

House Engrossed

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

CHAPTER 88

HOUSE BILL 2225

AN ACT

AMENDING SECTION 11-597, ARIZONA REVISED STATUTES; AMENDING TITLE 11, CHAPTER 3, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-597.02; RELATING TO THE COUNTY MEDICAL EXAMINER.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 11-597, Arizona Revised Statutes, is amended to
3 read:

4 11-597. Autopsies; reports; exemption from liability

5 A. The county medical examiner or alternate medical examiner shall
6 conduct a death investigation to determine whether or not the public interest
7 requires an external examination, autopsy or other special investigation.

8 B. An external examination or autopsy is not required for deaths due
9 to natural diseases that occur during surgical or anesthetic procedures
10 unless the medical examiner or alternate medical examiner determines that an
11 external examination or autopsy is necessary.

12 C. In the determination of the need for an autopsy, the county medical
13 examiner or alternate medical examiner may consider the request for an
14 autopsy made by private persons or public officials. If the county attorney
15 or a superior court judge of the county where the death occurred requests an
16 autopsy, the county medical examiner shall perform the autopsy, or, in the
17 case of an alternate medical examiner, an autopsy shall be performed by a
18 forensic pathologist.

19 D. A forensic pathologist shall perform an autopsy in cases of sudden
20 and unexplained infant death in accordance with protocols adopted by the
21 director of the department of health services. If the medical examiner or
22 forensic pathologist determines that the infant died of sudden infant death
23 syndrome, the medical examiner or forensic pathologist shall notify the
24 department of health services. The medical examiner or forensic pathologist
25 may ~~take~~ RETAIN tissue samples, SPECIMENS AND OTHER BIOLOGICAL MATERIALS for
26 diagnostic purposes.

27 E. If an autopsy is performed, a full record or report of the facts
28 developed by the autopsy in the findings of the person performing the autopsy
29 shall be properly made and filed in the office of the county medical examiner
30 or the board of supervisors. If the person performing the autopsy determines
31 that the report should be forwarded to the county where the death occurred or
32 the county in which any injury contributing to or causing the death was
33 sustained, the report shall be forwarded to the county attorney.

34 F. A county attorney may request and ~~upon~~ ON request shall receive
35 from the county medical examiner or alternate medical examiner a copy of the
36 report on any autopsy performed.

37 G. The county medical examiner or alternate medical examiner may
38 perform other tests deemed necessary to determine identity and the cause and
39 manner of death and may retain tissues, specimens and other biological
40 materials for subsequent examination.

41 H. When ~~an~~ A DEATH INVESTIGATION, INCLUDING AN EXTERNAL EXAMINATION,
42 autopsy or other tests are performed by THE COUNTY MEDICAL EXAMINER,
43 ALTERNATE MEDICAL EXAMINER OR a forensic pathologist, no cause of action
44 shall lie against the physician or any other person for requesting ~~the~~

1 ~~autopsy, for~~, PERFORMING, participating in ~~the~~ OR DETERMINING THE CAUSE AND
2 MANNER OF DEATH OR OTHERWISE REPORTING THE RESULTS FROM THE EXTERNAL
3 EXAMINATION, DEATH INVESTIGATION, autopsy OR OTHER TESTS or for retaining
4 specimens ~~or~~, tissues OR OTHER BIOLOGICAL MATERIALS.

5 Sec. 2. Title 11, chapter 3, article 12, Arizona Revised Statutes, is
6 amended by adding section 11-597.02, to read:

7 11-597.02. Autopsy photographs, digital images, x-rays and
8 video recordings; in camera review; exceptions;
9 procedures; immunity

10 A. NOTWITHSTANDING TITLE 39, CHAPTER 1, PHOTOGRAPHS, DIGITAL IMAGES,
11 X-RAYS AND VIDEO RECORDINGS OF HUMAN REMAINS THAT ARE CREATED BY A MEDICAL
12 EXAMINER, ALTERNATE MEDICAL EXAMINER OR THEIR EMPLOYEES OR AGENTS DURING A
13 DEATH INVESTIGATION THAT IS CONDUCTED PURSUANT TO THIS CHAPTER MAY NOT BE
14 DISCLOSED BY A MEDICAL EXAMINER, ALTERNATE MEDICAL EXAMINER OR THEIR
15 EMPLOYEES OR AGENTS UNLESS A JUDGE OF THE SUPERIOR COURT GRANTS DISCLOSURE OF
16 ALL OR PART OF THE MATERIALS AFTER REVIEWING THE MATERIALS IN CAMERA. THE
17 JUDGE OF THE SUPERIOR COURT SHALL BALANCE THE INTERESTS UNDER THE PUBLIC
18 RECORDS LAWS OF THIS STATE TO DETERMINE WHETHER TO ORDER DISCLOSURE OF ALL OR
19 PART OF THE MATERIALS. A PERSON THAT SEEKS DISCLOSURE OF THE MATERIALS
20 DESCRIBED IN THIS SECTION MAY FILE A PETITION IN THE SUPERIOR COURT OF THE
21 COUNTY IN WHICH THE DEATH INVESTIGATION OCCURRED FOR AN IN CAMERA REVIEW OF
22 THE MATERIALS.

23 B. NOTWITHSTANDING THE PROVISIONS OF SUBSECTION A OF THIS SECTION, THE
24 FOLLOWING PERSONS MAY EXAMINE AND OBTAIN THE MATERIALS DESCRIBED IN
25 SUBSECTION A OF THIS SECTION:

26 1. THE COUNTY ATTORNEY, ATTORNEY GENERAL OR OTHER LAW ENFORCEMENT
27 AGENCY HAVING JURISDICTION, AS NECESSARY FOR THE PERFORMANCE OF THEIR DUTIES.

28 2. THE SURVIVING SPOUSE, CHILD, PARENT, LEGAL GUARDIAN, GRANDPARENT,
29 GRANDCHILD OR SIBLING OF THE DECEDENT OR THEIR LEGAL REPRESENTATIVE OR
30 DESIGNATED AGENT.

31 3. A PERSONAL REPRESENTATIVE OF THE DECEDENT'S ESTATE OR A PERSON
32 DESIGNATED BY THE DECEDENT BEFORE DEATH.

33 4. FEDERAL, STATE OR LOCAL GOVERNMENTAL AUTHORITIES, INCLUDING PUBLIC
34 HEALTH OFFICERS, AS NECESSARY FOR THE PERFORMANCE OF THEIR DUTIES.

35 5. THE ATTENDING PHYSICIAN OR NURSE PRACTITIONER.

36 6. A MEDICAL OR SCIENTIFIC BODY OR UNIVERSITY OR OTHER EDUCATIONAL
37 INSTITUTION FOR EDUCATIONAL OR RESEARCH PURPOSES, PROVIDED THAT THE MATERIALS
38 USED DO NOT REVEAL THE DECEDENT'S IDENTITY.

39 7. AN ATTORNEY FOR A DEFENDANT OR PETITIONER IN ANY CRIMINAL OR
40 POST-CONVICTION PROCEEDING FOR PURPOSES OF ASSISTING REPRESENTATION IN THAT
41 PROCEEDING.

42 C. NOTHING IN THIS SECTION SHALL AFFECT THE CONDUCT OF TRIALS OR THE
43 DISCOVERY PROCESS AS PROVIDED BY LAW OR COURT RULE.

1 D. THE MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER MAY PRESCRIBE
2 PROCEDURES FOR THE ISSUANCE OF MATERIALS PURSUANT TO SUBSECTION B OF THIS
3 SECTION, INCLUDING REPRODUCTION FEES.

4 E. A CAUSE OF ACTION MAY NOT ARISE AGAINST THE COUNTY MEDICAL
5 EXAMINER, ALTERNATE MEDICAL EXAMINER OR THEIR EMPLOYEES OR AGENTS, OR THE
6 COUNTY FOR LAWFULLY DISCLOSING A DEATH INVESTIGATION PHOTOGRAPH, DIGITAL
7 IMAGE, X-RAY OR VIDEO RECORDING PURSUANT TO THIS SECTION.

APPROVED BY THE GOVERNOR APRIL 17, 2014.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2014.

Passed the House March 4, 20 14

Passed the Senate April 15, 20 14

by the following vote: 55 Ayes,

by the following vote: 30 Ayes,

1 Nays, 4 Not Voting

0 Nays, 0 Not Voting



Speaker of the House



President of the Senate

Pro Tempore


Chief Clerk of the House



Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

16 day of April, 20 14

at 11:50 o'clock A M.



Secretary to the Governor

Approved this 17th day of

April

at 12:10 o'clock P M.



Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 18th day of April, 20 14

at 8:10 o'clock a M.



Secretary of State

H.B. 2225