SENATE FILE 307
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SF 106)

(As Amended and Passed by the Senate February 23, 2021)

[= New Language by the Senate

A BILL FOR

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

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

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

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

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

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

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

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

provided in paragraph "b".

b. If after the county medical examiner's or state medical examiner's investigation of a deceased child the medical examiner determines that the deceased child's cause and manner of death are obvious and there are no significant legal, medical, or investigative concerns by the medical examiner, social services, or law enforcement, an autopsy shall not be required under paragraph "a".

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

Sec. 4. Section 331.802, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 9. If an autopsy is ordered under this section, the county shall reimburse the funeral director for all costs associated with the transportation of the body to and from the facility performing the autopsy at a rate equivalent to the rate of reimbursement allowed under the standard mileage rate method for computation of business expenses pursuant to the Internal Revenue Code at the time the transportation occurs.

Sec. 5. Section 331.805, subsection 2, Code 2021, is amended to read as follows:

2. It is unlawful to embalm a body when the ~~embalmer~~ funeral director has reason to believe death occurred in a manner specified in section 331.802, subsection 3, when there is evidence sufficient to arouse suspicion of crime in connection with the cause of death of the deceased, or where it is the duty of a medical examiner to view the body and investigate the death of the deceased person, until the permission of a county medical examiner has been obtained. When feasible, the body shall be released to the funeral director for embalming within

twenty-four hours of death.

Sec. 6. IMPLEMENTATION OF ACT. Section 25B.2, subsection 3, shall not apply to this Act.