

By: Representative Powell

To: Public Health and Human Services

HOUSE BILL NO. 1183

1 AN ACT TO AMEND SECTION 41-61-53, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE DEFINITIONS FOR THE MISSISSIPPI MEDICAL EXAMINER ACT
3 OF 1986 TO INCLUDE THE DEFINITION OF A "MASS FATALITY INCIDENT";
4 TO AMEND SECTION 41-61-63, MISSISSIPPI CODE OF 1972, TO PROVIDE
5 THAT THE STATE MEDICAL EXAMINER SHALL HAVE THE SOLE AUTHORITY FOR
6 THE RECOVERY, IDENTIFICATION, STORAGE AND DISPOSITION OF VICTIMS
7 OF A MASS FATALITY INCIDENT; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 41-61-53, Mississippi Code of 1972, is
10 amended as follows:

11 41-61-53. For the purposes of Sections 41-61-51 through
12 41-61-79, the following definitions shall apply:

13 (a) "Certification of death" means signing the death
14 certificate.

15 (b) "Coroner" means the elected county official
16 provided for in Sections 19-21-101 through 19-21-107.

17 (c) "County medical examiner investigator" means a
18 nonphysician trained and appointed to investigate and certify
19 deaths affecting the public interest.



20 (d) "County medical examiner" means a licensed
21 physician appointed to investigate and certify deaths affecting
22 the public interest.

23 (e) "Death affecting the public interest" means any
24 death of a human being where the circumstances are sudden,
25 unexpected, violent, suspicious or unattended.

26 (f) "Medical examiner" means the State Medical
27 Examiner, county medical examiners and county medical examiner
28 investigators collectively, unless otherwise specified.

29 (g) "Pronouncement of death" means the statement of
30 opinion that life has ceased for an individual.

31 (h) "State medical examiner" means the board certified
32 forensic pathologist/physician appointed by the Commissioner of
33 Public Safety pursuant to Section 41-61-55 to investigate and
34 certify deaths that affect the public interest.

35 (i) "Mass fatality incident" means any incident
36 involving fatalities of private or commercial aircraft, mass
37 transit conveyances, United States military transport conveyances,
38 or any other situation in which there are more fatalities than can
39 be properly handled and/or that exhaust local resources.

40 **SECTION 2.** Section 41-61-63, Mississippi Code of 1972, is
41 amended as follows:

42 41-61-63. (1) The State Medical Examiner shall:



43 (a) Provide assistance, consultation and training to
44 county medical examiners, county medical examiner investigators
45 and law enforcement officials.

46 (b) Keep complete records of all relevant information
47 concerning deaths or crimes requiring investigation by the medical
48 examiners.

49 (c) Promulgate rules and regulations regarding the
50 manner and techniques to be employed while conducting autopsies;
51 the nature, character and extent of investigations to be made into
52 deaths affecting the public interest to allow a medical examiner
53 to render a full and complete analysis and report; the format and
54 matters to be contained in all reports rendered by the medical
55 examiners; and all other things necessary to carry out the
56 purposes of Sections 41-61-51 through 41-61-79. The State Medical
57 Examiner shall make such amendments to these rules and regulations
58 as may be necessary. All medical examiners, coroners and law
59 enforcement officers shall be subject to such rules.

60 (d) Cooperate with the crime detection and medical
61 examiner laboratories authorized by Section 45-1-17, the
62 University of Mississippi Medical Center, the Attorney General,
63 law enforcement agencies, the courts and the State of Mississippi.

64 (e) Orchestrate and have the sole lead authority for
65 the recovery, identification, storage and disposition of victims
66 of a mass fatality incident, except when such authority should be



67 observed in conjunction with any superseding agency sharing
68 jurisdiction of the scene.

69 (i) The State Medical Examiner shall use the
70 Mississippi Bureau of Investigation division for assistance in
71 securing and preserving the scene and the incident morgue site,
72 including, but not limited to, during the initial stages of
73 recovery operations, during set up of the incident morgue site,
74 while overseeing the storage, loading and/or transportation of the
75 recovered victims, and/or to secure the scene or incident morgue
76 site from unauthorized entry by nonauthorized personnel.

77 (ii) The State Medical Examiner shall determine
78 where to establish an incident morgue site depending upon the size
79 and nature of the incident. The site may be in the existing
80 morgue for the geographical area or it may be a temporary incident
81 morgue site in another location such as a warehouse, airplane
82 hangar, fair ground building, conveyance or other such location as
83 deemed necessary and appropriate by the State Medical Examiner.
84 The State Medical Examiner shall consider the physical condition
85 of the victims, the number of the victims, and the number of
86 personnel needed to perform the morgue functions such as
87 administration, logistics, refrigeration, and operations when
88 laying out the morgue operation site. The operational areas may
89 include areas for receiving, photography, radiographs, personal
90 effects, anthropology, dental, fingerprinting, pathology, storage,
91 shipping, and any other area as deemed necessary.



92 (2) In addition, the medical examiners shall:

93 (a) Upon receipt of notification of a death affecting
94 the public interest, make inquiries regarding the cause and manner
95 of death, reduce the findings to writing and promptly make a full
96 report to the State Medical Examiner on forms prescribed for that
97 purpose. The medical examiner shall be authorized to inspect and
98 copy the medical reports of the decedent whose death is under
99 investigation. However, the records copied shall be maintained as
100 confidential so as to protect the doctor/patient privilege. The
101 medical examiners shall be authorized to request the issuance of
102 subpoenas, through the proper court, for the attendance of persons
103 and for the production of documents as may be required by their
104 investigation.

105 (b) Complete the medical examiner's portion of the
106 certificate of death within seventy-two (72) hours of assuming
107 jurisdiction over a death, and forward the certificate to the
108 funeral director or to the family. The medical examiner's portion
109 of the certificate of death shall include the decedent's name, the
110 date and time of death, the cause of death and the certifier's
111 signature. If determination of the cause and/or manner of death
112 are pending an autopsy or toxicological or other studies, these
113 sections on the certificate may be marked "pending," with
114 amendment and completion to follow the completion of the
115 postmortem studies. The State Medical Examiner shall be
116 authorized to amend a death certificate; however, the State



117 Medical Examiner is not authorized to change or amend any death
118 certificate after he or she has resigned or been removed from his
119 or her office as the State Medical Examiner. Where an attending
120 physician refuses to sign a certificate of death, or in case of
121 any death, the State Medical Examiner or properly qualified
122 designee may sign the death certificate.

123 (c) Cooperate with other agencies as provided for the
124 State Medical Examiner in subsections (1)(d) and (e) of this
125 section.

126 (d) In all investigations of deaths affecting the
127 public interest where an autopsy will not be performed, obtain or
128 attempt to obtain postmortem blood, urine and/or vitreous fluids.
129 Medical examiners may also obtain rectal temperature measurements,
130 known hair samples, radiographs, gunshot residue/wiping studies,
131 fingerprints, palm prints and other noninvasive studies as the
132 case warrants and/or as directed by the State Medical Examiner.
133 Decisions shall be made in consultation with investigating law
134 enforcement officials and/or the State Medical Examiner. The cost
135 of all studies not performed by the Mississippi Forensics
136 Laboratory shall be borne by the county. County medical examiner
137 investigators shall be authorized to obtain these postmortem
138 specimens themselves following successful completion of the death
139 investigation training school.

140 (e) In all investigations of deaths occurring in the
141 manner specified in subsection (2)(j) of Section 41-61-59, a death



142 investigation shall be performed by the medical examiners in
143 accordance with the child death investigation protocol established
144 by the State Medical Examiner. The results of the death
145 investigation shall be reported to the State Medical Examiner on
146 forms prescribed for that purpose by the State Medical Examiner
147 and to appropriate authorities, including police and child
148 protective services, within three (3) days of the conclusion of
149 the death investigation.

150 (3) The medical examiner shall not use his or her position
151 or authority to favor any particular funeral home or funeral
152 homes.

153 **SECTION 3.** This act shall take effect and be in force from
154 and after July 1, 2018.

