

By: Representatives Eads, Taylor

To: Judiciary A

HOUSE BILL NO. 971
(As Sent to Governor)

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; TO REVISE THE DEFINITION OF A DEATH
4 AFFECTING THE PUBLIC INTEREST; AND FOR RELATED PURPOSES.

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

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

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

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 (n) When a stillborn fetus is delivered and the cause
63 of the demise is medically believed to be from the use by the
64 mother of any controlled substance as defined in Section
65 41-29-105.

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

90 (4) The chief county medical examiner or chief county
91 medical examiner investigator may receive from the county in which
92 he serves a salary of Seven Hundred Fifty Dollars (\$750.00) per



93 month, in addition to the fees specified in Sections 41-61-69 and
94 41-61-75, provided that no county shall pay the chief county
95 medical examiner or chief county medical examiner investigator
96 less than One Hundred Dollars (\$100.00) per month as a salary, in
97 addition to other compensation provided by law. In any county
98 having one or more deputy medical examiners or deputy medical
99 examiner investigators, each deputy may receive from the county in
100 which he serves, in the discretion of the board of supervisors, a
101 salary of not more than Seven Hundred Fifty Dollars (\$750.00) per
102 month, in addition to the fees specified in Sections 41-61-69 and
103 41-61-75. For this salary the chief shall assure twenty-four-hour
104 daily and readily available death investigators for the county,
105 and shall maintain copies of all medical examiner death
106 investigations for the county for at least the previous five (5)
107 years. He shall coordinate his office and duties and cooperate
108 with the State Medical Examiner, and the State Medical Examiner
109 shall cooperate with him.

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

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

