



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1682/1
MED&TJD:klm

2017 ASSEMBLY BILL 366

June 2, 2017 - Introduced by Representatives SCHRAA, SHANKLAND, BORN, R. BROOKS, DUCHOW, HORLACHER, KESSLER, KITCHENS, KLEEFISCH, KOLSTE, KUGLITSCH, LOUDENBECK, MURPHY, MURSAU, QUINN, SKOWRONSKI, SPIROS, STEFFEN, SWEARINGEN, TAUCHEN, THIESFELDT, TUSLER, VANDERMEER and WACHS, cosponsored by Senators NASS, FEYEN, STROEBEL, WANGGAARD and LASEE. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT** *to repeal* 69.18 (4) (bm) and 979.10 (3); *to renumber* 69.18 (4) (a) 1g. to
2 6.; *to renumber and amend* 69.18 (4) (a) (intro.), 157.02 (1), (2), (3), (4) and
3 (5), 979.01 (1m), 979.01 (4) and 979.10 (1) (a) 1., 2. and 3.; *to amend* 20.165 (1)
4 (g), 69.01 (12), 69.18 (2) (d) 1., 69.18 (2) (d) 2., 69.18 (2) (d) 3., 69.18 (3) (a), 69.18
5 (3) (b), 69.18 (3) (d), 69.20 (2) (a) 2., 157.03 (1), 157.03 (2), 157.055 (2) (intro.),
6 157.112 (3) (intro.), 157.70 (3) (a), 346.71 (1), 346.71 (2), 440.03 (9) (a) (intro.),
7 440.05 (intro.), 440.78 (1) (b), 979.01 (1r), 979.025 (2), 979.025 (3), 979.09,
8 979.10 (1) (a) (intro.), 979.10 (1) (b), 979.10 (2), 979.10 (4) and 979.22; *to repeal*
9 **and recreate** 440.05 (intro.); and *to create* 15.405 (18), 20.165 (1) (hr), 51.30
10 (4) (b) 29., 69.18 (4) (am) (intro.), 69.18 (4) (b), 69.18 (4) (d), 69.18 (4) (e), 69.18
11 (4) (f), 157.02 (1m) (title), 157.02 (2m), 440.03 (9) (bm), 440.03 (13) (b) 38d.,
12 440.08 (2) (a) 46t., chapter 465, 979.01 (1m) (b), 979.01 (1p), 979.027, 979.036
13 and 979.10 (1) (a) 1m. and 2m. of the statutes; **relating to:** creating a
14 medicolegal investigation examining board; licensure of medical examiners

ASSEMBLY BILL 366

1 and medicolegal investigation staff members; disposition of bodies; death
2 investigations and duties of coroners and medical examiners; extending the
3 time limit for emergency rule procedures; providing an exemption from
4 emergency rule procedures; granting rule-making authority; making an
5 appropriation; and providing criminal penalties.

Analysis by the Legislative Reference Bureau

This bill 1) prohibits individuals, including medical examiners but not including coroners, from performing or assisting with a death investigation without a state-issued license; 2) establishes a Medicolegal Investigation Examining Board to administer the licensure provisions and provide training and education to licensees; 3) makes certain changes relating to the duties of coroners and medical examiners regarding death notifications; 4) creates provisions regarding the handling of personal property by a coroner or medical examiner at a death scene; 5) modifies provisions regarding the disposition and disinterment of bodies; and 6) provides coroners and medical examiners access to mental health treatment records without informed consent for certain purposes.

CURRENT LAW OVERVIEW

Under current law, coroners or medical examiners investigate certain deaths and have various duties and powers specified by law related to deaths occurring in this state, including receiving reports of deaths, participating in inquest proceedings, determining causes of death, ordering autopsies, administering provisions related to making anatomical gifts, and issuing cremation permits. Current law provides for the election of coroners for four-year terms by the electors of each county or of more than one county in certain cases, except that a county with a population of 500,000 or more must, and a county with a population of less than 500,000 may, abolish the office of coroner and establish a medical examiner system. Under the medical examiner system, a medical examiner is appointed by the county board or, in populous counties, by the county executive. Current law does not otherwise specify any particular requirements that an individual must fulfill in order to hold the office of coroner or to be appointed as a medical examiner.

THE BILL***Licensure of medical examiners, medicolegal investigators, and others***

The bill establishes a prohibition against performing a death investigation or performing the functions of a medical examiner or a person who assists a coroner or medical examiner with a death investigation (medicolegal investigation staff member) without a license in medicolegal investigation issued by the Medicolegal Investigation Examining Board, except that the bill exempts coroners and certain accredited medical examiners from this requirement. Any person who violates the

ASSEMBLY BILL 366

prohibition may be subject to a fine of not more than \$1,000 and imprisonment of up to 90 days.

The bill requires the board to issue an initial license in medicolegal investigation, at no charge, to every individual who is serving as a nonaccredited medical examiner or medicolegal investigation staff member in this state on the bill's effective date. The bill also allows an individual who is serving as coroner on the bill's effective date to elect to receive such a license. The bill requires each such individual to complete, prior to the next license renewal date, 40 hours of education, except that the bill allows an individual who holds a credential, in good standing, from a nationally recognized accreditation organization specializing in death investigation education to receive a waiver from completing 16 of those 40 hours. The bill requires the board to provide, at no cost, the required hours of training to these individuals.

The bill also requires the board to issue a license in medicolegal investigation to any individual who is appointed as a nonaccredited medical examiner or is hired to serve as a medicolegal investigation staff member after the bill's effective date, if the individual pays any initial license fee imposed by the board. The bill requires such an individual to complete a 40-hour death investigation training course within 18 months of initial licensure.

Finally, the bill allows an individual who is not serving as a medical examiner or medicolegal investigator to obtain a license in medicolegal investigation from the board if he or she first completes 40 hours of training and pays any licensure fee established by the board.

The bill provides that the renewal date for any license in medicolegal investigation is January 1, 2019, and every four years thereafter. In order to renew a license, a license holder must pay any renewal fee imposed by the board and complete 24 hours of education, subject to certain exemptions for initial renewals.

Medicolegal Investigation Examining Board; powers and duties

The bill provides for the creation of the 11-member board in the Department of Safety and Professional Services, to be composed of two individuals who are coroners, chief deputy coroners, or deputy coroners; two individuals who are nonaccredited medical examiners or medicolegal investigation staff members; two accredited medical examiners; a member of the Wisconsin District Attorneys' Association; members of two specified law enforcement organizations; the attorney general or his or her designee; and one public member, appointed for six-year terms. The bill requires the board to do all of the following:

1. Promulgate rules specifying standards and curricula for training and education requirements for individuals holding a license in medicolegal investigation issued by the board.
2. Coordinate and provide, on a regional basis, training and education for holders of licenses issued by the board at no cost to those license holders.
3. Monitor compliance with the licensure requirements created by the bill.
4. Revoke the license of a license holder who fails to complete the required death investigation course.

ASSEMBLY BILL 366

5. Provide the required training and education to license holders. The bill allows the board to impose fees for licenses issued after the bill's effective date and for license renewals.

The bill also requires the board, if a license is revoked or not renewed for any reason, to do any of the following that applies to the license holder:

1. If the license holder is a nonaccredited medical examiner, send a statement to the county board or county executive, if applicable, for any county in which the license holder serves, recommending dismissal of the nonaccredited medical examiner because of the revocation or failure to renew the license.

2. If the license holder is a medicolegal investigation staff member, send a notice to the office in which the individual works notifying the coroner or medical examiner of the revocation or failure to renew the license.

The bill requires an individual who is appointed as a nonaccredited medical examiner or is hired to serve as a medicolegal investigation staff member, and who leaves his or her position as a medical examiner or medicolegal investigation staff member, to so inform the board.

The bill appropriates to the board all moneys received from licensure fees for medicolegal investigators licensed by the board.

Notifications

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.

Handling of personal property

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, in accordance with applicable county evidence retention policies and standards for disposal of medications, 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

Authorization to embalm or dispose of a body. The bill requires an authorization from the coroner or medical examiner to embalm the body of a person whose death must be reported. The bill specifies certain information that a coroner or medical examiner must include on an authorization to embalm a body.

Cremation 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 permit. The bill further requires

ASSEMBLY BILL 366

that a coroner or medical examiner must specify on a cremation permit the earliest date and time that cremation may occur.

Authorization to disinter and reinter. 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 disinterred remains.

Disposition of unidentified or unclaimed bodies. 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 may notify the coroner or medical examiner in the county of residence of the deceased, who must bury or cremate the body. 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. 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.

Mental health treatment records

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. 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.

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

- 1 **SECTION 1.** 15.405 (18) of the statutes is created to read:
- 2 15.405 (18) MEDICOLEGAL INVESTIGATION EXAMINING BOARD. There is created a
- 3 medicolegal investigation examining board in the department of safety and
- 4 professional services that shall consist of the following members appointed for
- 5 6-year terms:
- 6 (a) Two individuals, each of whom is a coroner, chief deputy coroner, or deputy
- 7 coroner.

ASSEMBLY BILL 366**SECTION 1**

1 (am) Two individuals, each of whom is a nonaccredited medical examiner, as
2 defined in s. 465.01 (4), or a medicolegal investigation staff member, as defined in s.
3 465.01 (3), other than a medicolegal investigation staff member included under par.
4 (a).

5 (b) Two individuals, each of whom is an accredited medical examiner, as defined
6 in s. 465.01 (1g).

7 (c) One member of the Wisconsin District Attorneys' Association.

8 (d) One member of the Badger State Sheriffs Association.

9 (e) One member of the Wisconsin Chiefs of Police Association.

10 (g) The attorney general or his or her designee.

11 (i) One public member.

12 **SECTION 2.** 20.165 (1) (g) of the statutes is amended to read:

13 20.165 (1) (g) *General program operations.* The amounts in the schedule for
14 the licensing, rule making, and regulatory functions of the department, other than
15 the licensing, rule-making, and credentialing functions of the medical examining
16 board and the affiliated credentialing boards attached to the medical examining
17 board and except for preparing, administering, and grading examinations. Ninety
18 percent of all moneys received under chs. 440 to 480, except ~~ch. 448 and 465~~ and
19 ss. 440.03 (13), and 440.05 (1) (b), ~~and~~, less \$10 of each renewal fee received under
20 s. 452.12 (5); all moneys transferred from the appropriation under par. (i); and all
21 moneys received under s. 440.055 (2), shall be credited to this appropriation.

22 **SECTION 3.** 20.165 (1) (hr) of the statutes is created to read:

23 20.165 (1) (hr) *Medicolegal investigation examining board; program revenues.*

24 All moneys received from fees imposed for licenses issued under s. 465.10 to provide

ASSEMBLY BILL 366

1 training and education to individuals licensed under s. 465.10 and to support the
2 medicolegal investigation examining board in performing its duties and functions.

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

4 51.30 (4) (b) 29. Following the death of a patient, to a coroner, deputy coroner,
5 medical examiner or medical examiner's assistant, for the purpose of completing a
6 medical certificate under s. 69.18 (2) or investigating a death under s. 979.01 or
7 979.10. The health care provider may release information by initiating contact with
8 the office of the coroner or medical examiner without receiving a request for release
9 of the information and shall release information upon receipt of an oral or written
10 request for the information from the coroner, deputy coroner, medical examiner or
11 medical examiner's assistant. The recipient of any information under this
12 subdivision shall keep the information confidential except as necessary to comply
13 with s. 69.18, 979.01 or 979.10.

14 **SECTION 5.** 69.01 (12) of the statutes is amended to read:

15 69.01 (12) "Final disposition" means the disposition of a corpse or stillbirth by
16 burial, interment, entombment, cremation, delivery to a university or school under
17 s. 157.02 (3) (1m) (c), or delivery to a medical or dental school anatomy department
18 under s. 157.06. "Final disposition" does not include disposition of the ashes
19 produced by cremation of a corpse or stillbirth.

20 **SECTION 6.** 69.18 (2) (d) 1. of the statutes is amended to read:

21 69.18 (2) (d) 1. Except as provided under par. (e), if ~~a~~ the manner of death is
22 not natural and is the subject of a coroner's or medical examiner's determination
23 investigated by a coroner or medical examiner under s. 979.01 or 979.03, the coroner
24 or medical examiner or a physician supervised by a coroner or medical examiner in
25 the county where the event which caused the death occurred shall complete and sign

ASSEMBLY BILL 366**SECTION 6**

1 the medical certification for the death ~~and mail the death certificate within 5 days~~
2 ~~after the pronouncement of death or present the certificate to the person responsible~~
3 ~~for filing the death certificate under sub. (1) within 6 days after the pronouncement~~
4 ~~of death.~~

5 **SECTION 7.** 69.18 (2) (d) 2. of the statutes is amended to read:

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

13 **SECTION 8.** 69.18 (2) (d) 3. of the statutes is amended to read:

14 69.18 (2) (d) 3. For a medical certification under this paragraph, except a
15 medical certification of the cause of death of an indigent, a coroner or medical
16 examiner may charge a fee established by the county board, not to exceed an amount
17 reasonably related to the actual and necessary cost of providing the medical
18 certification. The coroner or medical examiner, or the physician employed by the
19 coroner or medical examiner, shall ~~mail or present~~ complete and sign a medical
20 certification as required under subd. 1., whether or not the fee has been paid.

21 **SECTION 9.** 69.18 (3) (a) of the statutes is amended to read:

22 69.18 (3) (a) Except as provided under par. (c) or (e), the person who has moved
23 a corpse under sub. (1) (a) shall complete a report for final disposition, on a form
24 supplied by the state registrar, and, within 24 hours after being notified of the death,
25 mail or present a copy of the report to the coroner or medical examiner in the county

ASSEMBLY BILL 366

1 of the place of death and mail or present a copy to the local registrar in the
2 registration district of the place of death. If the ~~cause of death is subject to an~~
3 ~~investigation~~ must be reported to a coroner or medical examiner under s. 979.01 or
4 if the death is subject to investigation under s. 979.03, the report for final disposition
5 shall be submitted to the coroner or medical examiner in the county in which the
6 event which caused the death occurred.

7 **SECTION 10.** 69.18 (3) (b) of the statutes is amended to read:

8 69.18 (3) (b) If a medical certification for a corpse is required under sub. (2) (d),
9 no person may embalm the corpse or effect its final disposition without satisfying the
10 requirements for a report under par. (a) and without obtaining the written
11 permission of the person required to complete the medical certification under sub.
12 (2) (d) or an authorization to embalm a body under s. 979.105.

13 **SECTION 11.** 69.18 (3) (d) of the statutes is amended to read:

14 69.18 (3) (d) No person may remove a corpse from this state if the place of death
15 was in this state unless the corpse is accompanied by a copy of the report for final
16 disposition. If a medical certification is required for the corpse under sub. (2) (d), the
17 corpse must be accompanied by the report and the written permission of the coroner
18 or medical examiner to embalm and effect final disposition or an authorization to
19 embalm a body under s. 979.105. No person may remove a stillbirth from this state
20 if the delivery of the stillbirth was in this state unless the stillbirth is accompanied
21 by a report for final disposition.

22 **SECTION 12.** 69.18 (4) (a) (intro.) of the statutes is renumbered 69.18 (4) (c) and
23 amended to read:

24 69.18 (4) (c) Subject to s. 157.111, the coroner or medical examiner of the county
25 in which a decedent's corpse is interred shall issue ~~an authorization~~ a permit for

ASSEMBLY BILL 366**SECTION 12**

1 disinterment and reinterment upon receipt of an order of a court of competent
2 jurisdiction ~~or upon receipt of a written application for disinterment and reinterment~~
3 ~~signed by the person in charge of the disinterment and by any of the following~~
4 ~~persons, in order of priority stated, when persons in prior classes are not available~~
5 ~~at the time of application, and in the absence of actual notice of contrary indications~~
6 ~~by the decedent or actual notice of opposition by a member of the same or a prior~~
7 ~~class.~~

8 **SECTION 13.** 69.18 (4) (a) 1g. to 6. of the statutes are renumbered 69.18 (4) (am)
9 1g. to 6.

10 **SECTION 14.** 69.18 (4) (am) (intro.) of the statutes is created to read:

11 69.18 (4) (am) (intro.) In this subsection, “representative of the decedent”
12 means any member of the following classes of individuals, in the order of priority
13 listed:

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

15 69.18 (4) (b) Except as provided in s. 157.112 (3), no person may disinter a
16 human corpse from a grave or tomb without first obtaining a disinterment permit
17 under par. (c) or (d).

18 **SECTION 16.** 69.18 (4) (bm) of the statutes is repealed.

19 **SECTION 17.** 69.18 (4) (d) of the statutes is created to read:

20 69.18 (4) (d) Subject to s. 157.111, the coroner or medical examiner of the county
21 in which a decedent’s corpse is interred shall issue a disinterment permit upon
22 receipt of a written application for disinterment that is made and signed by a
23 representative of the decedent and signed by the person in charge of disinterment
24 if all of the following apply:

ASSEMBLY BILL 366

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

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

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

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

10 **SECTION 18.** 69.18 (4) (e) of the statutes is created to read:

11 69.18 (4) (e) No person may cremate a corpse disinterred under this subsection
12 without obtaining a cremation permit under s. 979.10 (1) (ag).

13 **SECTION 19.** 69.18 (4) (f) of the statutes is created to read:

14 69.18 (4) (f) Except as provided in s. 157.112 (3), no person may disinter a
15 decedent's cremated remains from a cemetery unless all of the following conditions
16 are satisfied:

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

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

21 **SECTION 20.** 69.20 (2) (a) 2. of the statutes is amended to read:

22 69.20 (2) (a) 2. For a certificate of death, any of the persons specified under s.
23 69.18 (4) (a) (am) 1g. to 6. or an individual who is authorized in writing by one of the
24 persons.

ASSEMBLY BILL 366**SECTION 21**

1 **SECTION 21.** 157.02 (1), (2), (3), (4) and (5) of the statutes are renumbered
2 157.02 (1m) (a), (b), (c), (d) and (e), and 157.02 (1m) (b) and (e), as renumbered, are
3 amended to read:

4 157.02 **(1m)** (b) *Time allowed relative to act.* If a relative or friend fails to
5 arrange for taking charge of the corpse within a reasonable time after death, the
6 superintendent or other officer may proceed as provided in this ~~section~~ subsection,
7 but relatives or friends may claim the corpse at any time before it has been delivered
8 pursuant to ~~sub. (3)~~ par. (c).

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

11 **SECTION 22.** 157.02 (1m) (title) of the statutes is created to read:

12 157.02 **(1m)** (title) DISPOSITION OF INMATE'S REMAINS.

13 **SECTION 23.** 157.02 (2m) of the statutes is created to read:

14 157.02 **(2m)** DISPOSITION OF OTHER UNCLAIMED REMAINS. (a) If a person, other
15 than a person who has responsibility to dispose of a corpse under sub. (1m), has the
16 corpse of a deceased individual and cannot by exercise of reasonable effort locate a
17 representative of the decedent, as defined in s. 69.18 (4) (am), or a representative of
18 the decedent refuses to claim the corpse for disposition, the person may notify the
19 coroner or medical examiner in the county of residence of the deceased, and the
20 coroner or medical examiner shall take custody of the corpse and cause the corpse
21 to be decently buried or cremated.

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

ASSEMBLY BILL 366

1 (c) A coroner or medical examiner is immune from civil liability for his or her
2 choice of method for disposing of an unclaimed corpse under this subsection if the
3 coroner or medical examiner made reasonable efforts to notify a representative of the
4 decedent, as defined in s. 69.18 (4) (am), of the disposal of the corpse.

5 **SECTION 24.** 157.03 (1) of the statutes is amended to read:

6 157.03 (1) The corpse of a person who died with smallpox, diphtheria, or scarlet
7 fever, or who in his or her last sickness shall request to be buried or cremated, and
8 of a stranger or traveler who suddenly died, shall not be disposed of under s. 157.02
9 ~~(3) (1m) (c)~~, and no person having charge of a corpse authorized to be so disposed of
10 shall sell or deliver it to be used outside the state.

11 **SECTION 25.** 157.03 (2) of the statutes is amended to read:

12 157.03 (2) Upon receipt of the corpse by a university or school pursuant to s.
13 157.02 ~~(3) (1m) (c)~~ it shall be properly embalmed and retained for 3 months before
14 being used or dismembered and shall be delivered to any relative claiming it upon
15 satisfactory proof of relationship.

16 **SECTION 26.** 157.055 (2) (intro.) of the statutes is amended to read:

17 157.055 (2) (intro.) Notwithstanding ss. 69.18 (4), 157.113, 445.04 (2), 445.14,
18 979.01 (3), and (3m), ~~and (4)~~, 979.02, and 979.025 (2), 979.027, 979.10, and 979.105,
19 and subch. VII of ch. 440, during a period of a state of emergency related to public
20 health declared by the governor under s. 323.10, a public health authority may do
21 all of the following:

22 **SECTION 27.** 157.112 (3) (intro.) of the statutes is amended to read:

23 157.112 (3) (intro.) A cemetery authority may rebury human remains under
24 sub. (2) without first ~~obtaining an authorization~~ complying with the conditions under
25 s. 69.18 (4), but the cemetery authority shall do all of the following:

ASSEMBLY BILL 366**SECTION 28**

1 **SECTION 28.** 157.70 (3) (a) of the statutes is amended to read:

2 157.70 (3) (a) ~~Except as provided under s. 979.01, a~~ A person shall immediately
3 notify the director if the person knows or has reasonable grounds to believe that a
4 burial site or the cataloged land contiguous to a cataloged burial site is being
5 disturbed or may be disturbed contrary to the requirements of subs. (4) and (5).

6 **SECTION 29.** 346.71 (1) of the statutes is amended to read:

7 346.71 (1) Every coroner or medical examiner shall, on or before the 10th day
8 of each month, report in writing any accident involving a motor vehicle occurring
9 within the coroner's or medical examiner's jurisdiction resulting in the death of any
10 person during the preceding calendar month. If the accident involved an all-terrain
11 vehicle or utility terrain vehicle, the report shall be made to the department of
12 natural resources and shall include the information specified by that department.
13 If the accident involved an off-highway motorcycle, as defined in s. 23.335 (1) (q),
14 operated off the highways, as defined in s. 23.335 (1) (y), the report shall be made to
15 the department of natural resources and the department of transportation and shall
16 include the information specified by each department. If the accident involved any
17 other motor vehicle, the report shall be made to the department of transportation and
18 shall include the information specified by that department. The coroner or medical
19 examiner of the county where the death occurs, if the accident occurred in another
20 jurisdiction, shall, immediately upon learning of the death, report it to the coroner
21 or medical examiner of the county where the accident occurred, ~~as provided in s.~~
22 ~~979.01 (1).~~

23 **SECTION 30.** 346.71 (2) of the statutes is amended to read:

24 346.71 (2) In cases of death involving a motor vehicle in which the decedent was
25 the operator of a motor vehicle, a pedestrian 14 years of age or older or a bicycle or

ASSEMBLY BILL 366

1 electric personal assistive mobility device operator 14 years of age or older and who
2 died within 6 hours of the time of the accident, the coroner or medical examiner of
3 the county where the death occurred shall require that a blood specimen of at least
4 10 cc. be withdrawn from the body of the decedent within 12 hours after his or her
5 death, by the coroner or medical examiner or by a physician so designated by the
6 coroner or medical examiner or by a qualified person at the direction of the physician.
7 All funeral directors shall obtain a release an authorization from the a coroner or
8 medical examiner of the county where the accident occurred as provided in s. 979.01
9 (4) 979.105 prior to proceeding with embalming any body coming under the scope of
10 this section. The blood so drawn shall be forwarded to a laboratory approved by the
11 department of health services for analysis of the alcoholic content of the blood
12 specimen. The coroner or medical examiner causing the blood to be withdrawn shall
13 be notified of the results of each analysis made and shall forward the results of each
14 such analysis to the department of health services. If the death involved a motor
15 vehicle, the department shall keep a record of all such examinations to be used for
16 statistical purposes only and the department shall disseminate and make public the
17 cumulative results of the examinations without identifying the individuals involved.
18 If the death involved an all-terrain vehicle, a utility terrain vehicle, or an
19 off-highway motorcycle, as defined in s. 23.335 (1) (q), that was being operated off
20 the highways, as defined in s. 23.335 (1) (y), the department of natural resources
21 shall keep a record of all such examinations to be used for statistical purposes only
22 and the department of natural resources shall disseminate and make public the
23 cumulative results of the examinations without identifying the individuals involved.

24 **SECTION 31.** 440.03 (9) (a) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 366**SECTION 31**

1 440.03 (9) (a) (intro.) Subject to pars. (b) and (c) and except as provided in par.
2 (bm), the department shall, biennially, determine each fee for an initial credential
3 for which no examination is required, for a reciprocal credential, and for a credential
4 renewal by doing all of the following:

5 **SECTION 32.** 440.03 (9) (bm) of the statutes is created to read:

6 440.03 (9) (bm) The medicolegal investigation examining board may determine
7 the amount of any fees imposed for licenses issued under s. 465.10, in accordance
8 with s. 465.05 (2).

9 **SECTION 33.** 440.03 (13) (b) 38d. of the statutes is created to read:

10 440.03 (13) (b) 38d. Medicolegal investigator.

11 **SECTION 34.** 440.05 (intro.) of the statutes is amended to read:

12 **440.05 Standard fees.** (intro.) The following standard fees apply to all initial
13 credentials, except as provided in ss. 440.51, 444.03, 444.11, 446.02 (2) (c), 447.04 (2)
14 (c) 2., 448.07 (2), 449.17 (1m) (d), and 449.18 (2) (d), and 465.05 (2):

15 **SECTION 35.** 440.05 (intro.) of the statutes, as affected by 2015 Wisconsin Act
16 116 and 2017 Wisconsin Act (this act), is repealed and recreated to read:

17 **440.05 Standard fees.** (intro.) The following standard fees apply to all initial
18 credentials, except as provided in ss. 440.51, 444.03, 444.11, 446.02 (2) (c), 447.04 (2)
19 (c) 2., 449.17 (1m) (d), 449.18 (2) (d), and 465.05 (2):

20 **SECTION 36.** 440.08 (2) (a) 46t. of the statutes is created to read:

21 440.08 (2) (a) 46t. Medicolegal investigation: January 1, 2019, and
22 quadrennially thereafter.

23 **SECTION 37.** 440.78 (1) (b) of the statutes is amended to read:

24 440.78 (1) (b) A copy of the cremation permit issued under s. 979.10 (1) ~~(a)~~ (ag).

25 **SECTION 38.** Chapter 465 of the statutes is created to read:

ASSEMBLY BILL 366**CHAPTER 465****MEDICOLEGAL INVESTIGATION**

465.01 Definitions. In this chapter:

(1g) “Accredited medical examiner” means a medical examiner appointed under s. 59.34 (1) (a) or 59.38 (5) who satisfies any of the following:

(a) He or she is accredited as a certified forensic pathologist by the American Board of Pathology.

(b) He or she is accredited as a certified forensic anthropologist by the American Board of Forensic Anthropology.

(c) He or she is certified in forensic odontology by the American Board of Forensic Odontology.

(1r) “Board” means the medicolegal investigation examining board.

(2) “Medical examiner” means a nonaccredited medical examiner or an accredited medical examiner.

(3) (a) Except as provided in par. (b), “medicolegal investigation staff member” means a chief deputy coroner, a deputy coroner, a deputy medical examiner, and any other individual who assists the office of a coroner or medical examiner with an investigation of a death.

(b) “Medicolegal investigation staff member” does not include any of the following:

1. An individual who is elected as a coroner or appointed to fill a vacancy as a coroner.

2. A medical examiner.

3. An individual performing solely administrative functions in the office of a coroner or medical examiner.

ASSEMBLY BILL 366**SECTION 38**

1 (4) “Nonaccredited medical examiner” means a medical examiner appointed
2 under s. 59.34 (1) (a) or 59.38 (5) other than an accredited medical examiner.

3 **465.05 Powers and duties of board. (1) DUTIES.** The board shall do all of
4 the following:

5 (a) Promulgate rules specifying standards and curricula for the training and
6 education requirements to be satisfied by individuals who seek or possess a license
7 in medicolegal investigation.

8 (b) Coordinate and provide, on a regional basis and at no cost to licensees, the
9 training and education described in s. 465.10 (3), (3m) (b), and (4) (a) 1. and (b) 2.

10 (c) Monitor compliance with the licensure requirements under this chapter.

11 (d) Approve instructor certification standards that must be satisfied in order
12 for a person to conduct the training and education required under s. 465.10 (3), (3m)
13 (b), and (4) (a) 1. and (b) 2.

14 (dm) If an individual who holds a license issued under s. 465.10 fails to satisfy
15 the requirement under s. 465.10 (3) (a) within the period specified in s. 465.10 (3) (a),
16 revoke the individual’s license.

17 (e) If a license issued under s. 465.10 is revoked by the board or is not renewed,
18 do any of the following that is applicable with respect to the individual who was the
19 holder of the license:

20 1. If the individual is a nonaccredited medical examiner, send a statement to
21 the county board or county executive, if applicable, for any county in which the
22 nonaccredited medical examiner serves recommending dismissal of the
23 nonaccredited medical examiner because of the revocation of or failure to renew the
24 license.

ASSEMBLY BILL 366

1 2. If the individual is a medicolegal investigation staff member, send a notice
2 to the office in which the medicolegal investigation staff member works notifying the
3 coroner or medical examiner of the revocation of or failure to renew the license.

4 **(2) POWERS.** The board may impose fees for initial licenses or for license
5 renewals under s. 465.10 (2) and (4). If the board imposes any fee under this
6 subsection, the board shall set the fee at an amount commensurate with the cost of
7 issuing licenses and monitoring compliance with this chapter.

8 **465.10 License required; requirements to maintain license. (1) LICENSE**
9 **REQUIRED.** (a) Except as provided in par. (b), no person may perform a death
10 investigation or perform the functions of a medical examiner or medicolegal
11 investigation staff member without a license in medicolegal investigation issued
12 under this section.

13 (b) None of the following is required to have a license in medicolegal
14 investigation issued under this section:

15 1. An accredited medical examiner.

16 2. An individual who is elected as a coroner or appointed to fill a vacancy as a
17 coroner.

18 **(2) ISSUING OF LICENSES.** (a) *Initial license.* The board shall issue a license in
19 medicolegal investigation to an individual if all of the following are satisfied:

20 1. The individual is appointed as a nonaccredited medical examiner or is hired
21 by a coroner or medical examiner to serve as a medicolegal investigation staff
22 member.

23 2. The individual pays any fee imposed by the board under s. 465.05 (2).

24 (b) *License renewal.* The renewal date for a license issued under this subsection
25 is specified under s. 440.08 (2) (a). Renewal applications shall include any fee

ASSEMBLY BILL 366**SECTION 38**

1 established by the board under s. 465.05 (2) and proof satisfactory to the board that
2 the individual has completed all hours of training or education required under sub.
3 (3).

4 **(3) TRAINING AND EDUCATION REQUIREMENTS.** (a) An individual who is issued an
5 initial license under sub. (2) (a) shall, within 18 months after the license is issued,
6 complete a basic, 40-hour death investigation training course approved by the board.

7 (am) 1. An individual who is issued an initial license under sub. (2) (a) within
8 18 months prior to the next renewal date may renew the license one time without
9 satisfying the requirement under par. (a). The individual may renew the license a
10 2nd time following completion, within the period specified under par. (a), of that
11 requirement.

12 2. An individual who is issued an initial license under sub. (2) (a) more than
13 18 months prior to the next renewal date may renew the license one time after
14 satisfying, within the period specified under par. (a), the requirement under par. (a).

15 (b) An individual applying for a renewal of a license issued under sub. (2) (a)
16 subsequent to the 2nd renewal under par. (am) 1. or the first renewal under par. (am)
17 2., and an individual applying for a renewal of a license issued under sub. (2) (a)
18 subsequent to the renewal under sub. (3m) (b), shall complete 24 hours of education,
19 as prescribed by the board.

20 **(3m) CURRENTLY SERVING INDIVIDUALS.** (a) Notwithstanding sub. (2) (a), the
21 board shall issue an initial license in medicolegal investigation under sub. (2) (a) to
22 every individual who is serving as a nonaccredited medical examiner or medicolegal
23 investigation staff member in this state on the effective date of this paragraph ...
24 [LRB inserts date]. The board may also, in the manner prescribed by the board, issue
25 an initial license in medicolegal investigation under sub. (2) (a) to an individual who

ASSEMBLY BILL 366

1 is serving as a coroner in this state on the effective date of this paragraph [LRB
2 inserts date], and who elects to receive a license under this paragraph.

3 (b) Notwithstanding sub. (3) (a) and (am), an individual issued an initial license
4 under par. (a) is not required to satisfy the requirement under sub. (3) (a), but shall
5 instead, prior to the January 1, 2019, renewal date, satisfy all of the following in
6 order to renew the license:

7 1. Complete 24 hours of education, as prescribed by the board.

8 2. In addition to the hours of education required under subd. 1., do one of the
9 following:

10 a. Complete 16 hours of education, as prescribed by the board.

11 b. Obtain a waiver from the requirement under subd. 2. a. in the method
12 described under par. (c).

13 (c) The board may grant a waiver of the education requirement under par. (b)
14 2. a. to a coroner, nonaccredited medical examiner, or medicolegal investigation staff
15 member who holds a credential, in good standing, from a nationally recognized
16 accreditation organization specializing in death investigation education and who
17 applies to the board for a waiver in the method prescribed by the board.

18 (d) Notwithstanding sub. (2) (a) 2. and s. 465.05 (2), no initial license fee may
19 be imposed for individuals issued an initial license under par. (a).

20 **(4) OPTIONAL LICENSE.** (a) *Initial license.* The board may issue a license in
21 medicolegal investigation to an individual, other than an individual required to hold
22 a license under sub. (1), who satisfies all of the following criteria:

23 1. The individual successfully completes 40 hours of training, as prescribed by
24 the board, and any additional requirements set by the board.

ASSEMBLY BILL 366**SECTION 38**

1 2. The individual applies to the board for a license in the manner prescribed
2 by the board.

3 3. The individual pays any licensing fee imposed by the board under s. 465.05
4 (2).

5 (b) *License renewal.* The renewal date for a license issued under this subsection
6 is specified under s. 440.08 (2) (a). Renewal applications shall include all of the
7 following:

8 1. Any fee established by the board under s. 465.05 (2).

9 2. Proof satisfactory to the board that the individual has completed, in the
10 4-year period preceding the renewal date, 24 hours of education, as prescribed by the
11 board. This subdivision does not apply to an individual applying for an initial
12 renewal who is issued a license under par. (a) when there is less than one year
13 remaining until the next license renewal date.

14 3. Proof that the individual has fulfilled any other requirements of licensure
15 as prescribed by the board.

16 **(5) BOARD NOTIFICATION REQUIREMENT.** An individual who is elected as a coroner,
17 is appointed to fill a vacancy as a coroner, is appointed as a nonaccredited medical
18 examiner, or is hired by a coroner or medical examiner to serve as a medicolegal
19 investigation staff member shall, if he or she leaves his or her position as a coroner,
20 medical examiner, or medicolegal investigation staff member, so inform the board.

21 **465.15 Penalty.** Any person who violates s. 465.10 (1) (a) shall be fined not
22 more than \$1,000 or imprisoned not more than 90 days.

23 **SECTION 39.** 979.01 (1m) of the statutes is renumbered 979.01 (1m) (a) and
24 amended to read:

ASSEMBLY BILL 366

1 979.01 (1m) (a) The Except as provided in par. (b), the coroner or medical
2 examiner receiving notification under sub. (1) or (1g) shall immediately, within a
3 reasonable time after receiving notice of the death, notify the district attorney for his
4 or her county of the death.

5 **SECTION 40.** 979.01 (1m) (b) of the statutes is created to read:

6 979.01 (1m) (b) Except as provided in s. 979.04 (2), the coroner or medical
7 examiner is not required to notify the district attorney of any deaths for which the
8 district attorney, in writing, waives notice.

9 **SECTION 41.** 979.01 (1p) of the statutes is created to read:

10 979.01 (1p) A coroner or medical examiner who receives notice of a death under
11 sub. (1), or his or her designee, shall notify the deceased's next of kin of the death.

12 **SECTION 42.** 979.01 (1r) of the statutes is amended to read:

13 979.01 (1r) If the coroner or medical examiner is notified of ~~a death under sub.~~
14 ~~(1) or (1g) and determines that his or her notification of the death was not required~~
15 ~~under sub. (1) or (1g),~~ the discovery of human remains under this section and
16 determines that the human remains have no forensic significance, he or she shall
17 notify the director of the historical society under s. 157.70 (3).

18 **SECTION 43.** 979.01 (4) of the statutes is renumbered 979.105 and amended to
19 read:

20 **979.105 Authorization to embalm a body.** No person may embalm or
21 ~~perform an autopsy on the body of any person who has died under any of the~~
22 ~~circumstances listed in this section or on the body of any person whose death has~~
23 ~~been~~ must be reported under s. 948.23 (1) (b) ~~unless the person obtains or~~ 979.01 (1)
24 without the written authorization of the coroner or medical examiner of the county
25 in which the injury or cause of death occurred. ~~Such authorization shall be issued~~

ASSEMBLY BILL 366**SECTION 43**

1 ~~by the~~ An authorization under this section shall include information necessary to
2 identify the deceased, the date and place of death, and the name of the funeral
3 director or person acting in place of the funeral director and shall specify that the
4 authorization does not override the wishes of the next of kin of the deceased with
5 respect to disposition of the body. The coroner or a deputy or a medical examiner, or
6 his or her designee, shall issue an authorization under this section within 12 hours
7 after notification of the reportable death, or as soon thereafter as possible in the
8 event of unexplained, unusual or suspicious circumstances.

9 **SECTION 44.** 979.025 (2) of the statutes is amended to read:

10 979.025 (2) INMATE CONFINED IN AN INSTITUTION IN ANOTHER STATE. If an
11 individual dies while he or she is in the legal custody of the department and confined
12 to a correctional facility in another state under a contract under s. 301.07, 301.21,
13 or 302.25, the department shall have an autopsy and any other appropriate
14 diagnostic procedure performed by an appropriate authority in the other state or by
15 the coroner or medical examiner of the county in which the circuit court is located
16 that sentenced the individual to the custody of the department. If the coroner or
17 medical examiner who performs the autopsy or other diagnostic procedure in this
18 state determines that the individual's death may have been the result of any of the
19 situations that would permit the district attorney to order an inquest under s. 979.04
20 (1), the coroner or medical examiner shall forward the results of the autopsy or other
21 diagnostic procedure to the appropriate authority in the other state.

22 **SECTION 45.** 979.025 (3) of the statutes is amended to read:

23 979.025 (3) COSTS OF AN AUTOPSY AND DIAGNOSTIC PROCEDURE. The costs of an
24 autopsy or other diagnostic procedure performed under sub. (1) or (2) shall be paid
25 by the department.

ASSEMBLY BILL 366

1 **SECTION 46.** 979.027 of the statutes is created to read:

2 **979.027 Disinterment for autopsy or other diagnostic procedure.** The
3 district attorney may move the circuit court for the county in which a body is buried
4 for an order disinterring the body for the purpose of conducting an autopsy or other
5 diagnostic procedures. The order shall be granted by the circuit court upon a
6 reasonable showing that any of the criteria specified in s. 979.04 (1) exists. The clerk
7 of the circuit court shall send a copy of the order to the coroner or medical examiner
8 in the county in which the body is buried. Upon receipt of the order, the coroner or
9 medical examiner shall issue a permit for disinterment and reinterment under s.
10 69.18 (4) (c).

11 **SECTION 47.** 979.036 of the statutes is created to read:

12 **979.036 Handling of personal property of deceased. (1)** Each coroner or
13 medical examiner shall keep an inventory of any money or other property that the
14 coroner or medical examiner takes from a death scene or from a deceased and does
15 not immediately provide to a law enforcement agency as evidence. The coroner or
16 medical examiner shall release any such property, other than prescription
17 medication, that belonged to the deceased to a representative of the deceased unless
18 the property is needed as evidence or unless a court has issued an order to hold the
19 property for payment of fees associated with the disposal of the body.

20 **(2)** If the coroner or medical examiner takes prescription medications from a
21 death scene or from the body of a deceased, the coroner or medical examiner shall list
22 them on an inventory sheet and sign the inventory sheet. If the coroner or medical
23 examiner does not provide the prescription medications to a law enforcement agency
24 as evidence, the coroner or medical examiner shall destroy them in accordance with
25 applicable county evidence retention policies and appropriate standards for disposal

ASSEMBLY BILL 366**SECTION 47**

1 of medications, except that the coroner or medical examiner shall donate those
2 prescription medications that satisfy the requirements under s. 255.056 (3) to the
3 drug repository program under s. 255.056 or to another similar drug repository
4 program. The coroner or medical examiner shall indicate on the inventory sheet the
5 disposition of the prescription medications.

6 **SECTION 48.** 979.09 of the statutes is amended to read:

7 **979.09 Burial Disposition of an unidentified or unclaimed body.** If any
8 ~~judge or circuit court commissioner conducts an inquest as to the death of a stranger~~
9 ~~or of a person whose identity is unknown or whose body is unclaimed or if the district~~
10 ~~attorney determines that no inquest into the death of such a person is necessary and~~
11 ~~the circuit judge has not ordered an inquest under s. 979.04 (2), a coroner or medical~~
12 examiner has custody of an unidentified or unclaimed body of an individual whose
13 death was investigated under s. 979.01, and the coroner or medical examiner has
14 made reasonable efforts to identify the body or locate a representative of the
15 deceased, the coroner or medical examiner shall cause the body to be decently buried
16 or cremated and shall certify to all the charges incurred in taking any inquest by him
17 or her and to the expenses of burial or cremation of the dead body. The charges and
18 expenses shall be audited by the county board of the proper county and paid out of
19 the county treasury with funds other than funds appropriated for the operation of
20 the coroner's or medical examiner's office. The immunity provisions under s. 157.02
21 (2m) (b) and (c) apply to a coroner's or medical examiner's actions under this section.

22 **SECTION 49.** 979.10 (1) (a) (intro.) of the statutes is amended to read:

23 979.10 (1) (a) (intro.) No person may cremate the ~~corpse~~ body of a deceased
24 person within 48 hours after the pronouncement of death, ~~or the discovery of the~~

ASSEMBLY BILL 366

1 death, ~~of the deceased person~~ unless the death was caused by a contagious or
2 infectious disease. and one of the following conditions applies:

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

5 **SECTION 50.** 979.10 (1) (a) 1., 2. and 3. of the statutes are renumbered 979.10
6 (1) (ag) 1., 2. and 3. and amended to read:

7 979.10 **(1)** (ag) 1. The coroner or medical examiner in the county where the
8 death ~~occurred~~ was pronounced if the death ~~occurred~~ was pronounced in this state;
9 and the death was not subject to an investigation under s. 979.01.

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

14 3. The coroner or medical examiner of the county where the ~~corpse~~ body is to
15 be cremated if the death ~~occurred~~ was pronounced outside this state. ~~A cremation~~
16 ~~permit issued under this subdivision may not be used in any county except the county~~
17 ~~in which the cremation permit is issued.~~

18 **SECTION 51.** 979.10 (1) (a) 1m. and 2m. of the statutes are created to read:

19 979.10 **(1)** (a) 1m. The person determines that the body must be cremated
20 immediately to effectively contain the disease.

21 2m. A public health authority orders sooner disposal of the body under s.
22 157.055 (2) (c) during a state of emergency related to public health.

23 **SECTION 52.** 979.10 (1) (b) of the statutes is amended to read:

24 979.10 **(1)** (b) A coroner or medical examiner shall include in any cremation
25 permit issued under par. ~~(a)~~ (ag) a statement that he or she has viewed the ~~corpse~~

ASSEMBLY BILL 366**SECTION 52**

1 body which is the subject of the permit and made personal inquiry into the cause and
2 manner of death under sub. (2) and is of the opinion that no further examination or
3 judicial inquiry is necessary. The permit shall also specify the earliest date and time
4 that the cremation may occur.

5 **SECTION 53.** 979.10 (2) of the statutes is amended to read:

6 979.10 (2) If a ~~corpse~~ body is to be cremated, the coroner or medical examiner
7 shall make a careful personal inquiry into the cause and manner of death, and
8 conduct an autopsy or order the conducting of an autopsy, if in his or her or the district
9 attorney's opinion it is necessary to determine the cause and manner of death. If the
10 coroner or medical examiner determines that no further examination or judicial
11 inquiry is necessary, he or she shall certify that fact. Upon written request by the
12 district attorney the coroner or medical examiner shall obtain the concurrence of the
13 district attorney before issuing the certification. If the coroner or medical examiner
14 determines that further examination or judicial inquiry is necessary, he or she shall
15 notify the district attorney under s. 979.04 (2).

16 **SECTION 54.** 979.10 (3) of the statutes is repealed.

17 **SECTION 55.** 979.10 (4) of the statutes is amended to read:

18 979.10 (4) Whoever accepts, receives, or takes any ~~corpse~~ body of a deceased
19 person with intent to destroy the ~~corpse~~ body by means of cremation, or who cremates
20 or aids and assists in the cremation of any ~~corpse~~ body of a deceased person without
21 having presented the permit specified in sub. (1) ~~(ag)~~, shall be fined not more than
22 \$10,000 or imprisoned not more than 9 months or both.

23 **SECTION 56.** 979.22 of the statutes is amended to read:

24 **979.22 Autopsies Fees for other autopsy and toxicological services by**
25 **coroners or medical examiners.** A coroner or medical examiner may perform

ASSEMBLY BILL 366

1 autopsies and toxicological services not required under this chapter and may charge
2 a fee established by the county board for such autopsies and services. The fee may
3 not exceed an amount reasonably related to the actual and necessary cost of
4 providing the service and autopsy.

5 **SECTION 57. Nonstatutory provisions.**

6 (1) EXAMINING BOARD; INITIAL TERMS. Notwithstanding the length of terms
7 specified for the members of the medicolegal investigation examining board under
8 section 15.405 (18) of the statutes, initial appointments to the medicolegal
9 investigation examining board shall be made as follows:

10 (a) The members under section 15.405 (18) (a) of the statutes, the member
11 under section 15.405 (18) (c) of the statutes, and the member under section 15.405
12 (18) (e) of the statutes shall be appointed for terms expiring on July 1, 2018.

13 (b) The members under section 15.405 (18) (am) of the statutes, the member
14 under section 15.405 (18) (d) of the statutes, and the member under section 15.405
15 (18) (g) of the statutes shall be appointed for terms expiring on July 1, 2020.

16 (c) The members under section 15.405 (18) (b) of the statutes and the member
17 under section 15.405 (18) (i) of the statutes shall be appointed for terms expiring on
18 July 1, 2022.

19 (2) EXAMINING BOARD; PROVISIONAL APPOINTMENTS.

20 (a) Notwithstanding section 15.08 (1) of the statutes, the governor may
21 provisionally appoint initial members of the medicolegal investigation examining
22 board under section 15.405 (18) of the statutes. Those provisional appointments
23 remain in force until withdrawn by the governor or acted upon by the senate, and if
24 confirmed by the senate shall continue for the remainder of the unexpired term, if
25 any, of the member and until a successor is chosen and qualifies. A provisional

ASSEMBLY BILL 366**SECTION 57**

1 appointee may exercise all the powers and duties of board membership to which the
2 person is appointed during the time in which the appointee qualifies.

3 (b) A provisional appointment made under paragraph (a) that is withdrawn by
4 the governor lapses upon withdrawal and creates a vacancy for provisional
5 appointment of another initial member of the medicolegal investigation examining
6 board. Any provisional appointment made under paragraph (a) that is rejected by
7 the senate lapses upon rejection and creates a vacancy for nomination and
8 appointment under section 15.08 (1) of the statutes of another initial board member.

9 (3) EXAMINING BOARD; EMERGENCY RULE AUTHORITY. The medicolegal
10 investigation examining board may promulgate emergency rules under section
11 227.24 of the statutes as required under section 465.05 (1) (a) of the statutes.
12 Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules
13 promulgated under this subsection remain in effect for one year, or until the date on
14 which permanent rules take effect, whichever is sooner. Notwithstanding section
15 227.24 (1) (a) and (3) of the statutes, the medicolegal investigation examining board
16 is not required to provide evidence that promulgating a rule under this subsection
17 as an emergency rule is necessary for the preservation of the public peace, health,
18 safety, or welfare and is not required to provide a finding of emergency for a rule
19 promulgated under this subsection.

20 **SECTION 58. Initial applicability.**

21 (1) DEATH INVESTIGATIONS; AUTHORIZATION TO EMBALM OR DISPOSE OF A BODY;
22 CREMATION PERMIT; DISPOSITION OF BODIES. The treatment of sections 69.01 (12), 69.18
23 (2) (d) 1., 2., and 3., and (3) (a), (b), and (d), 157.02 (1), (1m) (title), (2), (2m), (3), (4),
24 and (5), 157.03 (1) and (2), 157.055 (2) (intro.), 346.71 (2), 440.78 (1) (b), 979.01 (1p),
25 (1r), and (4), 979.025 (2) and (3), 979.036, 979.09, 979.10 (1) (a) (intro.), 1., 1m., 2.,

ASSEMBLY BILL 366

1 2m., and 3. and (b), (2), (3), and (4), and 979.22 of the statutes, the renumbering and
2 amendment of section 979.01 (1m) of the statutes, and the creation of section 979.01
3 (1m) (b) of the statutes first apply to deaths occurring on the effective date of this
4 subsection.

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

8 **SECTION 59. Effective dates.** This act takes effect on the day after publication,
9 except as follows:

10 (1) The treatment of sections 440.03 (9) (a) (intro.) and (bm) and (13) (b) 38d.,
11 440.08 (2) (a) 46t., 465.05 (1) (b), (c), (dm), and (e) and (2) (a), 465.10, and 465.15 of
12 the statutes and the amendment of section 440.05 (intro.) of the statutes take effect
13 on the first day of the 13th month beginning after publication.

14 (2) The repeal and recreation of section 440.05 (intro.) takes effect on December
15 16, 2019.

16 (END)