

By: Representatives Taylor, Moody

To: Public Health and Welfare; County Affairs

HOUSE BILL NO. 609

1 AN ACT TO AMEND SECTION 41-61-59, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE REPORTING TO THE MEDICAL EXAMINER OF DEATHS OF PERSONS  
3 WHO HAVE TAKEN AN OVERDOSE OF ANY DRUG, REGARDLESS OF WHETHER THE  
4 DRUG OVERDOSE WAS THE SOLE CAUSE OF DEATH; TO PROVIDE THAT IN THE  
5 CASE OF THOSE TYPES OF DEATHS, THE MEDICAL EXAMINER SHALL REPORT  
6 THE DEATHS TO THE MISSISSIPPI BUREAU OF NARCOTICS, WHICH SHALL  
7 MAINTAIN RECORDS ON ALL THOSE DEATHS REPORTED TO IT; AND FOR  
8 RELATED PURPOSES.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

10 **SECTION 1.** Section 41-61-59, Mississippi Code of 1972, is  
11 amended as follows:

12 41-61-59. (1) A person's death which affects the public  
13 interest as specified in subsection (2) of this section shall be  
14 promptly reported to the medical examiner by the physician in  
15 attendance, any hospital employee, any law enforcement officer  
16 having knowledge of the death, the embalmer or other funeral home  
17 employee, any emergency medical technician, any relative or any  
18 other person present. The appropriate medical examiner shall  
19 notify the municipal or state law enforcement agency or sheriff  
20 and take charge of the body.

21 (2) A death affecting the public interest includes, but is  
22 not limited to, any of the following:

23 (a) Violent death, including homicidal, suicidal or  
24 accidental death.

25 (b) Death caused by thermal, chemical, electrical or  
26 radiation injury.

27 (c) Death caused by criminal abortion, including  
28 self-induced abortion, or abortion related to or by sexual abuse.

29 (d) Death related to disease thought to be virulent or  
30 contagious which may constitute a public hazard.



31 (e) Death that has occurred unexpectedly or from an  
32 unexplained cause.

33 (f) Death of a person confined in a prison, jail or  
34 correctional institution.

35 (g) Death of a person where a physician was not in  
36 attendance within thirty-six (36) hours preceding death, or in  
37 prediagnosed terminal or bedfast cases, within thirty (30) days  
38 preceding death.

39 (h) Death of a person where the body is not claimed by  
40 a relative or a friend.

41 (i) Death of a person where the identity of the  
42 deceased is unknown.

43 (j) Death of a child under the age of two (2) years  
44 where death results from an unknown cause or where the  
45 circumstances surrounding the death indicate that sudden infant  
46 death syndrome may be the cause of death.

47 (k) Where a body is brought into this state for  
48 disposal and there is reason to believe either that the death was  
49 not investigated properly or that there is not an adequate  
50 certificate of death.

51 (l) Where a person is presented to a hospital emergency  
52 room unconscious and/or unresponsive, with cardiopulmonary  
53 resuscitative measures being performed, and dies within  
54 twenty-four (24) hours of admission without regaining  
55 consciousness or responsiveness, unless a physician was in  
56 attendance within thirty-six (36) hours preceding presentation to  
57 the hospital, or in cases in which the decedent had a prediagnosed  
58 terminal or bedfast condition, unless a physician was in  
59 attendance within thirty (30) days preceding presentation to the  
60 hospital.

61 (m) Death of a person who has taken an overdose of any  
62 drug, regardless of whether the drug overdose was the sole cause  
63 of death.



64           (3) If a death occurs in the manner described in subsection  
65 (2)(m) of this section, after the medical examiner receives a  
66 report of the death, the medical examiner shall report the death  
67 to the Mississippi Bureau of Narcotics, which shall maintain  
68 records on all those deaths reported to it.

69           (4) The State Medical Examiner is empowered to investigate  
70 deaths, under the authority hereinafter conferred, in any and all  
71 political subdivisions of the state. The county medical examiners  
72 and county medical examiner investigators, while appointed for a  
73 specific county, may serve other counties on a regular basis with  
74 written authorization by the State Medical Examiner, or may serve  
75 other counties on an as-needed basis upon the request of the  
76 ranking officer of the investigating law enforcement agency. The  
77 county medical examiner or county medical examiner investigator of  
78 any county which has established a regional medical examiner  
79 district under subsection (4) of Section 41-61-77 may serve other  
80 counties which are parties to the agreement establishing the  
81 district, in accordance with the terms of the agreement, and may  
82 contract with counties which are not part of the district to  
83 provide medical examiner services for such counties. If a death  
84 affecting the public interest takes place in a county other than  
85 the one where injuries or other substantial causal factors leading  
86 to the death have occurred, jurisdiction for investigation of the  
87 death may be transferred, by mutual agreement of the respective  
88 medical examiners of the counties involved, to the county where  
89 such injuries or other substantial causal factors occurred, and  
90 the costs of autopsy or other studies necessary to the further  
91 investigation of the death shall be borne by the county assuming  
92 jurisdiction.

93           (5) The chief county medical examiner or chief county  
94 medical examiner investigator may receive from the county in which  
95 he serves a salary of Seven Hundred Fifty Dollars (\$750.00) per  
96 month, in addition to the fees specified in Sections 41-61-69 and



97 41-61-75, provided that no county shall pay the chief county  
98 medical examiner or chief county medical examiner investigator  
99 less than One Hundred Dollars (\$100.00) per month as a salary, in  
100 addition to other compensation provided by law. In any county  
101 having one or more deputy medical examiners or deputy medical  
102 examiner investigators, each deputy may receive from the county in  
103 which he serves, in the discretion of the board of supervisors, a  
104 salary of not more than Seven Hundred Fifty Dollars (\$750.00) per  
105 month, in addition to the fees specified in Sections 41-61-69 and  
106 41-61-75. For this salary the chief shall assure twenty-four-hour  
107 daily and readily available death investigators for the county,  
108 and shall maintain copies of all medical examiner death  
109 investigations for the county for at least the previous five (5)  
110 years. He shall coordinate his office and duties and cooperate  
111 with the State Medical Examiner, and the State Medical Examiner  
112 shall cooperate with him.

113 (6) A body composed of the State Medical Examiner, whether  
114 appointed on a permanent or interim basis, the Director of the  
115 State Board of Health or his designee, the Attorney General or his  
116 designee, the President of the Mississippi Coroners' Association  
117 (or successor organization) or his designee, and a certified  
118 pathologist appointed by the Mississippi State Medical Association  
119 shall adopt, promulgate, amend and repeal rules and regulations as  
120 may be deemed necessary by them from time to time for the proper  
121 enforcement, interpretation and administration of Sections  
122 41-61-51 through 41-61-79, in accordance with the provisions of  
123 the Mississippi Administrative Procedures Law, being Section  
124 25-43-1 et seq.

125 **SECTION 2.** This act shall take effect and be in force from  
126 and after July 1, 2003.

