

FIRST REGULAR SESSION

# HOUSE BILL NO. 795

## 102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MACKEY.

0334H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

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

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

Section A. Sections 58.451 and 58.725, RSMo, are repealed and three new sections  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

58.451. 1. When any person, in any county in which a coroner is required by section  
2 58.010, dies and there is reasonable ground to believe that such person died as a result of:

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

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

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

7 (4) In any unusual or suspicious manner;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

117 ~~[13.]~~ **14.** In performing the duties, the coroner or medical examiner shall comply with  
118 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  
3 pathologist or by such competent pathologist as may be authorized and employed by the  
4 medical examiner. A detailed description of the findings of the autopsy, and the conclusions  
5 drawn therefrom, shall 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,**

8 the medical examiner shall contact the deceased's family to inform them of the  
9 retainment and describe what will happen to the organ or tissue once the examination or  
10 testing is complete.

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  
3 professional registration of the department of commerce and insurance.

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

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

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

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

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

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

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

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

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

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

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

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

44           **(7) Disciplinary action against the holder of a registration or other right to assist**  
45 **with the performance of an autopsy that is granted by another state, territory, federal**  
46 **agency, or country upon grounds for which revocation or suspension is authorized in**  
47 **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**  
52 **deceptive to the general public or persons to whom the advertisement or solicitation is**  
53 **primarily directed, as it relates to assisting with the performance of an autopsy.**

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

61           **8. Any person who violates the requirement of registration after August 28,**  
62 **2025, 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**  
66 **become effective only if it complies with and is subject to all of the provisions of chapter**  
67 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable**  
68 **and if any of the powers vested with the general assembly pursuant to chapter 536 to**  
69 **review, to delay the effective date, or to disapprove and annul a rule are subsequently**

70 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
71 **adopted after August 28, 2023, shall be invalid and void.**

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