State of Wisconsin
2011 - 2012 LEGISLATURE

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In 2-23-2012
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~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

No changes

2011 BILL

Regen

AN ACT ***to repeal*** 69.18 (4) (bm), 979.01 (3), 979.01 (3m), 979.03 and 979.10 (3); ***to renumber*** 69.18 (4) (a) 1g. to 6.; ***to renumber and amend*** 69.18 (4) (a) (intro.), 157.02 (1), (2), (3), (4) and (5), 979.01 (1m), 979.01 (2), 979.01 (4), 979.02, 979.10 (1) (a) 1., 2. and 3. and 979.10 (1) (c); ***to amend*** 69.01 (12), 69.18 (1) (a) 3., 69.18 (2) (d) 1., 69.18 (2) (d) 2., 69.18 (2) (d) 3., 69.18 (3) (a), 69.18 (3) (b), 69.18 (3) (d), 69.20 (2) (a) 2., 157.03 (1), 157.03 (2), 157.055 (2) (intro.), 157.112 (3) (intro.), 157.70 (3) (a), 346.71 (1), 346.71 (2), 440.78 (1) (b), 979.01 (title), 979.01 (1r), 979.015, 979.02 (title), 979.025 (title), 979.025 (1), 979.025 (2), 979.025 (3), 979.09, 979.10 (1) (a) (intro.), 979.10 (1) (b), 979.10 (2), 979.10 (4) and 979.22; ***to repeal and recreate*** 979.01 (1) and 979.01 (1g); and ***to create*** 51.30 (4) (b) 29., 69.18 (4) (am) (intro.), 69.18 (4) (b), 69.18 (4) (d), 69.18 (4) (e), 69.18 (4) (f), 157.02 (1m) (title), 157.02 (2m), 979.001, 979.01 (1d), 979.01 (1i), 979.01 (1k), 979.01 (1m) (b), 979.01 (1p), 979.01 (2) (b), 979.017, 979.02 (2) to (7), 979.027, 979.032, 979.034, 979.036, 979.10 (1) (a) 1m. and 2m., 979.10 (1) (d), 979.10 (5) and 979.10 (6) of the statutes; **relating to:** reporting deaths,

1 death investigations and other duties of coroners and medical examiners,
2 disposition of bodies, and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, coroners or medical examiners investigate certain deaths. In a county with a population of 500,000 or more, and in any county that has instituted a medical examiner system, a medical examiner appointed by the county board is responsible for death investigations. In all other counties, the coroner, who is an elected constitutional officer, is responsible for death investigations.

Reporting Deaths

Under current law, any person who has knowledge of certain deaths must report the death to the sheriff, police chief, or medical examiner or coroner for the locality in which the death occurred. The following types of deaths must be reported: a death that involves unexplained, unusual, or suspicious circumstances; a homicide or suicide; a death following an accident; a death that is due to poisoning; a death following an abortion; a death for which a physician or spiritual advisor did not attend the deceased within 30 days before death; and a death for which a physician refuses to sign the death certificate or for which a physician cannot timely be obtained to sign the medical certification that is required for a death certificate. A sheriff or police chief who is notified of such a death must notify the coroner or medical examiner of the death, and the coroner or medical examiner must notify the district attorney.

This bill requires that, if a death must be reported, any person who has knowledge of the death must report it to the coroner or medical examiner and may, in addition, report it to a law enforcement officer.

The bill requires that a law enforcement officer, health care provider, or funeral director who has knowledge of a death that occurs outside of a hospital, nursing home, hospice, or physician's office and any person who discovers the body or remains of a deceased individual outside of a hospital, nursing home, hospice, or physician's office must report the death to the coroner or medical examiner in the county where the death occurred or where the body or remains were located. The bill also includes specific reporting requirements for deaths that occur in hospitals, nursing homes, hospices, or physician's offices. First, a health care provider must report each death that occurs in a physician's office. Second, a hospice must report deaths that occur while a person is receiving care from hospice in accordance with the corner or medical examiner's written policy. Third, a hospital or nursing home must report each death that occurs at the hospital or nursing home and that did not result from a natural disease process. Fourth, a hospital must report each death that occurs in the emergency department of the hospital.

Currently, the penalty for failure to report a death for which reporting is required is a fine not to exceed $1,000 or imprisonment for not more than 90 days. The bill increases the maximum fine to $10,000 for a partnership, association,

organization, institution, or body politic or corporate that fails to report a death for which reporting is required.

Jurisdiction to investigate death and notifications

Currently, a sheriff or police chief to whom a death is reported must notify a coroner or medical examiner, and the coroner or medical examiner must notify the district attorney.

The bill assigns jurisdiction to investigate a death to the coroner or medical examiner in the county in which occurred the crime, injury, or other event that caused the death. However, if it cannot be determined where the event that caused the death occurred, or if the death occurred outside the state, the coroner or medical examiner in the county in which death was pronounced has jurisdiction to investigate. The bill provides that the coroner or medical examiner who has jurisdiction to investigate a death has custody of the deceased's body and prohibits any person from moving the body at or from a death scene without authorization from the coroner or medical examiner. The bill requires a coroner or medical examiner who receives notice of a death to notify the deceased's next of kin. The bill provides that a coroner or medical examiner need not notify the district attorney of certain types of reported deaths if the district attorney has waived notice in writing.

Autopsies and other diagnostic procedures

Currently, a coroner, medical examiner, or district attorney may order an autopsy conducted on a body if there is reason to believe that the death resulted from a homicide or certain other crimes or suicide, or occurred under unexplained or suspicious circumstances. A coroner or medical examiner must order an autopsy on any person who dies while confined in a correctional facility in this state. If a child who is under two years of age dies unexpectedly or under circumstances indicating sudden infant death syndrome, the coroner or medical examiner must order an autopsy unless the parent or guardian in writing requests that an autopsy not be performed. If the autopsy reveals that sudden infant death syndrome is the cause of death, that cause shall be stated in the autopsy report. No person may perform an autopsy on the body of a person whose death must be reported without obtaining written authorization from the coroner or medical examiner.

Under current law, if an autopsy is not performed in connection with a death that must be reported, the coroner or medical examiner may take specimens from the body for analysis to assist in determining the cause of death. The coroner or medical examiner must take specimens for analysis in such cases if requested to do so by the spouse, parent, child, or sibling of the deceased.

The bill requires a coroner or medical examiner to order an autopsy for the following deaths: a death that likely resulted from a crime; a death of a person under 18 years of age that is unusual or unexplained; a death of a person who is in the custody of a law enforcement officer or under active pursuit by a law enforcement officer, or that otherwise involves a law enforcement officer; a death of a person who is confined in federal prison or confined in a jail or otherwise confined by a sheriff; and a death of a person who is detained or institutionalized in connection with a civil commitment, preliminary proceedings for civil commitment, or criminal trial competency proceedings. The bill repeals the requirement that a coroner or medical

examiner, in cases where a death must be reported, must take specimens from a deceased's body upon request of the deceased's spouse, parent, child, or sibling. Under the bill, if a coroner or medical examiner does not order an autopsy for a death that must be reported and a representative of the deceased inquires about performance of an autopsy, the coroner or medical examiner must inform the representative that the representative may independently contract for pathology-related services. Finally, the bill repeals the requirement that a coroner or medical examiner order an autopsy when a child who is under two years of age dies unexpectedly under circumstances indicating sudden infant death syndrome, and repeals the requirement that, when applicable, coroners and medical examiners cite sudden infant death syndrome as the cause of death in an autopsy report.

Investigation records and handling of personal property

The bill requires that each coroner or medical examiner keep records of each death investigation and specifies the contents of the records. The bill further requires that the coroner or medical examiner keep death investigation records in an office that is owned or leased by the county and designated as the office of the coroner or medical examiner.

The bill provides that records of autopsies and other diagnostic procedures are confidential. Under the bill, a coroner or medical examiner may release such records only to persons who have authority to access the deceased's health care records without informed consent, to a representative of the deceased, or for educational purposes. The bill requires that a coroner or medical examiner keep all confidential records that are gathered for an investigation, such as health care records, confidential. At the request of a law enforcement agency investigating a death, a coroner or medical examiner must keep death investigation records and information related to an investigation confidential during the course of the investigation. The bill also requires that each coroner or medical examiner maintain written policies regarding access to death investigation records.

The bill requires a coroner or medical examiner to maintain an inventory of personal property that the coroner or medical examiner takes from a death scene or from a deceased. The bill specifies that the coroner or medical examiner must destroy or donate to a drug repository program any prescription medications that the coroner or medical examiner collects in an investigation and does not provide to a law enforcement agency.

Disposition of bodies

Under current law, the coroner's or medical examiner's authorization is required for various activities related to the disposition of bodies.

Authorization to embalm or dispose of a body. Under current law, a coroner's or medical examiner's authorization is required to embalm or perform an autopsy on the body of a person whose death must be reported. A coroner or medical examiner must issue the authorization within 12 hours of receiving notice of the death or as soon thereafter as possible in the event of unexplained, unusual, or suspicious circumstances.

The bill requires an authorization from the coroner or medical examiner to embalm, bury, entomb, cremate, or deliver for research purposes, the body of person

whose death must be reported. The bill specifies certain information that a coroner or medical examiner must include on an authorization to embalm or dispose of a body, eliminates the general 12-hour deadline for issuing an authorization to embalm, and provides that a coroner or medical examiner must issue an authorization to embalm or dispose of a body as soon as possible after being notified of a death.

Cremation permit. Under current law, a cremation permit issued by a coroner or medical examiner is required for cremation of the body of any deceased person. Currently, a person may not cremate a body within 48 hours of death, or discovery of death, unless the death was caused by a contagious or infectious disease. A coroner or medical examiner must view a body and make inquiry into the cause and manner of death before issuing a cremation permit. Finally, a cremation permit for the body of a person who died outside the state may be used only in the county in which it is issued.

The bill calls the authorization required for cremation a release rather than a permit. The bill provides that even when a death is caused by a contagious or infectious disease, the body may not be cremated within 48 hours of the pronouncement of death unless the body must be cremated immediately to effectively contain the disease or a public health authority orders the sooner disposal of the body during a state of emergency that is related to public health. The bill requires that, if the medical certification of the cause and manner of death on a death certificate is completed by a physician, the coroner or medical examiner must review the medical certification before issuing a cremation release. The bill further requires that a coroner or medical examiner must specify on a cremation release the earliest date and time that cremation may occur. Finally, the bill requires that a person who receives a body for medical research or education must request a cremation release before receiving the body.

Authorization to disinter and reinter. Under current law, a coroner or medical examiner must issue an authorization to disinter and reinter a body upon an order of the court or at the request of various next of kin of the deceased or another person who has authority to dispose of the body.

The bill clarifies that no person, other than a cemetery, may disinter a body or human remains without authorization from the coroner or medical examiner. The bill adds, as a condition for obtaining a coroner's or medical examiner's authorization for disinterment without a court order, that the person requesting authorization provide proof of intent to cremate or bury the disintered remains.

Disposition of unidentified or unclaimed bodies. Under current law, if an inmate of a state, county, or municipal institution dies, and a relative or friend of the deceased does not claim the body and a medical or mortuary school does not take the body, the superintendent of the institution must bury the body.

This bill provides that, if a person other than the superintendent of a state, county, or municipal institution has an unidentified or unclaimed body, the person shall notify the coroner or medical examiner, who must bury or cremate the body. Under the bill, if a coroner or medical examiner buries or cremates the body, the county must pay the costs of burial or cremation with funds other than funds appropriated for the operation of the coroner's or medical examiner's office. The bill

further provides that, if the coroner or medical examiner makes reasonable efforts to identify a body and notify the deceased's representative of disposal of the body, the coroner or medical examiner is immune from civil liability for his or her choice of method for disposing of the body.

Mental health treatment records

Under current law, a coroner or medical examiner may obtain a deceased's health care records without informed consent for the purpose of completing a medical certification on a certificate of death or for conducting a death investigation. This bill provides a coroner or medical examiner access to a deceased's mental health treatment records without informed consent for the purpose of completing a medical certification on a certificate of death or for conducting a death investigation.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 51.30 (4) (b) 29. of the statutes is created to read:

2 51.30 **(4)** (b) 29. To a medical examiner, assistant medical examiner, coroner,
3 or deputy coroner upon an oral or written request from that person, if the individual's
4 treatment records are relevant to completion of a medical certification for the
5 individual's death under s. 69.18 (2) or to an investigation of the cause or manner of
6 the individual's death under s. 979.01 or 979.10. A custodian of treatment records
7 may initiate contact with a coroner or medical examiner to inform him or her of
8 treatment records of a deceased individual that may be relevant to the completion
9 of a medical certification or the investigation of a death. The recipient of any
10 information under this subdivision shall keep the information confidential except as
11 necessary to comply with s. 69.18, 979.01, or 979.10.

12 **SECTION 2.** 69.01 (12) of the statutes is amended to read:

69.01 **(12)** "Final disposition" means the disposition of a corpse or stillbirth by burial, interment, entombment, cremation, delivery to a university or school under s. 157.02 ~~(3)~~ (1m) (c), or delivery to a medical or dental school anatomy department under s. 157.06. "Final disposition" does not include disposition of the ashes produced by cremation of a corpse or stillbirth.

SECTION 3. 69.18 (1) (a) 3. of the statutes is amended to read:

69.18 **(1)** (a) 3. A person acting under s. 157.02 or 445.16 ~~(1)~~.

SECTION 4. 69.18 (2) (d) 1. of the statutes is amended to read:

69.18 **(2)** (d) 1. Except as provided under par. (e), if a death is ~~the subject of a coroner's or medical examiner's determination~~ investigated by a coroner or medical examiner under s. 979.01 ~~or 979.03~~, the coroner or medical examiner or a physician supervised by a coroner or medical examiner in the county where the event which caused the death occurred shall complete and sign the medical certification for the death ~~and mail the death certificate within 5 days after the pronouncement of death or present the certificate to the person responsible for filing the death certificate under sub. (1)~~ within 6 days after the pronouncement of death.

SECTION 5. 69.18 (2) (d) 2. of the statutes is amended to read:

69.18 **(2)** (d) 2. Except as provided under par. (e), if the decedent was not under the care of a physician for the illness or condition from which the person died, the coroner or medical examiner, or a physician supervised by a coroner or medical examiner, in the county of the place of death shall complete and sign the medical certification for the death ~~and mail the death certificate within 5 days after the pronouncement of death or present the certificate to the person responsible for filing the death certificate under sub. (1)~~ within 6 days after the pronouncement of death.

SECTION 6. 69.18 (2) (d) 3. of the statutes is amended to read:

69.18 **(2)** (d) 3. For a medical certification under this paragraph, except a medical certification of the cause of death of an indigent, a coroner or medical examiner may charge a fee established by the county board, not to exceed an amount reasonably related to the actual and necessary cost of providing the medical certification. The coroner or medical examiner, or the physician employed by the coroner or medical examiner, shall ~~mail or present~~ complete and sign a medical certification as required under subd. 1., whether or not the fee has been paid.

****NOTE: Section 69.18 (2) (d) 2. and 3. contain the same issue as 69.18 (2) (d) 1. regarding the fact that the coroner or medical examiner will no longer mail or present the medical certificate when the records are filed electronically. I included these provisions in this draft because, based on our meeting, I addressed this issue for purposes of s. 69.18 (2) (d) 1.

SECTION 7. 69.18 (3) (a) of the statutes is amended to read:

69.18 **(3)** (a) Except as provided under par. (c) or (e), the person who has moved a corpse under sub. (1) (a) shall complete a report for final disposition, on a form supplied by the state registrar, and, within 24 hours after being notified of the death, mail or present a copy of the report to the coroner or medical examiner in the county of the place of death and mail or present a copy to the local registrar in the registration district of the place of death. If the ~~cause of~~ death ~~is subject to an investigation~~ must be reported to a coroner or medical examiner under s. 979.01 ~~or 979.03~~, the report for final disposition shall be submitted to the coroner or medical examiner in the county in which the event which caused the death occurred.

SECTION 8. 69.18 (3) (b) of the statutes is amended to read:

69.18 **(3)** (b) If a medical certification for a corpse is required under sub. (2) (d), no person may embalm the corpse or effect its final disposition without satisfying the requirements for a report under par. (a) and without obtaining ~~the written~~

~~permission of the person required to complete the medical certification under sub. (2) (d)~~ an authorization to embalm or dispose of a body under s. 979.105.

SECTION 9. 69.18 (3) (d) of the statutes is amended to read:

69.18 **(3)** (d) No person may remove a corpse from this state if the place of death was in this state unless the corpse is accompanied by a copy of the report for final disposition. If a medical certification is required for the corpse under sub. (2) (d), the corpse must be accompanied by the report and ~~the written permission of the coroner or medical examiner to embalm and effect final disposition~~ an authorization to embalm or dispose of a body under s. 979.105. No person may remove a stillbirth from this state if the delivery of the stillbirth was in this state unless the stillbirth is accompanied by a report for final disposition.

SECTION 10. 69.18 (4) (a) (intro.) of the statutes is renumbered 69.18 (4) (c) and amended to read:

69.18 **(4)** (c) Subject to s. 157.111, the coroner or medical examiner of the county in which a decedent's corpse is interred shall issue ~~an authorization~~ a permit for disinterment and reinterment upon receipt of an order of a court of competent jurisdiction ~~or upon receipt of a written application for disinterment and reinterment signed by the person in charge of the disinterment and by any of the following persons, in order of priority stated, when persons in prior classes are not available at the time of application, and in the absence of actual notice of contrary indications by the decedent or actual notice of opposition by a member of the same or a prior class:~~.

SECTION 11. 69.18 (4) (a) 1g. to 6. of the statutes are renumbered 69.18 (4) (am) 1g. to 6.

SECTION 12. 69.18 (4) (am) (intro.) of the statutes is created to read:

1 69.18 **(4)** (am) (intro.) In this subsection, "representative of the decedent"
2 means any member of the following classes of individuals, in the order of priority
3 listed:

4 **SECTION 13.** 69.18 (4) (b) of the statutes is created to read:

5 69.18 **(4)** (b) Except as provided in s. 157.112 (3), no person may disinter a
6 human corpse from a grave or tomb without first obtaining a disinterment permit
7 under par. (c) or (d).

8 **SECTION 14.** 69.18 (4) (bm) of the statutes is repealed.

9 **SECTION 15.** 69.18 (4) (d) of the statutes is created to read:

10 69.18 **(4)** (d) Subject to s. 157.111, the coroner or medical examiner of the county
11 in which a decedent's corpse is interred shall issue a disinterment permit upon
12 receipt of a written application for disinterment that is made and signed by a
13 representative of the decedent and signed by the person in charge of disinterment
14 if all of the following apply:

15 1. No representative of the decedent who is of a member of prior class under
16 par. (am) is available at the time the application is made.

17 2. The coroner or medical examiner does not have actual notice that the
18 decedent would have opposed the disinterment.

19 3. The coroner or medical examiner does not have actual notice of opposition
20 to disinterment by a representative of the decedent who is a member of the same or
21 a prior class under par. (am) as the applicant.

22 4. The applicant provides proof of intent to cremate the decedent's corpse or to
23 lawfully inter the decedent' s corpse in a specified burial place.

24 **SECTION 16.** 69.18 (4) (e) of the statutes is created to read:

69.18 **(4)** (e) No person may cremate a corpse disintered under this subsection without obtaining a cremation release under s. 979.10 (1) (ag).

SECTION 17. 69.18 (4) (f) of the statutes is created to read:

69.18 **(4)** (f) Except as provided in s. 157.112 (3), no person may disinter a decedent's cremated remains from a cemetery unless all of the following conditions are satisfied:

1. The cemetery authority, or its designee, consents to disinterment.

2. A representative of the decedent consents to disinterment and no other representative of the decedent who is a member of the same or a prior class under par. (am) objects to disinterment.

SECTION 18. 69.20 (2) (a) 2. of the statutes is amended to read:

69.20 **(2)** (a) 2. For a certificate of death, any of the persons specified under s. 69.18 (4) ~~(a)~~ (am) 1g. to 6. or an individual who is authorized in writing by one of the persons.

SECTION 19. 157.02 (1), (2), (3), (4) and (5) of the statutes are renumbered 157.02 (1m) (a), (b), (c), (d) and (e), and 157.02 (1m) (b) and (e), as renumbered, are amended to read:

157.02 **(1m)** (b) *Time allowed relative to act.* If a relative or friend fails to arrange for taking charge of the corpse within a reasonable time after death, the superintendent or other officer may proceed as provided in this ~~section~~ subsection, but relatives or friends may claim the corpse at any time before it has been delivered pursuant to ~~sub. (3)~~ par. (c).

(e) *Other disposition.* If the corpse is not disposed of under ~~subs. (1) to (4)~~ pars. (a) to (d), the superintendent or public officer shall properly bury it.

SECTION 20. 157.02 (1m) (title) of the statutes is created to read:

157.02 **(1m)** (title) DISPOSITION OF INMATE'S REMAINS.

SECTION 21. 157.02 (2m) of the statutes is created to read:

157.02 **(2m)** DISPOSITION OF OTHER UNCLAIMED REMAINS. (a) If a person, other than a person who has responsibility to dispose of a corpse under sub. (1m), has the corpse of a deceased individual and cannot by exercise of reasonable effort locate a representative of the deceased, as defined in s. 979.001 (8), or a representative of the deceased refuses to claim the corpse for disposition, the person shall notify the coroner or medical examiner in the county in which the corpse is located, and the coroner or medical examiner shall take custody of the corpse and cause the corpse to be decently buried or cremated. The county shall pay costs of burial or cremation under this paragraph with funds other than funds appropriated for the operation of the coroner's or medical examiner's office.

(b) A coroner or medical examiner is immune from civil liability for his or her choice of method for disposing of an unidentified corpse under this subsection if the coroner or medical examiner made reasonable efforts to identify the corpse.

(c) A coroner or medical examiner is immune from civil liability for his or her choice of method for disposing of an unclaimed corpse under this subsection if the coroner or medical examiner made reasonable efforts to notify a representative of the deceased, as defined in s. 979.001 (8), of the disposal of the corpse.

SECTION 22. 157.03 (1) of the statutes is amended to read:

157.03 **(1)** The corpse of a person who died with smallpox, diphtheria, or scarlet fever, or who in his or her last sickness shall request to be buried or cremated, and of a stranger or traveler who suddenly died, shall not be disposed of under s. 157.02 ~~(3)~~ (1m) (c), and no person having charge of a corpse authorized to be so disposed of shall sell or deliver it to be used outside the state.

SECTION 23. 157.03 (2) of the statutes is amended to read:

157.03 **(2)** Upon receipt of the corpse by a university or school pursuant to s. 157.02 ~~(3)~~ (1m) (c) it shall be properly embalmed and retained for 3 months before being used or dismembered and shall be delivered to any relative claiming it upon satisfactory proof of relationship.

SECTION 24. 157.055 (2) (intro.) of the statutes is amended to read:

157.055 **(2)** (intro.) Notwithstanding ss. 69.18 (4), 157.113, 445.04 (2), 445.14, ~~979.01 (3), (3m), and (4),~~ 979.02, ~~and~~ 979.025 (2), 979.027, 979.10, and 979.105, and subch. VII of ch. 440, during a period of a state of emergency related to public health declared by the governor under s. 323.10, a public health authority may do all of the following:

SECTION 25. 157.112 (3) (intro.) of the statutes is amended to read:

157.112 **(3)** (intro.) A cemetery authority may rebury human remains under sub. (2) without first ~~obtaining an authorization~~ complying with the conditions under s. 69.18 (4), but the cemetery authority shall do all of the following:

SECTION 26. 157.70 (3) (a) of the statutes is amended to read:

157.70 **(3)** (a) ~~Except as provided under s. 979.01, a~~ A person shall immediately notify the director if the person knows or has reasonable grounds to believe that a burial site or the cataloged land contiguous to a cataloged burial site is being disturbed or may be disturbed contrary to the requirements of subs. (4) and (5).

SECTION 27. 346.71 (1) of the statutes is amended to read:

346.71 **(1)** Every coroner or medical examiner shall, on or before the 10th day of each month, report in writing any accident involving a motor vehicle occurring within the coroner's or medical examiner's jurisdiction resulting in the death of any person during the preceding calendar month. If the accident involved an all-terrain

vehicle, the report shall be made to the department of natural resources and shall include the information specified by that department. If the accident involved any other motor vehicle, the report shall be made to the department and shall include the information specified by the department. The coroner or medical examiner of the county where the death occurs, if the accident occurred in another jurisdiction, shall, immediately upon learning of the death, report it to the coroner or medical examiner of the county where the accident occurred~~, as provided in s. 979.01 (1)~~.

SECTION 28. 346.71 (2) of the statutes is amended to read:

346.71 **(2)** In cases of death involving a motor vehicle in which the decedent was the operator of a motor vehicle, a pedestrian 14 years of age or older or a bicycle or electric personal assistive mobility device operator 14 years of age or older and who died within 6 hours of the time of the accident, the coroner or medical examiner of the county where the death occurred shall require that a blood specimen of at least 10 cc. be withdrawn from the body of the decedent within 12 hours after his or her death, by the coroner or medical examiner or by a physician so designated by the coroner or medical examiner or by a qualified person at the direction of the physician. All funeral directors shall obtain ~~a release~~ <u>an authorization</u> from ~~the~~ <u>a</u> coroner or medical examiner ~~of the county where the accident occurred~~ as provided in s. ~~979.01 (4)~~ <u>979.105</u> prior to proceeding with embalming any body coming under the scope of this section. The blood so drawn shall be forwarded to a laboratory approved by the department of health services for analysis of the alcoholic content of the blood specimen. The coroner or medical examiner causing the blood to be withdrawn shall be notified of the results of each analysis made and shall forward the results of each such analysis to the department of health services. If the death involved a motor vehicle, the department shall keep a record of all such examinations to be used for

statistical purposes only and the department shall disseminate and make public the cumulative results of the examinations without identifying the individuals involved. If the death involved an all-terrain vehicle, the department of natural resources shall keep a record of all such examinations to be used for statistical purposes only and the department of natural resources shall disseminate and make public the cumulative results of the examinations without identifying the individuals involved.

SECTION 29. 440.78 (1) (b) of the statutes is amended to read:

440.78 **(1)** (b) A copy of the cremation ~~permit~~ release issued under s. 979.10 (1) ~~(a)~~ (ag).

SECTION 30. 979.001 of the statutes is created to read:

979.001 Definitions. In this chapter:

(1) "Health care provider" means all of the following:

(a) A midwife licensed under subch. XII of ch. 440.

(b) A nurse licensed under ch. 441.

(c) A chiropractor licensed under ch. 446.

(d) A dentist licensed under ch. 447.

(e) A physician, physician assistant, or respiratory care practitioner licensed or certified under subch. II of ch. 448.

(f) A physical therapist licensed under subch. III of ch. 448.

(g) A podiatrist licensed under subch. IV of ch. 448.

(h) A dietitian certified under subch. V of ch. 448.

(i) An athletic trainer licensed under subch. VI of ch. 448.

(j) An occupational therapist or occupational therapy assistant licensed under subch. VII of ch. 448.

(k) An optometrist licensed under ch. 449.

1 (L) A pharmacist licensed under ch. 450.

2 (m) An acupuncturist certified under ch. 451.

3 (n) A psychologist licensed under ch. 455.

4 (o) A social worker, marriage and family therapist, or professional counselor
5 certified or licensed under ch. 457.

6 (p) A speech-language pathologist or audiologist licensed under subch. II of ch.
7 459 or a speech and language pathologist licensed by the department of public
8 instruction.

9 (q) A massage therapist or bodyworker certified under ch. 460.

10 **(2)** "Hospice" means an organization, program, or place that meets the
11 definition in s. 50.90 (1) and that is licensed under s. 50.92.

12 **(3)** "Hospital" means a facility licensed under s. 50.35 or a facility operated as
13 a hospital by the federal government, a state, or a political subdivision of a state.

14 **(4)** "Human remains" has the meaning given in s. 157.061 (8).

15 **(5)** "Law enforcement agency" has the meaning given in s. 165.83 (1) (b).

16 **(6)** "Law enforcement officer" means any person employed by the state, or any
17 political subdivision of the state, for the purpose of detecting and preventing crime
18 and enforcing laws or ordinances and who is authorized to make arrests for violations
19 of the laws or ordinances that the person is employed to enforce.

20 **(7)** "Nursing home" means a facility that meets the definition in s. 50.01 (3) and
21 that is licensed under s. 50.03 (1).

22 **(8)** "Representative of the deceased" means any member of one of the following
23 classes of individuals, in the order of priority listed, who is available, if no member
24 of a prior class is available:

25 (a) The deceased's spouse.

1 (b) An adult son or daughter of the deceased.

2 (c) A parent of the deceased.

3 (d) An adult brother or sister of the deceased.

4 (e) A person appointed as such by the circuit court.

5 **SECTION 31.** 979.01 (title) of the statutes is amended to read:

6 **979.01** (title) **Reporting deaths required; ~~penalty; taking specimens by~~**
7 **~~coroner or medical examiner~~ jurisdiction for investigating deaths.**

8 **SECTION 32.** 979.01 (1) of the statutes is repealed and recreated to read:

9 979.01 **(1)** (a) If a death occurs outside of a hospital, physician's office, nursing
10 home, or hospice, as defined in s. 50.90 (1), and is not required to be reported under
11 par. (b) or (c), a law enforcement officer, health care provider, or funeral director who
12 has knowledge of the death and any person who discovers the body or remains of a
13 deceased individual shall immediately report the death to the coroner or medical
14 examiner in the county in which the individual was pronounced dead or in which the
15 deceased's body or remains were located except that a person who is required to
16 report a death because he or she discovered a body or the remains of a deceased
17 individual may report the death to a law enforcement officer in lieu of reporting the
18 death to the coroner or medical examiner. Deaths that are required to be reported
19 under this paragraph include all of the following:

20 1. A death that involves unexplained, unusual, or suspicious circumstances.

21 2. A death that the person has reason to believe is the result of a homicide.

22 3. A death that the person has reason to believe is the result of a suicide.

23 4. A death of a woman that is associated with an abortion, as defined in s. 253.10
24 (2) (a).

1 5. A death, if the person has reason to believe that an injury or poisoning was
2 a contributing cause of the death, whether or not the person has reason to believe
3 that the injury or poisoning was the primary cause of the death and regardless of the
4 interval between the injury or poisoning and the death.

5 6. A death that occurred when the individual was not under the care of a
6 physician for the illness or condition that caused the death.

7 7. A death, if after reasonable efforts, a physician cannot within 6 days after
8 the pronouncement of death, or sooner under circumstances that the coroner or
9 medical examiner determines to be an emergency, be obtained to sign the medical
10 certification as required under s. 69.18 (2) (b) or (c).

11 8. A death that the person has reason to believe is associated with the abuse
12 of a chemical substance that may be legally used or with the use of a controlled
13 substance, as defined in s. 961.01 (4).

14 9. A death that the person has reason to believe is associated with an epidemic
15 or pandemic, with the spread of a dangerous communicable disease, as defined by the
16 department of health services, or with a disease-causing agent that may pose a
17 threat to public health.

18 (b) A law enforcement officer shall immediately report to the coroner or medical
19 examiner in the county in which an individual was pronounced dead all of the
20 following:

21 1. A death that occurs while an individual is in the actual or constructive
22 custody of a law enforcement officer.

23 2. A death of an individual that occurs during the pursuit of the individual by
24 a law enforcement officer or otherwise involves a law enforcement officer.

1 3. A death that occurs while the individual is confined in a federal prison in this
2 state, a state prison, county jail or house of correction, a juvenile correctional facility,
3 as defined in s. 938.02 (10p), or a juvenile detention facility, as defined in s. 938.02
4 (10r), or is otherwise incarcerated in the custody of the department or of a county
5 sheriff.

6 (c) A facility where a deceased individual was being detained or
7 institutionalized under s. 51.20, 971.14, or 971.17 or ch. 980 at the time of his or her
8 death shall immediately report the death to the coroner of medical examiner in the
9 county where the facility is located.

10 (d) A health care provider shall immediately report a death that occurs in a
11 physician's office, as defined in s. 460.01 (5), to the coroner or medical examiner in
12 the county in which the physician's office is located.

13 (e) A hospital shall immediately report to the coroner or medical examiner in
14 the county in which the hospital is located a death that occurs at the hospital and
15 satisfies any of the following conditions:

16 1. The death occurred in the emergency department of the hospital.

17 2. The death was not the result of a natural disease process. For purposes of
18 this subdivision, deaths described in par. (a) 1. to 5., 8., and 9. are not considered to
19 be the result of a natural disease process.

20 (f) A nursing home shall immediately report to the coroner or medical examiner
21 in the county in which the nursing home is located a death that occurs at the nursing
22 home and that the nursing home has reason to believe was not the result of a natural
23 disease process. For purposes of this paragraph, deaths described in par. (a) 1. to 5.,
24 8., and 9. are not considered to be the result of a natural disease process.

1 (g) 1. A hospice shall report a death that occurred while an individual was
2 receiving care from the hospice in accordance with the written policy created under
3 subd. 2. that applies to the county in which the death occurred.
4 2. A coroner or medical examiner shall create and distribute to each hospice
5 that operates in the county under his or her jurisdiction a written policy that
6 describes the circumstances under which a hospice must report to the coroner or
7 medical examiner a death that occurs while an individual is receiving care from the
8 hospice.
9 **SECTION 33.** 979.01 (1d) of the statutes is created to read:
10 979.01 **(1d)** Notwithstanding sub. (1), no person specified in sub. (1) need
11 report a death under sub. (1) if that person knows that another person specified in
12 sub. (1) has already reported the death to a coroner or medical examiner.
13 **SECTION 34.** 979.01 (1g) of the statutes is repealed and recreated to read:
14 979.01 **(1g)** If a law enforcement officer is notified of a death under sub. (1), the
15 law enforcement officer shall immediately notify the coroner or medical examiner in
16 the county in which the body or human remains were located.
17 **SECTION 35.** 979.01 (1i) of the statutes is created to read:
18 979.01 **(1i)** If a coroner or medical examiner is notified of a death under sub.
19 (1) and determines that the death was caused by a crime, injury, trauma, or other
20 event in a county other than the county in which the death was reported, the coroner
21 or medical examiner shall notify the coroner or medical examiner in the county in
22 which the crime, injury, trauma, or other event is believed to have occurred.
23 **SECTION 36.** 979.01 (1k) of the statutes is created to read:
24 979.01 **(1k)** (a) Except as provided in par. (b), if a death must be reported under
25 sub. (1), the coroner or medical examiner in the county in which the crime, injury,

trauma, or other event that caused the death occurred has jurisdiction to investigate the cause and manner of death.

(b) If there is reason to believe that a death that must be reported under sub. (1) was caused by a crime, injury, trauma, or other event that occurred outside this state, or if after reasonable efforts it cannot be determined where the crime, injury, trauma, or other event that caused the death occurred, the coroner or medical examiner in the county in which death is pronounced has jurisdiction to investigate the cause and manner of death.

SECTION 37. 979.01 (1m) of the statutes is renumbered 979.01 (1m) (a) and amended to read:

979.01 **(1m)** (a) ~~The~~ Except as provided in par. (b), the coroner or medical examiner ~~receiving notification under sub. (1) or (1g)~~ who has jurisdiction to investigate a death under this section shall ~~immediately~~, within a reasonable time after receiving notice of the death, notify the district attorney for his or her county of the death.

SECTION 38. 979.01 (1m) (b) of the statutes is created to read:

979.01 **(1m)** (b) Except as provided in s. 979.04 (2), the coroner or medical examiner is not required to notify the district attorney of any deaths for which the district attorney, in writing, waives notice.

SECTION 39. 979.01 (1p) of the statutes is created to read:

979.01 **(1p)** A coroner or medical examiner who receives notice of a death under sub. (1), or his or her designee, shall notify the deceased's next of kin of the death.

SECTION 40. 979.01 (1r) of the statutes is amended to read:

979.01 **(1r)** If the coroner or medical examiner is notified of ~~a death under sub. (1) or (1g) and determines that his or her notification of the death was not required~~

~~under sub. (1) or (1g),~~ the discovery of human remains under this section and determines that the human remains have no forensic significance, he or she shall notify the director of the historical society under s. 157.70 (3).

SECTION 41. 979.01 (2) of the statutes is renumbered 979.01 (2) (a) and amended to read:

979.01 **(2)** (a) ~~Any~~ Except as provided in par. (b), any person who violates ~~this section shall~~ sub. (1) may be fined not more than $1,000 or imprisoned not more than 90 days or both.

SECTION 42. 979.01 (2) (b) of the statutes is created to read:

979.01 **(2)** (b) Any partnership, association, organization, institution, or body politic or corporate that violates sub. (1) may be fined not more than $10,000.

SECTION 43. 979.01 (3) of the statutes is repealed.

SECTION 44. 979.01 (3m) of the statutes is repealed.

SECTION 45. 979.01 (4) of the statutes is renumbered 979.105 and amended to read:

979.105 Authorization to embalm or dispose of a body. No person may embalm or ~~perform an autopsy on~~ dispose of, by burial, entombment, cremation, delivery to a university or school under s. 157.02 (3), or delivery to a medical or dental school anatomy department under s. 157.06, the body of any ~~person who has died under any of the circumstances listed in this section unless the person obtains the~~ individual whose death must be reported under s. 979.01 (1) without the written authorization of the coroner ~~of the county in which the injury or cause of death occurred. Such authorization shall be issued by the~~ or medical examiner who has jurisdiction to investigate the death under s. 979.01. An authorization under this section shall include information necessary to identify the deceased, the date and

place of death, the name of the funeral director or person acting in the place of the funeral director, and shall specify that the authorization does not override the wishes of the next of kin of the deceased with respect to disposition of the body. The coroner or ~~a deputy within 12 hours after notification of the reportable death, or~~ medical examiner, or his or her designee, shall issue an authorization under this section as soon ~~thereafter~~ as possible ~~in the event of unexplained, unusual or suspicious circumstances~~ after being notified of the death.

SECTION 46. 979.015 of the statutes is amended to read:

979.015 Subpoena for documents. Upon the request of the coroner, medical examiner, or district attorney, a court shall issue a subpoena requiring the production of documents ~~necessary for the determination of a decedent's~~ relevant to determining the cause or manner of a deceased's death. ~~The documents may include the decedent's patient health care records and treatment records, as defined in ss. 51.30 and 146.81 (4).~~ The documents shall be returnable to the officer named in the subpoena.

SECTION 47. 979.017 of the statutes is created to read:

979.017 Custody of and authorization to move a body. (1) The coroner or medical examiner who has jurisdiction to investigate a death under s. 979.01 has legal custody of the deceased's body until he or she releases the body for disposition. Temporary transfer of a deceased's body for the purpose of removing a body part that is the subject of an anatomical gift under s. 157.06 does not constitute release of legal custody of the body.

(2) If an individual's death must be reported under s. 979.01 (1), no person may move the individual's body at or from the scene of death without authorization from the coroner or medical examiner to whom the death was first reported under s.

979.01, except if it is necessary to move the body to perform search or rescue operations for living individuals.

SECTION 48. 979.02 (title) of the statutes is amended to read:

979.02 (title) **Autopsies and other diagnostic procedures.**

SECTION 49. 979.02 of the statutes is renumbered 979.02 (1) and amended to read:

979.02 **(1)** The coroner~~,~~ or medical examiner ~~or district attorney~~ who has jurisdiction to investigate a death under s. 979.01 may order ~~the conducting of~~ that an autopsy ~~upon~~ or other appropriate diagnostic procedure be performed on the body of ~~a dead person any place within the state in cases where an inquest might be had as provided in s. 979.04 notwithstanding the fact that no such inquest is ordered or conducted. The autopsy shall be conducted by a licensed physician who has specialized training in pathology. The district attorney may move the circuit court for the county in which the body is buried for an order disinterring the body for purposes of autopsy. The order shall be granted by the circuit court upon a reasonable showing that any of the criteria specified in s. 979.04 exists. This section does not prevent additional autopsies or examinations of the body if there are unanswered pathological questions concerning the death and the causes of death~~ the deceased, or may extract from the body any specimen, bodily fluids, other bodily material, or other material for analysis that will assist him or her in conducting a death investigation. The coroner or medical examiner shall dispose of specimens, fluids, and materials that are no longer of use in the investigation in accordance with standard biological material practices and county evidence retention rules.

SECTION 50. 979.02 (2) to (7) of the statutes are created to read:

979.02 **(2)** The coroner or medical examiner who has jurisdiction to investigate a death under s. 979.01, or his or her designee, shall order that an autopsy and any other appropriate diagnostic procedure be performed on the body of the deceased if any of the following applies:

(a) The coroner or medical examiner has reason to believe that the death resulted from a criminal act, unless the district attorney waives the requirement for an autopsy.

(b) The death must be reported under s. 979.01 (1) (b) or (c), unless the district attorney waives the requirement for an autopsy.

(c) The deceased was under 18 years of age and the death is unexplained or unusual.

(3) If the conditions for ordering an inquest under s. 979.04 (1) are satisfied, the district attorney may order an autopsy conducted on the body of a deceased.

(4) An autopsy ordered under this section may be performed only by a licensed physician who has undergone specialized training in pathology.

(5) The requirement to order an autopsy under sub. (2) does not preclude a coroner or medical examiner from allowing the removal of a body part that is the subject of an anatomical gift under s. 157.06.

(6) Except if ordered under sub. (3), no person may perform an autopsy on the body of an individual whose death must be reported under s. 979.01 (1) without the written authorization of the coroner or medical examiner who has jurisdiction to investigate the death under s. 979.01. In cases in which the coroner or medical examiner issues an authorization to perform an autopsy, the coroner or medical examiner shall, if possible, issue the authorization within 12 hours after being notified of the death, or as soon as possible thereafter.

1 **(7)** If the coroner or medical examiner who has jurisdiction to investigate a
2 death under s. 979.01 determines that an autopsy or analysis of specimens, bodily
3 fluids, or other bodily materials is not required for an investigation of a death that
4 must be reported under s. 979.01 (1) and a representative of the deceased inquires
5 about performance of an autopsy or analysis of specimens, bodily fluids, or other
6 bodily materials, the coroner or medical examiner shall inform the representative of
7 the deceased that the representative of the deceased may contract for
8 pathology-related services at his or her own expense.

9 **SECTION 51.** 979.025 (title) of the statutes is amended to read:

10 **979.025** (title) ~~**Autopsy**~~ **Investigation of death of a correctional inmate.**

11 **SECTION 52.** 979.025 (1) of the statutes is amended to read:

12 979.025 **(1)** INMATE CONFINED TO AN INSTITUTION IN THIS STATE. If a coroner or
13 medical examiner determines that the death of an individual ~~dies~~, who died while
14 ~~he or she is~~ in the legal custody of the department and confined to a correctional
15 facility located in this state, ~~the coroner or medical examiner of the county where the~~
16 ~~death occurred shall perform an autopsy on the deceased individual. If the coroner~~
17 ~~or medical examiner who performs the autopsy determines that the individual's~~
18 ~~death~~ may have been the result of any of the situations that would permit the district
19 attorney to order an inquest under s. 979.04 (1), the coroner or medical examiner
20 shall follow the procedures under s. 979.04 (2).

21 **SECTION 53.** 979.025 (2) of the statutes is amended to read:

22 979.025 **(2)** INMATE CONFINED IN AN INSTITUTION IN ANOTHER STATE. If an
23 individual dies while he or she is in the legal custody of the department and confined
24 to a correctional facility in another state under a contract under s. 301.07, 301.21,
25 or 302.25, the department shall have an autopsy and any other appropriate

diagnostic procedure performed by an appropriate authority in the other state or, if the body is returned to this state, by order of the coroner or medical examiner of the county in which the circuit court is located that sentenced the individual to the custody of the department. If the coroner or medical examiner who ~~performs~~ orders the autopsy or other diagnostic procedure in this state determines that the individual's death may have been the result of any of the situations that would permit the district attorney to order an inquest under s. 979.04 (1), the coroner or medical examiner shall forward the results of the autopsy or other diagnostic procedure to the appropriate authority in the other state.

SECTION 54. 979.025 (3) of the statutes is amended to read:

979.025 **(3)** COSTS OF AN AUTOPSY AND DIAGNOSTIC PROCEDURE. The costs of an autopsy or other diagnostic procedure performed under sub. ~~(1) or~~ (2) or performed on an inmate confined in a correctional facility in this state whose death must be reported under s. 979.01 (1) (b) shall be paid by the department.

SECTION 55. 979.027 of the statutes is created to read:

979.027 Disinterment for autopsy or other diagnostic procedure. The district attorney may move the circuit court for the county in which a body is buried for an order disinterring the body for the purpose of conducting an autopsy or other diagnostic procedures. The order shall be granted by the circuit court upon a reasonable showing that any of the criteria specified in s. 979.04 (1) exists. The clerk of the circuit court shall send a copy of the order to the coroner or medical examiner in the county in which the body is buried. Upon receipt of the order, the coroner or medical examiner shall issue a permit for disinterment and reinterment under s. 69.18 (4) (c).

SECTION 56. 979.03 of the statutes is repealed.

1 **SECTION 57.** 979.032 of the statutes is created to read:

2 **979.032 Coroner or medical examiner investigation records. (1)** The
3 coroner or medical examiner shall create and maintain for each investigation
4 conducted under s. 979.01 a record that contains all of the following:

5 (a) The full name of the deceased and any known alias used by the deceased.

6 (b) A coroner or medical examiner case number.

7 (c) A case activity log.

8 (d) An investigation report containing any personal information regarding the
9 deceased that is relevant to determining the cause and manner of death, the medical
10 history of the deceased, information relevant to the circumstances of the death, death
11 scene observations, findings regarding the body of the deceased that are relevant to
12 determining the cause of death, notation of evidence recovered, including any visual
13 documentation, a list of other persons or agencies involved in the investigation, and
14 a list of persons interviewed by the coroner or medical examiner regarding the case.

15 (e) A written autopsy report, if an autopsy is conducted.

16 (f) Documentation of the chain of custody of all evidence and property obtained
17 by the coroner or medical examiner, including an inventory sheet of prescription
18 medications, described under s. 979.036 (2), if applicable.

19 **(2)** The coroner or medical examiner shall maintain investigation records
20 created under sub. (1) in an office that is owned or leased by the county, maintained
21 by the county, and designated as the office of the county coroner or medical examiner.

22 **(3)** Subject to s. 979.034, the coroner or medical examiner shall maintain
23 written policies regarding access to investigation records created or maintained
24 under this section.

25 **SECTION 58.** 979.034 of the statutes is created to read:

1 **979.034 Confidentiality of coroner or medical examiner investigation**
2 **records and information. (1)** The coroner or medical examiner shall keep
3 confidential all records obtained under s. 51.30 (4) (b) 29. or 146.82 (2) (a) 18., all
4 confidential documents obtained by subpoena under s. 979.015, and any information
5 contained in such records or documents, except that the coroner or medical examiner
6 may divulge such information as necessary to complete a medical certification under
7 s. 69.18 (2).

8 **(2)** The coroner or medical examiner shall keep records of autopsies and other
9 diagnostic procedures, including any photographs or other pictorial images of the
10 deceased made in connection with an autopsy, and information learned from an
11 autopsy or other diagnostic procedure confidential. The coroner or medical examiner
12 may not release such records or information except to persons to whom the deceased's
13 patient health care records may be released under s. 146.82 (2) without informed
14 consent, to a representative of the deceased or his or her designee, or for educational
15 purposes.

16 **(3)** If a law enforcement agency, or a district attorney, investigating a death
17 requests that the coroner or medical examiner keep investigation records under s.
18 979.032 and information related to an investigation confidential, the coroner or
19 medical examiner shall keep such records and information confidential for as long
20 as the law enforcement agency or district attorney requests.

21 **SECTION 59.** 979.036 of the statutes is created to read:

22 **979.036 Handling of personal property of deceased. (1)** Each coroner or
23 medical examiner shall keep an inventory of any money or other property that the
24 coroner or medical examiner takes from a death scene or from a deceased and does
25 not immediately provide to a law enforcement agency as evidence. The coroner or

medical examiner shall release any such property, other than prescription medication, that belonged to the deceased to a representative of the deceased unless the property is needed as evidence or unless a court has issued an order to hold the property for payment of fees associated with the disposal of the body.

(2) If the coroner or medical examiner takes prescription medications from a death scene or from the body of a deceased, the coroner or medical examiner shall list them on an inventory sheet and sign the inventory sheet. If the coroner or medical examiner does not provide the prescription medications to a law enforcement agency as evidence, the coroner or medical examiner shall destroy them in accordance with applicable county evidence retention policies and appropriate standards for disposal of medications, except that the coroner or medical examiner shall donate those prescription medications that satisfy the requirements under s. 255.056 (3) to the drug repository program under s. 255.056 or to another similar drug repository program. The coroner or medical examiner shall indicate on the inventory sheet the disposition of the prescription medications.

SECTION 60. 979.09 of the statutes is amended to read:

979.09 ~~Burial~~ Disposition of an unidentified or unclaimed body. If ~~any judge or circuit court commissioner conducts an inquest as to the death of a stranger or of a person whose identity is unknown or whose body is unclaimed or if the district attorney determines that no inquest into the death of such a person is necessary and the circuit judge has not ordered an inquest under s. 979.04 (2),~~ a coroner or medical examiner has custody of an unidentified or unclaimed body of an individual whose death was investigated under s. 979.01, and the coroner or medical examiner has made reasonable efforts to identify the body or locate a representative of the deceased, the coroner or medical examiner shall cause the body to be decently buried

or cremated and shall certify ~~to all the charges incurred in taking any inquest by him or her and to~~ the expenses of burial or cremation of the ~~dead~~ body. The charges and expenses shall be audited by the county board of the proper county and paid ~~out of the county treasury~~ with funds other than funds appropriated for the operation of the coroner's or medical examiner's office. The immunity provisions under s. 157.02 (2m) (b) and (c) apply to a coroner's or medical examiner's actions under this section.

SECTION 61. 979.10 (1) (a) (intro.) of the statutes is amended to read:

979.10 **(1)** (a) (intro.) No person may cremate the ~~corpse~~ body of a deceased person within 48 hours after ~~the~~ pronouncement of death~~, or the discovery of the death, of the deceased person~~ unless the death was caused by a contagious or infectious disease~~.~~ and one of the following conditions applies:

(ag) No person may cremate a ~~corpse~~ body unless the person has received a cremation ~~permit~~ release from one of the following:

SECTION 62. 979.10 (1) (a) 1., 2. and 3. of the statutes are renumbered 979.10 (1) (ag) 1., 2. and 3. and amended to read:

979.10 **(1)** (ag) 1. The coroner or medical examiner in the county where the death ~~occurred~~ was pronounced if the death ~~occurred~~ was pronounced in this state~~;~~ and the death was not subject to an investigation under s. 979.01.

2. The coroner or medical examiner ~~in the county where the event which caused the death occurred if the death occurred in this state and~~ who investigated the death if the death was pronounced in this state and is ~~the~~ subject ~~of~~ to an investigation under s. 979.01~~; or~~.

3. The coroner or medical examiner of the county where the ~~corpse~~ body is to be cremated if the death ~~occurred~~ was pronounced outside this state. ~~A cremation~~

~~permit issued under this subdivision may not be used in any county except the county in which the cremation permit is issued.~~

SECTION 63. 979.10 (1) (a) 1m. and 2m. of the statutes are created to read:

979.10 **(1)** (a) 1m. The person determines that the body must be cremated immediately to effectively contain the disease.

2m. A public health authority orders sooner disposal of the body under s. 157.055 (2) (c) during a state of emergency related to public health.

SECTION 64. 979.10 (1) (b) of the statutes is amended to read:

979.10 **(1)** (b) A coroner or medical examiner shall include in any cremation ~~permit~~ release issued under par. ~~(a)~~ (ag) a statement that he or she has viewed the ~~corpse~~ body which is the subject of the ~~permit~~ release and made personal inquiry into the cause and manner of death under sub. (2) and is of the opinion that no further examination or judicial inquiry is necessary. The release shall also specify the earliest date and time that the cremation may occur.

SECTION 65. 979.10 (1) (c) of the statutes is renumbered 157.113 and amended to read:

157.113 Permission required to deposit cremated remains in cemetery. No person may deposit any cremated remains of a corpse in any cemetery without the permission of the ~~person who owns or is in charge of the~~ cemetery authority.

SECTION 66. 979.10 (1) (d) of the statutes is created to read:

979.10 **(1)** (d) If the medical certification of the cause and manner of death of a deceased is completed by a physician under s. 69.18 (2) (b) or (c), the coroner or medical examiner shall review the medical certification before issuing a cremation release for the deceased. It is not a violation of s. 69.24 for a coroner or medical examiner to make or receive a copy of a death certificate, that has not been filed

under s. 69.18 (1), for purposes of this paragraph. A coroner or medical examiner may not release such a copy of a death certificate to any other person or use the copy for a purpose other than complying with the review requirement under this paragraph.

SECTION 67. 979.10 (2) of the statutes is amended to read:

979.10 **(2)** If a ~~corpse is to be cremated~~ person requests a cremation release, the coroner or medical examiner shall view the body, make a careful personal inquiry into the cause and manner of death, and ~~conduct an autopsy or order the conducting of an autopsy~~, if ~~in his or her or~~ the coroner, medical examiner, or district ~~attorney's opinion~~ attorney determines that it is necessary to determine the cause and manner of death, perform or order an autopsy performed on the body. If the coroner or medical examiner determines that no further examination or judicial inquiry is necessary, he or she shall certify that fact and issue a cremation release. Upon written request by the district attorney the coroner or medical examiner shall obtain the concurrence of the district attorney before issuing the ~~certification~~ cremation release. If the coroner or medical examiner determines that further examination or judicial inquiry is necessary, he or she shall notify the district attorney under s. 979.04 (2) and refuse to issue a cremation release until the examination or judicial inquiry is concluded.

SECTION 68. 979.10 (3) of the statutes is repealed.

SECTION 69. 979.10 (4) of the statutes is amended to read:

979.10 **(4)** Whoever accepts, receives, or takes any ~~corpse~~ body of a deceased person with intent to destroy the ~~corpse~~ body by means of cremation, or who cremates or aids and assists in the cremation of any ~~corpse~~ body of a deceased person without

having presented the ~~permit~~ release specified in sub. (1) (ag) shall be fined not more than $10,000 or imprisoned not more than 9 months or both.

SECTION 70. 979.10 (5) of the statutes is created to read:

979.10 **(5)** If a coroner or medical examiner issues an authorization under s. 979.105 for a body but refuses to issue a cremation release for the body under sub. (2), the coroner or medical examiner and the county are not liable for the cost of storing the body.

SECTION 71. 979.10 (6) of the statutes is created to read:

979.10 **(6)** A person receiving a body under s. 157.02 (1m) (c) or 157.06 for the purpose of medical research or education shall request a cremation release from the coroner or medical examiner who has jurisdiction to issue a cremation release under sub. (1) (ag) before moving the body out of the county served by the coroner or medical examiner.

SECTION 72. 979.22 of the statutes is amended to read:

979.22 ~~Autopsies~~ Fees for other autopsy and ~~toxicological services~~ other diagnostic procedures by coroners or medical examiners. A coroner or medical examiner may perform autopsies and ~~toxicological services~~ other diagnostic procedures not required under this chapter and may charge a fee established by the county board for such autopsies and ~~services~~ procedures. The fee may not exceed an amount reasonably related to the actual and necessary cost of providing the ~~service~~ autopsy and procedures.

SECTION 73. Initial applicability.

(1) DEATH INVESTIGATIONS; AUTHORIZATION TO EMBALM OR DISPOSE OF A BODY; CREMATION RELEASE; DISPOSITION OF BODIES. The treatment of sections 69.01 (12), 69.18 (2) (d) 1., 2., and 3., and (3) (a), (b), and (d), 157.02 (1), (1m) (title), (2), (2m), (3), (4),

1 and (5), 157.03 (1) and (2), 157.055 (2) (intro.), 346.71 (2), 440.78 (1) (b), 979.001,
2 979.01 (title), (1), (1d), (1g), (1i), (1k), (1p), (1r), (3), (3m), and (4), 979.017, 979.025
3 (title), (1), (2), and (3), 979.03, 979.032, 979.034, 979.036, 979.09, 979.10 (1) (a)
4 (intro.), 1., 1m., 2., 2m., and 3., (b), (c), and (d), (2), (3), (4), (5), and (6), and 979.22
5 of the statutes, and the renumbering and amendment of sections 979.01 (1m) and (2)
6 and 979.02 of the statutes, the amendment of section 979.02 (title) of the statutes,
7 and the creation of sections 979.01 (1m) (b) and (2) (b) and 979.02 (2), (3), (4), (5), (6),
8 and (7) of the statutes first apply to deaths occurring on the effective date of this
9 subsection.

10 (2) DISINTERMENT PERMITS. The treatment of sections 69.18 (4) (a) (intro.) and
11 1g. to 6., (am) (intro.), (b), (bm), (d), (e), and (f) and 157.112 (3) (intro.) of the statutes
12 first applies to disinterments performed on the effective date of this subsection.

13 **(END)**

Barman, Mike

From: Rep.Vruwink
Sent: Tuesday, February 28, 2012 1:45 PM
To: LRB.Legal
Subject: Draft Review: LRB 11-1711/1 Topic: Investigations of deaths; coroners and medical examiners

Please Jacket LRB 11-1711/1 for the ASSEMBLY.