

## REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MADAM PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 971: Death reports; notify Bureau of Narcotics of drug overdoses.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
  
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

6           **SECTION 1.** Section 41-61-59, Mississippi Code of 1972, is  
7 amended as follows: 41-61-59. (1) A person's death which affects  
8 the public interest as specified in subsection (2) of this section  
9 shall be promptly reported to the medical examiner by the  
10 physician in attendance, any hospital employee, any law  
11 enforcement officer having knowledge of the death, the embalmer or  
12 other funeral home employee, any emergency medical technician, any  
13 relative or any other person present. The appropriate medical  
14 examiner shall notify the municipal or state law enforcement  
15 agency or sheriff and take charge of the body. The appropriate  
16 medical examiner shall notify the Mississippi Bureau of Narcotics  
17 within twenty-four (24) hours of receipt of the body in cases of  
18 death as described in subsection (2)(m) or (n) of this section.

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

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

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

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

27           (d) Death related to disease thought to be virulent or

28 contagious which may constitute a public hazard.

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

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

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

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

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

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

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

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

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

61 (n) When a stillborn fetus is delivered and the cause  
62 of the demise is medically believed to be from the use by the  
63 mother of any controlled substance as defined in Section

64 41-29-105.

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

89 (4) The chief county medical examiner or chief county  
90 medical examiner investigator may receive from the county in which  
91 he serves a salary of Seven Hundred Fifty Dollars (\$750.00) per  
92 month, in addition to the fees specified in Sections 41-61-69 and  
93 41-61-75, provided that no county shall pay the chief county  
94 medical examiner or chief county medical examiner investigator  
95 less than One Hundred Dollars (\$100.00) per month as a salary, in  
96 addition to other compensation provided by law. In any county  
97 having one or more deputy medical examiners or deputy medical  
98 examiner investigators, each deputy may receive from the county in  
99 which he serves, in the discretion of the board of supervisors, a

100 salary of not more than Seven Hundred Fifty Dollars (\$750.00) per  
101 month, in addition to the fees specified in Sections 41-61-69 and  
102 41-61-75. For this salary the chief shall assure twenty-four-hour  
103 daily and readily available death investigators for the county,  
104 and shall maintain copies of all medical examiner death  
105 investigations for the county for at least the previous five (5)  
106 years. He shall coordinate his office and duties and cooperate  
107 with the State Medical Examiner, and the State Medical Examiner  
108 shall cooperate with him.

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

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

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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.

CONFEREES FOR THE HOUSE

**X** \_\_\_\_\_  
Percy W. Watson

**X** \_\_\_\_\_  
John Eads

**X** \_\_\_\_\_  
Willie J. Perkins, Sr.

CONFEREES FOR THE SENATE

**X** \_\_\_\_\_  
Bennie L. Turner

**X** \_\_\_\_\_  
Alan Nunnelee

**X** \_\_\_\_\_  
Hob Bryan