

By: Representative Eads

To: Judiciary A

HOUSE BILL NO. 971

1 AN ACT TO AMEND SECTION 41-61-59, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE NOTIFICATION TO THE BUREAU OF NARCOTICS OF DEATHS
3 CAUSED BY DRUG OVERDOSE; AND FOR RELATED PURPOSES.

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

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

7 41-61-59. (1) A person's death which affects the public
8 interest as specified in subsection (2) of this section shall be
9 promptly reported to the medical examiner by the physician in
10 attendance, any hospital employee, any law enforcement officer
11 having knowledge of the death, the embalmer or other funeral home
12 employee, any emergency medical technician, any relative or any
13 other person present. The appropriate medical examiner shall
14 notify the municipal or state law enforcement agency or sheriff
15 and take charge of the body. The appropriate medical examiner
16 shall notify the Mississippi Bureau of Narcotics within
17 twenty-four (24) hours of receipt of the body in cases of death
18 which are caused by drug overdose or which are believed to be
19 caused by drug overdose.

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

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

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

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



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

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

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

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

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

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

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

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

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



60 (m) Death which is caused by drug overdose or which is
61 believed to be caused by drug overdose.

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

86 (4) The chief county medical examiner or chief county
87 medical examiner investigator may receive from the county in which
88 he serves a salary of Seven Hundred Fifty Dollars (\$750.00) per
89 month, in addition to the fees specified in Sections 41-61-69 and
90 41-61-75, provided that no county shall pay the chief county
91 medical examiner or chief county medical examiner investigator
92 less than One Hundred Dollars (\$100.00) per month as a salary, in



93 addition to other compensation provided by law. In any county
94 having one or more deputy medical examiners or deputy medical
95 examiner investigators, each deputy may receive from the county in
96 which he serves, in the discretion of the board of supervisors, a
97 salary of not more than Seven Hundred Fifty Dollars (\$750.00) per
98 month, in addition to the fees specified in Sections 41-61-69 and
99 41-61-75. For this salary the chief shall assure twenty-four-hour
100 daily and readily available death investigators for the county,
101 and shall maintain copies of all medical examiner death
102 investigations for the county for at least the previous five (5)
103 years. He shall coordinate his office and duties and cooperate
104 with the State Medical Examiner, and the State Medical Examiner
105 shall cooperate with him.

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

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

