

Act No. 108
Public Acts of 2010
Approved by the Governor
July 1, 2010
Filed with the Secretary of State
July 1, 2010
EFFECTIVE DATE: July 1, 2010

**STATE OF MICHIGAN
95TH LEGISLATURE
REGULAR SESSION OF 2010**

Introduced by Reps. Valentine, Liss, Leland and Gregory

ENROLLED HOUSE BILL No. 4893

AN ACT to amend 1953 PA 181, entitled "An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," by amending section 5 (MCL 52.205), as amended by 2006 PA 569.

The People of the State of Michigan enact:

Sec. 5. (1) If a county medical examiner has notice that the body of an individual who may have died in a manner described in section 3 has been found within the county medical examiner's county, the county medical examiner shall take charge of the body. If after examining the body and investigating the cause and manner of the death the county medical examiner considers a further examination necessary, he or she may cause the body to be removed to the public morgue. If the investigation is solely for the reason that the decedent had no medical attendance during the 48 hours immediately preceding the hour of death, and if the decedent had chosen not to have medical attendance because of his or her bona fide held religious convictions, removal is not required unless there is evidence of other conditions described in section 3. If there is no public morgue, the body may be removed to a private morgue designated by the county medical examiner.

(2) The county medical examiner may designate a medical examiner investigator appointed under section 1a(2) to take charge of the body, make pertinent inquiry, note the circumstances surrounding the death, and, if considered necessary, cause the body to be transported to the morgue for examination by the county medical examiner. The county medical examiner shall maintain a list of medical examiner investigators appointed under section 1a(2) and their qualifications and shall file the list with the local law enforcement agencies. A medical examiner investigator appointed under section 1a(2) shall not be an agent or employee of a person or funeral establishment licensed under article 18 of the occupational code, 1980 PA 299, MCL 339.1801 to 339.1812, receive, directly or indirectly, remuneration in connection with the disposition of the body, or make funeral or burial arrangements without approval of the next of kin, if known, or the individual responsible for the funeral expenses.

(3) The county medical examiner may perform or direct to be performed an autopsy and shall carefully reduce or cause to be reduced to writing each fact and circumstance tending to show the condition of the body and the cause and manner of death, and shall include in that writing the name and address of each individual present at the autopsy. The individual performing the autopsy shall subscribe the writing described in this subsection.

(4) Except as otherwise provided in this subsection, the county medical examiner shall ascertain the identity of the decedent and immediately and as compassionately as possible notify the next of kin of the decedent's death and the location of the body. The notification described in this subsection is not required if a person from the state police, a county sheriff department, a township police department, or a municipal police department states to the county medical examiner that the notification has already occurred.

(5) If visual identification of a decedent is impossible as a result of burns, decomposition, or other disfiguring injuries or if the county medical examiner is aware that the death is the result of an accident that involved 2 or more individuals who were approximately the same age, sex, height, weight, hair color, eye color, and race, then the county medical examiner shall verify the identity of the decedent through fingerprints, dental records, DNA, or other definitive identification procedures and, if the accident resulted in the survival of any individuals with the same attributes, shall notify the respective hospital or institution of his or her findings. The county medical examiner may conduct an autopsy under subsection (3) if he or she determines that an autopsy reasonably appears to be required pursuant to law. After the county medical examiner, a deputy, a person from the state police, a county sheriff department, a township police department, or a municipal police department has made diligent effort to locate and notify the next of kin, the county medical examiner may order and conduct the autopsy with or without the consent of the next of kin of the decedent. The county medical examiner or a deputy shall keep a written record of the efforts to locate and notify the next of kin for a period of 1 year from the date of the autopsy.

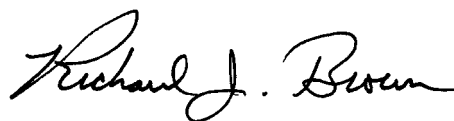
(6) Except as otherwise provided in this subsection, the county medical examiner shall promptly deliver or return the body or any portion of the body to relatives or representatives of the decedent after an examination or autopsy is performed under this section. If there are no relatives or representatives of the decedent known to the county medical examiner, he or she may cause the body to be buried pursuant to law. A county medical examiner may retain any portion of the body that he or she considers necessary to establish the cause of death, the conditions contributing to death, or the manner of death, or as evidence of any crime. Except as otherwise provided in this subsection, if a portion of the body retained is an entire organ or limb of the decedent, the county medical examiner shall attempt to verbally or in writing notify the relatives or representatives of the decedent of that retention and offer an opportunity for the relative or representative to request the return of that organ or limb. If notification is verbally made under this subsection, the county medical examiner shall follow up with written notification. The county medical examiner or a deputy shall keep a written record of the efforts to notify the relatives or representatives of the decedent under this subsection for a period of 1 year from the date of the notification or attempt to notify. This subsection does not apply to anatomical gifts made under part 101 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10123. Upon determination that retention of the portions of the body is no longer necessary under this subsection, the county medical examiner shall do all of the following, as applicable:

(a) If requested in writing under this subsection, promptly deliver or return the retained organ or limb to the relatives or representatives of the decedent.

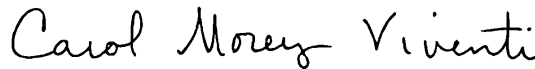
(b) Dispose of any remaining retained body portions in the manner prescribed for medical waste under part 138 of the public health code, 1978 PA 368, MCL 333.13801 to 333.13831.

(7) A county medical examiner or any person acting under the authority of the county medical examiner who performs the medical examiner duties for the retention of body parts, as added by the amendatory act that added this subsection, shall not be liable in a civil action as a result of an act or omission by the person arising out of and in the course of the person's good faith performance of those medical examiner duties unless that person's act or omission was the result of that person's negligence.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor