

By: Senator(s) Bryan

To: Appropriations

SENATE BILL NO. 2161
(As Passed the Senate)

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) "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.

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



44 41-61-55. (1) There is hereby created the position of State
45 Medical Examiner * * * under the supervision of the Commissioner
46 of Public Safety. The State Medical Examiner shall be appointed
47 by the Commissioner of Public Safety subject to the approval of a
48 majority of a panel composed of the following: (a) the Dean of
49 the University of Mississippi Medical Center School of Medicine;
50 (b) the Dean of the University of Mississippi School of Law; and
51 (c) the State Health Officer. The State Medical Examiner may be
52 discharged only for good cause, upon the recommendation of the
53 Commissioner of Public Safety, and by a majority of the same
54 panel.

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

60 (3) There is hereby created the State Medical Examiner
61 Advisory Council composed of the State Health Officer or his or
62 her designee, the Dean of the University of Mississippi Medical
63 Center School of Medicine or his or her designee, the Commissioner
64 of Public Safety, the Attorney General or his or her designee, the
65 President of the Mississippi * * * Coroner and Medical Examiners
66 Association or his or her designee, the President of the
67 Mississippi Prosecutors Association or his or her designee, the
68 President of the Mississippi Public Defenders Association or his



69 or her designee, the President of the Mississippi Association of
70 Chiefs of Police or his or her designee, and the President of the
71 Mississippi Sheriffs' Association or his or her designee. The
72 council shall be purely advisory and serve as a liaison between
73 the State Medical Examiner and the various entities related to the
74 Medical Examiner Act.

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

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

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

88 (2) In order to provide proper facilities for investigating
89 deaths as authorized in Sections 41-61-51 through 41-61-79, the
90 State Medical Examiner may arrange for the use of existing public
91 or private laboratory facilities. The State Medical Examiner may
92 contract with qualified persons to perform or to provide support
93 services for autopsies, studies and investigations not



94 inconsistent with other applicable laws. Such laboratory
95 facilities may be located at the University of Mississippi Medical
96 Center or any other suitable location. The State Medical Examiner
97 may be an affiliate or regular faculty member of the Department of
98 Pathology at the University of Mississippi Medical Center and may
99 serve as a member of the faculty of other institutions of higher
100 learning. He shall be authorized to employ, with the approval of
101 the Commissioner of Public Safety, such additional scientific,
102 technical, administrative and clerical assistants as are necessary
103 for performance of his duties. Such employees in the Office of
104 the State Medical Examiner shall be subject to the rules,
105 regulations and policies of the * * * Mississippi State Personnel
106 Board in their employment.

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



119 shall have the authority to enter any political subdivisions of
120 this state for the purpose of carrying out medical investigations.

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

