST REGULAR SESSION

HOUSE BILL NO. 131

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MACKEY.

0210H.03I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 58.451, 58.725, and 58.775, RSMo, and to enact in lieu thereof five new sections relating to autopsies, with penalty provisions.

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

Section A. Sections 58.451, 58.725, and 58.775, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 58.451, 58.725, 58.775, 58.790, and 194.116, to read as follows:

58.451. 1. When any person, in any county in which a coroner is required by section 58.010, dies and there is reasonable ground to believe that such person died as a result of:

(1) Violence by homicide, suicide, or accident;

(2) Criminal abortions, including those self-induced;

(3) Some unforeseen sudden occurrence and the deceased had not been attended by a physician during the thirty-six-hour period preceding the death;

(4) In any unusual or suspicious manner;

(5) Any injury or illness while in the custody of the law or while an inmate in a public institution;

10

11 the police, sheriff, law enforcement officer or official, or any person having knowledge of such
12 a death shall immediately notify the coroner of the known facts concerning the time, place,
13 manner and circumstances of the death. Immediately upon receipt of notification, the coroner
14 or deputy coroner shall take charge of the dead body and fully investigate the essential facts
15 concerning the medical causes of death, including whether by the act of man, and the manner of
16 death. The coroner or deputy coroner may take the names and addresses of witnesses to 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.

17 death and shall file this information in the coroner's office. The coroner or deputy coroner shall
18 take possession of all property of value found on the body, making exact inventory of such
19 property on the report and shall direct the return of such property to the person entitled to its
20 custody or possession. The coroner or deputy coroner shall take possession of any object or
21 article which, in the coroner's or the deputy coroner's opinion, may be useful in establishing the
22 cause of death, and deliver it to the prosecuting attorney of the county.

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

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

34 4. Upon taking charge of the dead body and before moving the body the coroner shall
35 notify the police department of any city in which the dead body is found, or if the dead body is
36 found in the unincorporated area of a county governed by the provisions of sections 58.451 to
37 58.457, the coroner shall notify the county sheriff or the highway patrol and cause the body to
38 remain unmoved until the police department, sheriff or the highway patrol has inspected the body
39 and the surrounding circumstances and carefully noted the appearance, the condition and position
40 of the body and recorded every fact and circumstance tending to show the cause and manner of
41 death, with the names and addresses of all known witnesses, and shall subscribe the same and
42 make such record a part of the coroner's report.

43 5. In any case of sudden, violent or suspicious death after which the body was buried
44 without any investigation or autopsy, the coroner, upon being advised of such facts, may at the
45 coroner's own discretion request that the prosecuting attorney apply for a court order requiring
46 the body to be exhumed.

47 6. The coroner may certify the cause of death in any case where death occurred without
48 medical attendance or where an attending physician refuses to sign a certificate of death or when
49 a physician is unavailable to sign a certificate of death.

50 7. When the cause of death is established by the coroner, the coroner shall file a copy of
51 the findings in the coroner's office within thirty days.

52 **8. If a coroner or an expert employed by the coroner retains an organ or tissue after**
53 **an autopsy for further examination or testing, the coroner shall contact the deceased's**
54 **family to inform them of the retainment and describe what will happen to the organ or**
55 **tissue once the examination or testing is complete.**

56 **9.** If on view of the dead body and after personal inquiry into the cause and manner of
57 death, the coroner determines that a further examination is necessary in the public interest, the
58 coroner on the coroner's own authority may make or cause to be made an autopsy on the body.
59 The coroner may on the coroner's own authority employ the services of a pathologist, chemist,
60 or other expert to aid in the examination of the body or of substances supposed to have caused
61 or contributed to death, and if the pathologist, chemist, or other expert is not already employed
62 by the city or county for the discharge of such services, the pathologist, chemist, or other expert
63 shall, upon written authorization of the coroner, be allowed reasonable compensation, payable
64 by the city or county, in the manner provided in section 58.530. The coroner shall, at the time
65 of the autopsy, record or cause to be recorded each fact and circumstance tending to show the
66 condition of the body and the cause and manner of death.

67 ~~[9.]~~ **10.** If on view of the dead body and after personal inquiry into the cause and manner
68 of death, the coroner considers a further inquiry and examination necessary in the public interest,
69 the coroner shall make out the coroner's warrant directed to the sheriff of the city or county
70 requiring the sheriff forthwith to summon six good and lawful citizens of the county to appear
71 before the coroner, at the time and place expressed in the warrant, and to inquire how and by
72 whom the deceased died.

73 ~~[10.]~~ **11.** (1) When a person is being transferred from one county to another county for
74 medical treatment and such person dies while being transferred, or dies while being treated in
75 the emergency room of the receiving facility the place which the person is determined to be dead
76 shall be considered the place of death and the county coroner or medical examiner of the county
77 from which the person was originally being transferred shall be responsible for determining the
78 cause and manner of death for the Missouri certificate of death.

79 (2) The coroner or medical examiner in the county in which the person is determined to
80 be dead may with authorization of the coroner or medical examiner from the original transferring
81 county, investigate and conduct postmortem examinations at the expense of the coroner or
82 medical examiner from the original transferring county. The coroner or medical examiner from
83 the original transferring county shall be responsible for investigating the circumstances of such
84 and completing the Missouri certificate of death. The certificate of death shall be filed in the
85 county where the deceased was pronounced dead.

86 (3) Such coroner or medical examiner of the county where a person is determined to be
87 dead shall immediately notify the coroner or medical examiner of the county from which the

88 person was originally being transferred of the death of such person, and shall make available
89 information and records obtained for investigation of the death.

90 (4) If a person does not die while being transferred and is institutionalized as a regularly
91 admitted patient after such transfer and subsequently dies while in such institution, the coroner
92 or medical examiner of the county in which the person is determined to be dead shall
93 immediately notify the coroner or medical examiner of the county from which such person was
94 originally transferred of the death of such person. In such cases, the county in which the
95 deceased was institutionalized shall be considered the place of death. If the manner of death is
96 by homicide, suicide, accident, criminal abortion including those that are self-induced, child
97 fatality, or any unusual or suspicious manner, the investigation of the cause and manner of death
98 shall revert to the county of origin, and this coroner or medical examiner shall be responsible for
99 the Missouri certificate of death. The certificate of death shall be filed in the county where the
100 deceased was pronounced dead.

101 ~~[11.]~~ **12.** There shall not be any statute of limitations or time limits on the cause of death
102 when death is the final result or determined to be caused by homicide, suicide, accident, child
103 fatality, criminal abortion including those self-induced, or any unusual or suspicious manner.
104 The place of death shall be the place in which the person is determined to be dead. The final
105 investigation of death in determining the cause and matter of death shall revert to the county of
106 origin, and the coroner or medical examiner of such county shall be responsible for the Missouri
107 certificate of death. The certificate of death shall be filed in the county where the deceased was
108 pronounced dead.

109 ~~[12.]~~ **13.** Except as provided in subsection ~~[10]~~ **11** of this section, if a person dies in one
110 county and the body is subsequently transferred to another county, for burial or other reasons,
111 the county coroner or medical examiner where the death occurred shall be responsible for the
112 certificate of death and for investigating the cause and manner of the death.

113 ~~[13.]~~ **14.** In performing the duties, the coroner or medical examiner shall comply with
114 sections 58.775 to 58.785 with respect to organ donation.

58.725. **1.** In cases in which, in the opinion of the medical examiner, an autopsy is
2 necessary, the autopsy shall be performed by the medical examiner if he **or she** is a pathologist
3 or by such competent pathologist as may be authorized and employed by the medical examiner.
4 A detailed description of the findings of the autopsy, and the conclusions drawn therefrom, shall
5 be filed in the office of the medical examiner.

6 **2. If a medical examiner or pathologist authorized and employed by the medical**
7 **examiner retains an organ or tissue after an autopsy for further examination or testing, the**
8 **medical examiner shall contact the deceased's family to inform them of the retainment and**

9 describe what will happen to the organ or tissue once the examination or testing is
10 complete.

58.775. For the purpose of sections 58.775 to [~~58.785~~] 58.790, the definitions in section
2 194.210 are applicable.

58.790. 1. Any person who is a representative of a procurement organization who
2 accepts an anatomical gift on behalf of the organization or who is a representative of a
3 procurement organization who is involved in an autopsy in his or her role as the
4 representative of the procurement organization shall register with the division of
5 professional registration of the department of commerce and insurance.

6 2. A person who registers with the division shall complete a form that the division
7 shall require. The form shall include an affidavit or declaration that the information
8 provided by the person is true and correct to the best of the person's knowledge.

9 3. The division may charge a fee that shall not substantially exceed the costs
10 necessary for registration.

11 4. (1) The division shall require a person to renew his or her registration every two
12 years. A registration that is not renewed within three months after the renewal due date
13 shall be automatically suspended, subject to the person's right to reinstate the suspended
14 registration within nine months of the suspension date by applying for reinstatement
15 within those nine months. Any registration that is suspended as described in this
16 subdivision and not reinstated within nine months of the suspension date shall expire and
17 be rendered void. Any person whose registration has expired may apply to be reregistered
18 under the person's original registration number.

19 (2) Any person with a suspended or expired registration shall not conduct business
20 in this state.

21 5. The division may refuse to issue any registration required under this section, or
22 refuse to renew or reinstate any such registration, for any of the reasons stated in
23 subsection 6 of this section. The division shall notify the person in writing of the reason
24 for the refusal and shall advise the person of his or her right to file a complaint with the
25 administrative hearing commission as provided under chapter 621.

26 6. The division may file a complaint with the administrative hearing commission
27 as provided under chapter 621 against any holder of a registration required under this
28 section or any person who has failed to renew or has surrendered his or her registration
29 for any one or combination of the following reasons:

30 (1) The person has been finally adjudicated and found guilty, or entered a plea of
31 guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the
32 United States, or of any country, for any offense directly related to the duties and

33 responsibilities of the occupation, as set forth in section 324.012, regardless of whether a
34 sentence is imposed;

35 (2) Use of fraud, deception, misrepresentation, or bribery in securing any
36 registration issued under this section;

37 (3) Obtaining or attempting to obtain any fee, charge, tuition, or other
38 compensation by fraud, deception, or misrepresentation;

39 (4) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or
40 dishonesty in the performance of the functions or duties of the profession;

41 (5) Violation of, or assisting or enabling any person to violate, any lawful rule or
42 regulation adopted by the division;

43 (6) Impersonation of any person holding a registration or allowing any other
44 person to use the person's registration or diploma from any school;

45 (7) Disciplinary action against the holder of a registration or other right to perform
46 the profession that is granted by another state, territory, federal agency, or country upon
47 grounds for which revocation or suspension is authorized in this state;

48 (8) The person is finally adjudged insane or incompetent by a court of competent
49 jurisdiction;

50 (9) Issuance of a registration based upon a material mistake of fact; or

51 (10) Use of any advertisement or solicitation that is false, misleading, or deceptive
52 to the general public or persons to whom the advertisement or solicitation is primarily
53 directed, as it relates to the person's profession.

54 7. After the filing of a complaint under subsection 6 of this section, the proceedings
55 shall be conducted in accordance with the provisions of chapters 536 and 621. Upon a
56 finding by the administrative hearing commission that the grounds for disciplinary action
57 are met, as provided in subsection 6 of this section, the division shall censure or place the
58 person named in the complaint on probation for a period not to exceed five years, suspend
59 the person's registration for a period not to exceed three years, or revoke the person's
60 registration.

61 8. Any person who violates the requirement of registration after August 28, 2023,
62 shall be guilty of a class A misdemeanor.

63 9. The division may promulgate all necessary rules and regulations for the
64 administration of this section. Any rule or portion of a rule, as that term is defined in
65 section 536.010, that is created under the authority delegated in this section shall become
66 effective only if it complies with and is subject to all of the provisions of chapter 536 and,
67 if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any
68 of the powers vested with the general assembly pursuant to chapter 536 to review, to delay

69 the effective date, or to disapprove and annul a rule are subsequently held
70 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
71 after August 28, 2021, shall be invalid and void.

194.116. 1. Any person who assists in the performance of an autopsy and who is
2 not licensed as a physician under chapter 334 shall register with the division of professional
3 registration of the department of commerce and insurance.

4 2. A person who registers with the division shall complete a form that the division
5 shall require. The form shall include an affidavit or declaration that the information
6 provided by the person is true and correct to the best of the person's knowledge.

7 3. The division may charge a fee that does not substantially exceed the costs
8 necessary for registration.

9 4. (1) The division shall require a person to renew his or her registration every two
10 years. A registration that is not renewed within three months after the renewal due date
11 shall be automatically suspended, subject to the person's right to reinstate the suspended
12 registration within nine months of the suspension date by applying for reinstatement
13 within those nine months. Any registration that is suspended as described in this
14 subdivision and not reinstated within nine months of the suspension date shall expire and
15 be rendered void. Any person whose registration has expired may apply to be reregistered
16 under the person's original registration number.

17 (2) Any person with a suspended or expired registration shall not assist in the
18 performance of an autopsy in this state.

19 5. The division may refuse to issue any registration required under this section, or
20 refuse to renew or reinstate any such registration, for any of the reasons stated in
21 subsection 6 of this section. The division shall notify the person in writing of the reasons
22 for the refusal and shall advise the person of his or her right to file a complaint with the
23 administrative hearing commission as provided under chapter 621.

24 6. The division may file a complaint with the administrative hearing commission
25 as provided under chapter 621 against any holder of a registration required under this
26 section or any person who has failed to renew or has surrendered his or her registration
27 for any one or combination of the following reasons:

28 (1) The person has been finally adjudicated and found guilty, or entered a plea of
29 guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the
30 United States, or of any country, for any offense directly related to the duties and
31 responsibilities of the occupation, as set forth in section 324.012, regardless of whether a
32 sentence is imposed;

33 (2) Use of fraud, deception, misrepresentation, or bribery in securing any
34 registration issued under this section;

35 (3) Obtaining or attempting to obtain any fee, charge, tuition, or other
36 compensation by fraud, deception, or misrepresentation;

37 (4) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or
38 dishonesty in assisting with the performance of an autopsy;

39 (5) Violation of, or assisting or enabling any person to violate, any lawful rule or
40 regulation adopted by the division;

41 (6) Impersonation of any person holding a registration or allowing any other
42 person to use the person's registration or diploma from any school;

43 (7) Disciplinary action against the holder of a registration or other right to assist
44 with the performance of an autopsy that is granted by another state, territory, federal
45 agency, or country upon grounds for which revocation or suspension is authorized in this
46 state;

47 (8) The person is finally adjudged insane or incompetent by a court of competent
48 jurisdiction;

49 (9) Issuance of a registration based upon a material mistake of fact; or

50 (10) Use of any advertisement or solicitation that is false, misleading, or deceptive
51 to the general public or persons to whom the advertisement or solicitation is primarily
52 directed, as it relates to assisting with the performance of an autopsy.

53 7. After the filing of a complaint under subsection 6 of this section, the proceedings
54 shall be conducted in accordance with the provisions of chapters 536 and 621. Upon a
55 finding by the administrative hearing commission that the grounds for disciplinary action
56 are met, as provided in subsection 6 of this section, the division shall censure or place the
57 person named in the complaint on probation for a period not to exceed five years, suspend
58 the person's registration for a period not to exceed three years, or revoke the person's
59 registration.

60 8. Any person who violates the requirement of registration after August 28, 2023,
61 shall be guilty of a class A misdemeanor.

62 9. The division may promulgate all necessary rules and regulations for the
63 administration of this section. Any rule or portion of a rule, as that term is defined in
64 section 536.010, that is created under the authority delegated in this section shall become
65 effective only if it complies with and is subject to all of the provisions of chapter 536 and,
66 if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any
67 of the powers vested with the general assembly pursuant to chapter 536 to review, to delay
68 the effective date, or to disapprove and annul a rule are subsequently held

69 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
70 **after August 28, 2021, shall be invalid and void.**

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