

Senate Engrossed

**FILED**

**MICHELE REAGAN**  
**SECRETARY OF STATE**

State of Arizona  
Senate  
Fifty-third Legislature  
First Regular Session  
2017

**CHAPTER 270**  
**SENATE BILL 1201**

AN ACT

AMENDING SECTION 11-594, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 6, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-670; 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 11-594, Arizona Revised Statutes, is amended to  
3 read:

4 11-594. Powers and duties of county medical examiner

5 A. The county medical examiner or alternate medical examiner shall  
6 direct a death investigation and on a determination that the circumstances  
7 of the death provide jurisdiction pursuant to section 11-593, subsection  
8 ~~A~~ B shall:

9 1. Take charge of the dead body.

10 2. Determine if an autopsy is required.

11 3. Certify to the cause and manner of death following completion of  
12 the death investigation, reduce the findings to writing and promptly make  
13 a full report on forms prescribed for that purpose.

14 4. Have subpoena authority for all documents, records and papers  
15 deemed useful in the death investigation.

16 5. Execute a death certificate provided by the state registrar of  
17 vital statistics indicating the cause and the manner of death for those  
18 bodies for which a death investigation has been conducted and jurisdiction  
19 is assumed.

20 6. Give approval for cremation of a dead body after a death  
21 investigation and record the approval on the death certificate.

22 7. Notify the county attorney or other law enforcement authority  
23 when death is found to be from nonnatural causes.

24 8. Carry out the duties specified under section 28-668.

25 9. Carry out the duties specified under title 36, chapter 7,  
26 article 3.

27 10. PROVIDE A BLOOD SAMPLE FROM A DECEASED PERSON FOR THE PURPOSE  
28 OF COMMUNICABLE DISEASE TESTING PURSUANT TO SECTIONS 13-1210 AND 36-670 IF  
29 THE BLOOD IS AVAILABLE AND THE COLLECTION OR RELEASE WILL NOT INTERFERE  
30 WITH A MEDICAL EXAMINATION, AUTOPSY OR CERTIFICATION OF DEATH.

31 ~~10~~ 11. Observe all policies adopted by the board of supervisors  
32 regarding conflicts of interest and disclosure of noncounty employment.

33 B. The county medical examiner or alternate medical examiner may:

34 1. Assign to a medical death investigator or other qualified  
35 personnel all aspects of a death investigation except the performance of  
36 autopsies.

37 2. Authorize forensic pathologists to perform examinations and  
38 autopsies. The medical examiner or alternate medical examiner may  
39 authorize medical students or residents and fellows in pathology training  
40 to perform autopsies under the supervision of a licensed physician who is  
41 board certified in forensic pathology, pursuant to procedures adopted by  
42 the county medical examiner or alternate medical examiner. Authorization  
43 and the amount to be paid by the county for pathology services are subject  
44 to approval of the board of supervisors.

1           3. Delegate any power, duty or function whether ministerial or  
2 discretionary vested by this chapter in the medical examiner or alternate  
3 medical examiner to a person meeting the qualifications prescribed in this  
4 chapter who is employed by or who has contracted with the county to  
5 provide death investigation services. The medical examiner or alternate  
6 medical examiner shall be responsible for the official acts of the person  
7 designated pursuant to this section and shall act under the name and  
8 authority of the medical examiner or alternate medical examiner.

9           4. Authorize the taking of organs and tissues as they prove to be  
10 usable for transplants, other treatment, therapy, education or research if  
11 all of the requirements of title 36, chapter 7, article 3 are met. The  
12 medical examiner or alternate medical examiner shall give this  
13 authorization within a time period that permits a medically viable  
14 donation.

15           5. Authorize licensed physicians, surgeons or trained technicians  
16 to remove parts of bodies provided they follow an established protocol  
17 approved by the medical examiner or alternate medical examiner.

18           6. Limit the removal of organs or tissues for transplants or other  
19 therapy or treatment if, based on a review of available medical and  
20 investigative information within a time that permits a medically viable  
21 donation, the medical examiner or alternate medical examiner makes an  
22 initial determination that their removal would interfere with a medical  
23 examination, autopsy or certification of death. Before making a final  
24 decision to limit the removal of organs, the medical examiner or alternate  
25 medical examiner shall consult with the organ procurement organization.  
26 After the consultation and when the organ procurement organization  
27 provides information that the organ procurement organization reasonably  
28 believes could alter the initial decision and at the request of the organ  
29 procurement organization, the medical examiner or alternate medical  
30 examiner shall conduct a physical examination of the body. If the medical  
31 examiner or alternate medical examiner limits the removal of organs, the  
32 medical examiner or alternate medical examiner shall maintain  
33 documentation of this decision and shall make the documentation available  
34 to the organ procurement organization.

35           C. A county medical examiner or alternate medical examiner shall  
36 not be held civilly or criminally liable for any acts performed in good  
37 faith pursuant to SUBSECTION A, PARAGRAPH 10 AND subsection B, paragraphs  
38 4, 5 and 6 of this section.

39           D. If a dispute arises over the findings of the medical examiner's  
40 report, the medical examiner, on an order of the superior court, shall  
41 make available all evidence and documentation to a court-designated  
42 licensed forensic pathologist for review, and the results of the review  
43 shall be reported to the superior court in the county issuing the order.

1 E. For providing external examinations and autopsies pursuant to  
2 this section, the medical examiner may charge a fee established by the  
3 board of supervisors pursuant to section 11-251.08.

4 F. The county medical examiner or alternate medical examiner is  
5 entitled to all medical records and related records of a person for whom  
6 the medical examiner is required to certify cause of death.

7 Sec. 2. Title 36, chapter 6, article 4, Arizona Revised Statutes,  
8 is amended by adding section 36-670, to read:

9 36-670. Good samaritan; deceased person; disease testing;  
10 petition; hearing; notice

11 A. A GOOD SAMARITAN MAY PETITION THE COURT FOR AN ORDER AUTHORIZING  
12 TESTING OF A DECEASED PERSON FOR THE HUMAN IMMUNODEFICIENCY VIRUS, COMMON  
13 BLOODBORNE DISEASES OR OTHER DISEASES SPECIFIED IN THE PETITION IF THERE  
14 ARE REASONABLE GROUNDS TO BELIEVE AN EXPOSURE OCCURRED AND THERE IS  
15 PROBABLE CAUSE TO BELIEVE THAT THE DECEASED PERSON TRANSFERRED BLOOD OR  
16 OTHER BODILY FLUIDS ON OR THROUGH THE SKIN OR MEMBRANES OF THE GOOD  
17 SAMARITAN.

18 B. THE COURT SHALL HEAR THE PETITION PROMPTLY. IF THE COURT FINDS  
19 THAT PROBABLE CAUSE EXISTS TO BELIEVE THAT A POSSIBLE TRANSFER OF BLOOD OR  
20 OTHER BODILY FLUIDS OCCURRED BETWEEN THE DECEASED PERSON AND THE GOOD  
21 SAMARITAN, THE COURT SHALL ORDER THAT THE COUNTY MEDICAL EXAMINER OR  
22 ALTERNATE MEDICAL EXAMINER DRAW TWO SPECIMENS OF BLOOD, IF AVAILABLE, FOR  
23 TESTING AND MAKE THE SAMPLES AVAILABLE FOR TESTING BY A PRIVATE HEALTH  
24 CARE PROVIDER OR PRIVATE HEALTH FACILITY SPECIFIED IN THE COURT ORDER AT  
25 THE GOOD SAMARITAN'S EXPENSE.

26 C. NOTWITHSTANDING SUBSECTION B OF THIS SECTION, ON WRITTEN NOTICE  
27 FROM THE DEPARTMENT, THE COUNTY MEDICAL EXAMINER OR ALTERNATE MEDICAL  
28 EXAMINER IS AUTHORIZED TO DRAW TWO SPECIMENS OF BLOOD, IF AVAILABLE,  
29 DURING THE AUTOPSY OR OTHER EXAMINATION OF THE DECEASED PERSON'S BODY, FOR  
30 INFECTIOUS DISEASE TESTING. THE COUNTY MEDICAL EXAMINER OR ALTERNATE  
31 MEDICAL EXAMINER SHALL RELEASE THE SPECIMEN ONLY AFTER THE COURT ISSUES AN  
32 ORDER PURSUANT TO SUBSECTION B OF THIS SECTION. IF THE COURT DOES NOT  
33 ISSUE AN ORDER WITHIN THIRTY DAYS AFTER THE COUNTY MEDICAL EXAMINER OR  
34 ALTERNATE MEDICAL EXAMINER COLLECTS THE SPECIMEN, THE COUNTY MEDICAL  
35 EXAMINER OR ALTERNATE MEDICAL EXAMINER SHALL DESTROY THE SPECIMEN.

36 D. NOTICE OF THE TEST RESULTS SHALL BE PROVIDED AS PRESCRIBED BY  
37 THE DEPARTMENT TO THE GOOD SAMARITAN NAMED IN THE PETITION.

38 E. SECTION 36-665 DOES NOT APPLY TO THIS SECTION.

**APPROVED BY THE GOVERNOR MAY 3, 2017.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 3, 2017.**

Passed the House April 26, 2017,

Passed the Senate March 9, 2017,

by the following vote: 54 Ayes,

by the following vote: 28 Ayes,

0 Nays, 6 Not Voting

0 Nays, 2 Not Voting

W. R. Boyce

Stan A. Garrison

Speaker of the House  
*Pro Tempore*

President of the Senate

Jim Drake  
Chief Clerk of the House

Susan Owens  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

27 day of April, 2017,

at 10:36 o'clock A. M.

[Signature]

Secretary to the Governor

Approved this 3rd day of

May, 2017,

at 2:19 o'clock P. M.

Jayce D. Jurey  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 3 day of May, 2017,

at 5:16 o'clock P M.

Michelle Reagan  
Secretary of State

S.B. 1201