

**Senate File 106 - Introduced**

SENATE FILE 106

BY BROWN and SINCLAIR

**A BILL FOR**

1 An Act relating to the examination and transportation of dead  
2 bodies, including associated fees and costs.

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

1 Section 1. Section 331.802, subsection 1, Code 2021, is  
2 amended to read as follows:

3 1. A person's death ~~which~~ that affects the public interest  
4 as specified in subsection 3 shall be reported to the county  
5 medical examiner or the state medical examiner by the physician  
6 in attendance, any law enforcement officer having knowledge of  
7 the death, the ~~embalmer~~ funeral director, or any other person  
8 present. The appropriate medical examiner shall notify the  
9 city or state law enforcement agency or sheriff and take charge  
10 of the body.

11 Sec. 2. Section 331.802, subsection 2, paragraph a, Code  
12 2021, is amended to read as follows:

13 a. If a person's death affects the public interest as  
14 specified in subsection 3, the county medical examiner shall  
15 conduct a preliminary investigation of the cause and manner  
16 of death, prepare a written report of the findings, promptly  
17 submit the full report to the state medical examiner on forms  
18 prescribed for that purpose, and submit a copy of the report  
19 to the county attorney.

20 Sec. 3. Section 331.802, subsection 4, Code 2021, is amended  
21 to read as follows:

22 4. a. The county medical examiner shall conduct the  
23 investigation in the manner required by the state medical  
24 examiner and shall determine whether the public interest  
25 requires an autopsy or other special investigation. However,  
26 if the death occurred in the manner specified in subsection  
27 3, paragraph "j", the county medical examiner shall order  
28 an autopsy, claims for the payment of which shall be filed  
29 with the state appeal board and, if authorized by the board,  
30 shall be paid out of moneys in the general fund of the state  
31 not otherwise appropriated. In determining the need for an  
32 autopsy, the county medical examiner may consider the request  
33 for an autopsy from a public official or private person, but  
34 the state medical examiner or the county attorney of the county  
35 where the death occurred may require an autopsy except as

1 provided in paragraph "b".

2 b. If, after the county medical examiner's investigation  
3 of a deceased child, the city law enforcement agency or county  
4 sheriff with jurisdiction determines that the deceased child's  
5 cause of death is obvious, an autopsy shall not be required  
6 under paragraph "a". A city law enforcement official or county  
7 sheriff making a determination that a deceased child's cause of  
8 death is obvious shall not be liable for any claim arising from  
9 such determination.

10 c. The county medical examiner may refer a body for autopsy  
11 or further investigation pursuant to paragraph "a" to any  
12 facility accredited by the national association of medical  
13 examiners. The county shall pay to the receiving facility a  
14 fee equal to an autopsy fee established by the office of the  
15 state medical examiner by rule.

16 Sec. 4. Section 331.804, Code 2021, is amended by adding the  
17 following new subsection:

18 NEW SUBSECTION. 3. The county shall reimburse the funeral  
19 director for all costs associated with the transportation of  
20 the body.

21 Sec. 5. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
22 3, shall not apply to this Act.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with  
25 the explanation's substance by the members of the general assembly.

26 This bill relates to the examination and transportation of  
27 dead bodies. The bill requires a funeral director, as opposed  
28 to an embalmer as currently required, to report to the county  
29 or state medical examiner a person's death that affects the  
30 public interest.

31 The bill states that an autopsy shall not be required when,  
32 after the county medical examiner's investigation of a deceased  
33 child, the city law enforcement agency or county sheriff with  
34 jurisdiction determines that the deceased child's cause of  
35 death is obvious. The bill shields a city law enforcement

1 official or county sheriff making such determination from  
2 liability for any claim arising from the determination.

3 The bill allows a county medical examiner to refer a body for  
4 an autopsy or further investigation to any facility accredited  
5 by the national association of medical examiners. The bill  
6 requires the county to pay to the receiving facility a fee  
7 equal to an autopsy fee established by the officer of the  
8 state medical examiner. The bill also requires a county to  
9 reimburse a funeral director for all costs associated with the  
10 transportation of a body after an investigation or autopsy has  
11 been completed.

12 The bill may include a state mandate as defined in Code  
13 section 25B.3. The bill makes inapplicable Code section 25B.2,  
14 subsection 3, which would relieve a political subdivision from  
15 complying with a state mandate if funding for the cost of  
16 the state mandate is not provided or specified. Therefore,  
17 political subdivisions are required to comply with any state  
18 mandate included in the bill.