

By: Senator(s) McMahan, Blackwell, Whaley,
Branning

To: Public Health and
Welfare

SENATE BILL NO. 2565

1 AN ACT TO AMEND SECTION 41-75-26, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE LICENSED ABORTION FACILITIES TO OPERATE WITH A CURRENT
3 CERTIFICATE OF NEED ISSUED BY THE STATE DEPARTMENT OF HEALTH AND
4 TO PRESCRIBE CRIMINAL PENALTIES FOR ANY PHYSICIAN OR THE OPERATOR
5 OF ANY ABORTION FACILITY WHICH CONDUCTS ABORTIONS WITHOUT THE
6 REQUIRED CERTIFICATE OF NEED; TO REQUIRE THE LOCAL MEDICAL
7 EXAMINER TO VERIFY THE PROPER LICENSURE AND CERTIFICATION OF THE
8 ABORTION FACILITY; TO AMEND SECTIONS 41-75-1, 41-7-173 AND
9 41-41-45, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO ENACT THE
10 "MISSISSIPPI UNBORN INFANTS DIGNITY ACT"; TO PROVIDE THAT
11 MISCARRIED, STILLBORN OR ABORTED INFANTS ARE TREATED WITH DIGNITY
12 WITH PROPER BURIALS, THAT BROKEN BODIES OF ABORTED INFANTS ARE NOT
13 SOLD FOR SCIENTIFIC EXPERIMENTATION; TO REQUIRE FETAL DEATH
14 REPORTING AND THE ISSUANCE OF FETAL DEATH CERTIFICATES FOR UNBORN
15 INFANTS LOST EARLY IN PREGNANCY; TO PROVIDE CRIMINAL PENALTIES FOR
16 VIOLATIONS OF THIS ACT; TO AMEND SECTIONS 73-11-58, 73-15-29 AND
17 73-25-29, MISSISSIPPI CODE OF 1972, TO CONFORM THE PROFESSIONAL
18 DISCIPLINE OF FUNERAL DIRECTORS, PHYSICIANS, REGISTERED NURSES AND
19 LICENSED PRACTICAL NURSES TO THIS ACT; TO BRING FORWARD SECTIONS
20 41-39-1, 41-39-3, 41-39-5 AND 41-39-7, MISSISSIPPI CODE OF 1972,
21 FOR PURPOSES OF AMENDMENT TO CONFORM THE DISPOSITION OF HUMAN
22 REMAINS TO THIS ACT; TO AMEND SECTIONS 41-57-31, 41-61-53 AND
23 41-61-59, MISSISSIPPI CODE OF 1972, TO CONFORM THE DUTIES OF THE
24 REGISTRAR OF VITAL STATISTICS TO PROVIDE FOR ISSUANCE OF
25 CERTIFICATES OF FETAL DEATH; AND FOR RELATED PURPOSES.

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

27 **SECTION 1.** Section 41-75-26, Mississippi Code of 1972, is
28 amended as follows:



29 41-75-26. (1) Any person or persons or other entity or
30 entities establishing, managing or operating an abortion facility
31 or conducting the business of an abortion facility without the
32 required license, or which otherwise violate any provision of this
33 chapter regarding abortion facilities or the rules, regulations
34 and standards promulgated in furtherance thereof shall be subject
35 to revocation of the license of the abortion facility or
36 nonlicensure of the abortion facility.

37 (2) The rules and regulations and standards promulgated for
38 the establishment, management or operation of abortion facilities
39 by the State Department of Health shall specifically require any
40 such facility to have a current health care certificate of need
41 issued by the State Department of Health pursuant to the
42 provisions of Section 41-7-171 et seq., Mississippi Code of 1972,
43 to be verified by the county medical examiner or medical examiner
44 investigator following the performance of any abortion. * * * Any
45 violation of any provision of this * * * section regarding
46 abortion facilities or of the rules, regulations and standards
47 promulgated in furtherance thereof by intent, fraud, deceit,
48 unlawful design, willful and/or deliberate misrepresentation, or
49 by careless, negligent or incautious disregard for such statutes
50 or rules, regulations and standards, either by persons acting
51 individually or in concert with others, shall constitute a
52 misdemeanor and shall be punishable by a fine not to exceed * * *
53 Five Thousand Dollars (\$5,000.00) for each such offense applicable



54 to the physician performing the abortion and Five Thousand Dollars
55 (\$,5000.00) for each such offense applicable to the legal entity
56 operating the abortion facility. Each day of continuing violation
57 shall be considered a separate offense. The venue for prosecution
58 of any such violation shall be in any county of the state wherein
59 any such violation, or portion thereof, occurred.

60 (* * *3) The Attorney General, upon certification by the
61 executive director of the licensing agency or the county medical
62 examiner or medical examiner investigator, shall seek injunctive
63 relief in a court of proper jurisdiction to prevent violations of
64 the provisions of this section and chapter regarding abortion
65 facilities or the rules, regulations and standards promulgated in
66 furtherance thereof in cases where other administrative penalties
67 and legal sanctions imposed have failed to prevent or cause a
68 discontinuance of any such violation.

69 **SECTION 2.** Section 41-75-1, Mississippi Code of 1972, is
70 amended as follows:

71 41-75-1. For the purpose of this chapter:

72 (a) "Ambulatory surgical facility" means a publicly or
73 privately owned institution that is primarily organized,
74 constructed, renovated or otherwise established for the purpose of
75 providing elective surgical treatment of "outpatients" whose
76 recovery, under normal and routine circumstances, will not require
77 "inpatient" care. The facility defined in this paragraph does not
78 include the offices of private physicians or dentists, whether



79 practicing individually or in groups, but does include
80 organizations or facilities primarily engaged in that outpatient
81 surgery, whether using the name "ambulatory surgical facility" or
82 a similar or different name. That organization or facility, if in
83 any manner considered to be operated or owned by a hospital or a
84 hospital holding, leasing or management company, either for profit
85 or not for profit, is required to comply with all licensing agency
86 ambulatory surgical licensure standards governing a "hospital
87 affiliated" facility as adopted under Section 41-9-1 et seq.,
88 provided that the organization or facility does not intend to seek
89 federal certification as an ambulatory surgical facility as
90 provided for at 42 CFR, Parts 405 and 416. If the organization or
91 facility is to be operated or owned by a hospital or a hospital
92 holding, leasing or management company and intends to seek federal
93 certification as an ambulatory facility, then the facility is
94 considered to be "freestanding" and must comply with all licensing
95 agency ambulatory surgical licensure standards governing a
96 "freestanding" facility.

97 If the organization or facility is to be owned or operated by
98 an entity or person other than a hospital or hospital holding,
99 leasing or management company, then the organization or facility
100 must comply with all licensing agency ambulatory surgical facility
101 standards governing a "freestanding" facility.

102 (b) "Hospital affiliated" ambulatory surgical facility
103 means a separate and distinct organized unit of a hospital or a



104 building owned, leased, rented or utilized by a hospital and
105 located in the same county in which the hospital is located, for
106 the primary purpose of performing ambulatory surgery procedures.
107 The facility is not required to be separately licensed under this
108 chapter and may operate under the hospital's license in compliance
109 with all applicable requirements of Section 41-9-1 et seq.

110 (c) "Freestanding" ambulatory surgical facility means a
111 separate and distinct facility or a separate and distinct
112 organized unit of a hospital owned, leased, rented or utilized by
113 a hospital or other persons for the primary purpose of performing
114 ambulatory surgery procedures. The facility must be separately
115 licensed as defined in this section and must comply with all
116 licensing standards promulgated by the licensing agency under this
117 chapter regarding a "freestanding" ambulatory surgical facility.
118 Further, the facility must be a separate, identifiable entity and
119 must be physically, administratively and financially independent
120 and distinct from other operations of any other health facility,
121 and shall maintain a separate organized medical and administrative
122 staff. Furthermore, once licensed as a "freestanding" ambulatory
123 surgical facility, the facility shall not become a component of
124 any other health facility without securing a certificate of need
125 to do that.

126 (d) "Ambulatory surgery" means surgical procedures that
127 are more complex than office procedures performed under local
128 anesthesia, but less complex than major procedures requiring



129 prolonged postoperative monitoring and hospital care to ensure
130 safe recovery and desirable results. General anesthesia is used
131 in most cases. The patient must arrive at the facility and expect
132 to be discharged on the same day. Ambulatory surgery shall only
133 be performed by physicians or dentists licensed to practice in the
134 State of Mississippi.

135 (e) "Abortion" means the use or prescription of any
136 instrument, medicine, drug or any other substances or device to
137 terminate the pregnancy of a woman known to be pregnant with an
138 intention other than to increase the probability of a live birth,
139 to preserve the life or health of the child after live birth or to
140 remove a dead fetus. Abortion procedures after the first
141 trimester shall only be performed at a Level I abortion
142 facility * * *, ambulatory surgical facility or hospital licensed
143 to perform that service which has a current certificate of need
144 issued by the State Department of Health.

145 (f) "Abortion facility" means a facility operating
146 substantially for the purpose of performing abortions and is a
147 separate identifiable legal entity from any other health care
148 facility. Abortions shall only be performed by physicians
149 licensed to practice in the State of Mississippi. All physicians
150 associated with the abortion facility must have admitting
151 privileges at a local hospital and staff privileges to replace
152 local hospital on-staff physicians. All physicians associated
153 with an abortion facility must be board certified or eligible in



154 obstetrics and gynecology, and a staff member trained in CPR shall
155 always be present at the abortion facility when it is open. The
156 term "abortion facility" includes physicians' offices that are
157 used substantially for the purpose of performing abortions. An
158 abortion facility operates substantially for the purpose of
159 performing abortions if any of the following conditions are met:

160 (i) The abortion facility is a provider for
161 performing ten (10) or more abortion procedures per calendar month
162 during any month of a calendar year, or one hundred (100) or more
163 in a calendar year.

164 (ii) The abortion facility, if operating less than
165 twenty (20) days per calendar month, is a provider for performing
166 ten (10) or more abortion procedures, or performing a number of
167 abortion procedures that would be equivalent to ten (10)
168 procedures per month, if the facility were operating twenty (20)
169 or more days per calendar month, in any month of a calendar year.

170 (iii) The abortion facility holds itself out to
171 the public as an abortion provider by advertising by any public
172 means, such as newspaper, telephone directory, magazine or
173 electronic media, that it performs abortions.

174 (iv) The facility applies to the licensing agency
175 for licensure as an abortion facility.

176 (v) The facility has a current health care
177 certificate of need issued by the State Department of Health.



178 (g) "Licensing agency" means the State Department of
179 Health.

180 (h) "Operating" an abortion facility means that the
181 facility is open for any period of time during a day and has on
182 site at the facility or on call a physician licensed to practice
183 in the State of Mississippi available to provide abortions.

184 An abortion facility may apply to be licensed as a Level I
185 facility or a Level II facility by the licensing agency. Level II
186 abortion facilities shall be required to meet minimum standards
187 for abortion facilities as established by the licensing agency.
188 Level I abortion facilities shall be required to meet minimum
189 standards for abortion facilities and minimum standards for
190 ambulatory surgical facilities as established by the licensing
191 agency, which shall include the requirement for having a current
192 health care certificate of need issued by the State Department of
193 Health.

194 Any abortion facility that begins operation after June 30,
195 1996, shall not be located within one thousand five hundred
196 (1,500) feet from the property on which any church, school or
197 kindergarten is located. An abortion facility shall not be in
198 violation of this paragraph if it is in compliance with this
199 paragraph on the date it begins operation and the property on
200 which a church, school or kindergarten is located within one
201 thousand five hundred (1,500) feet from the facility.



202 (i) "Freestanding emergency room" is a facility open
203 twenty-four (24) hours a day for the treatment of urgent and
204 emergent medical conditions which is not located on a hospital
205 campus. In order to be eligible for licensure under this chapter,
206 the freestanding emergency room shall be located at least fifteen
207 (15) miles from the nearest hospital-based emergency room in any
208 rural community where the federal CMMS had previously designated a
209 rural hospital as a critical access hospital and that designation
210 has been revoked.

211 (j) "Post-acute residential brain injury rehabilitation
212 facility" is a facility containing no more than twelve (12) beds
213 providing medically directed long-term but nonacute rehabilitation
214 to patients who have acquired brain injury. In order to be
215 eligible for licensure under this chapter, the post-acute
216 residential brain injury rehabilitation facility shall be located
217 at least twenty-five (25) miles from the nearest acute care
218 rehabilitation hospital and at least five (5) miles from the
219 boundaries of any municipality having a population of ten thousand
220 (10,000) or more, according to the most recent federal decennial
221 census, at the time that facility is established.

222 **SECTION 3.** Section 41-7-173, Mississippi Code of 1972, is
223 amended as follows:

224 41-7-173. For the purposes of Section 41-7-171 et seq., the
225 following words shall have the meanings ascribed herein, unless
226 the context otherwise requires:



227 (a) "Affected person" means (i) the applicant; (ii) a
228 person residing within the geographic area to be served by the
229 applicant's proposal; (iii) a person who regularly uses health
230 care facilities or HMOs located in the geographic area of the
231 proposal which provide similar service to that which is proposed;
232 (iv) health care facilities and HMOs which have, prior to receipt
233 of the application under review, formally indicated an intention
234 to provide service similar to that of the proposal being
235 considered at a future date; (v) third-party payers who reimburse
236 health care facilities located in the geographical area of the
237 proposal; or (vi) any agency that establishes rates for health
238 care services or HMOs located in the geographic area of the
239 proposal.

240 (b) "Certificate of need" means a written order of the
241 State Department of Health setting forth the affirmative finding
242 that a proposal in prescribed application form, sufficiently
243 satisfies the plans, standards and criteria prescribed for such
244 service or other project by Section 41-7-171 et seq., and by rules
245 and regulations promulgated thereunder by the State Department of
246 Health.

247 (c) (i) "Capital expenditure," when pertaining to
248 defined major medical equipment, shall mean an expenditure which,
249 under generally accepted accounting principles consistently
250 applied, is not properly chargeable as an expense of operation and



251 maintenance and which exceeds One Million Five Hundred Thousand
252 Dollars (\$1,500,000.00).

253 (ii) "Capital expenditure," when pertaining to
254 other than major medical equipment, shall mean any expenditure
255 which under generally accepted accounting principles consistently
256 applied is not properly chargeable as an expense of operation and
257 maintenance and which exceeds, for clinical health services, as
258 defined in * * * paragraph (k) * * * of this section, Five Million
259 Dollars (\$5,000,000.00), adjusted for inflation as published by
260 the State Department of Health or which exceeds, for nonclinical
261 health services, as defined in * * * paragraph (k) * * * of this
262 section, Ten Million Dollars (\$10,000,000.00), adjusted for
263 inflation as published by the State Department of Health.

264 (iii) A "capital expenditure" shall include the
265 acquisition, whether by lease, sufferance, gift, devise, legacy,
266 settlement of a trust or other means, of any facility or part
267 thereof, or equipment for a facility, the expenditure for which
268 would have been considered a capital expenditure if acquired by
269 purchase. Transactions which are separated in time but are
270 planned to be undertaken within twelve (12) months of each other
271 and are components of an overall plan for meeting patient care
272 objectives shall, for purposes of this definition, be viewed in
273 their entirety without regard to their timing.

274 (iv) In those instances where a health care
275 facility or other provider of health services proposes to provide



276 a service in which the capital expenditure for major medical
277 equipment or other than major medical equipment or a combination
278 of the two (2) may have been split between separate parties, the
279 total capital expenditure required to provide the proposed service
280 shall be considered in determining the necessity of certificate of
281 need review and in determining the appropriate certificate of need
282 review fee to be paid. The capital expenditure associated with
283 facilities and equipment to provide services in Mississippi shall
284 be considered regardless of where the capital expenditure was
285 made, in state or out of state, and regardless of the domicile of
286 the party making the capital expenditure, in state or out of
287 state.

288 (d) "Change of ownership" includes, but is not limited
289 to, inter vivos gifts, purchases, transfers, lease arrangements,
290 cash and/or stock transactions or other comparable arrangements
291 whenever any person or entity acquires or controls a majority
292 interest of an existing health care facility, and/or the change of
293 ownership of major medical equipment, a health service, or an
294 institutional health service. Changes of ownership from
295 partnerships, single proprietorships or corporations to another
296 form of ownership are specifically included. However, "change of
297 ownership" shall not include any inherited interest acquired as a
298 result of a testamentary instrument or under the laws of descent
299 and distribution of the State of Mississippi.



300 (e) "Commencement of construction" means that all of
301 the following have been completed with respect to a proposal or
302 project proposing construction, renovating, remodeling or
303 alteration:

304 (i) A legally binding written contract has been
305 consummated by the proponent and a lawfully licensed contractor to
306 construct and/or complete the intent of the proposal within a
307 specified period of time in accordance with final architectural
308 plans which have been approved by the licensing authority of the
309 State Department of Health;

310 (ii) Any and all permits and/or approvals deemed
311 lawfully necessary by all authorities with responsibility for such
312 have been secured; and

313 (iii) Actual bona fide undertaking of the subject
314 proposal has commenced, and a progress payment of at least one
315 percent (1%) of the total cost price of the contract has been paid
316 to the contractor by the proponent, and the requirements of this
317 paragraph (e) have been certified to in writing by the State
318 Department of Health.

319 Force account expenditures, such as deposits, securities,
320 bonds, et cetera, may, in the discretion of the State Department
321 of Health, be excluded from any or all of the provisions of
322 defined commencement of construction.



323 (f) "Consumer" means an individual who is not a
324 provider of health care as defined in paragraph (q) of this
325 section.

326 (g) "Develop," when used in connection with health
327 services, means to undertake those activities which, on their
328 completion, will result in the offering of a new institutional
329 health service or the incurring of a financial obligation as
330 defined under applicable state law in relation to the offering of
331 such services.

332 (h) "Health care facility" includes hospitals,
333 psychiatric hospitals, chemical dependency hospitals, skilled
334 nursing facilities, end-stage renal disease (ESRD) facilities,
335 including freestanding hemodialysis units, intermediate care
336 facilities, ambulatory surgical facilities, abortion facilities,
337 intermediate care facilities for the mentally retarded, home
338 health agencies, psychiatric residential treatment facilities,
339 pediatric skilled nursing facilities, long-term care hospitals,
340 comprehensive medical rehabilitation facilities, including
341 facilities owned or operated by the state or a political
342 subdivision or instrumentality of the state, but does not include
343 Christian Science sanatoriums operated or listed and certified by
344 the First Church of Christ, Scientist, Boston, Massachusetts.
345 This definition shall not apply to facilities for the private
346 practice, either independently or by incorporated medical groups,
347 of physicians, dentists or health care professionals except where



348 such facilities are an integral part of an institutional health
349 service. The various health care facilities listed in this
350 paragraph shall be defined as follows:

351 (i) "Hospital" means an institution which is
352 primarily engaged in providing to inpatients, by or under the
353 supervision of physicians, diagnostic services and therapeutic
354 services for medical diagnosis, treatment and care of injured,
355 disabled or sick persons, or rehabilitation services for the
356 rehabilitation of injured, disabled or sick persons. Such term
357 does not include psychiatric hospitals.

358 (ii) "Psychiatric hospital" means an institution
359 which is primarily engaged in providing to inpatients, by or under
360 the supervision of a physician, psychiatric services for the
361 diagnosis and treatment of persons with mental illness.

362 (iii) "Chemical dependency hospital" means an
363 institution which is primarily engaged in providing to inpatients,
364 by or under the supervision of a physician, medical and related
365 services for the diagnosis and treatment of chemical dependency
366 such as alcohol and drug abuse.

367 (iv) "Skilled nursing facility" means an
368 institution or a distinct part of an institution which is
369 primarily engaged in providing to inpatients skilled nursing care
370 and related services for patients who require medical or nursing
371 care or rehabilitation services for the rehabilitation of injured,
372 disabled or sick persons.



373 (v) "End-stage renal disease (ESRD) facilities"
374 means kidney disease treatment centers, which includes
375 freestanding hemodialysis units and limited care facilities. The
376 term "limited care facility" generally refers to an
377 off-hospital-premises facility, regardless of whether it is
378 provider or nonprovider operated, which is engaged primarily in
379 furnishing maintenance hemodialysis services to stabilized
380 patients.

381 (vi) "Intermediate care facility" means an
382 institution which provides, on a regular basis, health-related
383 care and services to individuals who do not require the degree of
384 care and treatment which a hospital or skilled nursing facility is
385 designed to provide, but who, because of their mental or physical
386 condition, require health-related care and services (above the
387 level of room and board).

388 (vii) "Ambulatory surgical facility" means a
389 facility primarily organized or established for the purpose of
390 performing surgery for outpatients and is a separate identifiable
391 legal entity from any other health care facility. Such term does
392 not include the offices of private physicians or dentists, whether
393 for individual or group practice * * *.

394 (viii) "Intermediate care facility for the
395 mentally retarded" means an intermediate care facility that
396 provides health or rehabilitative services in a planned program of
397 activities to persons with an intellectual disability, also



398 including, but not limited to, cerebral palsy and other conditions
399 covered by the Federal Developmentally Disabled Assistance and
400 Bill of Rights Act, Public Law 94-103.

401 (ix) "Home health agency" means a public or
402 privately owned agency or organization, or a subdivision of such
403 an agency or organization, properly authorized to conduct business
404 in Mississippi, which is primarily engaged in providing to
405 individuals at the written direction of a licensed physician, in
406 the individual's place of residence, skilled nursing services
407 provided by or under the supervision of a registered nurse
408 licensed to practice in Mississippi, and one or more of the
409 following services or items:

- 410 1. Physical, occupational or speech therapy;
- 411 2. Medical social services;
- 412 3. Part-time or intermittent services of a
413 home health aide;
- 414 4. Other services as approved by the
415 licensing agency for home health agencies;
- 416 5. Medical supplies, other than drugs and
417 biologicals, and the use of medical appliances; or
- 418 6. Medical services provided by an intern or
419 resident-in-training at a hospital under a teaching program of
420 such hospital.

421 Further, all skilled nursing services and those services
422 listed in items 1 through 4 of this subparagraph (ix) must be



423 provided directly by the licensed home health agency. For
424 purposes of this subparagraph, "directly" means either through an
425 agency employee or by an arrangement with another individual not
426 defined as a health care facility.

427 This subparagraph (ix) shall not apply to health care
428 facilities which had contracts for the above services with a home
429 health agency on January 1, 1990.

430 (x) "Psychiatric residential treatment facility"
431 means any nonhospital establishment with permanent licensed
432 facilities which provides a twenty-four-hour program of care by
433 qualified therapists, including, but not limited to, duly licensed
434 mental health professionals, psychiatrists, psychologists,
435 psychotherapists and licensed certified social workers, for
436 emotionally disturbed children and adolescents referred to such
437 facility by a court, local school district or by the Department of
438 Human Services, who are not in an acute phase of illness requiring
439 the services of a psychiatric hospital, and are in need of such
440 restorative treatment services. For purposes of this
441 subparagraph, the term "emotionally disturbed" means a condition
442 exhibiting one or more of the following characteristics over a
443 long period of time and to a marked degree, which adversely
444 affects educational performance:

445 1. An inability to learn which cannot be
446 explained by intellectual, sensory or health factors;



- 447 2. An inability to build or maintain
448 satisfactory relationships with peers and teachers;
449 3. Inappropriate types of behavior or
450 feelings under normal circumstances;
451 4. A general pervasive mood of unhappiness or
452 depression; or
453 5. A tendency to develop physical symptoms or
454 fears associated with personal or school problems. An
455 establishment furnishing primarily domiciliary care is not within
456 this definition.

457 (xi) "Pediatric skilled nursing facility" means an
458 institution or a distinct part of an institution that is primarily
459 engaged in providing to inpatients skilled nursing care and
460 related services for persons under twenty-one (21) years of age
461 who require medical or nursing care or rehabilitation services for
462 the rehabilitation of injured, disabled or sick persons.

463 (xii) "Long-term care hospital" means a
464 freestanding, Medicare-certified hospital that has an average
465 length of inpatient stay greater than twenty-five (25) days, which
466 is primarily engaged in providing chronic or long-term medical
467 care to patients who do not require more than three (3) hours of
468 rehabilitation or comprehensive rehabilitation per day, and has a
469 transfer agreement with an acute care medical center and a
470 comprehensive medical rehabilitation facility. Long-term care
471 hospitals shall not use rehabilitation, comprehensive medical



472 rehabilitation, medical rehabilitation, sub-acute rehabilitation,
473 nursing home, skilled nursing facility or sub-acute care facility
474 in association with its name.

475 (xiii) "Comprehensive medical rehabilitation
476 facility" means a hospital or hospital unit that is licensed
477 and/or certified as a comprehensive medical rehabilitation
478 facility which provides specialized programs that are accredited
479 by the Commission on Accreditation of Rehabilitation Facilities
480 and supervised by a physician board certified or board eligible in
481 physiatry or other doctor of medicine or osteopathy with at least
482 two (2) years of training in the medical direction of a
483 comprehensive rehabilitation program that:

484 1. Includes evaluation and treatment of
485 individuals with physical disabilities;

486 2. Emphasizes education and training of
487 individuals with disabilities;

488 3. Incorporates at least the following core
489 disciplines:

490 * * *a. Physical Therapy;

491 * * *b. Occupational Therapy;

492 * * *c. Speech and Language Therapy;

493 * * *d. Rehabilitation Nursing; and

494 4. Incorporates at least three (3) of the
495 following disciplines:

496 * * *a. Psychology;



- 497 * * *b. Audiology;
- 498 * * *c. Respiratory Therapy;
- 499 * * *d. Therapeutic Recreation;
- 500 * * *e. Orthotics;
- 501 * * *f. Prosthetics;
- 502 * * *g. Special Education;
- 503 * * *h. Vocational Rehabilitation;
- 504 * * *i. Psychotherapy;
- 505 * * *j. Social Work;
- 506 * * *k. Rehabilitation Engineering.

507 These specialized programs include, but are not limited to:
508 spinal cord injury programs, head injury programs and infant and
509 early childhood development programs.

510 (i) "Health maintenance organization" or "HMO" means a
511 public or private organization organized under the laws of this
512 state or the federal government which:

513 (i) Provides or otherwise makes available to
514 enrolled participants health care services, including
515 substantially the following basic health care services: usual
516 physician services, hospitalization, laboratory, x-ray, emergency
517 and preventive services, and out-of-area coverage;

518 (ii) Is compensated (except for copayments) for
519 the provision of the basic health care services listed in
520 subparagraph (i) of this paragraph to enrolled participants on a
521 predetermined basis; and



522 (iii) Provides physician services primarily:
523 1. Directly through physicians who are either
524 employees or partners of such organization; or
525 2. Through arrangements with individual
526 physicians or one or more groups of physicians (organized on a
527 group practice or individual practice basis).

528 (j) "Health service area" means a geographic area of
529 the state designated in the State Health Plan as the area to be
530 used in planning for specified health facilities and services and
531 to be used when considering certificate of need applications to
532 provide health facilities and services.

533 (k) "Health services" means clinically related (i.e.,
534 diagnostic, treatment or rehabilitative) services and includes
535 alcohol, drug abuse, mental health and home health care services.
536 "Clinical health services" shall only include those activities
537 which contemplate any change in the existing bed complement of any
538 health care facility through the addition or conversion of any
539 beds, under Section 41-7-191(1)(c) or propose to offer any health
540 services if those services have not been provided on a regular
541 basis by the proposed provider of such services within the period
542 of twelve (12) months prior to the time such services would be
543 offered, under Section 41-7-191(1)(d). "Nonclinical health
544 services" shall be all other services which do not involve any
545 change in the existing bed complement or offering health services
546 as described above.



547 (l) "Institutional health services" shall mean health
548 services provided in or through health care facilities and shall
549 include the entities in or through which such services are
550 provided.

551 (m) "Major medical equipment" means medical equipment
552 designed for providing medical or any health-related service which
553 costs in excess of One Million Five Hundred Thousand Dollars
554 (\$1,500,000.00). However, this definition shall not be applicable
555 to clinical laboratories if they are determined by the State
556 Department of Health to be independent of any physician's office,
557 hospital or other health care facility or otherwise not so defined
558 by federal or state law, or rules and regulations promulgated
559 thereunder.

560 (n) "State Department of Health" or "department" shall
561 mean the state agency created under Section 41-3-15, which shall
562 be considered to be the State Health Planning and Development
563 Agency, as defined in paragraph (u) of this section.

564 (o) "Offer," when used in connection with health
565 services, means that it has been determined by the State
566 Department of Health that the health care facility is capable of
567 providing specified health services.

568 (p) "Person" means an individual, a trust or estate,
569 partnership, corporation (including associations, joint-stock
570 companies and insurance companies), the state or a political
571 subdivision or instrumentality of the state.



572 (q) "Provider" shall mean any person who is a provider
573 or representative of a provider of health care services requiring
574 a certificate of need under Section 41-7-171 et seq., or who has
575 any financial or indirect interest in any provider of services.

576 (r) "Radiation therapy services" means the treatment of
577 cancer and other diseases using ionizing radiation of either high
578 energy photons (x-rays or gamma rays) or charged particles
579 (electrons, protons or heavy nuclei). However, for purposes of a
580 certificate of need, radiation therapy services shall not include
581 low energy, superficial, external beam x-ray treatment of
582 superficial skin lesions.

583 (s) "Secretary" means the Secretary of Health and Human
584 Services, and any officer or employee of the Department of Health
585 and Human Services to whom the authority involved has been
586 delegated.

587 (t) "State Health Plan" means the sole and official
588 statewide health plan for Mississippi which identifies priority
589 state health needs and establishes standards and criteria for
590 health-related activities which require certificate of need review
591 in compliance with Section 41-7-191.

592 (u) "State Health Planning and Development Agency"
593 means the agency of state government designated to perform health
594 planning and resource development programs for the State of
595 Mississippi.



596 **SECTION 4.** Section 41-41-45, Mississippi Code of 1972, is
597 brought forward as follows:

598 **[From and after ten days following the date of publication by**
599 **the Attorney General of Mississippi that the Attorney General has**
600 **determined that the United States Supreme Court has overruled the**
601 **decision of Roe v. Wade, and that it is reasonably probably that**
602 **this section would be upheld by the Court as constitutional, this**
603 **section will read as follows:]**

604 41-41-45. (1) As used in this section, the term "abortion"
605 means the use or prescription of any instrument, medicine, drug or
606 any other substance or device to terminate the pregnancy of a
607 woman known to be pregnant with an intention other than to
608 increase the probability of a live birth, to preserve the life or
609 health of the child after live birth or to remove a dead fetus.

610 (2) No abortion shall be performed or induced in the State
611 of Mississippi, except in the case where necessary for the
612 preservation of the mother's life or where the pregnancy was
613 caused by rape.

614 (3) For the purposes of this section, rape shall be an
615 exception to the prohibition for an abortion only if a formal
616 charge of rape has been filed with an appropriate law enforcement
617 official.

618 (4) Any person, except the pregnant woman, who purposefully,
619 knowingly or recklessly performs or attempts to perform or induce
620 an abortion in the State of Mississippi, except in the case where



621 necessary for the preservation of the mother's life or where the
622 pregnancy was caused by rape, upon conviction, shall be punished
623 by imprisonment in the custody of the Department of Corrections
624 for not less than one (1) year nor more than ten (10) years.

625 **SECTION 5. Title.** Sections 5 through 14 of this act may be
626 known and cited as the "Mississippi Unborn Infants Dignity Act."

627 **SECTION 6. Legislative findings and purpose.** (1) The
628 Legislature of the State of Mississippi finds that:

629 (a) Deceased unborn infants deserve the same respect
630 and dignity as other human beings.

631 (b) The laws of the State of Mississippi do not ensure
632 that miscarried, stillborn or aborted infants receive proper
633 burials or final disposition.

634 (c) Mississippi also fails to require fetal death
635 reporting and/or the issuance of fetal death certificates.

636 (d) Mississippi does not explicitly prohibit the sale,
637 transfer, distribution or donation of the bodily remains of unborn
638 infants resulting from abortion for experimentation.

639 (e) It is the public policy of the State of Mississippi
640 to promote childbirth over abortion. Permitting the sale,
641 transfer, distribution or donation of the bodily remains of unborn
642 infants resulting from abortion, particularly for pecuniary gain,
643 and the use of the bodies of aborted infants for experimentation
644 violate Mississippi public policy.



645 (2) Based on the findings in subsection (1) of this section,
646 the purposes of this act are to:

647 (a) Ensure that the mother of a deceased unborn infant
648 is given the opportunity to bury or dispose of the bodily remains
649 of her infant with dignity;

650 (b) Require institutions where deceased unborn infants
651 are delivered or where unborn infants are aborted to provide a
652 dignified final disposition of the bodily remains of these
653 infants;

654 (c) Require fetal death reports for all fetal deaths as
655 defined in this act;

656 (d) Ensure that parents of all stillborn infants are
657 offered the opportunity to obtain a Certificate of Birth Resulting
658 in Stillbirth;

659 (e) Prohibit the sale, transfer, distribution or other
660 unlawful disposition of an infant, an unborn infant or bodily
661 remains resulting from an abortion;

662 (f) Prohibit the use of bodily remains resulting from
663 an abortion for experimentation; and

664 (g) Ensure that the bodily remains of an unborn infant
665 resulting from an occurrence other than an abortion are not sold,
666 transferred or distributed for experimentation without the
667 mother's informed, written consent.

668 **SECTION 7. Definitions.** For purposes of this act only:



669 (a) "Abortion" means the act of using or prescribing
670 any instrument, medicine, drug, or any other substance, device, or
671 means with the intent to terminate the clinically diagnosable
672 pregnancy of a woman with the knowledge that the termination by
673 those means will with reasonable likelihood cause the death of the
674 unborn infant. Such use, prescription or means is not an abortion
675 if done with the intent to:

676 (i) Save the life or preserve the health of the
677 unborn infant;

678 (ii) Remove a dead unborn infant caused by
679 spontaneous abortion; or

680 (iii) Remove an ectopic pregnancy.

681 (b) "Bodily remains" means the physical remains, corpse
682 or body parts of a dead unborn infant who has been expelled or
683 extracted from his or her mother and who has reached a stage of
684 development so that there are cartilaginous structures and/or
685 fetal or skeletal parts, whether or not the remains have been
686 obtained by induced, spontaneous, or accidental means. The death
687 is indicated by the fact that, after such expulsion or extraction,
688 the unborn infant does not breathe or show any other evidence of
689 life such as beating of the heart, pulsation of the umbilical
690 cord, or definite movement of voluntary muscles.

691 (c) "Infant" means a human being who has been
692 completely expelled or extracted from his or her mother,
693 regardless of the state of gestational development, that, after



694 expulsion or extraction, whether or not the umbilical cord has
695 been cut or the placenta is attached, and regardless of whether
696 the expulsion or extraction occurs as a result of natural or
697 induced labor, cesarean section, or induced abortion, shows any
698 evidence of life, including, but not limited to, one or more of
699 the following:

- 700 (i) Breathing;
- 701 (ii) A heartbeat;
- 702 (iii) Umbilical cord pulsation; or
- 703 (iv) Definite movement of voluntary muscles.

704 (d) "Experiment" or "experimentation" means the use of
705 bodily remains in any trial, test, procedure, or observation
706 carried out with the goal of verifying, refuting, or establishing
707 the validity of a hypothesis, but does not include diagnostic or
708 remedial tests, procedures, or observations which have the purpose
709 of determining the life or health of the unborn infant or
710 preserving the life or health of the infant, unborn infant, or the
711 infant's mother or pathological study.

712 (e) "Fetal death" means death prior to expulsion or
713 extraction from his or her mother of an unborn infant who has
714 reached a stage of development so that there are cartilaginous
715 structures and/or fetal or skeletal parts. The death is indicated
716 by the fact that, after such expulsion or extraction, the unborn
717 infant does not breathe or show any other evidence of life such as



718 beating of the heart, pulsation of the umbilical cord, or definite
719 movement of voluntary muscles.

720 (f) "Final disposition" means the burial, cremation or
721 other legal disposition of a dead unborn infant.

722 (g) "Miscarriage" means the spontaneous or accidental
723 death of an unborn infant before he or she is able to survive
724 independently that does not result in the birth of a live infant.
725 The death is indicated by the fact that, after the expulsion of
726 the unborn infant, he or she does not breathe or show any other
727 evidence of life such as beating of the heart, pulsation of the
728 umbilical cord, or definite movement of voluntary muscles.

729 (h) "Physician" means any person licensed to practice
730 medicine in this state. The term includes medical doctors and
731 doctors of osteopathy.

732 (i) "Pregnant" or "pregnancy" means that female
733 reproductive condition of having an unborn infant in the mother's
734 uterus.

735 (j) "Stillbirth" means the birth of a human being that
736 has died in the uterus. The death is indicated by the fact that,
737 after the expulsion of the unborn infant, he or she does not
738 breathe or show any other evidence of life such as beating of the
739 heart, pulsation of the umbilical cord, or definite movement of
740 voluntary muscles.

741 (k) "Therapeutic" means intended to treat or cure a
742 disease or disorder by remedial agents or methods.



743 (1) "Unborn infant" means the offspring of human beings
744 from conception until birth.

745 **SECTION 8. Release of dead unborn infant to mother for final**
746 **disposition.** In every instance of fetal death, irrespective of
747 the duration of pregnancy, the individual in charge of the
748 institution where the bodily remains were expelled or extracted,
749 upon request of the mother, shall release to the mother or the
750 mother's authorized representative the bodily remains for final
751 disposition in accordance with applicable law. Such request may
752 be made by the mother or her authorized representative prior to or
753 shortly after the expulsion or extraction of the bodily remains.

754 **SECTION 9. Authorization for final disposition of dead**
755 **unborn infant.** (1) In every instance of fetal death,
756 irrespective of the duration of pregnancy, where a mother does not
757 request the release of her dead unborn infant, the funeral
758 director or other person assuming responsibility for the final
759 disposition of the bodily remains shall obtain from the mother or
760 her authorized representative a written authorization for final
761 disposition on a form prescribed and furnished or approved by the
762 State Department of Health. The authorization may allow final
763 disposition to be by a funeral director or the individual in
764 charge of the institution where the bodily remains were expelled
765 or extracted.

766 (2) The mother or her authorized representative may direct
767 the final disposition of the bodily remains to be burial or



768 cremation. After final disposition, the funeral director, the
769 individual in charge of the institution, or other person making
770 the final disposition shall retain the authorization for not less
771 than seven (7) years.

772 (3) Irrespective of the duration of pregnancy, the
773 individual in charge of the institution where the bodily remains
774 were expelled or extracted must ensure that the final disposition
775 of the bodily remains is by burial or cremation.

776 (4) If final disposition of the bodily remains is by
777 cremation, the medical examiner of the county in which fetal death
778 occurred shall sign the authorization for final disposition.

779 (5) If final disposition of the bodily remains is cremation
780 by the institution where the bodily remains were expelled or
781 extracted, the bodily remains must be cremated separately from any
782 medical waste.

783 (6) Bodily remains may be moved from the place of death to
784 be prepared for final disposition with the consent of the
785 physician or county medical examiner who certifies the cause of
786 death.

787 (7) A permit for final disposition issued under the laws of
788 another state that accompanies bodily remains brought into
789 Mississippi is authorization for final disposition of the bodily
790 remains in this state.

791 **SECTION 10. Fetal death certificates.** (1) A fetal death
792 certificate for each fetal death which occurs in this state shall



793 be filed with the Registrar of Vital Statistics in the State
794 Department of Health within three (3) days after such delivery,
795 miscarriage or abortion.

796 (2) The funeral director or person assuming responsibility
797 for the final disposition of the bodily remains shall file the
798 fetal death certificate. In the absence of such a person, the
799 physician in attendance at or after the expulsion or extraction of
800 the bodily remains shall file the certificate of fetal death. The
801 physician shall obtain the personal data from the next of kin or
802 the best qualified person or source available, complete the
803 certificate as to personal data, and deliver the certificate to
804 the person responsible for completing the medical certification of
805 the cause of death within twenty-four (24) hours after the
806 expulsion or extraction of bodily remains.

807 (3) The medical certification shall be completed and signed
808 within forty-eight (48) hours after delivery by the physician in
809 attendance at or after the expulsion or extraction, except when
810 inquiry into the cause of death is required by law.

811 **SECTION 11. Prohibitions on buying, selling and**
812 **experimentation on unborn infants or bodily remains resulting from**
813 **abortion.** (1) No person shall knowingly sell, transfer,
814 distribute, give away, accept, use, or attempt to use an infant,
815 unborn infant, or bodily remains resulting from an abortion in
816 violation of this section.



817 (2) No person shall aid or abet any such sale, transfer,
818 distribution, other unlawful disposition, acceptance, use, or
819 attempted use of an infant, unborn infant, or bodily remains
820 resulting from an abortion in violation of this section.

821 (3) No person shall use an infant, unborn infant, or bodily
822 remains resulting from an abortion in animal or human research,
823 experimentation, or study, or for transplantation, except:

824 (a) For diagnostic or remedial procedures which have
825 the purpose of determining the life or health of the infant,
826 unborn infant, or the infant's mother or preserving the life or
827 health of the infant, unborn infant, or the infant's mother; or

828 (b) For pathological study.

829 (4) No person shall experiment upon an unborn infant who is
830 intended to be aborted unless the experimentation is therapeutic
831 to the unborn infant.

832 (5) No person shall perform or offer to perform an abortion
833 where part or all of the justification or reason for the abortion
834 is that the bodily remains may be used for animal or human
835 research, experimentation, or transplantation.

836 **SECTION 12. Criminal penalties.** (1) An individual in
837 charge of an institution where bodily remains were expelled or
838 extracted who violates Section 8 of this act shall be guilty of a
839 felony punishable upon conviction by imprisonment for not less
840 than one (1) year and/or a fine not exceeding Ten Thousand Dollars
841 (\$10,000.00) for each violation.



842 (2) The person assuming responsibility for the final
843 disposition of bodily remains or an individual in charge of an
844 institution where bodily remains were expelled or extracted who
845 violates Section 9 of this act shall be guilty of a felony
846 punishable upon conviction by imprisonment for not less than one
847 (1) year and/or a fine not exceeding Ten Thousand Dollars
848 (\$10,000.00) for each violation.

849 (3) Any person who knowingly sells, transfers, distributes,
850 gives away, accepts, uses, or attempts to use an infant, unborn
851 infant, or bodily remains resulting from an abortion in violation
852 of this section or who aids or abets any such sale, transfer,
853 distribution, other unlawful disposition, acceptance, use, or
854 attempted use of an infant, unborn infant, or bodily remains
855 resulting from an abortion in violation of this section shall be
856 guilty of a felony punishable upon conviction by imprisonment for
857 not less than one (1) year and/or a fine not exceeding Ten
858 Thousand Dollars (\$10,000.00) for each violation.

859 (4) Any person who experiments upon an infant, unborn
860 infant, or bodily remains resulting from an abortion; experiments
861 upon an unborn infant who is intended to be aborted; or performs
862 or offers to perform an abortion where part or all of the
863 justification or reason for the abortion is that the bodily
864 remains may be used for animal or human research, experimentation,
865 study, or transplantation, in violation of this section, shall be
866 guilty of a felony punishable upon conviction by imprisonment for



867 not less than one (1) year and/or a fine not exceeding Ten
868 Thousand Dollars (\$10,000.00) for each violation.

869 **SECTION 13. Civil and administrative action.** In addition to
870 whatever remedies are available under the statutory law of this
871 state, failure to comply with the requirements of this act shall:

872 (a) Provide a basis for recovery for the parent(s) of
873 the infant or unborn infant or the parent(s) or guardian(s) of the
874 mother, if the mother is a minor, for the unlawful disposition of
875 or experimentation upon an infant, unborn infant, or bodily
876 remains. Such relief shall include:

877 (i) Money damages for all psychological injuries
878 occasioned by the violation(s) of this act; and

879 (ii) Statutory damages equal to two (2) times the
880 cost of the mother's delivery or abortion.

881 (b) Provide a basis for professional disciplinary
882 action for the suspension or revocation of any license for
883 physicians, registered nurses and licensed practical nurses.

884 (c) A conviction of a physician, registered nurse or
885 licensed practical nurse for any failure to comply with the
886 requirements of this act shall result in the automatic suspension
887 of his or her license for a period of at least one (1) year and
888 said license shall be reinstated after that time only under such
889 conditions as the appropriate state regulatory or licensing bodies
890 shall require to ensure compliance with this act.



891 **SECTION 14. Construction.** (1) Nothing in this act shall be
892 construed to affect existing federal or state law regarding
893 abortion.

894 (2) Nothing in this act shall be construed as creating or
895 recognizing a right to abortion.

896 (3) Nothing in this act shall be construed to alter
897 generally accepted medical standards.

898 **SECTION 15.** Section 73-11-58, Mississippi Code of 1972, is
899 amended as follows:

900 73-11-58. (1) If a decedent has left no written
901 authorization for the cremation and/or disposition of the
902 decedent's body as permitted by law, any of the following persons,
903 in the order of priority listed below, may authorize any lawful
904 manner of disposition of the decedent's body by completion of a
905 written instrument:

906 (a) The person designated by the decedent as authorized
907 to direct disposition pursuant to Public Law No. 109-163, Section
908 564, as listed on the decedent's United States Department of
909 Defense Record of Emergency Data, DD Form 93, or its successor
910 form, if the decedent died during military service, as provided in
911 10 USC Section 1481(a)(1) through (8), in any branch of the United
912 States Armed Forces, United States Reserve Forces or National
913 Guard.

914 (b) The surviving spouse.



915 (c) A surviving child who is at least eighteen (18)
916 years of age.

917 (d) A grandchild who is at least eighteen (18) years of
918 age.

919 (e) Either surviving parent.

920 (f) A surviving sibling who is at least eighteen (18)
921 years of age.

922 (g) A person acting as a representative of the decedent
923 under a signed authorization of the decedent.

924 (h) The guardian of the person of the decedent at the
925 time of the decedent's death, if a guardian has been appointed.

926 (i) A person in the class of the next degree of
927 kinship, in descending order, who, under state law, would inherit
928 the decedent's estate if the decedent died intestate and who is at
929 least eighteen (18) years of age.

930 (j) A person who has exhibited special care and concern
931 for the decedent and is willing and able to make decisions about
932 the cremation and disposition.

933 (k) In the case of individuals who have donated their
934 bodies to science or whose death occurred in a nursing home or
935 private institution and in which the institution is charged with
936 making arrangements for the final disposition of the decedent, a
937 representative of the institution may serve as the authorizing
938 agent in the absence of any of the above.



939 (1) In the absence of any of the above, any person
940 willing to assume responsibility for the cremation and disposition
941 of the decedent.

942 (m) In the case of indigents or any other individuals
943 whose final disposition is the responsibility of the state or any
944 of its instrumentalities, a public administrator, medical
945 examiner, coroner, state-appointed guardian, or any other public
946 official charged with arranging the final disposition of the
947 decedent may serve as the authorizing agent.

948 (2) No funeral establishment shall accept a dead human body
949 or bodily remains resulting from an abortion from any public
950 officer or employee or from the official of any institution,
951 hospital or nursing home, or from a physician or * * * other
952 person * * *, without having first made due inquiry as to the
953 desires of the persons who have the legal authority to direct the
954 disposition of the decedent's body or the bodily remains resulting
955 from an abortion. If any persons are found, their authority and
956 directions shall govern the disposal of the remains of the
957 decedent. Any funeral establishment receiving the remains in
958 violation of this subsection shall make no charge for any service
959 in connection with the remains before delivery of the remains as
960 stipulated by the persons having legal authority to direct the
961 disposition of the body or other remains. This section shall not
962 prevent any funeral establishment from charging and being
963 reimbursed for services rendered in connection with the removal of



964 the remains of any deceased person in case of accidental or
965 violent death and rendering necessary professional services
966 required until the persons having legal authority to direct the
967 disposition of the body have been notified.

968 (3) A person who does not exercise his or her right to
969 dispose of the decedent's body under subsection (1) of this
970 section within five (5) days of notification or ten (10) days from
971 the date of the death, whichever is earlier, shall be deemed to
972 have waived his or her right to authorize disposition of the
973 decedent's body or contest disposition in accordance with this
974 section. If, during the aforesaid time period, the funeral
975 director, funeral service practitioner and/or funeral
976 establishment has been provided contrary written consent from
977 members of the same class with the highest priority as to the
978 disposition of the decedent's body, the licensed funeral director
979 or service practitioner or funeral establishment shall act in
980 accordance with the directive of the greatest number of consents
981 received from members of the class. If that number is equal, the
982 funeral director or funeral service practitioner and/or the
983 funeral establishment shall act in accordance with the earlier
984 consent unless the person(s) providing the later consent is
985 granted an order from a court of competent jurisdiction in which
986 the funeral establishment is located.

987 (4) If no consent for the embalming, cremation or other
988 disposition of a dead human body from any of the relatives or



989 interested persons or institutions listed above in subsection (1)
990 is received within ten (10) days of the decedent's death, the
991 coroner for, or other person designated by, the county in which
992 the funeral establishment is located is authorized to sign the
993 consent authorizing the disposition of the decedent's remains.

994 (5) If none of the parties listed above in subsection (1) is
995 financially capable of providing for the cremation, embalming or
996 disposition of a dead human body, the coroner for, or other person
997 designated by, the county in which the funeral establishment is
998 located is authorized to sign the consent authorizing the
999 disposition of the decedent's remains.

1000 (6) The licensed funeral director, funeral service
1001 practitioner or funeral establishment shall have authority to
1002 control the disposition of the remains of a decedent and proceed
1003 to recover the costs for the disposition when: (a) none of the
1004 persons or parties described above in subsection (1)(a) through
1005 (l) assume responsibility for the disposition of the remains, and
1006 (b) the coroner or other public official designated in subsection
1007 (1)(m) fails to assume responsibility for disposition of the
1008 remains within seven (7) days after having been given written
1009 notice of the facts. Written notice may be made by personal
1010 delivery, United States mail, facsimile or transmission. The
1011 method of disposition must be in the least costly and most
1012 environmentally sound manner that complies with law, and that does
1013 not conflict with known wishes of the decedent.



1014 (7) A funeral director, funeral service and/or funeral
1015 establishment licensee acting in accordance with this section, or
1016 attempting in good faith to act in accordance with this section,
1017 shall not be subject to criminal prosecution or civil liability
1018 for carrying out the otherwise lawful instructions of the person
1019 or persons described in this section.

1020 (8) The liability for the reasonable cost of the final
1021 disposition of the remains of the decedent devolves upon the
1022 individual or entity authorizing the disposition and/or upon the
1023 estate of the decedent and, in cases when the county board of
1024 supervisors has the right to control the disposition of the
1025 remains under this section, upon the county in which the death
1026 occurred.

1027 **SECTION 16.** Section 73-15-29, Mississippi Code of 1972, is
1028 amended as follows:

1029 73-15-29. (1) The board shall have power to revoke, suspend
1030 or refuse to renew any license issued by the board, or to revoke
1031 or suspend any privilege to practice, or to deny an application
1032 for a license, or to fine, place on probation and/or discipline a
1033 licensee, in any manner specified in this article, upon proof that
1034 such person:

1035 (a) Has committed fraud or deceit in securing or
1036 attempting to secure such license;

1037 (b) Has been convicted of a felony, or a crime
1038 involving moral turpitude or has had accepted by a court a plea of



1039 nolo contendere to a felony or a crime involving moral turpitude
1040 (a certified copy of the judgment of the court of competent
1041 jurisdiction of such conviction or pleas shall be prima facie
1042 evidence of such conviction);

1043 (c) Has negligently or willfully acted in a manner
1044 inconsistent with the health or safety of the persons under the
1045 licensee's care;

1046 (d) Has had a license or privilege to practice as a
1047 registered nurse or a licensed practical nurse suspended or
1048 revoked in any jurisdiction, has voluntarily surrendered such
1049 license or privilege to practice in any jurisdiction, has been
1050 placed on probation as a registered nurse or licensed practical
1051 nurse in any jurisdiction or has been placed under a disciplinary
1052 order(s) in any manner as a registered nurse or licensed practical
1053 nurse in any jurisdiction, (a certified copy of the order of
1054 suspension, revocation, probation or disciplinary action shall be
1055 prima facie evidence of such action);

1056 (e) Has negligently or willfully practiced nursing in a
1057 manner that fails to meet generally accepted standards of such
1058 nursing practice;

1059 (f) Has negligently or willfully violated any order,
1060 rule or regulation of the board pertaining to nursing practice or
1061 licensure;



1062 (g) Has falsified or in a repeatedly negligent manner
1063 made incorrect entries or failed to make essential entries on
1064 records;

1065 (h) Is addicted to or dependent on alcohol or other
1066 habit-forming drugs or is a habitual user of narcotics,
1067 barbiturates, amphetamines, hallucinogens, or other drugs having
1068 similar effect, or has misappropriated any medication;

1069 (i) Has a physical, mental or emotional condition that
1070 renders the licensee unable to perform nursing services or duties
1071 with reasonable skill and safety;

1072 (j) Has engaged in any other conduct, whether of the
1073 same or of a different character from that specified in this
1074 article, that would constitute a crime as defined in Title 97 of
1075 the Mississippi Code of 1972, as now or hereafter amended, and
1076 that relates to such person's employment as a registered nurse or
1077 licensed practical nurse;

1078 (k) Engages in conduct likely to deceive, defraud or
1079 harm the public;

1080 (l) Engages in any unprofessional conduct as identified
1081 by the board in its rules;

1082 (m) Has violated any provision of this article; * * *

1083 (n) Has violated any provision of Sections 5 through 14
1084 of this act; or

1085 (* * * o) * * * Has violated the provisions of Sections
1086 41-121-1 through 41-121-9 relating to deceptive advertisement by



1087 health care practitioners. This paragraph (o) shall stand
1088 repealed on July 1, 2020.

1089 (2) When the board finds any person unqualified because of
1090 any of the grounds set forth in subsection (1) of this section, it
1091 may enter an order imposing one or more of the following
1092 penalties:

1093 (a) Denying application for a license or other
1094 authorization to practice nursing or practical nursing;

1095 (b) Administering a reprimand;

1096 (c) Suspending or restricting the license or other
1097 authorization to practice as a registered nurse or licensed
1098 practical nurse for up to two (2) years without review;

1099 (d) Revoking the license or other authorization to
1100 practice nursing or practical nursing;

1101 (e) Requiring the discipline to submit to care,
1102 counseling or treatment by persons and/or agencies approved or
1103 designated by the board as a condition for initial, continued or
1104 renewed licensure or other authorization to practice nursing or
1105 practical nursing;

1106 (f) Requiring the discipline to participate in a
1107 program of education prescribed by the board as a condition for
1108 initial, continued or renewed licensure or other authorization to
1109 practice;



1110 (g) Requiring the disciplinee to practice under the
1111 supervision of a registered nurse for a specified period of time;
1112 or

1113 (h) Imposing a fine not to exceed Five Hundred Dollars
1114 (\$500.00).

1115 (3) In addition to the grounds specified in subsection (1)
1116 of this section, the board shall be authorized to suspend the
1117 license or privilege to practice of any licensee for being out of
1118 compliance with an order for support, as defined in Section
1119 93-11-153. The procedure for suspension of a license or privilege
1120 to practice for being out of compliance with an order for support,
1121 and the procedure for the reissuance or reinstatement of a license
1122 or privilege to practice suspended for that purpose, and the
1123 payment of any fees for the reissuance or reinstatement of a
1124 license or privilege to practice suspended for that purpose, shall
1125 be governed by Section 93-11-157 or 93-11-163, as the case may be.
1126 If there is any conflict between any provision of Section
1127 93-11-157 or 93-11-163 and any provision of this article, the
1128 provisions of Section 93-11-157 or 93-11-163, as the case may be,
1129 shall control.

1130 (4) If the public health, safety or welfare imperatively
1131 requires emergency action and the board incorporates a finding to
1132 that effect in an order, the board may order summary suspension of
1133 a license pending proceedings for revocation or other action.



1134 These proceedings shall be promptly instituted and determined by
1135 the board.

1136 **SECTION 17.** Section 73-25-29, Mississippi Code of 1972, is
1137 amended as follows:

1138 73-25-29. The grounds for the nonissuance, suspension,
1139 revocation or restriction of a license or the denial of
1140 reinstatement or renewal of a license are:

1141 (1) Habitual personal use of narcotic drugs, or any
1142 other drug having addiction-forming or addiction-sustaining
1143 liability.

1144 (2) Habitual use of intoxicating liquors, or any
1145 beverage, to an extent which affects professional competency.

1146 (3) Administering, dispensing or prescribing any
1147 narcotic drug, or any other drug having addiction-forming or
1148 addiction-sustaining liability otherwise than in the course of
1149 legitimate professional practice.

1150 (4) Conviction of violation of any federal or state law
1151 regulating the possession, distribution or use of any narcotic
1152 drug or any drug considered a controlled substance under state or
1153 federal law, a certified copy of the conviction order or judgment
1154 rendered by the trial court being prima facie evidence thereof,
1155 notwithstanding the pendency of any appeal.

1156 (5) Procuring, or attempting to procure, or aiding in,
1157 an abortion that is not medically indicated.



1158 (6) Conviction of a felony or misdemeanor involving
1159 moral turpitude, a certified copy of the conviction order or
1160 judgment rendered by the trial court being prima facie evidence
1161 thereof, notwithstanding the pendency of any appeal.

1162 (7) Obtaining or attempting to obtain a license by
1163 fraud or deception.

1164 (8) Unprofessional conduct, which includes, but is not
1165 limited to:

1166 (a) Practicing medicine under a false or assumed
1167 name or impersonating another practitioner, living or dead.

1168 (b) Knowingly performing any act which in any way
1169 assists an unlicensed person to practice medicine.

1170 (c) Making or willfully causing to be made any
1171 flamboyant claims concerning the licensee's professional
1172 excellence.

1173 (d) Being guilty of any dishonorable or unethical
1174 conduct likely to deceive, defraud or harm the public.

1175 (e) Obtaining a fee as personal compensation or
1176 gain from a person on fraudulent representation of a disease or
1177 injury condition generally considered incurable by competent
1178 medical authority in the light of current scientific knowledge and
1179 practice can be cured or offering, undertaking, attempting or
1180 agreeing to cure or treat the same by a secret method, which he
1181 refuses to divulge to the board upon request.



1182 (f) Use of any false, fraudulent or forged
1183 statement or document, or the use of any fraudulent, deceitful,
1184 dishonest or immoral practice in connection with any of the
1185 licensing requirements, including the signing in his professional
1186 capacity any certificate that is known to be false at the time he
1187 makes or signs such certificate.

1188 (g) Failing to identify a physician's school of
1189 practice in all professional uses of his name by use of his earned
1190 degree or a description of his school of practice.

1191 (9) The refusal of a licensing authority of another
1192 state or jurisdiction to issue or renew a license, permit or
1193 certificate to practice medicine in that jurisdiction or the
1194 revocation, suspension or other restriction imposed on a license,
1195 permit or certificate issued by such licensing authority which
1196 prevents or restricts practice in that jurisdiction, a certified
1197 copy of the disciplinary order or action taken by the other state
1198 or jurisdiction being prima facie evidence thereof,
1199 notwithstanding the pendency of any appeal.

1200 (10) Surrender of a license or authorization to
1201 practice medicine in another state or jurisdiction or surrender of
1202 membership on any medical staff or in any medical or professional
1203 association or society while under disciplinary investigation by
1204 any of those authorities or bodies for acts or conduct similar to
1205 acts or conduct which would constitute grounds for action as
1206 defined in this section.



1207 (11) Final sanctions imposed by the United States
1208 Department of Health and Human Services, Office of Inspector
1209 General or any successor federal agency or office, based upon a
1210 finding of incompetency, gross misconduct or failure to meet
1211 professionally recognized standards of health care; a certified
1212 copy of the notice of final sanction being prima facie evidence
1213 thereof. As used in this paragraph, the term "final sanction"
1214 means the written notice to a physician from the United States
1215 Department of Health and Human Services, Officer of Inspector
1216 General or any successor federal agency or office, which
1217 implements the exclusion.

1218 (12) Failure to furnish the board, its investigators or
1219 representatives information legally requested by the board.

1220 (13) Violation of any provision(s) of the Medical
1221 Practice Act or the rules and regulations of the board or of any
1222 order, stipulation or agreement with the board.

1223 (14) Violation(s) of the provisions of Sections
1224 41-121-1 through 41-121-9 relating to deceptive advertisement by
1225 health care practitioners.

1226 (15) Performing or inducing an abortion on a woman in
1227 violation of any provision of Sections 41-41-131 through
1228 41-41-145.

1229 (16) Violation of any provision of Section 5 through 14
1230 of this act.



1231 In addition to the grounds specified above, the board shall
1232 be authorized to suspend the license of any licensee for being out
1233 of compliance with an order for support, as defined in Section
1234 93-11-153. The procedure for suspension of a license for being
1235 out of compliance with an order for support, and the procedure for
1236 the reissuance or reinstatement of a license suspended for that
1237 purpose, and the payment of any fees for the reissuance or
1238 reinstatement of a license suspended for that purpose, shall be
1239 governed by Section 93-11-157 or 93-11-163, as the case may be.
1240 If there is any conflict between any provision of Section
1241 93-11-157 or 93-11-163 and any provision of this chapter, the
1242 provisions of Section 93-11-157 or 93-11-163, as the case may be,
1243 shall control.

1244 **SECTION 18.** Section 41-39-1, Mississippi Code of 1972, is
1245 brought forward as follows:

1246 41-39-1. Any physician removing or otherwise acquiring any
1247 tissue of the human body may, in his discretion, after making or
1248 causing to be made such scientific examination of the same as he
1249 may deem appropriate or as may be required by law, custom or rules
1250 and regulations of the hospital or other institution in which the
1251 tissue may have been removed or acquired, authorize disposition of
1252 the same by incineration, cremation, burial or other sanitary
1253 method approved by the State Board of Health, unless he shall have
1254 been furnished prior to removal or acquisition of the tissue, or
1255 at any time prior to its disposal, a written request that the same



1256 be delivered to the patient or someone in his behalf or, if death
1257 has occurred, to the person claiming the dead body for burial or
1258 cremation. No such tissue shall be delivered, however, except as
1259 may be permitted by rules and regulations of the State Board of
1260 Health. Any hospital or other institution acquiring possession of
1261 any such tissue, and not having written instructions to the
1262 contrary from the attending physician, the patient or the person
1263 claiming a dead body for burial or cremation, or someone in their
1264 behalf, may immediately dispose of the same as hereinabove
1265 provided.

1266 However, no external member of the human body may be so
1267 disposed of within forty-eight (48) hours of its removal or
1268 acquisition unless consent thereto be obtained in writing from the
1269 patient or the person authorizing the medical or surgical
1270 treatment of the patient, and no dead foetus shall be so disposed
1271 of within the same period of time unless consent thereto be
1272 obtained in writing from the mother of the dead foetus or her
1273 spouse. For the purposes of this section, an external member of
1274 the human body is defined as an arm or one or more joints thereof,
1275 a hand, a finger or one or more joints thereof, a leg or one or
1276 more joints thereof, a foot, a toe or one or more joints thereof,
1277 an ear or the greater part thereof, or the nose or the greater
1278 part thereof. For the purposes of this section and the succeeding
1279 section, a dead foetus is defined as a product of human
1280 conception, exclusive of its placenta or connective tissue, which



1281 has suffered death prior to its complete expulsion or extraction
1282 from the mother, as established by the fact that after such
1283 expulsion or extraction the foetus does not breathe or show any
1284 other evidence of life such as beating of the heart, pulsation of
1285 the umbilical cord, or definite movement of voluntary muscles.

1286 **SECTION 19.** Section 41-39-3, Mississippi Code of 1972, is
1287 brought forward as follows:

1288 41-39-3. The State Board of Health may provide by rules and
1289 regulations for the disposition of any dead foetus acquired by any
1290 hospital or by any midwife or person acting as a midwife, such
1291 disposition to be in a manner consistent with the provisions of
1292 Section 41-39-1 except that the waiting period for such
1293 disposition may be waived.

1294 **SECTION 20.** Section 41-39-5, Mississippi Code of 1972, is
1295 brought forward as follows:

1296 41-39-5. Any physician, hospital, funeral director,
1297 embalmer, coroner or other person acquiring possession of a dead
1298 human body or portion thereof which is not claimed for burial or
1299 cremation within forty-eight (48) hours of its acquisition shall
1300 give written notice thereof to the board of supervisors, or a
1301 member thereof, of the county in which the dead body or portion
1302 thereof is located, furnishing such identification of the decedent
1303 as may be available. The board of supervisors or the coroner
1304 shall make reasonable efforts to notify members of the decedent's
1305 family or other known interested persons, and, if the dead body or



1306 portion thereof shall not be claimed for burial or cremation by
1307 any interested person within five (5) days of the aforementioned
1308 written notice, the board of supervisors or coroner shall, as soon
1309 as it may think appropriate, authorize and direct the burial or
1310 cremation and burial of the residue of such dead body or portion
1311 thereof. In its discretion and where otherwise permitted to do so
1312 by law, the board of supervisors may direct the disposition of the
1313 dead body or portion thereof as provided by Section 41-39-7. The
1314 reasonable expense of such burial or cremation and burial of the
1315 residue of a dead body shall be borne by the estate of the
1316 decedent or of any person liable at law for the necessities of the
1317 decedent during his lifetime or, if they are unable to pay the
1318 same, by the county of residence or settlement of the decedent, if
1319 known, and, if not known, by the county in which the dead body or
1320 portion thereof is located.

1321 If the person having possession of such dead human body or
1322 portion thereof shall have no available means of preserving the
1323 same and shall so notify the board of supervisors, or a member
1324 thereof, of the county in which the dead body or portion thereof
1325 is located, it shall be the duty of the board of supervisors to
1326 make arrangements for the preservation of the same until burial or
1327 cremation and burial of the residue of the dead body as
1328 hereinabove provided, and the expense of such preservation shall
1329 be borne as hereinabove provided with respect to the expense of
1330 burial or cremation.



1331 No county funds may be expended in excess of the amount
1332 budgeted for the purposes of this section without the prior
1333 approval of the board of supervisors of the county.

1334 **SECTION 21.** Section 41-39-7, Mississippi Code of 1972, is
1335 brought forward as follows:

1336 41-39-7. Upon the request of the Secretary of the State
1337 Board of Health, the authorities in charge of the hospitals
1338 supported either wholly or partly by state funds are authorized
1339 and directed to deliver any body of any person, except the bodies
1340 of persons with mental illness and persons with an intellectual
1341 disability, dying in any of those hospitals to the duly authorized
1342 representatives of the state university or any medical college or
1343 any accredited mortuary science program in any junior college in
1344 this state, giving the state university preference in the event
1345 there is an insufficiency in dissecting material for the use of
1346 all hospitals for anatomical purposes. This applies to the
1347 remains of any person, except persons with mental illness and
1348 persons with an intellectual disability, who dies in any of those
1349 hospitals, when the body is not, within a reasonable time after
1350 death, claimed for burial by some fraternal order, or by some
1351 person related to the deceased by blood or marriage, or by some
1352 friend. The State Board of Health shall have authority to adopt
1353 regulations for the proper burial of those persons with mental
1354 illness and persons with an intellectual disability. However, the
1355 human remains of any unknown person who is a traveler dying



1356 suddenly shall not be so delivered or used for anatomical
1357 purposes. Any human remains, so delivered, shall be properly and
1358 decently removed from the hospital, at the expense of the party to
1359 whom the same may be delivered, and shall be transported under
1360 such regulations as the State Board of Health may prescribe, and
1361 after use for strictly necessary medical study, in the medical
1362 department of the university, or in any medical college, or in any
1363 accredited mortuary science program in any junior college in this
1364 state, as the case may be, the body shall be decently interred or
1365 may be cremated and the residue interred at the expense of the
1366 party using the same. The State Board of Health shall have
1367 authority to regulate and restrict the use of dead bodies used for
1368 the above purposes. The authorities of the hospitals, the
1369 Secretary of the State Board of Health, and the authorities of the
1370 university, any medical college and any accredited mortuary
1371 science program in any junior college in this state, shall each
1372 cause a record to be kept of each body used and disposed of, under
1373 the provisions of this section, and such records shall be subject
1374 to inspection of any member of the State Board of Health at any
1375 time.

1376 **SECTION 22.** Section 41-57-31, Mississippi Code of 1972, is
1377 amended as follows:

1378 41-57-31. (1) As used in this section, the following terms
1379 shall be defined as provided in this section, unless the context
1380 otherwise requires:



1381 (a) "Certificate of birth resulting in stillbirth"
1382 means a birth certificate issued to record and memorialize the
1383 birth of a stillborn child.

1384 (b) "Stillbirth" or "stillborn" means an unintended,
1385 intrauterine fetal death occurring in this state after a
1386 gestational age of not less than twenty (20) completed weeks.

1387 (c) "Certificate of fetal death" means a death
1388 certificate issued to record and memorialize the death of a fetus.

1389 (d) "Fetal death" has the meaning ascribed in Section 7
1390 of this act.

1391 (2) For any stillborn child in this state, the Bureau of
1392 Vital Statistics shall issue a certificate of birth resulting in
1393 stillbirth upon the request of a parent named on the death
1394 certificate, within sixty (60) days of the date of the request. A
1395 parent may request the Bureau of Vital Statistics to issue a
1396 certificate of birth resulting in stillbirth without regard to
1397 whether the death occurred on, before, or after July 1, 2007, and
1398 without regard to the date on which the death certificate was
1399 issued.

1400 (3) The person who is required to file a death certificate
1401 under this chapter shall advise the parent or parents of a
1402 stillborn child:

1403 (a) That a parent may, but is not required to, request
1404 the preparation of a certificate of birth resulting in stillbirth;



1405 (b) That a parent may obtain a certificate of birth
1406 resulting in stillbirth by contacting the Bureau of Vital
1407 Statistics to request the certificate and paying the required fee;
1408 and

1409 (c) How a parent may contact the Bureau of Vital
1410 Statistics to request a certificate of birth resulting in
1411 stillbirth.

1412 (4) A parent may provide a name for a stillborn child on the
1413 request for a certificate of birth resulting in stillbirth. The
1414 name of the stillborn child provided on or later added by
1415 amendment to the certificate shall be the same name as placed on
1416 the original or amended death certificate. If the requesting
1417 parent does not wish to provide a name, the Bureau of Vital
1418 Statistics shall fill in the certificate with the name "baby boy"
1419 or "baby girl" and the last name of the parent.

1420 (5) Not later than September 1, 2007, the State Department
1421 of Health shall prescribe the form and content of a certificate of
1422 birth resulting in stillbirth and shall specify the information
1423 necessary to prepare the certificate. In addition to any other
1424 information required to be on the certificate, the certificate
1425 shall include:

1426 (a) The date of the stillbirth;

1427 (b) The county in which the stillbirth occurred;

1428 (c) The state file number of the corresponding death
1429 certificate; and



1430 (d) The following statement: "This certificate is not
1431 proof of live birth."

1432 (6) Upon issuance of a certificate of birth resulting in
1433 stillbirth to a parent, the Bureau of Vital Statistics shall file
1434 an exact copy of the certificate with the local registrar of the
1435 registration district in which the stillbirth occurred. The local
1436 registrar shall file the certificate of birth resulting in
1437 stillbirth with the death certificate.

1438 (7) The Bureau of Vital Statistics may not use a certificate
1439 of birth resulting in stillbirth to calculate live birth
1440 statistics.

1441 (8) The Bureau of Vital Statistics shall issue a certificate
1442 of fetal death upon the request of the mother for a fetal death
1443 occurring on or after January 1, 2018.

1444 (* * *9) The State Board of Health may adopt any rules or
1445 regulations necessary to administer this section.

1446 **SECTION 23.** Section 41-61-53, Mississippi Code of 1972, is
1447 amended as follows:

1448 41-61-53. For the purposes of Sections 41-61-51 through
1449 41-61-79, the following definitions shall apply:

1450 (a) "Certification of death" means signing the death
1451 certificate.

1452 (b) "Coroner" means the elected county official
1453 provided for in Sections 19-21-101 through 19-21-107.



1454 (c) "County medical examiner investigator" means a
1455 nonphysician trained and appointed to investigate and certify
1456 deaths affecting the public interest.

1457 (d) "County medical examiner" means a licensed
1458 physician appointed to investigate and certify deaths affecting
1459 the public interest.

1460 (e) "Death affecting the public interest" means any
1461 death of a human being where the circumstances are sudden,
1462 unexpected, violent, suspicious or unattended.

1463 (f) "Medical examiner" means the State Medical
1464 Examiner, county medical examiners and county medical examiner
1465 investigators collectively, unless otherwise specified.

1466 (g) "Pronouncement of death" means the statement of
1467 opinion that life has ceased for an individual.

1468 (h) "State medical examiner" means the board certified
1469 forensic pathologist/physician appointed by the Commissioner of
1470 Public Safety pursuant to Section 41-61-55 to investigate and
1471 certify deaths that affect the public interest.

1472 (i) "Fetal death" has the meaning ascribed in Section 7
1473 of this act.

1474 **SECTION 24.** Section 41-61-59, Mississippi Code of 1972, is
1475 amended as follows:

1476 41-61-59. (1) A person's death that affects the public
1477 interest as specified in subsection (2) of this section shall be
1478 promptly reported to the medical examiner by the physician in



1479 attendance, any hospital employee, any law enforcement officer
1480 having knowledge of the death, the embalmer or other funeral home
1481 employee, any emergency medical technician, any relative or any
1482 other person present. The appropriate medical examiner shall
1483 notify the municipal or state law enforcement agency or sheriff
1484 and take charge of the body. When the medical examiner has
1485 received notification under Section 41-39-15(6) that the deceased
1486 is medically suitable to be an organ and/or tissue donor, the
1487 medical examiner's authority over the body shall be subject to the
1488 provisions of Section 41-39-15(6). The appropriate medical
1489 examiner shall notify the Mississippi Bureau of Narcotics within
1490 twenty-four (24) hours of receipt of the body in cases of death as
1491 described in subsection (2) (m) or (n) of this section.

1492 (2) A death affecting the public interest includes, but is
1493 not limited to, any of the following:

1494 (a) Violent death, including homicidal, suicidal or
1495 accidental death.

1496 (b) Death caused by thermal, chemical, electrical or
1497 radiation injury.

1498 (c) Death caused by criminal abortion, including
1499 self-induced abortion, or abortion related to or by sexual abuse.

1500 (d) Death related to disease thought to be virulent or
1501 contagious that may constitute a public hazard.

1502 (e) Death that has occurred unexpectedly or from an
1503 unexplained cause.



1504 (f) Death of a person confined in a prison, jail or
1505 correctional institution.

1506 (g) Death of a person where a physician was not in
1507 attendance within thirty-six (36) hours preceding death, or in
1508 prediagnosed terminal or bedfast cases, within thirty (30) days
1509 preceding death.

1510 (h) Death of a person where the body is not claimed by
1511 a relative or a friend.

1512 (i) Death of a person where the identity of the
1513 deceased is unknown.

1514 (j) Death of a child under the age of two (2) years
1515 where death results from an unknown cause or where the
1516 circumstances surrounding the death indicate that sudden infant
1517 death syndrome may be the cause of death.

1518 (k) Where a body is brought into this state for
1519 disposal and there is reason to believe either that the death was
1520 not investigated properly or that there is not an adequate
1521 certificate of death.

1522 (l) Where a person is presented to a hospital emergency
1523 room unconscious and/or unresponsive, with cardiopulmonary
1524 resuscitative measures being performed, and dies within
1525 twenty-four (24) hours of admission without regaining
1526 consciousness or responsiveness, unless a physician was in
1527 attendance within thirty-six (36) hours preceding presentation to
1528 the hospital, or in cases in which the decedent had a prediagnosed



1529 terminal or bedfast condition, unless a physician was in
1530 attendance within thirty (30) days preceding presentation to the
1531 hospital.

1532 (m) Death that is caused by drug overdose or which is
1533 believed to be caused by drug overdose.

1534 (n) When a stillborn fetus is delivered and the cause
1535 of the demise is medically believed to be from the use by the
1536 mother of any controlled substance as defined in Section 41-29-105
1537 or any other fetal death as that term is defined in Section 7 of
1538 this act.

1539 (3) The State Medical Examiner is empowered to investigate
1540 deaths, under the authority hereinafter conferred, in any and all
1541 political subdivisions of the state. The county medical examiners
1542 and county medical examiner investigators, while appointed for a
1543 specific county, may serve other counties on a regular basis with
1544 written authorization by the State Medical Examiner, or may serve
1545 other counties on an as-needed basis upon the request of the
1546 ranking officer of the investigating law enforcement agency. If a
1547 death affecting the public interest takes place in a county other
1548 than the one where injuries or other substantial causal factors
1549 leading to the death have occurred, jurisdiction for investigation
1550 of the death may be transferred, by mutual agreement of the
1551 respective medical examiners of the counties involved, to the
1552 county where the injuries or other substantial causal factors
1553 occurred, and the costs of autopsy or other studies necessary to



1554 the further investigation of the death shall be borne by the
1555 county assuming jurisdiction.

1556 (4) The chief county medical examiner or chief county
1557 medical examiner investigator may receive from the county in which
1558 he serves a salary of Nine Hundred Dollars (\$900.00) per month, in
1559 addition to the fees specified in Sections 41-61-69 and 41-61-75,
1560 provided that no county shall pay the chief county medical
1561 examiner or chief county medical examiner investigator less than
1562 One Hundred Dollars (\$100.00) per month as a salary, in addition
1563 to other compensation provided by law. In any county having one
1564 or more deputy medical examiners or deputy medical examiner
1565 investigators, each deputy may receive from the county in which he
1566 serves, in the discretion of the board of supervisors, a salary of
1567 not more than Nine Hundred Dollars (\$900.00) per month, in
1568 addition to the fees specified in Sections 41-61-69 and 41-61-75.
1569 For this salary the chief shall assure twenty-four-hour daily and
1570 readily available death investigators for the county, and shall
1571 maintain copies of all medical examiner death investigations for
1572 the county for at least the previous five (5) years. He shall
1573 coordinate his office and duties and cooperate with the State
1574 Medical Examiner, and the State Medical Examiner shall cooperate
1575 with him.

1576 **SECTION 25.** This act shall take effect and be in force from
1577 and after July 1, 2018.

