AN ACT relating to: autopsies and cremation of bodies of persons who died of COVID–19.

Analysis by the Legislative Reference Bureau
CORRECTIONAL SYSTEM

Death of an inmate

Under current law, if an individual dies while he or she is in the legal custody of the Department of Corrections and confined to a correctional facility located in this state, an autopsy on the deceased individual must be performed. Under this bill, until the conclusion of a national emergency declared by the U.S. president under 50 USC 1621 in response to the 2019 novel coronavirus, if an individual who has been diagnosed with COVID–19 dies, the coroner or medical examiner may perform a limited examination of the deceased individual instead of a full autopsy, which may include an external examination of the body of the deceased individual, a review of the deceased individual’s medical records, or a review of the deceased individual’s radiographs. These changes were enacted in 2019 Wisconsin Act 185 but applied only during the state of emergency related to public health declared on March 12, 2020.

HEALTH AND HUMAN SERVICES
Cremation permits and electronic signature of death certificates

Under current law, a coroner or medical examiner must view the corpse of a deceased person before issuing a cremation permit, and the corpse may not be cremated within 48 hours after the death unless the death was caused by a
contagious or infectious disease. Under this bill, until the conclusion of a national emergency declared by the U.S. president under 50 USC 1621 in response to the 2019 novel coronavirus, if a physician, coroner, or medical examiner has signed the death certificate of a deceased person and listed COVID-19 as the cause of death, a coroner or medical examiner must issue a cremation permit without viewing the corpse of a deceased person and a coroner or medical examiner must issue the permit within 48 hours after the time of death. The bill also requires that if the underlying cause of a death is determined to be COVID-19, the person required to sign the death certificate shall provide an electronic signature on the death certificate within 48 hours after the death occurs. These changes to the requirements were enacted in 2019 Wisconsin Act 185, but applied only during the state of emergency related to public health declared on March 12, 2020.

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

SECTION 1. Nonstatutory provisions.

(1) Autopsies and cremation of bodies of persons who died of COVID-19.

(a) Definition. In this subsection, “COVID-19” means an infection caused by the SARS-CoV-2 coronavirus.

(b) Viewing of a corpse to be cremated following death from COVID-19. Notwithstanding s. 979.10 (1) (b), until the conclusion of a national emergency declared by the U.S. president under 50 USC 1621 in response to the 2019 novel coronavirus, if any physician, coroner, or medical examiner has signed the death certificate of a deceased person and listed COVID-19 as the underlying cause of death, a coroner or medical examiner shall issue a cremation permit to cremate the corpse of that deceased person without viewing the corpse.

(c) Time for cremation of a person who has died of COVID-19. Notwithstanding s. 979.10 (1) (a) (intro.), until the conclusion of a national emergency declared by the U.S. president under 50 USC 1621 in response to the 2019 novel coronavirus, a
coroner or medical examiner shall issue, within 48 hours after the time of death, a cremation permit for the cremation of a corpse of a deceased person.

(d) Examination of the body of an inmate who has died of COVID-19. Notwithstanding s. 979.025, until the conclusion of a national emergency declared by the U.S. president under 50 USC 1621 in response to the 2019 novel coronavirus, if an individual who has been diagnosed with COVID-19 dies while he or she is in the legal custody of the department of corrections and confined to a correctional facility located in this state, the coroner or medical examiner may perform a limited examination of the deceased individual instead of a full autopsy, which may include an external examination of the body of the deceased individual, a review of the deceased individual’s medical records, or a review of the deceased individual’s radiographs.

(e) Requiring electronic signature on death certificates with 48 hours if death is caused by COVID-19. Notwithstanding s. 69.18 or any other requirements to the contrary, until the conclusion of a national emergency declared by the U.S. president under 50 USC 1621 in response to the 2019 novel coronavirus, if the underlying cause of a death is determined to be COVID-19, the person required to sign the death certificate shall provide an electronic signature on the death certificate within 48 hours after the death occurs.

(END)