

Senate Engrossed House Bill

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

CHAPTER 213

# **HOUSE BILL 2125**

AN ACT

REPEALING SECTION 11-591, ARIZONA REVISED STATUTES; AMENDING TITLE 11, CHAPTER 3, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 11-591; AMENDING SECTIONS 11-592, 11-593 AND 11-594, ARIZONA REVISED STATUTES; REPEALING SECTION 11-594.01, ARIZONA REVISED STATUTES; AMENDING SECTIONS 11-595, 11-596, 11-597, 11-598, 11-599, 11-600, 36-104, 36-301 AND 36-848, ARIZONA REVISED STATUTES; RELATING TO COUNTY MEDICAL EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Repeal

3 Section 11-591, Arizona Revised Statutes, is repealed.

4 Sec. 2. Title 11, chapter 3, article 12, Arizona Revised Statutes, is  
5 amended by adding a new section 11-591, to read:

6 11-591. Definitions

7 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

8 1. "ALTERNATE MEDICAL EXAMINER" MEANS A PHYSICIAN WHO HAS TRAINING AND  
9 COMPETENCE IN THE PRINCIPLES OF DEATH INVESTIGATION AND WHO PERFORMS OR  
10 DIRECTS THE CONDUCT OF DEATH INVESTIGATIONS.

11 2. "AUTOPSY" MEANS A SURGICAL PROCEDURE IN WHICH INTERNAL ORGANS ARE  
12 EXPOSED, REMOVED OR EXAMINED FOR THE IDENTIFICATION OF TRAUMA OR NATURAL  
13 DISEASE.

14 3. "DEATH INVESTIGATION" MEANS THE INVESTIGATION DIRECTED BY A COUNTY  
15 MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER INTO THE CIRCUMSTANCES  
16 SURROUNDING A DEATH OCCURRING AS PRESCRIBED IN SECTION 11-593.

17 4. "EXTERNAL EXAMINATION" MEANS AN EXTERNAL INSPECTION OF A BODY.

18 5. "FORENSIC PATHOLOGIST" MEANS A PHYSICIAN WHO HAS SUCCESSFULLY  
19 COMPLETED A PATHOLOGY RESIDENCY AND A FORENSIC FELLOWSHIP OR HAS EXTENSIVE  
20 EXPERIENCE PERFORMING FORENSIC AUTOPSIES IN AN OFFICIAL CAPACITY.

21 6. "INVESTIGATIVE INFORMATION" MEANS INFORMATION RECEIVED BY A MEDICAL  
22 EXAMINER OR ALTERNATE MEDICAL EXAMINER FROM LAW ENFORCEMENT, WITNESSES,  
23 FAMILY MEMBERS, HEALTH CARE PERSONNEL OR MEDICAL DEATH INVESTIGATORS  
24 CONCERNING CAUSE AND MANNER OF DEATH.

25 7. "MEDICAL DEATH INVESTIGATOR" MEANS A PERSON TRAINED IN THE  
26 PRINCIPLES OF DEATH INVESTIGATION.

27 8. "MEDICAL EXAMINER" MEANS A FORENSIC PATHOLOGIST WHO PERFORMS OR  
28 DIRECTS THE CONDUCT OF DEATH INVESTIGATIONS.

29 9. "MEDICAL INFORMATION" MEANS INFORMATION RECEIVED BY A MEDICAL  
30 EXAMINER OR ALTERNATE MEDICAL EXAMINER CONCERNING THE CONDITION OF A  
31 NEAR-DEATH PATIENT OR DECEDENT INCLUDING MEDICAL RECORDS, REPORTS OF AN  
32 ATTENDING OR PRIMARY CARE PHYSICIAN, NURSE PRACTITIONER, MEDICAL DEATH  
33 INVESTIGATOR, OR ORGAN PROCUREMENT ORGANIZATIONS AND PHYSICAL EXAMS BY A  
34 MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER.

35 10. "NURSE PRACTITIONER" MEANS A PERSON LICENSED AND CERTIFIED PURSUANT  
36 TO TITLE 32, CHAPTER 15.

37 11. "ORGAN PROCUREMENT ORGANIZATION" MEANS AN ORGANIZATION LOCATED  
38 WITHIN THIS STATE THAT MEETS THE REQUIREMENTS OF SECTION 371 OF 42 UNITED  
39 STATES CODE SECTION 273.

40 12. "PHYSICIAN" MEANS A PERSON LICENSED PURSUANT TO TITLE 32, CHAPTER  
41 13 OR 17.

42 13. "TISSUE BANK" MEANS A PERSON THAT IS LICENSED OR REGULATED UNDER  
43 FEDERAL OR STATE LAW OR ACCREDITED BY A NATIONALLY RECOGNIZED ACCREDITING  
44 ORGANIZATION TO ENGAGE IN THE RECOVERY, SCREENING, TESTING, PROCESSING,  
45 STORAGE OR DISTRIBUTION OF TISSUE.

1           Sec. 3. Section 11-592, Arizona Revised Statutes, is amended to read:  
2           11-592. County medical examiner; alternate medical examiners;  
3                                   fund; notification

4           A. THE BOARD OF SUPERVISORS OF EACH COUNTY MAY APPOINT A FORENSIC  
5           PATHOLOGIST TO THE POSITION OF MEDICAL EXAMINER. THE MEDICAL EXAMINER SHALL  
6           RECEIVE COMPENSATION AS DETERMINED BY THE BOARD OF SUPERVISORS.

7           ~~A. B. If the board of supervisors determines that the appointment of~~  
8           ~~a medical examiner is not practical PRACTICABLE, the board of supervisors~~  
9           ~~shall establish a list of licensed physicians who will be available to~~  
10           ~~perform the duties required of a county medical examiner. A licensed~~  
11           ~~physician on the list DESIGNATE ONE OR MORE ALTERNATE MEDICAL EXAMINERS WHO~~  
12           ~~need not be a resident RESIDENTS of the county, need not be certified in~~  
13           ~~pathology nor skilled in forensic pathology but shall have agreed to perform~~  
14           ~~medical examinations or autopsies to determine the cause and manner of death~~  
15           ~~on behalf of the county on a contract basis. AN ALTERNATE MEDICAL EXAMINER~~  
16           ~~SHALL PERFORM THE DUTIES OF A MEDICAL EXAMINER EXCEPT ALL AUTOPSIES SHALL BE~~  
17           ~~PERFORMED BY A FORENSIC PATHOLOGIST.~~

18           ~~B. C. If the board of supervisors establishes a list of licensed~~  
19           ~~physicians in lieu of appointing a county DESIGNATES ONE OR MORE ALTERNATE~~  
20           ~~medical examiner EXAMINERS, the board may establish a fund known as the~~  
21           ~~county medical examination fund and shall pay expenses incurred by the~~  
22           ~~licensed physicians ALTERNATE MEDICAL EXAMINERS in the performance of the~~  
23           ~~THEIR duties of the county medical examiner from such fund AND FOR THE COST~~  
24           ~~OF CASES REFERRED TO A FORENSIC PATHOLOGIST.~~

25           ~~C. D. The sheriff of the county shall be IS responsible for notifying~~  
26           ~~and securing a licensed physician on the list to perform a medical~~  
27           ~~examination or autopsy required by law AN ALTERNATE MEDICAL EXAMINER TO~~  
28           ~~DIRECT A DEATH INVESTIGATION.~~

29           ~~D. Upon request of the county attorney or the attorney general, the~~  
30           ~~licensed physician employed by the board of supervisors and secured by the~~  
31           ~~sheriff shall be a licensed physician certified in pathology and skilled in~~  
32           ~~forensic pathology.~~

33           Sec. 4. Section 11-593, Arizona Revised Statutes, is amended to read:  
34           11-593. Reporting of certain deaths; failure to report;  
35                                   classification

36           A. Any person having knowledge of the death of a human being including  
37           a fetal death shall promptly notify the nearest peace officer of all  
38           information in the person's possession regarding the death and the  
39           circumstances surrounding it under any of the following circumstances:

- 40           1. Death when not under the current care of a physician or nurse  
41           practitioner for a potentially fatal illness or when an attending physician  
42           or nurse practitioner is unavailable to sign the death certificate.  
43           2. Death resulting from violence.  
44           3. Death occurring suddenly when in apparent good health.  
45           4. Death occurring in a prison.

- 1           5. Death of a prisoner.
- 2           6. Death occurring in a suspicious, unusual or unnatural manner.
- 3           7. Death from disease or accident believed to be related to the
- 4 deceased's occupation or employment.
- 5           8. Death believed to present a public health hazard.
- 6           9. Death occurring during, IN ASSOCIATION WITH OR AS A RESULT OF
- 7 anesthetic or surgical procedures.
- 8           10. UNIDENTIFIABLE BODIES.

9           B. The peace officer shall promptly notify the county medical examiner  
10 OR ALTERNATE MEDICAL EXAMINER and, except in deaths occurring during, IN  
11 ASSOCIATION WITH OR AS A RESULT OF surgical or anesthetic procedures from  
12 natural diseases, shall promptly make or cause to be made an investigation of  
13 the facts and circumstances surrounding the death and report the results to  
14 the medical examiner OR ALTERNATE MEDICAL EXAMINER. If there is no county  
15 medical examiner OR ALTERNATE MEDICAL EXAMINER appointed and serving within  
16 the county, the county sheriff shall be notified by the peace officer and the  
17 sheriff shall in turn notify and secure a licensed physician HAVING THE  
18 QUALIFICATIONS OF AN ALTERNATE MEDICAL EXAMINER to perform the medical  
19 examination DEATH INVESTIGATION or TO ARRANGE FOR AN autopsy.

20           ~~C. An autopsy is not required for deaths due to natural diseases that~~  
21 ~~occur during surgical or anesthetic procedures, except where the medical~~  
22 ~~examiner determines an autopsy is necessary because any of the following~~  
23 ~~exists:~~

- 24           ~~1. A public health risk.~~
- 25           ~~2. Evidence of a crime.~~
- 26           ~~3. Evidence of inadequate health care.~~
- 27           ~~4. No clinically evident cause of death.~~

28           ~~D.~~ C. Every person who knows of the existence of a body where death  
29 occurred as specified in subsection A of this section and who knowingly fails  
30 to notify the nearest peace officer as soon as possible unless the person has  
31 good reason to believe that notice has already been given is guilty of a  
32 class 2 misdemeanor.

33           ~~E.~~ D. If the deceased was under treatment for accident or illness by  
34 prayer or spiritual means alone, in accordance with the tenets and practices  
35 of a well-recognized church or religious denomination, and death occurred  
36 without a physician or nurse practitioner in attendance, the person who has  
37 knowledge of the death shall report all information in the person's  
38 possession regarding the death and circumstances surrounding it directly to  
39 the county medical examiner or the ~~person performing the duties of a county~~  
40 ALTERNATE medical examiner who may waive an EXTERNAL EXAMINATION OR autopsy  
41 if the county medical examiner OR ALTERNATE MEDICAL EXAMINER is satisfied  
42 that the death of the person resulted from natural causes.

43           ~~F.~~ E. Each county shall provide to the department of public safety  
44 fingerprints of all deceased persons FOR WHOM THE CIRCUMSTANCES OF DEATH  
45 REQUIRE AN EXTERNAL EXAMINATION OR AUTOPSY AND whose deaths are required to

1 be investigated pursuant to this section. These fingerprints shall be on a  
2 form provided by the department of public safety and shall be accompanied by  
3 such other information regarding the physical description and the date and  
4 place of death as the department of public safety may require. Fingerprints  
5 taken pursuant to this section shall be used only for the purpose of purging  
6 criminal history files. All information and data in the department of public  
7 safety that are furnished in compliance with this section are confidential  
8 and may be disclosed only on written approval of the director of the  
9 department of public safety to the juvenile court, social agencies, public  
10 health and law enforcement agencies licensed or regulated by this state.

11 Sec. 5. Section 11-594, Arizona Revised Statutes, is amended to read:  
12 11-594. Powers and duties of county medical examiner

13 A. The county medical examiner or a ~~licensed physician employed to~~  
14 ~~perform such functions~~ ALTERNATE MEDICAL EXAMINER SHALL DIRECT A DEATH  
15 INVESTIGATION, SHALL DETERMINE WHETHER AN EXTERNAL EXAMINATION OR AUTOPSY IS  
16 REQUIRED AND shall:

17 ~~1. Be responsible for medical examination or autopsy of a human body~~  
18 ~~when death occurred under any of the circumstances set forth in section~~  
19 ~~11-593, subsection A.~~

20 ~~2. 1. Take charge of the dead body of which the medical examiner is~~  
21 ~~notified and, after making inquiries regarding the cause and manner of death,~~  
22 ~~examine the body.~~

23 ~~3. 2. Certify to the cause and manner of death following a medical~~  
24 ~~examination or an autopsy, or both. COMPLETION OF THE DEATH INVESTIGATION,~~  
25 UNLESS THE MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER DETERMINES THERE IS  
26 NO JURISDICTION PURSUANT TO SECTION 11-593,

27 ~~4. Make inquiries regarding the cause and manner of death, reduce the~~  
28 ~~findings to writing and promptly make a full report on forms prescribed for~~  
29 ~~that purpose.~~

30 3. HAVE SUBPOENA AUTHORITY FOR ALL DOCUMENTS, RECORDS AND PAPERS  
31 DEEMED USEFUL IN THE DEATH INVESTIGATION.

32 ~~5. 4. Execute a death certificate provided by the state registrar of~~  
33 ~~vital statistics indicating the cause as well as AND the manner of death for~~  
34 ~~those bodies on FOR which a medical examination or autopsy is performed DEATH~~  
35 ~~INVESTIGATION HAS BEEN CONDUCTED AND JURISDICTION IS ASSUMED.~~

36 5. GIVE APPROVAL FOR CREMATION OF A DEAD BODY AFTER A DEATH  
37 INVESTIGATION AND RECORD THE APPROVAL ON THE DEATH CERTIFICATE.

38 6. Notify the county attorney OR OTHER LAW ENFORCEMENT AUTHORITY when  
39 death is found to be from other than natural causes.

40 ~~7. Notify the appropriate city, town, county or state law enforcement~~  
41 ~~agency if further investigation by such agency appears necessary.~~

42 ~~8. 7. Carry out the duties specified under section 28-668.~~

43 ~~9. 8. Carry out the duties specified under title 36, chapter 7,~~  
44 ~~article 3.~~

1           9. OBSERVE ALL POLICIES ADOPTED BY THE BOARD OF SUPERVISORS REGARDING  
2 CONFLICTS OF INTEREST AND DISCLOSURE OF NONCOUNTY EMPLOYMENT.

3           B. The county medical examiner OR ALTERNATE MEDICAL EXAMINER may:

4           ~~1. Appoint qualified professional, technical and clerical personnel as~~  
5 ~~necessary for the administration of the office, subject to approval of the~~  
6 ~~board of supervisors.~~

7           1. ASSIGN TO A MEDICAL DEATH INVESTIGATOR OR OTHER QUALIFIED PERSONNEL  
8 ALL ASPECTS OF A DEATH INVESTIGATION EXCEPT THE PERFORMANCE OF AUTOPSIES.

9           2. Authorize ~~qualified practicing physicians in local areas~~ FORENSIC  
10 PATHOLOGISTS to perform ~~medical examinations required of the county medical~~  
11 ~~examiner~~ AND AUTOPSIES. THE MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER  
12 MAY AUTHORIZE MEDICAL STUDENTS OR RESIDENTS AND FELLOWS IN PATHOLOGY TRAINING  
13 TO PERFORM AUTOPSIES UNDER THE SUPERVISION OF A LICENSED PHYSICIAN WHO IS  
14 BOARD CERTIFIED IN ANATOMIC PATHOLOGY, PURSUANT TO PROCEDURES ADOPTED BY THE  
15 COUNTY MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER. Authorization and the  
16 amount to be paid by the county for ~~physician~~ PATHOLOGY services are subject  
17 to approval of the board of supervisors.

18           3. DELEGATE ANY POWER, DUTY OR FUNCTION WHETHER MINISTERIAL OR  
19 DISCRETIONARY VESTED BY THIS CHAPTER IN THE MEDICAL EXAMINER OR ALTERNATE  
20 MEDICAL EXAMINER TO A PERSON MEETING THE QUALIFICATIONS PRESCRIBED IN THIS  
21 CHAPTER WHO IS EMPLOYED BY OR WHO HAS CONTRACTED WITH THE COUNTY TO PROVIDE  
22 DEATH INVESTIGATION SERVICES. THE MEDICAL EXAMINER OR ALTERNATE MEDICAL  
23 EXAMINER SHALL BE RESPONSIBLE FOR THE OFFICIAL ACTS OF THE PERSON DESIGNATED  
24 PURSUANT TO THIS SECTION AND SHALL ACT UNDER THE NAME AND AUTHORITY OF THE  
25 MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER.

26           ~~C. The county medical examiner or a licensed physician employed to~~  
27 ~~perform these functions may:~~

28           ~~1.~~ 4. Authorize the taking of ~~anatomical gifts~~ ORGANS AND TISSUES as  
29 they prove to be usable for transplants, ~~or~~ other treatment, ~~or~~ therapy,  
30 EDUCATION OR RESEARCH if all of the requirements of title 36, chapter 7,  
31 article 3 are met. The medical examiner OR ALTERNATE MEDICAL EXAMINER shall  
32 give this authorization within a time period that permits a medically  
33 viable donation.

34           ~~2.~~ 5. Authorize licensed ~~or~~ authorized physicians, surgeons or  
35 trained technicians ~~who TO remove parts of bodies to perform any part of a~~  
36 ~~necessary medical examination~~ provided they follow ~~a~~ AN ESTABLISHED protocol  
37 established APPROVED by the medical examiner or ~~a person authorized to act~~  
38 ~~as the~~ ALTERNATE medical examiner.

39           ~~3.~~ 6. Limit the removal of organs or tissues for transplants or other  
40 therapy or treatment if, based on a ~~physical examination of the body~~ REVIEW  
41 OF AVAILABLE MEDICAL AND INVESTIGATIVE INFORMATION within a time that permits  
42 a medically viable donation, THE MEDICAL EXAMINER OR ALTERNATE MEDICAL  
43 EXAMINER MAKES AN INITIAL DETERMINATION THAT their removal would interfere  
44 with a medical examination, autopsy or certification of death. BEFORE MAKING  
45 A FINAL DECISION TO LIMIT THE REMOVAL OF ORGANS, THE MEDICAL EXAMINER OR

1 ALTERNATE MEDICAL EXAMINER SHALL CONSULT WITH THE ORGAN PROCUREMENT  
2 ORGANIZATION. AFTER THE CONSULTATION AND WHEN THE ORGAN PROCUREMENT  
3 ORGANIZATION PROVIDES INFORMATION THAT THE ORGAN PROCUREMENT ORGANIZATION  
4 REASONABLY BELIEVES COULD ALTER THE INITIAL DECISION AND AT THE REQUEST OF  
5 THE ORGAN PROCUREMENT ORGANIZATION, THE MEDICAL EXAMINER OR ALTERNATE MEDICAL  
6 EXAMINER SHALL CONDUCT A PHYSICAL EXAMINATION OF THE BODY. If the medical  
7 examiner OR ALTERNATE MEDICAL EXAMINER limits the removal of organs or  
8 tissue, the medical examiner OR ALTERNATE MEDICAL EXAMINER shall provide a  
9 written explanation MAINTAIN DOCUMENTATION of this decision AND SHALL MAKE  
10 THE DOCUMENTATION AVAILABLE TO THE ORGAN PROCUREMENT ORGANIZATION to the  
11 organ procurement agency within three working days of the physical  
12 examination.

13 C. A COUNTY MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER SHALL NOT  
14 BE HELD CIVILLY OR CRIMINALLY LIABLE FOR ANY ACTS PERFORMED IN GOOD FAITH  
15 PURSUANT TO SUBSECTION B, PARAGRAPHS 4, 5 AND 6 OF THIS SECTION.

16 D. If a dispute arises over the findings of the medical examiner's  
17 report, the medical examiner shall, upon an order of the superior court,  
18 SHALL make available all evidence and documentation to a court-designated  
19 licensed forensic pathologist for examination REVIEW, and the results of the  
20 examination REVIEW shall be reported to the superior court in the county  
21 issuing the order.

22 E. For providing medical EXTERNAL examinations and reports AUTOPSIES  
23 pursuant to subsection C of this section, the medical examiner may charge a  
24 fee established by the board of supervisors pursuant to section 11-251.08.

25 Sec. 6. Repeal

26 Section 11-594.01, Arizona Revised Statutes, is repealed.

27 Sec. 7. Section 11-595, Arizona Revised Statutes, is amended to read:  
28 11-595. Right to enter premises; right to seize articles

29 A. The county medical examiner or any person performing the duties of  
30 a county ALTERNATE medical examiner may enter any room, dwelling, building or  
31 other place in which the body or evidence of the circumstances of the death  
32 requiring investigation may be found, provided that a law enforcement agent  
33 AGENCY investigating the death obtains a search warrant for private property  
34 other than in the immediate location where the body was found.

35 B. The county medical examiner or any person performing the duties of  
36 a county ALTERNATE medical examiner, with the permission of the law  
37 enforcement agent AGENCY investigating the death may take into his or her  
38 possession any object or article found on the deceased or in the deceased's  
39 immediate vicinity which in his or her opinion may aid in the determination  
40 of the deceased's identity or determination of the cause or manner of  
41 death. Upon completion of his or her THE findings, the medical examiner or  
42 the person performing the duties of a county ALTERNATE medical examiner  
43 shall, within thirty days, SHALL deliver such THE object or article to the  
44 law enforcement agency concerned, TO the legal representative of the deceased  
45 or to the county treasurer.

1           Sec. 8. Section 11-596, Arizona Revised Statutes, is amended to read:  
2           11-596. Removal or disturbance of body or effects or weapons  
3                           without consent prohibited

4           A. ~~No~~ A human body or body suspected of being human shall NOT be  
5 removed from the place where the death OCCURRED, if the death is of a nature  
6 requiring investigation, ~~occurred~~ without first obtaining permission of the  
7 county medical examiner or ~~the person performing the duties of a county~~  
8 ALTERNATE medical examiner. ~~No~~

9           B. Embalming, cleansing of the surfaces of the body or other  
10 alteration of the appearance or state of the body, clothing or personal  
11 effects shall NOT be performed until the permission of ~~such official~~ THE  
12 COUNTY MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER has been obtained. ~~No~~  
13 A FUNERAL DIRECTOR OR EMBALMER WHO RECEIVES CUSTODY OF A HUMAN BODY FROM A  
14 COUNTY MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER IS DEEMED TO HAVE THE  
15 PERMISSION REQUIRED BY THIS SUBSECTION, UNLESS PERMISSION IS EXPRESSLY  
16 WITHHELD BY THE COUNTY MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER.

17           C. A person, except a law enforcement agent in the performance of ~~his~~  
18 ~~or her~~ THE AGENT'S duties, shall NOT remove from the place of death or from  
19 the body of the deceased any of the effects of the deceased, or instruments  
20 or weapons that may have been used in the death requiring investigation,  
21 ~~unless~~ WITHOUT prior permission of the county medical examiner, ~~the person~~  
22 ~~performing the duties of a county~~ ALTERNATE medical examiner or the  
23 investigating law enforcement agent ~~has been obtained~~.

24           Sec. 9. Section 11-597, Arizona Revised Statutes, is amended to read:  
25           11-597. Autopsies; reports; exemption from liability

26           A. The county medical examiner or ~~person performing the duties of a~~  
27 ~~county~~ ALTERNATE medical examiner shall conduct ~~such~~ A DEATH investigation ~~as~~  
28 ~~may be required and shall~~ TO determine whether or not the public interest  
29 requires an EXTERNAL EXAMINATION, autopsy or other special investigation.

30           B. AN EXTERNAL EXAMINATION OR AUTOPSY IS NOT REQUIRED FOR DEATHS DUE  
31 TO NATURAL DISEASES THAT OCCUR DURING SURGICAL OR ANESTHETIC PROCEDURES  
32 UNLESS THE MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER DETERMINES THAT AN  
33 EXTERNAL EXAMINATION OR AUTOPSY IS NECESSARY.

34           C. In ~~his or her~~ THE determination of the need for an autopsy, the  
35 county medical examiner or ~~person performing the duties of a county~~ ALTERNATE  
36 medical examiner may consider the request for an autopsy made by private  
37 persons or public officials. If the county attorney or a superior court  
38 judge of the county where the death occurred requests AN AUTOPSY, the county  
39 medical examiner or ~~the licensed physician performing the duties of a county~~  
40 ~~medical examiner~~ shall perform ~~an~~ THE autopsy, OR, IN THE CASE OF AN  
41 ALTERNATE MEDICAL EXAMINER, AN AUTOPSY SHALL BE PERFORMED BY A FORENSIC  
42 PATHOLOGIST.

43           B. D. ~~The county medical examiner or the licensed physician~~  
44 ~~performing the duties of a county medical examiner~~ A FORENSIC PATHOLOGIST  
45 shall perform an autopsy in cases of sudden and unexplained infant death in

1 accordance with protocols adopted by the director of the department of health  
2 services. If the MEDICAL examiner OR FORENSIC PATHOLOGIST determines that  
3 the infant died of sudden infant death syndrome, the MEDICAL examiner OR  
4 FORENSIC PATHOLOGIST shall notify the department of health services. The  
5 MEDICAL examiner OR FORENSIC PATHOLOGIST may take tissue samples for research  
6 DIAGNOSTIC purposes. ~~from an infant who died of sudden infant death syndrome~~  
7 ~~if the tissue removal is not likely to result in any visible disfigurement,~~  
8 ~~except that tissue samples for research purposes shall not be taken if a~~  
9 ~~parent of the infant objects on the grounds such procedure conflicts with~~  
10 ~~personal beliefs.~~

11 ~~E.~~ E. If an autopsy is performed, a full record or report of the  
12 facts developed by the autopsy in the findings of the person ~~making such~~  
13 ~~PERFORMING THE~~ autopsy shall be properly made and filed in the office of the  
14 county medical examiner or the board of supervisors. If the person  
15 performing the autopsy determines that the report should be forwarded to the  
16 county where the death occurred or the county ~~wherein~~ IN WHICH any injury  
17 contributing to or causing the death was sustained, ~~he~~ THE REPORT shall  
18 ~~forward a copy of the report~~ BE FORWARDED to the county attorney.

19 ~~D.~~ F. A county attorney may request and upon request shall receive  
20 from the county medical examiner or ~~a person performing the duties of a~~  
21 ~~county~~ ALTERNATE medical examiner a copy of the report on any autopsy  
22 performed.

23 ~~E.~~ G. The county medical examiner or ~~person performing the duties of~~  
24 ~~a county~~ ALTERNATE medical examiner may perform such other tests deemed  
25 necessary to determine identity, ~~AND THE~~ cause and manner of death and may  
26 retain tissues, specimens and other biological materials for subsequent  
27 examination.

28 ~~F.~~ H. When an autopsy or such other tests are performed by ~~the county~~  
29 ~~medical examiner or person performing the duties of a county medical examiner~~  
30 A FORENSIC PATHOLOGIST, no cause of action shall lie against the physician or  
31 any other person for requesting the autopsy, ~~or~~ for participating in the  
32 autopsy OR FOR RETAINING SPECIMENS OR TISSUES.

33 Sec. 10. Section 11-598, Arizona Revised Statutes, is amended to read:  
34 11-598. Exhumation; court order

35 If in any case of sudden, violent or suspicious death a body is buried  
36 without any inquiries by the county medical examiner or ~~person performing the~~  
37 ~~duties of a county~~ ALTERNATE medical examiner, the county attorney of the  
38 county ~~wherein~~ IN WHICH the body is buried may petition the superior court  
39 for an order directing that the body be exhumed and an autopsy BE performed  
40 ~~thereon~~. The court after A hearing may order that the body be exhumed and  
41 that an autopsy or such other investigation as the court deems appropriate be  
42 performed.

1           Sec. 11. Section 11-599, Arizona Revised Statutes, is amended to read:

2           11-599. Cremation

3           When a funeral director or embalmer is requested to cremate or prepare  
4 for cremation the body of a dead person, ~~he or she~~ THE FUNERAL DIRECTOR OR  
5 EMBALMER or any other person having knowledge of an intention to so cremate  
6 shall notify the county medical examiner or ~~if there is no county medical~~  
7 ~~examiner within the county, the county sheriff and request that an~~  
8 ~~examination of~~ ALTERNATE MEDICAL EXAMINER TO REVIEW the death certificate.  
9 ~~be made prior to the cremation. If there is no medical examiner within the~~  
10 ~~county, the county sheriff shall notify and secure a licensed physician to~~  
11 ~~examine the death certificate. If after examination~~ REVIEWING THE DEATH  
12 CERTIFICATE the county medical examiner or ~~person performing the duties of a~~  
13 ~~county~~ ALTERNATE medical examiner is satisfied that there is no evidence of  
14 foul play or violence, ~~he or she~~ THE EXAMINER shall so certify. ~~and a copy~~  
15 ~~of such certification shall be attached to the death certificate.~~

16           Sec. 12. Section 11-600, Arizona Revised Statutes, is amended to read:

17           11-600. Burial of indigent deceased; disposal of property

18           A. ~~When an examination~~ A DEATH INVESTIGATION has been completed by the  
19 county medical examiner or ~~the person performing the duties of a county~~  
20 ~~ALTERNATE~~ medical examiner and no other person takes charge of the body of  
21 the deceased, the ~~medical~~ examiner shall cause the body to be delivered to  
22 the funeral establishment, licensed pursuant to title 32, chapter 12, article  
23 4, closest geographically to the place where the body is pronounced dead, for  
24 preservation, disinfection and final disposition. The medical examiner or  
25 ~~person performing the duties of a county~~ ALTERNATE medical examiner may  
26 establish geographical areas within the county and a rotation system whereby  
27 the bodies are delivered equally in sequence to all licensed funeral  
28 establishments in each geographical area. All licensed funeral  
29 establishments in any incorporated city or town shall be in the same  
30 geographical area. Area boundaries in unincorporated areas shall be drawn so  
31 as to approximate equal distances between incorporated cities or towns in  
32 which a licensed funeral establishment or establishments exist. Upon request  
33 of any licensed funeral establishment, in writing, they shall be removed from  
34 participation in the receipt of medical examiner cases until they rescind  
35 their request. If there is not sufficient property in the estate of the  
36 deceased to pay the necessary expenses of the burial, the expenses shall be a  
37 legal charge against the county. Upon determination of indigency the funeral  
38 establishment shall perform the normal county indigent burial, in the manner  
39 and for the fee then being paid by the county, or release the body, upon  
40 county request, without fee, to the funeral establishment designated by the  
41 county for other indigent burials.

42           B. Notwithstanding subsection A of this section, the county medical  
43 examiner OR ALTERNATE MEDICAL EXAMINER may cause the body to be delivered to  
44 a community college under the jurisdiction of a community college district as  
45 defined in section 15-1401, if the community college has an accredited

1 mortuary science program. On acceptance of the body and with proper  
2 authorization, the community college mortuary science program shall preserve  
3 and disinfect the body, prepare it for final disposition and deliver the body  
4 to a licensed funeral establishment pursuant to subsection A of this section  
5 for final disposition. For the purposes of this subsection, proper  
6 authorization may be provided by the next of kin pursuant to section 36-831,  
7 subsection A or the public fiduciary of the county.

8 C. Within thirty days after the examination, the medical examiner or  
9 ~~person performing the duties of the county~~ ALTERNATE medical examiner shall  
10 deliver to the public fiduciary of the county or the legal representative of  
11 the deceased any money or property found upon the body.

12 Sec. 13. Section 36-104, Arizona Revised Statutes, is amended to read:  
13 36-104. Powers and duties

14 This section is not to be construed as a statement of the department's  
15 organization. This section is intended to be a statement of powers and  
16 duties in addition to the powers and duties granted by section 36-103. The  
17 director shall:

18 1. Administer the following services:

19 (a) Administrative services, which shall include, but not be limited  
20 to, the functions of accounting, personnel, standards certification,  
21 electronic data processing, vital statistics and the development, operation  
22 and maintenance of buildings and grounds utilized by the department.

23 (b) Public health support services, which shall include, but not be  
24 limited to:

25 (i) Consumer health protection programs, to include, but not be  
26 limited to, the functions of community water supplies, general sanitation,  
27 vector control and food and drugs.

28 (ii) Epidemiology and disease control programs, to include, but not be  
29 limited to, the functions of chronic disease, accident and injury control,  
30 communicable diseases, tuberculosis, venereal disease and others.

31 (iii) Laboratory services programs.

32 (iv) Health education and training programs.

33 (v) Disposition of human bodies programs.

34 (c) Community health services, which shall include, but not be limited  
35 to:

36 (i) Medical services programs, to include, but not be limited to, the  
37 functions of maternal and child health, preschool health screening, family  
38 planning, public health nursing, premature and newborn program,  
39 immunizations, nutrition, dental care prevention and migrant health.

40 (ii) Dependency health care services programs, to include, but not be  
41 limited to, the functions of need determination, availability of health  
42 resources to medically dependent, quality control, utilization control and  
43 industry monitoring.

44 (iii) Crippled children's services programs.

- 1 (iv) Programs for the prevention and early detection of mental  
2 retardation.
- 3 (d) Program planning, which shall include, but not be limited to:
- 4 (i) An organizational unit for comprehensive health planning programs.
- 5 (ii) Program coordination, evaluation and development.
- 6 (iii) Need determination programs.
- 7 (iv) Health information programs.
- 8 2. Include and administer, within the office of the director, staff  
9 services, which shall include, but not be limited to, budget preparation,  
10 public information, appeals, hearings, legislative and federal government  
11 liaison, grant development and management and departmental and interagency  
12 coordination.
- 13 3. Make rules and regulations for the organization and proper and  
14 efficient operation of the department.
- 15 4. Determine when a health care emergency or medical emergency  
16 situation exists or occurs within the state that cannot be satisfactorily  
17 controlled, corrected or treated by the health care delivery systems and  
18 facilities available. When such situation is determined to exist, the  
19 director shall immediately report such situation to the legislature and the  
20 governor. Such report shall include information on the scope of the  
21 emergency, recommendations for solution of the emergency and estimates of  
22 costs involved.
- 23 5. Provide a system of unified and coordinated health services and  
24 programs between the state and county governmental health units at all levels  
25 of government.
- 26 6. Formulate policies, plans and programs to effectuate the missions  
27 and purposes of the department.
- 28 7. Make contracts and incur obligations within the general scope of  
29 its activities and operations subject to the availability of funds.
- 30 8. Be designated as the single state agency for the purposes of  
31 administering and in furtherance of each federally supported state plan.
- 32 9. Provide information and advice on request by local, state and  
33 federal agencies and by private citizens, business enterprises and community  
34 organizations on matters within the scope of its duties subject to the  
35 departmental rules and regulations on the confidentiality of information.
- 36 10. Establish and maintain separate financial accounts as required by  
37 federal law or regulations.
- 38 11. Advise with and make recommendations to the governor and the  
39 legislature on all matters concerning its objectives.
- 40 12. Take appropriate steps to reduce or contain costs in the field of  
41 health services.
- 42 13. Encourage and assist in the adoption of practical methods of  
43 improving systems of comprehensive planning, of program planning, of priority  
44 setting and of allocating resources.

- 1           14. Encourage an effective use of available federal resources in this  
2 state.
- 3           15. Research, recommend, advise and assist in the establishment of  
4 community or area health facilities, both public and private, and encourage  
5 the integration of planning, services and programs for the development of the  
6 state's health delivery capability.
- 7           16. Promote the effective utilization of health manpower and health  
8 facilities which provide health care for the citizens of this state.
- 9           17. Take appropriate steps to provide health care services to the  
10 medically dependent citizens of this state.
- 11           18. Certify training on the nature of sudden infant death syndrome for  
12 use by professional ~~fire-fighters~~ FIREFIGHTERS and certified emergency  
13 medical technicians as part of their basic and continuing training  
14 requirement.
- 15           19. Certify training on the nature of sudden infant death syndrome  
16 which shall include information on the investigation and handling of cases  
17 involving sudden and unexplained infant death for use by law enforcement  
18 officers as part of their basic training requirement.
- 19           20. Adopt protocols on the manner in which an autopsy shall be  
20 conducted under section 11-597, subsection ~~B-~~ D in cases of sudden and  
21 unexplained infant death.
- 22           21. Cooperate with the Arizona-Mexico commission in the governor's  
23 office and with researchers at universities in this state to collect data and  
24 conduct projects in the United States and Mexico on issues that are within  
25 the scope of the department's duties and that relate to quality of life,  
26 trade and economic development in this state in a manner that will help the  
27 Arizona-Mexico commission to assess and enhance the economic competitiveness  
28 of this state and of the Arizona-Mexico region.
- 29           22. Administer the federal family violence prevention and services act  
30 grants, and the department is designated as this state's recipient of federal  
31 family violence prevention and services act grants.
- 32           23. Accept and spend private grants of monies, gifts and devises for  
33 the purposes of methamphetamine education. The department shall disburse  
34 these monies to local prosecutorial or law enforcement agencies with existing  
35 programs, faith based organizations and nonprofit entities that are qualified  
36 under section 501(c)(3) of the United States internal revenue code, including  
37 nonprofit entities providing services to women with a history of dual  
38 diagnosis disorders, that provide educational programs on the repercussions  
39 of methamphetamine use. State general fund monies shall not be spent for the  
40 purposes of this paragraph. If the director does not receive sufficient  
41 monies from private sources to carry out the purposes of this paragraph, the  
42 director shall not provide the educational programs prescribed in this  
43 paragraph. Grant monies received pursuant to this paragraph are nonlapsing  
44 and do not revert to the state general fund at the close of the fiscal year.

1           24. Identify successful methamphetamine prevention programs in other  
2 states that may be implemented in this state.

3           Sec. 14. Section 36-301, Arizona Revised Statutes, is amended to read:  
4 36-301. Definitions

5           In this chapter, unless the context otherwise requires:

6           1. "Administrative order" means a written decision issued by an  
7 administrative law judge or quasi-judicial entity.

8           2. "Amend" means to make a change, other than a correction, to a  
9 registered certificate by adding, deleting or substituting information on  
10 that certificate.

11           3. "Birth" or "live birth" means the complete expulsion or extraction  
12 of a product of human conception from its mother, irrespective of the  
13 duration of the pregnancy, that shows evidence of life, with or without a cut  
14 umbilical cord or an attached placenta, such as breathing, heartbeat,  
15 umbilical cord pulsation or definite voluntary muscle movement after  
16 expulsion or extraction of the product of human conception.

17           4. "Certificate" means a record that documents a birth or death.

18           5. "Certified copy" means a written reproduction of a registered  
19 certificate that a local registrar, a deputy local registrar or the state  
20 registrar has authenticated as a true and exact written reproduction of a  
21 registered certificate.

22           6. "Correction" means a change made to a registered certificate  
23 because of a typographical error including misspelling and missing or  
24 transposed letters or numbers.

25           7. "Court order" means a written decision issued by:

26           (a) The superior court, an appellate court or the supreme court or an  
27 equivalent court in another state.

28           (b) A commissioner or judicial hearing officer of the superior court.

29           (c) A judge of a tribal court in this state.

30           8. "Custody" means legal authority to act on behalf of a child.

31           9. "Department" means the department of health services.

32           10. "Electronic" means technology that has electrical, digital,  
33 magnetic, wireless, optical or electromagnetic capabilities or technology  
34 with similar capabilities.

35           11. "Evidentiary document" means written information used to prove the  
36 fact for which it is presented.

37           12. "Family member" means:

38           (a) A person's spouse, natural or adopted offspring, father, mother,  
39 grandparent, grandchild to any degree, brother, sister, aunt, uncle or first  
40 or second cousin.

41           (b) The natural or adopted offspring, father, mother, grandparent,  
42 grandchild to any degree, brother, sister, aunt, uncle or first or second  
43 cousin of the person's spouse.

44           13. "Fetal death" means the cessation of life before the complete  
45 expulsion or extraction of a product of human conception from its mother and

- 1 that is evidenced by the absence of breathing, heartbeat, umbilical cord  
2 pulsation or definite voluntary muscle movement after expulsion or  
3 extraction.
- 4 14. "Final disposition" means the interment, cremation, removal from  
5 this state or other disposition of human remains.
- 6 15. "Foundling" means:
- 7 (a) A newborn infant left with a safe haven provider pursuant to  
8 section 13-3623.01.
- 9 (b) A child whose father and mother cannot be determined.
- 10 16. "Funeral establishment" has the same meaning prescribed in section  
11 32-1301.
- 12 17. "Health care institution" has the same meaning prescribed in  
13 section 36-401.
- 14 18. "Human remains" means a lifeless human body or parts of a human  
15 body that permit a reasonable inference that death occurred.
- 16 19. "Issue" means:
- 17 (a) To provide a copy of a registered certificate.
- 18 (b) An action taken by a court of competent jurisdiction,  
19 administrative law judge or quasi-judicial entity.
- 20 20. "Legal age" means a person who is at least eighteen years of age or  
21 who is emancipated by a court order.
- 22 21. "Medical examiner" means a ~~physician who meets the requirements of~~  
23 ~~MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER AS DEFINED IN~~ section 11-591,  
24 ~~subsection B.~~
- 25 22. "Midwife" means a person who is either:
- 26 (a) Licensed pursuant to chapter 6, article 7 of this title.
- 27 (b) Certified as a nurse midwife pursuant to title 32, chapter 15.
- 28 23. "Name" means a designation that identifies a person including a  
29 first name, middle name, last name or suffix.
- 30 24. "Nurse practitioner" means a person licensed and certified as a  
31 nurse practitioner pursuant to title 32, chapter 15.
- 32 25. "Physician" means a person licensed pursuant to title 32, chapter  
33 13 or 17.
- 34 26. "Presumptive death" means a determination by a court that a death  
35 has occurred or is presumed to have occurred but the human remains have not  
36 been located or recovered.
- 37 27. "Register" means to assign an official state number and to  
38 incorporate into the state registrar's official records.
- 39 28. "Responsible person" means a person listed in section 36-831.
- 40 29. "Seal" means to bar from access.
- 41 30. "Submit" means to present, physically or electronically, a  
42 certificate, evidentiary document or form provided for in this chapter to a  
43 local registrar, a deputy local registrar or the state registrar.

1           31. "System of public health statistics" means the processes and  
2 procedures for:

3           (a) Tabulating, analyzing and publishing public health information  
4 derived from vital records data and other sources authorized pursuant to  
5 section 36-125.05 or section 36-132, subsection A, paragraph 3.

6           (b) Performing other activities related to public health information.

7           32. "System of vital records" means the statewide processes and  
8 procedures for:

9           (a) Electronically or physically collecting, creating, registering,  
10 maintaining, copying and preserving vital records.

11           (b) Preparing and issuing certified and noncertified copies of vital  
12 records.

13           (c) Performing other activities related to vital records.

14           33. "Vital record" means a registered birth certificate or a registered  
15 death certificate.

16           Sec. 15. Section 36-848, Arizona Revised Statutes, is amended to read:  
17 36-848. Rights and duties at death

18           A. Rights of a donee created by an anatomical gift are superior to  
19 rights of others except with respect to autopsies under section 11-594,  
20 subsection ~~G~~ B, paragraph ~~3~~ 6. A donee may accept or reject an anatomical  
21 gift. If a donee accepts an anatomical gift of an entire body, the donee,  
22 subject to the terms of the gift, may allow embalming and use of the body in  
23 funeral services. If the gift is of a part of a body, the donee, on the  
24 death of the donor and before embalming, shall cause the part to be removed  
25 without unnecessary mutilation. After removal of the part, custody of the  
26 remainder of the body vests in the person under obligation to dispose of the  
27 body.

28           B. The time of death shall be determined by a physician or surgeon who  
29 attends the donor at death or, if none, the physician or surgeon who  
30 certifies the death. The physician or surgeon who attends the donor at death  
31 or the physician or surgeon who determines the time of death shall not  
32 participate in the procedures for removing or transplanting a part unless the  
33 document of gift designates a particular physician or surgeon pursuant to  
34 section 36-842, subsection D.

35           C. If there has been an anatomical gift, a physician, a surgeon or a  
36 trained technician may remove any donated parts after the determination of  
37 death by a physician or surgeon. The institution where the removal of any  
38 donated parts occurs shall notify the funeral director or the person acting  
39 in that capacity who first assumes custody of the body about the removal of  
40 the body parts.

APPROVED BY THE GOVERNOR MAY 16, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 16, 2007.

Passed the House March 6, 2007

Passed the Senate April 26, 2007

by the following vote: 53 Ayes,

by the following vote: 20 Ayes,

4 Nays, 3 Not Voting

6 Nays, 4 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

[Signature]  
Chief Clerk of the House

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

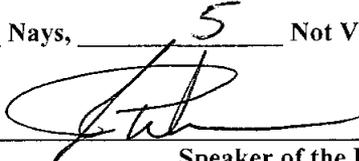
H.B. 2125

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

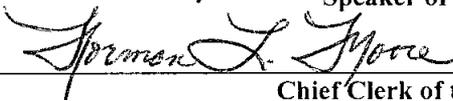
May 10, 2007,

by the following vote: 54 Ayes,

1 Nays, 5 Not Voting



Speaker of the House



Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

10th day of May, 2007

at 2:15 o'clock P. M.



Secretary to the Governor

Approved this 16 day of

May, 2007,

at 10<sup>45</sup> o'clock A. M.



Governor of Arizona

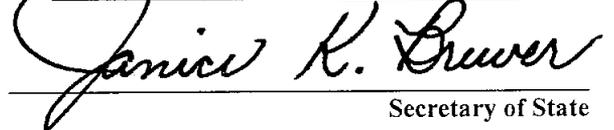
H.B. 2125

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 16<sup>TH</sup> day of May, 2007

at 4:59 o'clock P. M.



Secretary of State