

By: Senator(s) Bryan

To: Appropriations

SENATE BILL NO. 2634

1 AN ACT TO AMEND SECTION 41-61-53, MISSISSIPPI CODE OF 1972,
2 TO REVISE DEFINITIONS IN THE MISSISSIPPI MEDICAL EXAMINER ACT OF
3 1986; TO AMEND SECTION 41-61-55, MISSISSIPPI CODE OF 1972, TO
4 CLARIFY THE QUALIFICATIONS OF THE STATE CHIEF MEDICAL EXAMINER; TO
5 AMEND SECTION 41-61-77, MISSISSIPPI CODE OF 1972, TO CLARIFY THE
6 QUALIFICATIONS OF THE STATE DEPUTY CHIEF MEDICAL EXAMINERS; AND
7 FOR RELATED PURPOSES.

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

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

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

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

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

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



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

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

(f) "Medical examiner" means the medical examiner system which is composed of the State Medical Examiner, county medical examiners and county medical examiner investigators collectively, and is a jurisdictional identifier, not a title, unless the context clearly requires otherwise * * *.

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

(h) "State Medical Examiner" means the * * * person appointed by the Commissioner of Public Safety pursuant to Section 41-61-55 to investigate and certify deaths that affect the public interest.

(i) "Autopsy" means a postmortem examination.

(j) "Mass-fatality incident" means a situation in which there are more dead human bodies than can be properly managed by local resources.

(k) "Postmortem examination" means an examination of a dead human body that may include the least invasive to most invasive methods based on the expertise and judgment of the pathologist handling the case.



55 **SECTION 2.** Section 41-61-55, Mississippi Code of 1972, is
56 amended as follows:

57 41-61-55. (1) There is hereby created the position of State
58 Medical Examiner * * * under the supervision of the Commissioner
59 of Public Safety. The State Medical Examiner shall be appointed
60 by the Commissioner of Public Safety subject to the approval of a
61 majority of a panel composed of the following: (a) the Dean of
62 the University of Mississippi Medical Center School of Medicine;
63 (b) the Dean of the University of Mississippi School of Law; and
64 (c) the State Health Officer. The State Medical Examiner may be
65 discharged only for good cause, upon the recommendation of the
66 Commissioner of Public Safety, and by a majority of the same
67 panel.

68 (2) * * * The State Medical Examiner * * * must obtain a
69 license to practice medicine in Mississippi and be certified in
forensic pathology by the American Board of Pathology. The State
Medical Examiner may also be designated as the Chief Medical
Examiner.

70 (3) There is hereby created the State Medical Examiner
71 Advisory Council composed of the State Health Officer or his or
72 her designee, the Dean of the University of Mississippi Medical
73 Center School of Medicine or his or her designee, the Commissioner
74 of Public Safety, the Attorney General or his or her designee, the
75 President of the Mississippi Coroners' Association or his or her
76 designee, the President of the Mississippi Prosecutors Association



or his or her designee, the President of the Mississippi Public Defenders Association or his or her designee, the President of the Mississippi Association of Chiefs of Police or his or her designee, and the President of the Mississippi Sheriff's Association or his or her designee. The council shall be purely advisory and serve as a liaison between the State Medical Examiner and the various entities related to the Medical Examiner Act.

SECTION 3. Section 41-61-77, Mississippi Code of 1972, is amended as follows:

41-61-77. (1) The Department of Public Safety shall establish and maintain a central office for the Mississippi Forensics Laboratory and the State Medical Examiner with appropriate facilities and personnel for postmortem medicolegal examinations. District offices, with appropriate facilities and personnel, may also be established and maintained if considered necessary by the department for the proper management of postmortem examinations.

The facilities of the central and district offices and their staff services may be available to the medical examiners and designated pathologists in their investigations.

(2) In order to provide proper facilities for investigating deaths as authorized in Sections 41-61-51 through 41-61-79, the State Medical Examiner may arrange for the use of existing public or private laboratory facilities. The State Medical Examiner may contract with qualified persons to perform or to provide support



95 services for autopsies, studies and investigations not
96 inconsistent with other applicable laws. Such laboratory
97 facilities may be located at the University of Mississippi Medical
98 Center or any other suitable location. The State Medical Examiner
99 may be an affiliate or regular faculty member of the Department of
100 Pathology at the University of Mississippi Medical Center and may
101 serve as a member of the faculty of other institutions of higher
102 learning. He shall be authorized to employ, with the approval of
103 the Commissioner of Public Safety, such additional scientific,
104 technical, administrative and clerical assistants as are necessary
105 for performance of his duties. Such employees in the office of
106 the State Medical Examiner shall be subject to the rules,
107 regulations and policies of the state personnel system in their
108 employment.

109 (3) The State Medical Examiner shall be authorized to * * *
110 employ qualified pathologists as * * * deputy chief state medical
111 examiners as are necessary to carry out the duties of his office.
112 The * * * deputy chief state medical examiners shall be licensed
113 to practice medicine in Mississippi and, * * * either
114 board-certified in forensic pathology by the American Board of
115 Pathology or be a physician who is eligible to sit for the
116 forensic pathology board examination administered by the American
117 Board of Pathology. The State Medical Examiner may delegate
118 specific duties to competent and qualified medical examiners
119 within the scope of the express authority granted to him by law or



120 regulation. Employees of the Office of the State Medical Examiner
121 shall have the authority to enter any political subdivisions of
122 this state for the purpose of carrying out medical investigations.

123 **SECTION 4.** This act shall take effect and be in force from
124 and after its passage.

