



State of Wisconsin
2015 – 2016 LEGISLATURE

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**SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 712**

February 19, 2016 – Offered by Senator GUDEx.

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), 979.10 (1) (a) 1., 2. and 3. and 979.10 (1) (c); *to*
4 *amend* 20.165 (1) (g), 69.01 (12), 69.18 (2) (d) 1., 69.18 (2) (d) 2., 69.18 (2) (d)
5 3., 69.18 (3) (a), 69.18 (3) (b), 69.18 (3) (d), 69.20 (2) (a) 2., 157.03 (1), 157.03 (2),
6 157.055 (2) (intro.), 157.112 (3) (intro.), 157.70 (3) (a), 346.71 (1), 346.71 (2),
7 440.03 (9) (a) (intro.), 440.05 (intro.), 440.78 (1) (b), 979.01 (1r), 979.025 (2),
8 979.025 (3), 979.09, 979.10 (1) (a) (intro.), 979.10 (1) (b), 979.10 (2), 979.10 (4)
9 and 979.22; and *to create* 15.405 (18), 20.165 (1) (hr), 51.30 (4) (b) 29., 69.18
10 (4) (am) (intro.), 69.18 (4) (b), 69.18 (4) (d), 69.18 (4) (e), 69.18 (4) (f), 157.02 (1m)
11 (title), 157.02 (2m), 440.03 (9) (bm), 440.03 (13) (b) 38d., 440.08 (2) (a) 46t.,
12 chapter 465, 979.01 (1m) (b), 979.01 (1p), 979.027, 979.036 and 979.10 (1) (a)
13 1m. and 2m. of the statutes; **relating to:** reporting deaths; death investigations

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

Analysis by the Legislative Reference Bureau

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.

Licensure of medical examiners, medicolegal investigators, and others

The substitute amendment 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 substitute amendment exempts coroners and certain accredited medical examiners from this requirement. Any person who violates the prohibition may be subject to a fine of not more than \$1,000 and imprisonment of up to 90 days.

The substitute amendment 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 substitute amendment's effective date. The substitute amendment also allows an individual who is serving as coroner on the substitute amendment's effective date to elect to receive such a license. The substitute amendment requires each such individual to complete, prior to the next license renewal date, 40 hours of education, except that the substitute amendment 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 substitute amendment requires the board to provide, at no cost, the required hours of training to these individuals.

The substitute amendment 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 substitute amendment's effective date, if the individual pays any initial license fee imposed by the board. The substitute amendment requires such an individual to complete a 40-hour death investigation training course within 18 months of initial licensure.

Finally, the substitute amendment 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 substitute amendment 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 substitute amendment 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 substitute amendment 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 substitute amendment.

4. Revoke the license of a license holder who fails to complete the required death investigation course.

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

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

Notifications

The substitute amendment requires a coroner or medical examiner who receives notice of a death to notify the deceased's next of kin. The substitute amendment 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 substitute amendment 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 substitute amendment 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 substitute amendment requires an authorization from the coroner or medical examiner to embalm the body of a person whose death must be reported. The substitute amendment specifies certain information that a coroner or medical examiner must include on an authorization to embalm a body.

Cremation permit. The substitute amendment 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 substitute amendment 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 substitute amendment further requires 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 substitute amendment clarifies that no person, other than a cemetery, may disinter a body or human remains without

authorization from the coroner or medical examiner. The substitute amendment 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 substitute amendment 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 substitute amendment 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 substitute amendment 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.

8 (am) Two individuals, each of whom is a nonaccredited medical examiner, as
9 defined in s. 465.01 (4), or a medicolegal investigation staff member, as defined in s.

1 465.01 (3), other than a medicolegal investigation staff member included under par.

2 (a).

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

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

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

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

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

9 (i) One public member.

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

11 20.165 (1) (g) *General program operations.* The amounts in the schedule for
12 the licensing, rule making, and regulatory functions of the department, other than
13 the licensing, rule-making, and credentialing functions of the medical examining
14 board and the affiliated credentialing boards attached to the medical examining
15 board and except for preparing, administering, and grading examinations. Ninety
16 percent of all moneys received under chs. 440 to 480, except ~~ch.~~ chs. 448 and 465 and
17 ss. 440.03 (13), and 440.05 (1) (b), ~~and~~, less \$10 of each renewal fee received under
18 s. 452.12 (5); all moneys transferred from the appropriation under par. (i); and all
19 moneys received under s. 440.055 (2), shall be credited to this appropriation.

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

21 20.165 (1) (hr) *Medicolegal investigation examining board; program revenues.*
22 All moneys received from fees imposed for licenses issued under s. 465.10 to provide
23 training and education to individuals licensed under s. 465.10 and to support the
24 medicolegal investigation examining board in performing its duties and functions.

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

1 51.30 (4) (b) 29. Following the death of a patient, to a coroner, deputy coroner,
2 medical examiner or medical examiner’s assistant, for the purpose of completing a
3 medical certificate under s. 69.18 (2) or investigating a death under s. 979.01 or
4 979.10. The health care provider may release information by initiating contact with
5 the office of the coroner or medical examiner without receiving a request for release
6 of the information and shall release information upon receipt of an oral or written
7 request for the information from the coroner, deputy coroner, medical examiner or
8 medical examiner’s assistant. The recipient of any information under this
9 subdivision shall keep the information confidential except as necessary to comply
10 with s. 69.18, 979.01 or 979.10.

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

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

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

18 69.18 (2) (d) 1. Except as provided under par. (e), if ~~a~~ the manner of death is
19 not natural and is the subject of a coroner’s or medical examiner’s determination
20 investigated by a coroner or medical examiner under s. 979.01 or 979.03, the coroner
21 or medical examiner or a physician supervised by a coroner or medical examiner in
22 the county where the event which caused the death occurred shall complete and sign
23 the medical certification for the death ~~and mail the death certificate within 5 days~~
24 ~~after the pronouncement of death or present the certificate to the person responsible~~

1 ~~for filing the death certificate under sub. (1)~~ within 6 days after the pronouncement
2 of death.

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

4 69.18 (2) (d) 2. Except as provided under par. (e), if the decedent was not under
5 the care of a physician for the illness or condition from which the person died, the
6 coroner or medical examiner, or a physician supervised by a coroner or medical
7 examiner, in the county of the place of death shall complete and sign the medical
8 certification for the death and ~~mail the death certificate within 5 days after the~~
9 ~~pronouncement of death or present the certificate to the person responsible for filing~~
10 ~~the death certificate under sub. (1)~~ within 6 days after the pronouncement of death.

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

12 69.18 (2) (d) 3. For a medical certification under this paragraph, except a
13 medical certification of the cause of death of an indigent, a coroner or medical
14 examiner may charge a fee established by the county board, not to exceed an amount
15 reasonably related to the actual and necessary cost of providing the medical
16 certification. The coroner or medical examiner, or the physician employed by the
17 coroner or medical examiner, shall ~~mail or present~~ complete and sign a medical
18 certification as required under subd. 1., whether or not the fee has been paid.

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

20 69.18 (3) (a) Except as provided under par. (c) or (e), the person who has moved
21 a corpse under sub. (1) (a) shall complete a report for final disposition, on a form
22 supplied by the state registrar, and, within 24 hours after being notified of the death,
23 mail or present a copy of the report to the coroner or medical examiner in the county
24 of the place of death and mail or present a copy to the local registrar in the
25 registration district of the place of death. ~~If the cause of death is subject to an~~

1 ~~investigation must be reported to a coroner or medical examiner~~ under s. 979.01 or
2 ~~if the death is subject to investigation under s. 979.03~~, the report for final disposition
3 shall be submitted to the coroner or medical examiner in the county in which the
4 event which caused the death occurred.

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

6 69.18 (3) (b) If a medical certification for a corpse is required under sub. (2) (d),
7 no person may embalm the corpse or effect its final disposition without satisfying the
8 requirements for a report under par. (a) and without obtaining the written
9 permission of the person required to complete the medical certification under sub.
10 (2) (d) or an authorization to embalm a body under s. 979.105.

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

12 69.18 (3) (d) No person may remove a corpse from this state if the place of death
13 was in this state unless the corpse is accompanied by a copy of the report for final
14 disposition. If a medical certification is required for the corpse under sub. (2) (d), the
15 corpse must be accompanied by the report and the written permission of the coroner
16 or medical examiner to embalm and effect final disposition or an authorization to
17 embalm a body under s. 979.105. No person may remove a stillbirth from this state
18 if the delivery of the stillbirth was in this state unless the stillbirth is accompanied
19 by a report for final disposition.

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

22 69.18 (4) (c) Subject to s. 157.111, the coroner or medical examiner of the county
23 in which a decedent's corpse is interred shall issue ~~an authorization~~ a permit for
24 disinterment and reinterment upon receipt of an order of a court of competent
25 jurisdiction ~~or upon receipt of a written application for disinterment and reinterment~~

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

6 **SECTION 13.** 69.18 (4) (a) 1g. to 6. of the statutes are renumbered 69.18 (4) (am)
7 1g. to 6.

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

9 69.18 (4) (am) (intro.) In this subsection, “representative of the decedent”
10 means any member of the following classes of individuals, in the order of priority
11 listed:

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

13 69.18 (4) (b) Except as provided in s. 157.112 (3), no person may disinter a
14 human corpse from a grave or tomb without first obtaining a disinterment permit
15 under par. (c) or (d).

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

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

18 69.18 (4) (d) Subject to s. 157.111, the coroner or medical examiner of the county
19 in which a decedent’s corpse is interred shall issue a disinterment permit upon
20 receipt of a written application for disinterment that is made and signed by a
21 representative of the decedent and signed by the person in charge of disinterment
22 if all of the following apply:

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

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

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

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

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

9 69.18 (4) (e) No person may cremate a corpse disinterred under this subsection
10 without obtaining a cremation permit under s. 979.10 (1) (ag).

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

12 69.18 (4) (f) Except as provided in s. 157.112 (3), no person may disinter a
13 decedent's cremated remains from a cemetery unless all of the following conditions
14 are satisfied:

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

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

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

20 69.20 (2) (a) 2. For a certificate of death, any of the persons specified under s.
21 69.18 (4) (a) (am) 1g. to 6. or an individual who is authorized in writing by one of the
22 persons.

23 **SECTION 21.** 157.02 (1), (2), (3), (4) and (5) of the statutes are renumbered
24 157.02 (1m) (a), (b), (c), (d) and (e), and 157.02 (1m) (b) and (e), as renumbered, are
25 amended to read:

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

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

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

9 157.02 (1m) (title) DISPOSITION OF INMATE'S REMAINS.

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

11 157.02 (2m) DISPOSITION OF OTHER UNCLAIMED REMAINS. (a) If a person, other
12 than a person who has responsibility to dispose of a corpse under sub. (1m), has the
13 corpse of a deceased individual and cannot by exercise of reasonable effort locate a
14 representative of the decedent, as defined in s. 69.18 (4) (am), or a representative of
15 the decedent refuses to claim the corpse for disposition, the person may notify the
16 coroner or medical examiner in the county of residence of the deceased, and the
17 coroner or medical examiner shall take custody of the corpse and cause the corpse
18 to be decently buried or cremated.

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

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

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

2 157.03 (1) The corpse of a person who died with smallpox, diphtheria, or scarlet
3 fever, or who in his or her last sickness shall request to be buried or cremated, and
4 of a stranger or traveler who suddenly died, shall not be disposed of under s. 157.02
5 ~~(3)~~ (1m) (c), and no person having charge of a corpse authorized to be so disposed of
6 shall sell or deliver it to be used outside the state.

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

8 157.03 (2) Upon receipt of the corpse by a university or school pursuant to s.
9 157.02 ~~(3)~~ (1m) (c) it shall be properly embalmed and retained for 3 months before
10 being used or dismembered and shall be delivered to any relative claiming it upon
11 satisfactory proof of relationship.

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

13 157.055 (2) (intro.) Notwithstanding ss. 69.18 (4), 157.113, 445.04 (2), 445.14,
14 979.01 (3), and (3m), ~~and (4)~~, 979.02, and 979.025 (2), 979.027, 979.10, and 979.105,
15 and subch. VII of ch. 440, during a period of a state of emergency related to public
16 health declared by the governor under s. 323.10, a public health authority may do
17 all of the following:

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

19 157.112 (3) (intro.) A cemetery authority may rebury human remains under
20 sub. (2) without first ~~obtaining an authorization~~ complying with the conditions under
21 s. 69.18 (4), but the cemetery authority shall do all of the following:

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

23 157.70 (3) (a) ~~Except as provided under s. 979.01, a~~ A person shall immediately
24 notify the director if the person knows or has reasonable grounds to believe that a

1 burial site or the cataloged land contiguous to a cataloged burial site is being
2 disturbed or may be disturbed contrary to the requirements of subs. (4) and (5).

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

4 346.71 (1) Every coroner or medical examiner shall, on or before the 10th day
5 of each month, report in writing any accident involving a motor vehicle occurring
6 within the coroner's or medical examiner's jurisdiction resulting in the death of any
7 person during the preceding calendar month. If the accident involved an all-terrain
8 vehicle or utility terrain vehicle, the report shall be made to the department of
9 natural resources and shall include the information specified by that department.
10 If the accident involved any other motor vehicle, the report shall be made to the
11 department and shall include the information specified by the department. The
12 coroner or medical examiner of the county where the death occurs, if the accident
13 occurred in another jurisdiction, shall, immediately upon learning of the death,
14 report it to the coroner or medical examiner of the county where the accident
15 occurred, as provided in s. 979.01 (1).

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

17 346.71 (2) In cases of death involving a motor vehicle in which the decedent was
18 the operator of a motor vehicle, a pedestrian 14 years of age or older or a bicycle or
19 electric personal assistive mobility device operator 14 years of age or older and who
20 died within 6 hours of the time of the accident, the coroner or medical examiner of
21 the county where the death occurred shall require that a blood specimen of at least
22 10 cc. be withdrawn from the body of the decedent within 12 hours after his or her
23 death, by the coroner or medical examiner or by a physician so designated by the
24 coroner or medical examiner or by a qualified person at the direction of the physician.
25 All funeral directors shall obtain ~~a release~~ an authorization from the a coroner or

1 medical examiner of the county where the accident occurred as provided in s. 979.01
2 (4) 979.105 prior to proceeding with embalming any body coming under the scope of
3 this section. The blood so drawn shall be forwarded to a laboratory approved by the
4 department of health services for analysis of the alcoholic content of the blood
5 specimen. The coroner or medical examiner causing the blood to be withdrawn shall
6 be notified of the results of each analysis made and shall forward the results of each
7 such analysis to the department of health services. If the death involved a motor
8 vehicle, the department shall keep a record of all such examinations to be used for
9 statistical purposes only and the department shall disseminate and make public the
10 cumulative results of the examinations without identifying the individuals involved.
11 If the death involved an all-terrain vehicle or utility terrain vehicle, the department
12 of natural resources shall keep a record of all such examinations to be used for
13 statistical purposes only and the department of natural resources shall disseminate
14 and make public the cumulative results of the examinations without identifying the
15 individuals involved.

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

17 440.03 (9) (a) (intro.) Subject to pars. (b) and (c) and except as provided in par.
18 (bm), the department shall, biennially, determine each fee for an initial credential
19 for which no examination is required, for a reciprocal credential, and for a credential
20 renewal by doing all of the following:

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

22 440.03 (9) (bm) The medicolegal investigation examining board may determine
23 the amount of any fees imposed for licenses issued under s. 465.10, in accordance
24 with s. 465.05 (2).

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

1 440.03 (13) (b) 38d. Medicolegal investigator.

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

3 **440.05 Standard fees.** (intro.) The following standard fees apply to all initial
4 credentials, except as provided in ss. 440.51, 444.03, 444.11, 446.02 (2) (c), 447.04 (2)
5 (c) 2., 449.17 (1m) (d), ~~and 449.18 (2) (d)~~, and 465.05 (2):

6 **SECTION 35.** 440.08 (2) (a) 46t. of the statutes is created to read:

7 440.08 (2) (a) 46t. Medicolegal investigation: January 1, 2019, and
8 quadrennially thereafter.

9 **SECTION 36.** 440.78 (1) (b) of the statutes is amended to read:

10 440.78 (1) (b) A copy of the cremation permit issued under s. 979.10 (1) ~~(a)~~ (ag).

11 **SECTION 37.** Chapter 465 of the statutes is created to read:

12 **CHAPTER 465**

13 **MEDICOLEGAL INVESTIGATION**

14 **465.01 Definitions.** In this chapter:

15 (1g) “Accredited medical examiner” means a medical examiner appointed
16 under s. 59.34 (1) (a) or 59.38 (5) who satisfies any of the following:

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

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

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

23 (1r) “Board” means the medicolegal investigation examining board.

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

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

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

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

9 2. A medical examiner.

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

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

14 **465.05 Powers and duties of board.** **(1) DUTIES.** The board shall do all of
15 the following:

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

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

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

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

1 (dm) If an individual who holds a license issued under s. 465.10 fails to satisfy
2 the requirement under s. 465.10 (3) (a) within the period specified in s. 465.10 (3) (a),
3 revoke the individual's license.

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

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

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

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

19 **465.10 License required; requirements to maintain license. (1) LICENSE**
20 **REQUIRED.** (a) Except as provided in par. (b), no person may perform a death
21 investigation or perform the functions of a medical examiner or medicolegal
22 investigation staff member without a license in medicolegal investigation issued
23 under this section.

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

- 1 1. An accredited medical examiner.
- 2 2. An individual who is elected as a coroner or appointed to fill a vacancy as a
- 3 coroner.

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

- 6 1. The individual is appointed as a nonaccredited medical examiner or is hired
7 by a coroner or medical examiner to serve as a medicolegal investigation staff
8 member.

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

10 (b) *License renewal.* The renewal date for a license issued under this subsection
11 is specified under s. 440.08 (2) (a). Renewal applications shall include any fee
12 established by the board under s. 465.05 (2) and proof satisfactory to the board that
13 the individual has completed all hours of training or education required under sub.
14 (3).

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

18 (am) 1. An individual who is issued an initial license under sub. (2) (a) within
19 18 months prior to the next renewal date may renew the license one time without
20 satisfying the requirement under par. (a). The individual may renew the license a
21 2nd time following completion, within the period specified under par. (a), of that
22 requirement.

23 2. An individual who is issued an initial license under sub. (2) (a) more than
24 18 months prior to the next renewal date may renew the license one time after
25 satisfying, within the period specified under par. (a), the requirement under par. (a).

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

6 **(3m)** CURRENTLY SERVING INDIVIDUALS. (a) Notwithstanding sub. (2) (a), the
7 board shall issue an initial license in medicolegal investigation under sub. (2) (a) to
8 every individual who is serving as a nonaccredited medical examiner or medicolegal
9 investigation staff member in this state on the effective date of this paragraph
10 [LRB inserts date]. The board may also, in the manner prescribed by the board, issue
11 an initial license in medicolegal investigation under sub. (2) (a) to an individual who
12 is serving as a coroner in this state on the effective date of this paragraph [LRB
13 inserts date], and who elects to receive a license under this paragraph.

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

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

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

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

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

24 (c) The board may grant a waiver of the education requirement under par. (b)

25 2. a. to a coroner, nonaccredited medical examiner, or medicolegal investigation staff

1 member who holds a credential, in good standing, from a nationally recognized
2 accreditation organization specializing in death investigation education and who
3 applies to the board for a waiver in the method prescribed by the board.

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

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

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

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

13 3. The individual pays any licensing fee imposed by the board under s. 465.05
14 (2).

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

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

19 2. Proof satisfactory to the board that the individual has completed, in the
20 4–year period preceding the renewal date, 24 hours of education, as prescribed by the
21 board. This subdivision does not apply to an individual applying for an initial
22 renewal who is issued a license under par. (a) when there is less than one year
23 remaining until the next license renewal date.

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

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

6 **465.15 Penalty.** Any person who violates s. 465.10 (1) (a) shall be fined not
7 more than \$1,000 or imprisoned not more than 90 days.

8 **SECTION 38.** 979.01 (1m) of the statutes is renumbered 979.01 (1m) (a) and
9 amended to read:

10 979.01 (1m) (a) The Except as provided in par. (b), the coroner or medical
11 examiner receiving notification under sub. (1) or (1g) shall immediately, within a
12 reasonable time after receiving notice of the death, notify the district attorney for his
13 or her county of the death.

14 **SECTION 39.** 979.01 (1m) (b) of the statutes is created to read:

15 979.01 (1m) (b) Except as provided in s. 979.04 (2), the coroner or medical
16 examiner is not required to notify the district attorney of any deaths for which the
17 district attorney, in writing, waives notice.

18 **SECTION 40.** 979.01 (1p) of the statutes is created to read:

19 979.01 (1p) A coroner or medical examiner who receives notice of a death under
20 sub. (1), or his or her designee, shall notify the deceased's next of kin of the death.

21 **SECTION 41.** 979.01 (1r) of the statutes is amended to read:

22 979.01 (1r) If the coroner or medical examiner is notified of ~~a death under sub.~~
23 ~~(1) or (1g) and determines that his or her notification of the death was not required~~
24 ~~under sub. (1) or (1g),~~ the discovery of human remains under this section and

1 determines that the human remains have no forensic significance, he or she shall
2 notify the director of the historical society under s. 157.70 (3).

3 **SECTION 42.** 979.01 (4) of the statutes is renumbered 979.105 and amended to
4 read:

5 **979.105 Authorization to embalm a body.** No person may embalm ~~or~~
6 ~~perform an autopsy on~~ the body of any person who has died under any of the
7 ~~circumstances listed in this section or on the body of any person whose death has~~
8 ~~been~~ must be reported under s. 948.23 (1) (b) ~~unless the person obtains or~~ 979.01 (1)
9 without the written authorization of the coroner or medical examiner of the county
10 in which the injury or cause of death occurred. ~~Such authorization shall be issued~~
11 ~~by the~~ An authorization under this section shall include information necessary to
12 identify the deceased, the date and place of death, and the name of the funeral
13 director or person acting in place of the funeral director and shall specify that the
14 authorization does not override the wishes of the next of kin of the deceased with
15 respect to disposition of the body. The coroner or a deputy or a medical examiner, or
16 his or her designee, shall issue an authorization under this section within 12 hours
17 after notification of the reportable death, or as soon ~~thereafter~~ as possible in the
18 event of unexplained, unusual or suspicious circumstances.

19 **SECTION 43.** 979.025 (2) of the statutes is amended to read:

20 979.025 (2) INMATE CONFINED IN AN INSTITUTION IN ANOTHER STATE. If an
21 individual dies while he or she is in the legal custody of the department and confined
22 to a correctional facility in another state under a contract under s. 301.07, 301.21,
23 or 302.25, the department shall have an autopsy and any other appropriate
24 diagnostic procedure performed by an appropriate authority in the other state or by
25 the coroner or medical examiner of the county in which the circuit court is located

1 that sentenced the individual to the custody of the department. If the coroner or
2 medical examiner who performs the autopsy or other diagnostic procedure in this
3 state determines that the individual's death may have been the result of any of the
4 situations that would permit the district attorney to order an inquest under s. 979.04
5 (1), the coroner or medical examiner shall forward the results of the autopsy or other
6 diagnostic procedure to the appropriate authority in the other state.

7 **SECTION 44.** 979.025 (3) of the statutes is amended to read:

8 979.025 (3) COSTS OF AN AUTOPSY AND DIAGNOSTIC PROCEDURE. The costs of an
9 autopsy or other diagnostic procedure performed under sub. (1) or (2) shall be paid
10 by the department.

11 **SECTION 45.** 979.027 of the statutes is created to read:

12 **979.027 Disinterment for autopsy or other diagnostic procedure.** The
13 district attorney may move the circuit court for the county in which a body is buried
14 for an order disinterring the body for the purpose of conducting an autopsy or other
15 diagnostic procedures. The order shall be granted by the circuit court upon a
16 reasonable showing that any of the criteria specified in s. 979.04 (1) exists. The clerk
17 of the circuit court shall send a copy of the order to the coroner or medical examiner
18 in the county in which the body is buried. Upon receipt of the order, the coroner or
19 medical examiner shall issue a permit for disinterment and reinterment under s.
20 69.18 (4) (c).

21 **SECTION 46.** 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

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

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

16 **SECTION 47.** 979.09 of the statutes is amended to read:

17 **979.09 Burial Disposition of an unidentified or unclaimed body.** If any
18 ~~judge or circuit court commissioner conducts an inquest as to the death of a stranger~~
19 ~~or of a person whose identity is unknown or whose body is unclaimed or if the district~~
20 ~~attorney determines that no inquest into the death of such a person is necessary and~~
21 ~~the circuit judge has not ordered an inquest under s. 979.04 (2), a coroner or medical~~
22 examiner has custody of an unidentified or unclaimed body of an individual whose
23 death was investigated under s. 979.01, and the coroner or medical examiner has
24 made reasonable efforts to identify the body or locate a representative of the
25 deceased, the coroner or medical examiner shall cause the body to be decently buried

1 or cremated and shall certify ~~to all the charges incurred in taking any inquest by him~~
2 ~~or her and to the expenses of burial or cremation of the dead body.~~ The charges and
3 expenses shall be audited by the county board of the proper county and paid out of
4 the county treasury with funds other than funds appropriated for the operation of
5 the coroner's or medical examiner's office. The immunity provisions under s. 157.02
6 (2m) (b) and (c) apply to a coroner's or medical examiner's actions under this section.

7 **SECTION 48.** 979.10 (1) (a) (intro.) of the statutes is amended to read:

8 979.10 (1) (a) (intro.) No person may cremate the ~~corpse~~ body of a deceased
9 person within 48 hours after ~~the pronouncement of death, or the discovery of the~~
10 ~~death, of the deceased person~~ unless the death was caused by a contagious or
11 infectious disease. and one of the following conditions applies:

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

14 **SECTION 49.** 979.10 (1) (a) 1., 2. and 3. of the statutes are renumbered 979.10
15 (1) (ag) 1., 2. and 3. and amended to read:

16 979.10 (1) (ag) 1. The coroner or medical examiner in the county where the
17 death ~~occurred~~ was pronounced if the death ~~occurred~~ was pronounced in this state;
18 and the death was not subject to an investigation under s. 979.01.

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

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

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

3 **SECTION 50.** 979.10 (1) (a) 1m. and 2m. of the statutes are created to read:

4 979.10 (1) (a) 1m. The person determines that the body must be cremated
5 immediately to effectively contain the disease.

6 2m. A public health authority orders sooner disposal of the body under s.
7 157.055 (2) (c) during a state of emergency related to public health.

8 **SECTION 51.** 979.10 (1) (b) of the statutes is amended to read:

9 979.10 (1) (b) A coroner or medical examiner shall include in any cremation
10 permit issued under par. (a) (ag) a statement that he or she has viewed the ~~corpse~~
11 body which is the subject of the permit and made personal inquiry into the cause and
12 manner of death under sub. (2) and is of the opinion that no further examination or
13 judicial inquiry is necessary. The permit shall also specify the earliest date and time
14 that the cremation may occur.

15 **SECTION 52.** 979.10 (1) (c) of the statutes is renumbered 157.113 and amended
16 to read:

17 **157.113 Permission to place cremated human remains in cemetery.** No
18 person may deposit any cremated human remains of a ~~corpse~~ in any a cemetery,
19 including in the casket of another person, without the permission of the ~~person who~~
20 ~~owns or is in charge of the cemetery~~ cemetery authority.

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

22 979.10 (2) If a ~~corpse~~ body is to be cremated, the coroner or medical examiner
23 shall make a careful personal inquiry into the cause and manner of death, and
24 conduct an autopsy or order the conducting of an autopsy, if in his or her or the district
25 attorney's opinion it is necessary to determine the cause and manner of death. If the

1 coroner or medical examiner determines that no further examination or judicial
2 inquiry is necessary, he or she shall certify that fact. Upon written request by the
3 district attorney the coroner or medical examiner shall obtain the concurrence of the
4 district attorney before issuing the certification. If the coroner or medical examiner
5 determines that further examination or judicial inquiry is necessary, he or she shall
6 notify the district attorney under s. 979.04 (2).

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

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

9 979.10 (4) Whoever accepts, receives, or takes any ~~corpse~~ body of a deceased
10 person with intent to destroy the ~~corpse~~ body by means of cremation, or who cremates
11 or aids and assists in the cremation of any ~~corpse~~ body of a deceased person without
12 having presented the permit specified in sub. (1) (ag), shall be fined not more than
13 \$10,000 or imprisoned not more than 9 months or both.

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

15 **979.22 Autopsies Fees for other autopsy and toxicological services by**
16 **coroners or medical examiners.** A coroner or medical examiner may perform
17 autopsies and toxicological services not required under this chapter and may charge
18 a fee established by the county board for such autopsies and services. The fee may
19 not exceed an amount reasonably related to the actual and necessary cost of
20 providing the service and autopsy.

21 **SECTION 57. Nonstatutory provisions.**

22 (1) EXAMINING BOARD; INITIAL TERMS. Notwithstanding the length of terms
23 specified for the members of the medicolegal investigation examining board under
24 section 15.405 (18) of the statutes, as created by this act, initial appointments to the
25 medicolegal investigation examining board shall be made as follows:

1 (a) The members under section 15.405 (18) (a) of the statutes, as created by this
2 act, the member under section 15.405 (18) (c) of the statutes, as created by this act,
3 and the member under section 15.405 (18) (e) of the statutes, as created by this act,
4 shall be appointed for terms expiring on July 1, 2016.

5 (b) The members under section 15.405 (18) (am) of the statutes, as created by
6 this act, the member under section 15.405 (18) (d) of the statutes, as created by this
7 act, and the member under section 15.405 (18) (g) of the statutes, as created by this
8 act, shall be appointed for terms expiring on July 1, 2018.

9 (c) The members under section 15.405 (18) (b) of the statutes, as created by this
10 act, and the member under section 15.405 (18) (i) of the statutes, as created by this
11 act, shall be appointed for terms expiring on July 1, 2020.

12 (2) EXAMINING BOARD; PROVISIONAL APPOINTMENTS.

13 (a) Notwithstanding section 15.08 (1) of the statutes, the governor may
14 provisionally appoint initial members of the medicolegal investigation examining
15 board under section 15.405 (18) of the statutes, as created by this act. Those
16 provisional appointments remain in force until withdrawn by the governor or acted
17 upon by the senate, and if confirmed by the senate shall continue for the remainder
18 of the unexpired term, if any, of the member and until a successor is chosen and
19 qualifies. A provisional appointee may exercise all the powers and duties of board
20 membership to which the person is appointed during the time in which the appointee
21 qualifies.

22 (b) A provisional appointment made under paragraph (a) that is withdrawn by
23 the governor lapses upon withdrawal and creates a vacancy for provisional
24 appointment of another initial member of the medicolegal investigation examining
25 board. Any provisional appointment made under paragraph (a) that is rejected by

1 the senate lapses upon rejection and creates a vacancy for nomination and
2 appointment under section 15.08 (1) of the statutes of another initial board member.

3 (3) EXAMINING BOARD; EMERGENCY RULE AUTHORITY. The medicolegal
4 investigation examining board may promulgate emergency rules under section
5 227.24 of the statutes as required under section 465.05 (1) (a) of the statutes, as
6 created by this act. Notwithstanding section 227.24 (1) (c) and (2) of the statutes,
7 emergency rules promulgated under this subsection remain in effect for one year, or
8 until the date on which permanent rules take effect, whichever is sooner.
9 Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the medicolegal
10 investigation examining board is not required to provide evidence that promulgating
11 a rule under this subsection as an emergency rule is necessary for the preservation
12 of the public peace, health, safety, or welfare and is not required to provide a finding
13 of emergency for a rule promulgated under this subsection.

14 **SECTION 58. Initial applicability.**

15 (1) DEATH INVESTIGATIONS; AUTHORIZATION TO EMBALM OR DISPOSE OF A BODY;
16 CREMATION PERMIT; DISPOSITION OF BODIES. The treatment of sections 69.01 (12), 69.18
17 (2) (d) 1., 2., and 3., and (3) (a), (b), and (d), 157.02 (1), (1m) (title), (2), (2m), (3), (4),
18 and (5), 157.03 (1) and (2), 157.055 (2) (intro.), 346.71 (2), 440.78 (1) (b), 979.01 (1p),
19 (1r), and (4), 979.025 (2) and (3), 979.036, 979.09, 979.10 (1) (a) (intro.), 1., 1m., 2.,
20 2m., and 3., (b), and (c), (2), (3), and (4), and 979.22 of the statutes, the renumbering
21 and amendment of section 979.01 (1m) of the statutes, and the creation of section
22 979.01 (1m) (b) of the statutes first apply to deaths occurring on the effective date of
23 this subsection.

