

By: Representative Bain

To: Judiciary B

HOUSE BILL NO. 553

1 AN ACT TO AMEND SECTION 41-61-65, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE COUNTY CORONERS, WITH THE APPROVAL OF THEIR COUNTY
3 BOARDS OF SUPERVISORS, TO CONTRACT WITH COMPETENT AND QUALIFIED
4 PATHOLOGISTS TO PERFORM AUTOPSIES; TO AMEND SECTION 41-61-77,
5 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; AND
6 FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 41-61-65, Mississippi Code of 1972, is
9 amended as follows:

10 41-61-65. (1) If, in the opinion of the medical examiner
11 investigating the case, it is advisable and in the public interest
12 that an autopsy or other study be made for the purpose of
13 determining the primary and/or contributing cause of death, an
14 autopsy or other study shall be made by the State Medical
15 Examiner, or the State Medical Examiner may choose a competent
16 pathologist who is designated by the State Medical Examiner or the
17 Department of Public Safety as a pathologist qualified to perform
18 postmortem examinations and autopsies to perform the autopsy or
19 study. To be eligible to be designated under this section, a
20 pathologist must be an M.D. or D.O. who is certified in forensic



21 pathology by the American Board of Pathology unless a certified
22 forensic pathologist is not available to perform a postmortem
23 examination or autopsy within a reasonable time. The State
24 Medical Examiner or designated pathologist may retain any tissues
25 as needed for further postmortem studies or documentation. When
26 the medical examiner has received notification under Section
27 41-39-15(6) that the deceased is medically suitable to be an organ
28 and/or tissue donor, the State Medical Examiner or designated
29 pathologist may retain any biopsy or medically approved sample of
30 the organ and/or tissue in accordance with the provisions of
31 Section 41-39-15(6). A complete autopsy report of findings and
32 interpretations, prepared on forms designated for this purpose,
33 shall be submitted promptly to the State Medical Examiner. Copies
34 of the report shall be furnished to the authorizing medical
35 examiner, district attorney and court clerk. A copy of the report
36 shall be furnished to one (1) adult member of the immediate family
37 of the deceased or the legal representative or legal guardian of
38 members of the immediate family of the deceased upon request. In
39 determining the need for an autopsy, the medical examiner may
40 consider the request from the district attorney or county
41 prosecuting attorney, law enforcement or other public officials or
42 private persons. However, if the death occurred in the manner
43 specified in subsection (2)(j) of Section 41-61-59, an autopsy
44 shall be performed by the State Medical Examiner or a designated
45 pathologist who is qualified as required by this subsection, and



the report of findings shall be forwarded promptly to the State Medical Examiner, investigating medical examiner, the State Department of Health, the infant's attending physician and the local sudden infant death syndrome coordinator.

(2) Any medical examiner or duly licensed physician performing authorized investigations and/or autopsies as provided in Sections 41-61-51 through 41-61-79 who, in good faith, complies with the provisions of Sections 41-61-51 through 41-61-79 in the determination of the cause and/or manner of death for the purpose of certification of that death, shall not be liable for damages on account thereof, and shall be immune from any civil liability that might otherwise be incurred or imposed.

(3) Family members or others who disagree with the medical examiner's determination shall be able to petition and present written argument to the State Medical Examiner for further review. If the petitioner still disagrees, he may petition the circuit court, which may, in its discretion, hold a formal hearing. In all those proceedings, the State Medical Examiner and the county medical examiner or county medical examiner investigator who certified the information shall be made defendants. All costs of the petition and hearing shall be borne by the petitioner.

(4) The county medical examiner or medical examiner investigator, with the approval of the board of supervisors of his or her county, may contract with a competent and qualified pathologist who meets the standards described for deputy state



71 medical examiners in subsection (3) of Section 41-61-77 to perform
72 the necessary duties described under this section.

73 **SECTION 2.** Section 41-61-77, Mississippi Code of 1972, is
74 amended as follows:

75 41-61-77. (1) The Department of Public Safety shall
76 establish and maintain a central office for the Mississippi
77 Forensics Laboratory and the State Medical Examiner with
78 appropriate facilities and personnel for postmortem medicolegal
79 examinations. District offices, with appropriate facilities and
80 personnel, may also be established and maintained if considered
81 necessary by the department for the proper management of
82 postmortem examinations.

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

86 (2) In order to provide proper facilities for investigating
87 deaths as authorized in Sections 41-61-51 through 41-61-79, the
88 State Medical Examiner may arrange for the use of existing public
89 or private laboratory facilities. The State Medical Examiner may
90 contract with qualified persons to perform or to provide support
91 services for autopsies, studies and investigations not
92 inconsistent with other applicable laws. Such laboratory
93 facilities may be located at the University of Mississippi Medical
94 Center or any other suitable location. The State Medical Examiner
95 may be an affiliate or regular faculty member of the Department of



Pathology at the University of Mississippi Medical Center and may serve as a member of the faculty of other institutions of higher learning. He shall be authorized to employ, with the approval of the Commissioner of Public Safety, such additional scientific, technical, administrative and clerical assistants as are necessary for performance of his duties. Such employees in the Office of the State Medical Examiner shall be subject to the rules, regulations and policies of the Mississippi State Personnel Board in their employment.

(3) The State Medical Examiner shall be authorized to appoint and/or employ qualified pathologists to serve as deputy chief state medical examiners as are necessary to carry out the duties of his or her office. The deputy chief state medical examiners shall be licensed to practice medicine in Mississippi and, either board-certified in forensic pathology by the American Board of Pathology or be a physician who is eligible to sit for the forensic pathology board examination administered by the American Board of Pathology. The State Medical Examiner may delegate specific duties to competent and qualified medical examiners within the scope of the express authority granted to him by law or regulation. Employees of the Office of the State Medical Examiner shall have the authority to enter any political subdivisions of this state for the purpose of carrying out medical investigations.



120 **SECTION 3.** This act shall take effect and be in force from
121 and after July 1, 2021.

