

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HOUSE BILL 2125

AN ACT

REPEALING SECTION 11-591, ARIZONA REVISED STATUTES; AMENDING TITLE 11, CHAPTER 3, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 11-591; AMENDING SECTIONS 11-592, 11-593 AND 11-594, ARIZONA REVISED STATUTES; REPEALING SECTION 11-594.01, ARIZONA REVISED STATUTES; AMENDING SECTIONS 11-595, 11-596, 11-597, 11-598, 11-599, 11-600, 36-104, 36-301 AND 36-848, ARIZONA REVISED STATUTES; RELATING TO COUNTY MEDICAL EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Repeal

3 Section 11-591, Arizona Revised Statutes, is repealed.

4 Sec. 2. Title 11, chapter 3, article 12, Arizona Revised Statutes, is
5 amended by adding a new section 11-591, to read:

6 11-591. Definitions

7 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

8 1. "ALTERNATE MEDICAL EXAMINER" MEANS A PHYSICIAN WHO HAS TRAINING AND
9 COMPETENCE IN THE PRINCIPLES OF DEATH INVESTIGATION AND WHO PERFORMS OR
10 DIRECTS THE CONDUCT OF DEATH INVESTIGATIONS.

11 2. "AUTOPSY" MEANS A SURGICAL PROCEDURE IN WHICH INTERNAL ORGANS ARE
12 EXPOSED, REMOVED OR EXAMINED FOR THE IDENTIFICATION OF TRAUMA OR NATURAL
13 DISEASE.

14 3. "DEATH INVESTIGATION" MEANS THE INVESTIGATION DIRECTED BY A COUNTY
15 MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER INTO THE CIRCUMSTANCES
16 SURROUNDING A DEATH OCCURRING AS PRESCRIBED IN SECTION 11-593.

17 4. "EXTERNAL EXAMINATION" MEANS AN EXTERNAL INSPECTION OF A BODY.

18 5. "FORENSIC PATHOLOGIST" MEANS A PHYSICIAN WHO HAS SUCCESSFULLY
19 COMPLETED A PATHOLOGY RESIDENCY AND A FORENSIC FELLOWSHIP OR HAS EXTENSIVE
20 EXPERIENCE PERFORMING FORENSIC AUTOPSIES IN AN OFFICIAL CAPACITY.

21 6. "INVESTIGATIVE INFORMATION" MEANS INFORMATION RECEIVED BY A MEDICAL
22 EXAMINER OR ALTERNATE MEDICAL EXAMINER FROM LAW ENFORCEMENT, WITNESSES,
23 FAMILY MEMBERS, HEALTH CARE PERSONNEL OR MEDICAL DEATH INVESTIGATORS
24 CONCERNING CAUSE AND MANNER OF DEATH.

25 7. "MEDICAL DEATH INVESTIGATOR" MEANS A PERSON TRAINED IN THE
26 PRINCIPLES OF DEATH INVESTIGATION.

27 8. "MEDICAL EXAMINER" MEANS A FORENSIC PATHOLOGIST WHO PERFORMS OR
28 DIRECTS THE CONDUCT OF DEATH INVESTIGATIONS.

29 9. "MEDICAL INFORMATION" MEANS INFORMATION RECEIVED BY A MEDICAL
30 EXAMINER OR ALTERNATE MEDICAL EXAMINER CONCERNING THE CONDITION OF A
31 NEAR-DEATH PATIENT OR DECEDENT INCLUDING MEDICAL RECORDS, REPORTS OF AN
32 ATTENDING OR PRIMARY CARE PHYSICIAN, NURSE PRACTITIONER, MEDICAL DEATH
33 INVESTIGATOR, OR ORGAN PROCUREMENT ORGANIZATIONS AND PHYSICAL EXAMS BY A
34 MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER.

35 10. "NURSE PRACTITIONER" MEANS A PERSON LICENSED AND CERTIFIED PURSUANT
36 TO TITLE 32, CHAPTER 15.

37 11. "ORGAN PROCUREMENT ORGANIZATION" MEANS AN ORGANIZATION LOCATED
38 WITHIN THIS STATE THAT MEETS THE REQUIREMENTS OF SECTION 371 OF 42 UNITED
39 STATES CODE SECTION 273.

40 12. "PHYSICIAN" MEANS A PERSON LICENSED PURSUANT TO TITLE 32, CHAPTER
41 13 OR 17.

42 13. "TISSUE BANK" MEANS A PERSON THAT IS LICENSED OR REGULATED UNDER
43 FEDERAL OR STATE LAW OR ACCREDITED BY A NATIONALLY RECOGNIZED ACCREDITING
44 ORGANIZATION TO ENGAGE IN THE RECOVERY, SCREENING, TESTING, PROCESSING,
45 STORAGE OR DISTRIBUTION OF TISSUE.

1 Sec. 3. Section 11-592, Arizona Revised Statutes, is amended to read:

2 11-592. County medical examiner; alternate medical examiners;
3 fund; notification

4 A. THE BOARD OF SUPERVISORS OF EACH COUNTY MAY APPOINT A FORENSIC
5 PATHOLOGIST TO THE POSITION OF MEDICAL EXAMINER. THE MEDICAL EXAMINER SHALL
6 RECEIVE COMPENSATION AS DETERMINED BY THE BOARD OF SUPERVISORS.

7 ~~A.~~ B. If the board of supervisors determines that the appointment of
8 a medical examiner is not ~~practical~~ PRACTICABLE, the board of supervisors
9 shall ~~establish a list of licensed physicians who will be available to~~
10 ~~perform the duties required of a county medical examiner. A licensed~~
11 ~~physician on the list~~ DESIGNATE ONE OR MORE ALTERNATE MEDICAL EXAMINERS WHO
12 need not be ~~a resident~~ RESIDENTS of the county, ~~need not be certified in~~
13 ~~pathology nor skilled in forensic pathology but shall have agreed to perform~~
14 ~~medical examinations or autopsies to determine the cause and manner of death~~
15 ~~on behalf of the county on a contract basis.~~ AN ALTERNATE MEDICAL EXAMINER
16 SHALL PERFORM THE DUTIES OF A MEDICAL EXAMINER EXCEPT ALL AUTOPSIES SHALL BE
17 PERFORMED BY A FORENSIC PATHOLOGIST.

18 ~~B.~~ C. If the board of supervisors ~~establishes a list of licensed~~
19 ~~physicians in lieu of appointing a county~~ DESIGNATES ONE OR MORE ALTERNATE
20 medical examiner EXAMINERS, the board may establish a ~~fund known as the~~
21 county ~~medical examination~~ fund and shall pay expenses incurred by ~~the~~
22 ~~licensed physicians~~ ALTERNATE MEDICAL EXAMINERS in the performance of ~~the~~
23 THEIR duties ~~of the county medical examiner from such fund~~ AND FOR THE COST
24 OF CASES REFERRED TO A FORENSIC PATHOLOGIST.

25 ~~C.~~ D. The sheriff of the county ~~shall be~~ IS responsible for notifying
26 ~~and securing a licensed physician on the list to perform a medical~~
27 ~~examination or autopsy required by law~~ AN ALTERNATE MEDICAL EXAMINER TO
28 DIRECT A DEATH INVESTIGATION.

29 ~~D.~~ Upon request of the county attorney or the attorney general, the
30 ~~licensed physician employed by the board of supervisors and secured by the~~
31 ~~sheriff shall be a licensed physician certified in pathology and skilled in~~
32 ~~forensic pathology.~~

33 Sec. 4. Section 11-593, Arizona Revised Statutes, is amended to read:

34 11-593. Reporting of certain deaths; failure to report;
35 classification

36 A. Any person having knowledge of the death of a human being including
37 a fetal death shall promptly notify the nearest peace officer of all
38 information in the person's possession regarding the death and the
39 circumstances surrounding it under any of the following circumstances:

- 40 1. Death when not under the current care of a physician or nurse
41 practitioner for a potentially fatal illness or when an attending physician
42 or nurse practitioner is unavailable to sign the death certificate.
43 2. Death resulting from violence.
44 3. Death occurring suddenly when in apparent good health.
45 4. Death occurring in a prison.

- 1 5. Death of a prisoner.
- 2 6. Death occurring in a suspicious, unusual or unnatural manner.
- 3 7. Death from disease or accident believed to be related to the
- 4 deceased's occupation or employment.
- 5 8. Death believed to present a public health hazard.
- 6 9. Death occurring during, **IN ASSOCIATION WITH OR AS A RESULT OF**
- 7 anesthetic or surgical procedures.

8 **10. UNIDENTIFIABLE BODIES.**

9 B. The peace officer shall promptly notify the county medical examiner
10 **OR ALTERNATE MEDICAL EXAMINER** and, except in deaths occurring during, **IN**
11 **ASSOCIATION WITH OR AS A RESULT OF** surgical or anesthetic procedures from
12 natural diseases, shall promptly make or cause to be made an investigation of
13 the facts and circumstances surrounding the death and report the results to
14 the medical examiner **OR ALTERNATE MEDICAL EXAMINER**. If there is no county
15 medical examiner **OR ALTERNATE MEDICAL EXAMINER** appointed and serving within
16 the county, the county sheriff shall be notified by the peace officer and the
17 sheriff shall in turn notify and secure a licensed physician **HAVING THE**
18 **QUALIFICATIONS OF AN ALTERNATE MEDICAL EXAMINER** to perform the ~~medical~~
19 ~~examination~~ **DEATH INVESTIGATION** or **TO ARRANGE FOR AN** autopsy.

20 ~~C. An autopsy is not required for deaths due to natural diseases that~~
21 ~~occur during surgical or anesthetic procedures, except where the medical~~
22 ~~examiner determines an autopsy is necessary because any of the following~~
23 ~~exists:~~

- 24 ~~1. A public health risk.~~
- 25 ~~2. Evidence of a crime.~~
- 26 ~~3. Evidence of inadequate health care.~~
- 27 ~~4. No clinically evident cause of death.~~

28 ~~D.~~ C. Every person who knows of the existence of a body where death
29 occurred as specified in subsection A of this section and who knowingly fails
30 to notify the nearest peace officer as soon as possible unless the person has
31 good reason to believe that notice has already been given is guilty of a
32 class 2 misdemeanor.

33 ~~E.~~ D. If the deceased was under treatment for accident or illness by
34 prayer or spiritual means alone, in accordance with the tenets and practices
35 of a well-recognized church or religious denomination, and death occurred
36 without a physician or nurse practitioner in attendance, the person who has
37 knowledge of the death shall report all information in the person's
38 possession regarding the death and circumstances surrounding it directly to
39 the county medical examiner or the ~~person performing the duties of a county~~
40 **ALTERNATE** medical examiner who may waive an **EXTERNAL EXAMINATION OR** autopsy
41 if the county medical examiner **OR ALTERNATE MEDICAL EXAMINER** is satisfied
42 that the death of the person resulted from natural causes.

43 ~~F.~~ E. Each county shall provide to the department of public safety
44 fingerprints of all deceased persons **FOR WHOM THE CIRCUMSTANCES OF DEATH**
45 **REQUIRE AN EXTERNAL EXAMINATION OR AUTOPSY AND** whose deaths are required to

1 be investigated pursuant to this section. These fingerprints shall be on a
2 form provided by the department of public safety and shall be accompanied by
3 such other information regarding the physical description and the date and
4 place of death as the department of public safety may require. Fingerprints
5 taken pursuant to this section shall be used only for the purpose of purging
6 criminal history files. All information and data in the department of public
7 safety that are furnished in compliance with this section are confidential
8 and may be disclosed only on written approval of the director of the
9 department of public safety to the juvenile court, social agencies, public
10 health and law enforcement agencies licensed or regulated by this state.

11 Sec. 5. Section 11-594, Arizona Revised Statutes, is amended to read:
12 11-594. Powers and duties of county medical examiner

13 A. The county medical examiner or ~~a licensed physician employed to~~
14 ~~perform such functions~~ ALTERNATE MEDICAL EXAMINER SHALL DIRECT A DEATH
15 INVESTIGATION, SHALL DETERMINE WHETHER AN EXTERNAL EXAMINATION OR AUTOPSY IS
16 REQUIRED AND shall:

17 ~~1. Be responsible for medical examination or autopsy of a human body~~
18 ~~when death occurred under any of the circumstances set forth in section~~
19 ~~11-593, subsection A.~~

20 ~~2. 1. Take charge of the dead body of which the medical examiner is~~
21 ~~notified and, after making inquiries regarding the cause and manner of death,~~
22 ~~examine the body.~~

23 ~~3. 2. Certify to the cause and manner of death following a medical~~
24 ~~examination or an autopsy, or both.~~ COMPLETION OF THE DEATH INVESTIGATION,
25 UNLESS THE MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER DETERMINES THERE IS
26 NO JURISDICTION PURSUANT TO SECTION 11-593,

27 ~~4. Make inquiries regarding the cause and manner of death,~~ reduce the
28 findings to writing and promptly make a full report on forms prescribed for
29 that purpose.

30 3. HAVE SUBPOENA AUTHORITY FOR ALL DOCUMENTS, RECORDS AND PAPERS
31 DEEMED USEFUL IN THE DEATH INVESTIGATION.

32 ~~5. 4. Execute a death certificate provided by the state registrar of~~
33 vital statistics indicating the cause ~~as well as~~ AND the manner of death for
34 those bodies ~~on~~ FOR which a ~~medical examination or autopsy is performed~~ DEATH
35 INVESTIGATION HAS BEEN CONDUCTED AND JURISDICTION IS ASSUMED.

36 5. GIVE APPROVAL FOR CREMATION OF A DEAD BODY AFTER A DEATH
37 INVESTIGATION AND RECORD THE APPROVAL ON THE DEATH CERTIFICATE.

38 6. Notify the county attorney OR OTHER LAW ENFORCEMENT AUTHORITY when
39 death is found to be from other than natural causes.

40 ~~7. Notify the appropriate city, town, county or state law enforcement~~
41 ~~agency if further investigation by such agency appears necessary.~~

42 ~~8. 7. Carry out the duties specified under section 28-668.~~

43 ~~9. 8. Carry out the duties specified under title 36, chapter 7,~~
44 article 3.

1 9. OBSERVE ALL POLICIES ADOPTED BY THE BOARD OF SUPERVISORS REGARDING
2 CONFLICTS OF INTEREST AND DISCLOSURE OF NONCOUNTY EMPLOYMENT.

3 B. The county medical examiner OR ALTERNATE MEDICAL EXAMINER may:

4 ~~1. Appoint qualified professional, technical and clerical personnel as~~
5 ~~necessary for the administration of the office, subject to approval of the~~
6 ~~board of supervisors.~~

7 1. ASSIGN TO A MEDICAL DEATH INVESTIGATOR OR OTHER QUALIFIED PERSONNEL
8 ALL ASPECTS OF A DEATH INVESTIGATION EXCEPT THE PERFORMANCE OF AUTOPSIES.

9 2. Authorize ~~qualified practicing physicians in local areas~~ FORENSIC
10 PATHOLOGISTS to perform ~~medical~~ examinations ~~required of the county medical~~
11 ~~examiner~~ AND AUTOPSIES. THE MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER
12 MAY AUTHORIZE MEDICAL STUDENTS OR RESIDENTS AND FELLOWS IN PATHOLOGY TRAINING
13 TO PERFORM AUTOPSIES UNDER THE SUPERVISION OF A LICENSED PHYSICIAN WHO IS
14 BOARD CERTIFIED IN ANATOMIC PATHOLOGY, PURSUANT TO PROCEDURES ADOPTED BY THE
15 COUNTY MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER. Authorization and the
16 amount to be paid by the county for ~~physician~~ PATHOLOGY services are subject
17 to approval of the board of supervisors.

18 3. DELEGATE ANY POWER, DUTY OR FUNCTION WHETHER MINISTERIAL OR
19 DISCRETIONARY VESTED BY THIS CHAPTER IN THE MEDICAL EXAMINER OR ALTERNATE
20 MEDICAL EXAMINER TO A PERSON MEETING THE QUALIFICATIONS PRESCRIBED IN THIS
21 CHAPTER WHO IS EMPLOYED BY OR WHO HAS CONTRACTED WITH THE COUNTY TO PROVIDE
22 DEATH INVESTIGATION SERVICES. THE MEDICAL EXAMINER OR ALTERNATE MEDICAL
23 EXAMINER SHALL BE RESPONSIBLE FOR THE OFFICIAL ACTS OF THE PERSON DESIGNATED
24 PURSUANT TO THIS SECTION AND SHALL ACT UNDER THE NAME AND AUTHORITY OF THE
25 MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER.

26 ~~C. The county medical examiner or a licensed physician employed to~~
27 ~~perform these functions may:~~

28 ~~1.~~ 4. Authorize the taking of ~~anatomical gifts~~ ORGANS AND TISSUES as
29 they prove to be usable for transplants, ~~or~~ other treatment, ~~or~~ therapy,
30 EDUCATION OR RESEARCH if all of the requirements of title 36, chapter 7,
31 article 3 are met. The medical examiner OR ALTERNATE MEDICAL EXAMINER shall
32 give this authorization within a time period that permits a medically
33 viable donation.

34 ~~2.~~ 5. Authorize licensed ~~or authorized~~ physicians, surgeons or
35 trained technicians ~~who~~ TO remove parts of bodies ~~to perform any part of a~~
36 ~~necessary medical examination~~ provided they follow ~~a~~ AN ESTABLISHED protocol
37 ~~established~~ APPROVED by the medical examiner or ~~a person authorized to act~~
38 ~~as the~~ ALTERNATE medical examiner.

39 ~~3.~~ 6. Limit the removal of organs or tissues for transplants or other
40 therapy or treatment if, based on a ~~physical examination of the body~~ REVIEW
41 OF AVAILABLE MEDICAL AND INVESTIGATIVE INFORMATION within a time that permits
42 a medically viable donation, THE MEDICAL EXAMINER OR ALTERNATE MEDICAL
43 EXAMINER MAKES AN INITIAL DETERMINATION THAT their removal would interfere
44 with a medical examination, autopsy or certification of death. BEFORE MAKING
45 A FINAL DECISION TO LIMIT THE REMOVAL OF ORGANS, THE MEDICAL EXAMINER OR

1 ALTERNATE MEDICAL EXAMINER SHALL CONSULT WITH THE ORGAN PROCUREMENT
2 ORGANIZATION. AFTER THE CONSULTATION AND WHEN THE ORGAN PROCUREMENT
3 ORGANIZATION PROVIDES INFORMATION THAT THE ORGAN PROCUREMENT ORGANIZATION
4 REASONABLY BELIEVES COULD ALTER THE INITIAL DECISION AND AT THE REQUEST OF
5 THE ORGAN PROCUREMENT ORGANIZATION, THE MEDICAL EXAMINER OR ALTERNATE MEDICAL
6 EXAMINER SHALL CONDUCT A PHYSICAL EXAMINATION OF THE BODY. If the medical
7 examiner OR ALTERNATE MEDICAL EXAMINER limits the removal of organs ~~or~~
8 ~~tissue~~, the medical examiner OR ALTERNATE MEDICAL EXAMINER shall ~~provide a~~
9 ~~written explanation~~ MAINTAIN DOCUMENTATION of this decision AND SHALL MAKE
10 THE DOCUMENTATION AVAILABLE TO THE ORGAN PROCUREMENT ORGANIZATION ~~to the~~
11 ~~organ procurement agency within three working days of the physical~~
12 ~~examination.~~

13 C. A COUNTY MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER SHALL NOT
14 BE HELD CIVILLY OR CRIMINALLY LIABLE FOR ANY ACTS PERFORMED IN GOOD FAITH
15 PURSUANT TO SUBSECTION B, PARAGRAPHS 4, 5 AND 6 OF THIS SECTION.

16 D. If a dispute arises over the findings of the medical examiner's
17 report, the medical examiner ~~shall~~, upon an order of the superior court,
18 SHALL make available all evidence and documentation to a court-designated
19 licensed forensic pathologist for ~~examination~~ REVIEW, and the results of the
20 ~~examination~~ REVIEW shall be reported to the superior court in the county
21 issuing the order.

22 E. For providing ~~medical~~ EXTERNAL examinations and ~~reports~~ AUTOPSIES
23 pursuant to ~~subsection C of~~ this section, the medical examiner may charge a
24 fee established by the board of supervisors pursuant to section 11-251.08.

25 Sec. 6. Repeal

26 Section 11-594.01, Arizona Revised Statutes, is repealed.

27 Sec. 7. Section 11-595, Arizona Revised Statutes, is amended to read:

28 11-595. Right to enter premises; right to seize articles

29 A. The county medical examiner or ~~any person performing the duties of~~
30 ~~a county~~ ALTERNATE medical examiner may enter any room, dwelling, building or
31 other place in which the body or evidence of the circumstances of the death
32 requiring investigation may be found, provided that a law enforcement ~~agent~~
33 AGENCY investigating the death obtains a search warrant for private property
34 other than in the immediate location where the body was found.

35 B. The county medical examiner or ~~any person performing the duties of~~
36 ~~a county~~ ALTERNATE medical examiner, with the permission of the law
37 enforcement ~~agent~~ AGENCY investigating the death may take into ~~his or her~~
38 possession any object or article found on the deceased or in the deceased's
39 immediate vicinity which ~~in his or her opinion~~ may aid in the determination
40 of the deceased's identity or determination of the cause or manner of
41 death. Upon completion of ~~his or her~~ THE findings, the medical examiner or
42 ~~the person performing the duties of a county~~ ALTERNATE medical examiner
43 ~~shall~~, within thirty days, SHALL deliver ~~such~~ THE object or article to the
44 law enforcement agency concerned, TO the legal representative of the deceased
45 or to the county treasurer.

1 accordance with protocols adopted by the director of the department of health
2 services. If the MEDICAL examiner OR FORENSIC PATHOLOGIST determines that
3 the infant died of sudden infant death syndrome, the MEDICAL examiner OR
4 FORENSIC PATHOLOGIST shall notify the department of health services. The
5 MEDICAL examiner OR FORENSIC PATHOLOGIST may take tissue samples for research
6 DIAGNOSTIC purposes. ~~from an infant who died of sudden infant death syndrome~~
7 ~~if the tissue removal is not likely to result in any visible disfigurement,~~
8 ~~except that tissue samples for research purposes shall not be taken if a~~
9 ~~parent of the infant objects on the grounds such procedure conflicts with~~
10 ~~personal beliefs.~~

11 ~~C.~~ E. If an autopsy is performed, a full record or report of the
12 facts developed by the autopsy in the findings of the person ~~making such~~
13 PERFORMING THE autopsy shall be properly made and filed in the office of the
14 county medical examiner or the board of supervisors. If the person
15 performing the autopsy determines that the report should be forwarded to the
16 county where the death occurred or the county ~~wherein~~ IN WHICH any injury
17 contributing to or causing the death was sustained, ~~he~~ THE REPORT shall
18 ~~forward a copy of the report~~ BE FORWARDED to the county attorney.

19 ~~D.~~ F. A county attorney may request and upon request shall receive
20 from the county medical examiner or ~~a person performing the duties of a~~
21 ~~county~~ ALTERNATE medical examiner a copy of the report on any autopsy
22 performed.

23 ~~E.~~ G. The county medical examiner or ~~person performing the duties of~~
24 ~~a county~~ ALTERNATE medical examiner may perform ~~such~~ other tests deemed
25 necessary to determine identity, ~~AND THE~~ cause and manner of death and may
26 retain tissues, specimens and other biological materials for subsequent
27 examination.

28 ~~F.~~ H. When an autopsy or ~~such~~ other tests are performed by ~~the county~~
29 ~~medical examiner or person performing the duties of a county medical examiner~~
30 A FORENSIC PATHOLOGIST, no cause of action shall lie against the physician or
31 any other person for requesting the autopsy, ~~or~~ for participating in the
32 autopsy OR FOR RETAINING SPECIMENS OR TISSUES.

33 Sec. 10. Section 11-598, Arizona Revised Statutes, is amended to read:
34 11-598. Exhumation; court order

35 If in any case of sudden, violent or suspicious death a body is buried
36 without any inquiries by the county medical examiner or ~~person performing the~~
37 ~~duties of a county~~ ALTERNATE medical examiner, the county attorney of the
38 county ~~wherein~~ IN WHICH the body is buried may petition the superior court
39 for an order directing that the body be exhumed and an autopsy BE performed
40 ~~thereon~~. The court after A hearing may order that the body be exhumed and
41 that an autopsy or such other investigation as the court deems appropriate be
42 performed.

1 Sec. 11. Section 11-599, Arizona Revised Statutes, is amended to read:
2 11-599. Cremation

3 When a funeral director or embalmer is requested to cremate or prepare
4 for cremation the body of a dead person, ~~he or she~~ THE FUNERAL DIRECTOR OR
5 EMBALMER or any other person having knowledge of an intention to so cremate
6 shall notify the county medical examiner or ~~if there is no county medical~~
7 ~~examiner within the county, the county sheriff and request that an~~
8 ~~examination of~~ ALTERNATE MEDICAL EXAMINER TO REVIEW the death certificate.
9 ~~be made prior to the cremation. If there is no medical examiner within the~~
10 ~~county, the county sheriff shall notify and secure a licensed physician to~~
11 ~~examine the death certificate.~~ If after examination REVIEWING THE DEATH
12 CERTIFICATE the county medical examiner or ~~person performing the duties of a~~
13 ~~county~~ ALTERNATE medical examiner is satisfied that there is no evidence of
14 foul play or violence, ~~he or she~~ THE EXAMINER shall so certify. ~~and a copy~~
15 ~~of such certification shall be attached to the death certificate.~~

16 Sec. 12. Section 11-600, Arizona Revised Statutes, is amended to read:
17 11-600. Burial of indigent deceased; disposal of property

18 A. When ~~an examination~~ A DEATH INVESTIGATION has been completed by the
19 county medical examiner or ~~the person performing the duties of a county~~
20 ALTERNATE medical examiner and no other person takes charge of the body of
21 the deceased, the ~~medical~~ examiner shall cause the body to be delivered to
22 the funeral establishment, licensed pursuant to title 32, chapter 12, article
23 4, closest geographically to the place where the body is pronounced dead, for
24 preservation, disinfection and final disposition. The medical examiner or
25 ~~person performing the duties of a county~~ ALTERNATE medical examiner may
26 establish geographical areas within the county and a rotation system whereby
27 the bodies are delivered equally in sequence to all licensed funeral
28 establishments in each geographical area. All licensed funeral
29 establishments in any incorporated city or town shall be in the same
30 geographical area. Area boundaries in unincorporated areas shall be drawn so
31 as to approximate equal distances between incorporated cities or towns in
32 which a licensed funeral establishment or establishments exist. Upon request
33 of any licensed funeral establishment, in writing, they shall be removed from
34 participation in the receipt of medical examiner cases until they rescind
35 their request. If there is not sufficient property in the estate of the
36 deceased to pay the necessary expenses of the burial, the expenses shall be a
37 legal charge against the county. Upon determination of indigency the funeral
38 establishment shall perform the normal county indigent burial, in the manner
39 and for the fee then being paid by the county, or release the body, upon
40 county request, without fee, to the funeral establishment designated by the
41 county for other indigent burials.

42 B. Notwithstanding subsection A of this section, the county medical
43 examiner OR ALTERNATE MEDICAL EXAMINER may cause the body to be delivered to
44 a community college under the jurisdiction of a community college district as
45 defined in section 15-1401, if the community college has an accredited

1 mortuary science program. On acceptance of the body and with proper
2 authorization, the community college mortuary science program shall preserve
3 and disinfect the body, prepare it for final disposition and deliver the body
4 to a licensed funeral establishment pursuant to subsection A of this section
5 for final disposition. For the purposes of this subsection, proper
6 authorization may be provided by the next of kin pursuant to section 36-831,
7 subsection A or the public fiduciary of the county.

8 C. Within thirty days after the examination, the medical examiner or
9 ~~person performing the duties of the county~~ ALTERNATE medical examiner shall
10 deliver to the public fiduciary of the county or the legal representative of
11 the deceased any money or property found upon the body.

12 Sec. 13. Section 36-104, Arizona Revised Statutes, is amended to read:
13 36-104. Powers and duties

14 This section is not to be construed as a statement of the department's
15 organization. This section is intended to be a statement of powers and
16 duties in addition to the powers and duties granted by section 36-103. The
17 director shall:

18 1. Administer the following services:

19 (a) Administrative services, which shall include, but not be limited
20 to, the functions of accounting, personnel, standards certification,
21 electronic data processing, vital statistics and the development, operation
22 and maintenance of buildings and grounds utilized by the department.

23 (b) Public health support services, which shall include, but not be
24 limited to:

25 (i) Consumer health protection programs, to include, but not be
26 limited to, the functions of community water supplies, general sanitation,
27 vector control and food and drugs.

28 (ii) Epidemiology and disease control programs, to include, but not be
29 limited to, the functions of chronic disease, accident and injury control,
30 communicable diseases, tuberculosis, venereal disease and others.

31 (iii) Laboratory services programs.

32 (iv) Health education and training programs.

33 (v) Disposition of human bodies programs.

34 (c) Community health services, which shall include, but not be limited
35 to:

36 (i) Medical services programs, to include, but not be limited to, the
37 functions of maternal and child health, preschool health screening, family
38 planning, public health nursing, premature and newborn program,
39 immunizations, nutrition, dental care prevention and migrant health.

40 (ii) Dependency health care services programs, to include, but not be
41 limited to, the functions of need determination, availability of health
42 resources to medically dependent, quality control, utilization control and
43 industry monitoring.

44 (iii) Crippled children's services programs.

- 1 (iv) Programs for the prevention and early detection of mental
2 retardation.
- 3 (d) Program planning, which shall include, but not be limited to:
- 4 (i) An organizational unit for comprehensive health planning programs.
- 5 (ii) Program coordination, evaluation and development.
- 6 (iii) Need determination programs.
- 7 (iv) Health information programs.
- 8 2. Include and administer, within the office of the director, staff
9 services, which shall include, but not be limited to, budget preparation,
10 public information, appeals, hearings, legislative and federal government
11 liaison, grant development and management and departmental and interagency
12 coordination.
- 13 3. Make rules and regulations for the organization and proper and
14 efficient operation of the department.
- 15 4. Determine when a health care emergency or medical emergency
16 situation exists or occurs within the state that cannot be satisfactorily
17 controlled, corrected or treated by the health care delivery systems and
18 facilities available. When such situation is determined to exist, the
19 director shall immediately report such situation to the legislature and the
20 governor. Such report shall include information on the scope of the
21 emergency, recommendations for solution of the emergency and estimates of
22 costs involved.
- 23 5. Provide a system of unified and coordinated health services and
24 programs between the state and county governmental health units at all levels
25 of government.
- 26 6. Formulate policies, plans and programs to effectuate the missions
27 and purposes of the department.
- 28 7. Make contracts and incur obligations within the general scope of
29 its activities and operations subject to the availability of funds.
- 30 8. Be designated as the single state agency for the purposes of
31 administering and in furtherance of each federally supported state plan.
- 32 9. Provide information and advice on request by local, state and
33 federal agencies and by private citizens, business enterprises and community
34 organizations on matters within the scope of its duties subject to the
35 departmental rules and regulations on the confidentiality of information.
- 36 10. Establish and maintain separate financial accounts as required by
37 federal law or regulations.
- 38 11. Advise with and make recommendations to the governor and the
39 legislature on all matters concerning its objectives.
- 40 12. Take appropriate steps to reduce or contain costs in the field of
41 health services.
- 42 13. Encourage and assist in the adoption of practical methods of
43 improving systems of comprehensive planning, of program planning, of priority
44 setting and of allocating resources.

- 1 14. Encourage an effective use of available federal resources in this
2 state.
- 3 15. Research, recommend, advise and assist in the establishment of
4 community or area health facilities, both public and private, and encourage
5 the integration of planning, services and programs for the development of the
6 state's health delivery capability.
- 7 16. Promote the effective utilization of health manpower and health
8 facilities which provide health care for the citizens of this state.
- 9 17. Take appropriate steps to provide health care services to the
10 medically dependent citizens of this state.
- 11 18. Certify training on the nature of sudden infant death syndrome for
12 use by professional ~~fire-fighters~~ **FIREFIGHTERS** and certified emergency
13 medical technicians as part of their basic and continuing training
14 requirement.
- 15 19. Certify training on the nature of sudden infant death syndrome
16 which shall include information on the investigation and handling of cases
17 involving sudden and unexplained infant death for use by law enforcement
18 officers as part of their basic training requirement.
- 19 20. Adopt protocols on the manner in which an autopsy shall be
20 conducted under section 11-597, subsection ~~B-~~ **D** in cases of sudden and
21 unexplained infant death.
- 22 21. Cooperate with the Arizona-Mexico commission in the governor's
23 office and with researchers at universities in this state to collect data and
24 conduct projects in the United States and Mexico on issues that are within
25 the scope of the department's duties and that relate to quality of life,
26 trade and economic development in this state in a manner that will help the
27 Arizona-Mexico commission to assess and enhance the economic competitiveness
28 of this state and of the Arizona-Mexico region.
- 29 22. Administer the federal family violence prevention and services act
30 grants, and the department is designated as this state's recipient of federal
31 family violence prevention and services act grants.
- 32 23. Accept and spend private grants of monies, gifts and devises for
33 the purposes of methamphetamine education. The department shall disburse
34 these monies to local prosecutorial or law enforcement agencies with existing
35 programs, faith based organizations and nonprofit entities that are qualified
36 under section 501(c)(3) of the United States internal revenue code, including
37 nonprofit entities providing services to women with a history of dual
38 diagnosis disorders, that provide educational programs on the repercussions
39 of methamphetamine use. State general fund monies shall not be spent for the
40 purposes of this paragraph. If the director does not receive sufficient
41 monies from private sources to carry out the purposes of this paragraph, the
42 director shall not provide the educational programs prescribed in this
43 paragraph. Grant monies received pursuant to this paragraph are nonlapsing
44 and do not revert to the state general fund at the close of the fiscal year.

1 24. Identify successful methamphetamine prevention programs in other
2 states that may be implemented in this state.

3 Sec. 14. Section 36-301, Arizona Revised Statutes, is amended to read:
4 36-301. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Administrative order" means a written decision issued by an
7 administrative law judge or quasi-judicial entity.

8 2. "Amend" means to make a change, other than a correction, to a
9 registered certificate by adding, deleting or substituting information on
10 that certificate.

11 3. "Birth" or "live birth" means the complete expulsion or extraction
12 of a product of human conception from its mother, irrespective of the
13 duration of the pregnancy, that shows evidence of life, with or without a cut
14 umbilical cord or an attached placenta, such as breathing, heartbeat,
15 umbilical cord pulsation or definite voluntary muscle movement after
16 expulsion or extraction of the product of human conception.

17 4. "Certificate" means a record that documents a birth or death.

18 5. "Certified copy" means a written reproduction of a registered
19 certificate that a local registrar, a deputy local registrar or the state
20 registrar has authenticated as a true and exact written reproduction of a
21 registered certificate.

22 6. "Correction" means a change made to a registered certificate
23 because of a typographical error including misspelling and missing or
24 transposed letters or numbers.

25 7. "Court order" means a written decision issued by:

26 (a) The superior court, an appellate court or the supreme court or an
27 equivalent court in another state.

28 (b) A commissioner or judicial hearing officer of the superior court.

29 (c) A judge of a tribal court in this state.

30 8. "Custody" means legal authority to act on behalf of a child.

31 9. "Department" means the department of health services.

32 10. "Electronic" means technology that has electrical, digital,
33 magnetic, wireless, optical or electromagnetic capabilities or technology
34 with similar capabilities.

35 11. "Evidentiary document" means written information used to prove the
36 fact for which it is presented.

37 12. "Family member" means:

38 (a) A person's spouse, natural or adopted offspring, father, mother,
39 grandparent, grandchild to any degree, brother, sister, aunt, uncle or first
40 or second cousin.

41 (b) The natural or adopted offspring, father, mother, grandparent,
42 grandchild to any degree, brother, sister, aunt, uncle or first or second
43 cousin of the person's spouse.

44 13. "Fetal death" means the cessation of life before the complete
45 expulsion or extraction of a product of human conception from its mother and

- 1 that is evidenced by the absence of breathing, heartbeat, umbilical cord
2 pulsation or definite voluntary muscle movement after expulsion or
3 extraction.
- 4 14. "Final disposition" means the interment, cremation, removal from
5 this state or other disposition of human remains.
- 6 15. "Foundling" means:
7 (a) A newborn infant left with a safe haven provider pursuant to
8 section 13-3623.01.
9 (b) A child whose father and mother cannot be determined.
- 10 16. "Funeral establishment" has the same meaning prescribed in section
11 32-1301.
- 12 17. "Health care institution" has the same meaning prescribed in
13 section 36-401.
- 14 18. "Human remains" means a lifeless human body or parts of a human
15 body that permit a reasonable inference that death occurred.
- 16 19. "Issue" means:
17 (a) To provide a copy of a registered certificate.
18 (b) An action taken by a court of competent jurisdiction,
19 administrative law judge or quasi-judicial entity.
- 20 20. "Legal age" means a person who is at least eighteen years of age or
21 who is emancipated by a court order.
- 22 21. "Medical examiner" means a ~~physician who meets the requirements of~~
23 ~~MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER AS DEFINED IN~~ section 11-591,
24 ~~subsection B.~~
- 25 22. "Midwife" means a person who is either:
26 (a) Licensed pursuant to chapter 6, article 7 of this title.
27 (b) Certified as a nurse midwife pursuant to title 32, chapter 15.
- 28 23. "Name" means a designation that identifies a person including a
29 first name, middle name, last name or suffix.
- 30 24. "Nurse practitioner" means a person licensed and certified as a
31 nurse practitioner pursuant to title 32, chapter 15.
- 32 25. "Physician" means a person licensed pursuant to title 32, chapter
33 13 or 17.
- 34 26. "Presumptive death" means a determination by a court that a death
35 has occurred or is presumed to have occurred but the human remains have not
36 been located or recovered.
- 37 27. "Register" means to assign an official state number and to
38 incorporate into the state registrar's official records.
- 39 28. "Responsible person" means a person listed in section 36-831.
- 40 29. "Seal" means to bar from access.
- 41 30. "Submit" means to present, physically or electronically, a
42 certificate, evidentiary document or form provided for in this chapter to a
43 local registrar, a deputy local registrar or the state registrar.

1 31. "System of public health statistics" means the processes and
2 procedures for:

3 (a) Tabulating, analyzing and publishing public health information
4 derived from vital records data and other sources authorized pursuant to
5 section 36-125.05 or section 36-132, subsection A, paragraph 3.

6 (b) Performing other activities related to public health information.

7 32. "System of vital records" means the statewide processes and
8 procedures for:

9 (a) Electronically or physically collecting, creating, registering,
10 maintaining, copying and preserving vital records.

11 (b) Preparing and issuing certified and noncertified copies of vital
12 records.

13 (c) Performing other activities related to vital records.

14 33. "Vital record" means a registered birth certificate or a registered
15 death certificate.

16 Sec. 15. Section 36-848, Arizona Revised Statutes, is amended to read:

17 36-848. Rights and duties at death

18 A. Rights of a donee created by an anatomical gift are superior to
19 rights of others except with respect to autopsies under section 11-594,
20 subsection ~~C~~ B, paragraph ~~3~~ 6. A donee may accept or reject an anatomical
21 gift. If a donee accepts an anatomical gift of an entire body, the donee,
22 subject to the terms of the gift, may allow embalming and use of the body in
23 funeral services. If the gift is of a part of a body, the donee, on the
24 death of the donor and before embalming, shall cause the part to be removed
25 without unnecessary mutilation. After removal of the part, custody of the
26 remainder of the body vests in the person under obligation to dispose of the
27 body.

28 B. The time of death shall be determined by a physician or surgeon who
29 attends the donor at death or, if none, the physician or surgeon who
30 certifies the death. The physician or surgeon who attends the donor at death
31 or the physician or surgeon who determines the time of death shall not
32 participate in the procedures for removing or transplanting a part unless the
33 document of gift designates a particular physician or surgeon pursuant to
34 section 36-842, subsection D.

35 C. If there has been an anatomical gift, a physician, a surgeon or a
36 trained technician may remove any donated parts after the determination of
37 death by a physician or surgeon. The institution where the removal of any
38 donated parts occurs shall notify the funeral director or the person acting
39 in that capacity who first assumes custody of the body about the removal of
40 the body parts.