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SENATE FILE 356
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SF 247)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to autopsies by restricting the performance of an
2 autopsy for certain deaths unless the county medical examiner
3 determines the public interest is affected and providing for
4 financial responsibility for certain autopsies requested by a
5 private individual.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SF 356

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1 Section 1. Section 331.802, subsection 3, paragraphs g, h,
2 and i, Code 2003, are amended to read as follows:

3 g. Death of a person who was prediagnosed as a terminal or
4 bedfast case who did not have a physician in attendance within
5 the preceding thirty days; or death of a person who was
6 admitted to and had received services from a hospice program
7 as defined in section 135J.1, if a physician or registered
8 nurse employed by the program was not in attendance within
9 thirty days preceding death. Unless after completion of the
10 preliminary investigation the county medical examiner
11 determines that the public interest requires an autopsy
12 because the investigation indicated the death may be connected
13 to a criminal act or omission or there is another public
14 interest reason for an autopsy, an autopsy shall not be
15 required.

16 h. Death of a person if the body is not claimed by a
17 relative or friend. Unless after completion of the
18 preliminary investigation the county medical examiner
19 determines that the public interest requires an autopsy
20 because the investigation indicated the death may be connected
21 to a criminal act or omission or there is another public
22 interest reason for an autopsy, an autopsy shall not be
23 required.

24 i. Death of a person if the identity of the deceased is
25 unknown. Unless after completion of the preliminary
26 investigation the county medical examiner determines that the
27 public interest requires an autopsy because the investigation
28 indicated the death may be connected to a criminal act or
29 omission or there is another public interest reason for an
30 autopsy, an autopsy shall not be required.

31 Sec. 2. Section 331.802, subsection 4, Code 2003, is
32 amended to read as follows:

33 4. a. The county medical examiner shall conduct the
34 investigation in the manner required by the state medical
35 examiner and shall determine whether the public interest

1 requires an autopsy or other special investigation. However,
2 if the death occurred in the manner specified in subsection 3,
3 paragraph "j", the county medical examiner shall order an
4 autopsy, the expense of which shall be reimbursed by the Iowa
5 department of public health.

6 b. In determining the need for an autopsy, the county
7 medical examiner may consider the request for an autopsy from
8 a public official or private person, but the state medical
9 examiner or the county attorney of the county where the death
10 occurred may require an autopsy. If the county medical
11 examiner did not determine following the preliminary
12 investigation that the public interest requires an autopsy but
13 an autopsy is performed pursuant to the request of a private
14 person, the costs of the autopsy shall be paid by the private
15 person.

16 EXPLANATION

17 This bill restricts the performance of autopsies in certain
18 cases unless the county medical examiner determines a death
19 affects the public interest and provides for financial
20 responsibility for certain autopsies requested by a private
21 individual.

22 Current law in Code section 331.802 includes a list of
23 death circumstances identifying types of deaths which affect
24 the public interest. A death of the type included in the list
25 is subject to a preliminary investigation and submission of
26 various reports by the county medical examiner.

27 The bill provides that unless after completion of the
28 preliminary investigation the county medical examiner
29 determines that the public interest requires an autopsy
30 because the investigation indicated the death may be connected
31 to a criminal act or omission or there is another public
32 interest reason for an autopsy, an autopsy shall not be
33 required for any of the following: death of a person who was
34 prediagnosed as a terminal or bedfast case who did not have a
35 physician in attendance within the preceding 30 days; death of

1 a person who was admitted to and had received services from a
2 hospice program as defined in Code section 135J.1, if a
3 physician or registered nurse employed by the program was not
4 in attendance within 30 days preceding death; death of a
5 person if the body is not claimed by a relative or friend; and
6 death of a person if the identity of the deceased is unknown.

7 Under current law, the county medical examiner may consider
8 the request of a public official or private individual in
9 determining the need for an autopsy. The bill provides if an
10 autopsy is performed pursuant to a request from a private
11 individual for a death for which the county medical examiner
12 has not determined that the death affects the public interest,
13 the costs of the autopsy shall be paid by the private person.

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