

By: Representative Crawford

To: Public Health and Human Services

HOUSE BILL NO. 1516

1 AN ACT TO AMEND SECTION 41-61-65, MISSISSIPPI CODE OF 1972,  
 2 TO REQUIRE A PERSON'S FAMILY TO BE NOTIFIED OF AN OPINION BY A  
 3 HEALTHCARE PROVIDER OR MEDICAL EXAMINER THAT THE DEATH OF THE  
 4 PERSON MAY HAVE BEEN CAUSED BY OR RELATED TO THE ADMINISTRATION OF  
 5 A VACCINE FOR COVID-19 TO THE DECEASED; TO AMEND SECTION 41-37-25,  
 6 MISSISSIPPI CODE OF 1972, TO AUTHORIZE AN AUTOPSY TO BE PERFORMED  
 7 WITHOUT A COURT ORDER WHEN REQUESTED BY A FAMILY MEMBER OF A  
 8 PERSON WHOSE DEATH MAY HAVE BEEN CAUSED BY OR RELATED TO THE  
 9 COVID-19 VACCINE; AND FOR RELATED PURPOSES.

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

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

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



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



47 shall be performed by the State Medical Examiner or a designated  
48 pathologist who is qualified as required by this subsection, and  
49 the report of findings shall be forwarded promptly to the State  
50 Medical Examiner, investigating medical examiner, the State  
51 Department of Health, the infant's attending physician and the  
52 local sudden infant death syndrome coordinator. In addition to  
53 the authority granted under this section, medical examiner  
54 investigators, under the supervision of the State Medical  
55 Examiner, may assist with the performance or completion of  
56 autopsies or other duties of the Office of the State Medical  
57 Examiner.

58 (2) If, in the opinion of the decedent's attending  
59 physician, primary healthcare provider, other healthcare provider  
60 who pronounced the death of the decedent, or county medical  
61 examiner or county medical examiner investigator, a person's death  
62 may have been caused by or related to the administration to the  
63 deceased of one or more doses of a vaccine for COVID-19, the  
64 medical examiner or investigator must notify, in order of  
65 preference, the decedent's surviving spouse, parent, descendants  
66 over the age of eighteen (18) years, or next of kin of the opinion  
67 and that based on the opinion, an autopsy may be performed.

68 (3) Any medical examiner or duly licensed physician  
69 performing authorized investigations and/or autopsies as provided  
70 in Sections 41-61-51 through 41-61-79 who, in good faith, complies  
71 with the provisions of Sections 41-61-51 through 41-61-79 in the



72 determination of the cause and/or manner of death for the purpose  
73 of certification of that death, shall not be liable for damages on  
74 account thereof, and shall be immune from any civil liability that  
75 might otherwise be incurred or imposed.

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

86 **SECTION 2.** Section 41-37-25, Mississippi Code of 1972, is  
87 amended as follows:

88 41-37-25. An autopsy may be performed without court order by  
89 a qualified physician when authorized by (a) the decedent, during  
90 his lifetime, or (b) any of the following persons who have assumed  
91 custody of the body for the purpose of burial: a surviving  
92 spouse, either parent or any person in loco parentis, a descendant  
93 over the age of eighteen (18) years, a guardian, or the next of  
94 kin. In the absence of any of the foregoing persons any friend of  
95 the deceased who has assumed responsibility for burial, or any  
96 other person charged by law with responsibility for burial, may



97 give such consent. If two (2) or more persons have assumed  
98 custody of the body of an adult for purposes of burial, the  
99 consent of one (1) such person shall be deemed sufficient.

100 In the case of a minor, however, the consent of either parent  
101 shall be deemed sufficient, unless the other parent gives written  
102 notice to the physician who is to perform the autopsy of such  
103 parent's objection thereto before the beginning of the autopsy.  
104 If neither parent has legal custody of the minor, the guardian  
105 shall have the right to authorize an autopsy. The fees provided  
106 in this chapter for autopsies in criminal investigations shall not  
107 be applicable to this section.

108 An autopsy may be performed without a court order by a  
109 qualified physician when requested by a decedent's surviving  
110 spouse, parent, descendant over the age of eighteen (18) years or  
111 next of kin after being notified that, in the opinion of the  
112 decedent's attending physician, primary healthcare provider, other  
113 healthcare provider who pronounced the death of the decedent, or  
114 county medical examiner or county medical examiner investigator,  
115 the decedent's death may have been caused by or related to the  
116 administration to the deceased of one or more doses of a vaccine  
117 for COVID-19.

118 No autopsy shall be held under this section over the  
119 objection of the surviving spouse, or if there \* \* \* is no  
120 surviving spouse, of any surviving parent, or if there \* \* \* is



121 neither a surviving spouse nor parent, then of any surviving  
122 child.

123         If the body has already been buried, consent to disinterment  
124 of the body for an autopsy without a court order shall be governed  
125 by Section 41-43-59.

126         **SECTION 3.** This act shall take effect and be in force from  
127 and after July 1, 2024.

