HOUSE BILL NO. 971
(As Sent to Governor)

AN ACT TO AMEND SECTION 41-61-59, MISSISSIPPI CODE OF 1972, TO REQUIRE NOTIFICATION TO THE BUREAU OF NARCOTICS OF DEATHS CAUSED BY DRUG OVERDOSE; TO REVISE THE DEFINITION OF A DEATH AFFECTING THE PUBLIC INTEREST; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

(c) Death caused by criminal abortion, including self-induced abortion, or abortion related to or by sexual abuse.
(d) Death related to disease thought to be virulent or contagious which may constitute a public hazard.

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

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

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

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

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

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

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

(l) Where a person is presented to a hospital emergency room unconscious and/or unresponsive, with cardiopulmonary resuscitative measures being performed, and dies within twenty-four (24) hours of admission without regaining consciousness or responsiveness, unless a physician was in attendance within thirty-six (36) hours preceding presentation to the hospital, or in cases in which the decedent had a prediagnosed terminal or bedfast condition, unless a physician was in attendance within thirty (30) days preceding presentation to the hospital.
(m) Death which is caused by drug overdose or which is believed to be caused by drug overdose.

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

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

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

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

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