

Senate Bill 566

Sponsored by Senator KRUSE; Senators PROZANSKI, ROBLAN

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs State Medical Examiner to assume counties' responsibilities related to death investigations. Directs State Medical Examiner to establish regions for administration purposes. Provides for transitional period, ending July 1, 2017.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to medical examiners; creating new provisions; amending ORS 146.003, 146.025, 146.035,
3 146.045, 146.055, 146.065, 146.075, 146.080, 146.085, 146.095, 146.100, 146.109, 146.113, 146.117,
4 146.121, 146.125, 146.135, 146.992 and 433.449; repealing ORS 146.075, 146.080 and 146.088; and
5 declaring an emergency.

6 **Be It Enacted by the People of the State of Oregon:**

PROVISIONS THAT BECOME OPERATIVE ON JANUARY 1, 2014

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8
9
10 **SECTION 1.** ORS 146.045 is amended to read:

11 146.045. *[(1)]* **(1)(a)** After consultation with the State Medical Examiner Advisory Board, the
12 State Medical Examiner shall *[appoint each Deputy State Medical Examiner.]:*

13 **(A) Establish regions in this state for the administration of ORS 146.003 to 146.189;**

14 **(B) Determine, for each region established under this subsection, whether the counties**
15 **located in the region shall continue their duties related to the administration of ORS 146.003**
16 **to 146.189 or whether the State Medical Examiner is wholly responsible for the adminis-**
17 **tration of ORS 146.003 to 146.189 in the region;**

18 **(C) Appoint a Deputy State Medical Examiner for each region over which the State**
19 **Medical Examiner assumes responsibility; and**

20 **(D) Appoint other Deputy State Medical Examiners as the State Medical Examiner de-**
21 **termines is necessary for the administration of ORS 146.003 to 146.189.**

22 **(b) The borders of regions established under this subsection shall be drawn in accordance**
23 **with the borders of counties.**

24 (2) The State Medical Examiner shall:

25 **(a) Appoint and discharge medical examiners.**

26 *[(a)]* **(b) Appoint and discharge [each district medical examiner as provided by ORS 146.065 (2)]**
27 **district medical examiners, as provided by ORS 146.065 (2), for counties located in regions**
28 **over which the State Medical Examiner has not assumed responsibility.**

29 *[(b)]* **(c) Designate [those] pathologists authorized to perform autopsies under ORS 146.117 (2).**

30 *[(c)]* **(d) Approve [those] laboratories authorized to perform the analyses required under ORS**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 146.113 (2).

2 (3) The State Medical Examiner may:

3 (a) Assume control of a death investigation in cooperation with *[the]* a district attorney.

4 (b) Order an autopsy in a death requiring investigation.

5 (c) Certify the cause and manner of a death requiring investigation.

6 (d) Amend a previously completed death certificate on a death requiring investigation.

7 (e) Order a body exhumed in a death requiring investigation.

8 (f) Designate a Deputy State Medical Examiner as Acting State Medical Examiner.

9 (g) After a reasonable and thorough investigation, complete and file a death certificate for a
10 person whose body is not found.

11 (4) Distribution of moneys from the State Medical Examiner’s budget for partial reimbursement
12 of *[each county’s autopsy expenditures]* **the autopsy expenditures of a county that remains re-**
13 **sponsible for the administration of ORS 146.003 to 146.189** shall be made subject to approval of
14 the State Medical Examiner.

15 (5) Within 45 days of receipt of information that a person is missing at sea and presumed dead,
16 the State Medical Examiner shall determine whether the information is credible and, if so, complete
17 and file a death certificate for the person presumed dead. If the information is determined not to
18 be credible, the State Medical Examiner may continue the death investigation.

19 **SECTION 2.** ORS 146.003 is amended to read:

20 146.003. As used in ORS 146.003 to 146.189 and 146.710 to 146.992, unless the context requires
21 otherwise:

22 (1) “Approved laboratory” means a laboratory approved by the State Medical Examiner as
23 competent to perform the blood sample analysis required by ORS 146.113 (2).

24 (2) “Assistant district medical examiner” means a physician appointed by *[the]* a district medical
25 examiner **under ORS 146.080** to investigate and certify deaths within a county or district.

26 (3) “Cause of death” means the primary or basic disease process or injury ending life.

27 (4) “Death requiring investigation” means the death of a person occurring in any one of the
28 circumstances set forth in ORS 146.090.

29 (5) “Deputy medical examiner” means a person appointed by *[the]* a district medical examiner
30 **under ORS 146.085** to assist in the investigation of deaths within a county.

31 (6) “District medical examiner” means a physician appointed by the State Medical Examiner
32 **under ORS 146.065** to investigate and certify deaths within a county or district, *[including a Deputy*
33 *State Medical Examiner]*.

34 (7) “Law enforcement agency” means a county sheriff’s office, municipal police department, po-
35 lice department established by a university under ORS 352.383 and the Oregon State Police.

36 (8) “Legal intervention” includes an execution pursuant to ORS 137.463, 137.467 and 137.473 and
37 other legal use of force resulting in death.

38 (9) “Manner of death” means the designation of the probable mode of production of the cause
39 of death, including natural, accidental, suicidal, homicidal, legal intervention or undetermined.

40 (10) “Medical examiner” means a physician appointed as provided by ORS 146.003 to 146.189 to
41 investigate and certify the cause and manner of deaths requiring investigation, including the State
42 Medical Examiner.

43 (11) “Pathologist” means a physician holding a current license to practice medicine and surgery
44 and who is eligible for certification by the American Board of Pathology.

45 (12) “Unidentified human remains” does not include human remains that are unidentified human

1 remains that are part of an archaeological site or suspected of being Native American and covered
 2 under ORS chapters 97 and 390 and ORS 358.905 to 358.961.

3 **SECTION 3.** ORS 146.025 is amended to read:

4 146.025. In addition to the duties set forth in ORS 146.015 the State Medical Examiner Advisory
 5 Board shall:

6 (1) Recommend to the Oregon Department of Administrative Services the qualifications and
 7 compensation for the positions of State Medical Examiner and Deputy State Medical Examiner.

8 (2) Recommend to the county courts **located in regions over which the State Medical Ex-**
 9 **aminer has not assumed responsibility under ORS 146.045** the compensation of [*the*] district
 10 medical examiners and assistant district medical examiners.

11 (3) Recommend to district medical examiners **appointed under ORS 146.065** and district attor-
 12 neys **servicing in regions over which the State Medical Examiner has not assumed responsi-**
 13 **bility under ORS 146.045** the qualifications for deputy medical examiners.

14 (4) Approve or disapprove of a single district medical examiner's office for two or more counties
 15 as provided by ORS 146.065 (5).

16 (5) Recommend a proposed budget for the State Medical Examiner's office to the Department
 17 of State Police.

18 (6) Annually review the State Medical Examiner's report [*prescribed*] **required** by ORS 146.055
 19 and report to the Superintendent of State Police and to the State Board of Health regarding the
 20 operation of the State Medical Examiner's office.

21 **SECTION 4.** ORS 146.035 is amended to read:

22 146.035. (1) There shall be established within the Department of State Police the State Medical
 23 Examiner's office for the purpose of directing and supporting the state death investigation program.

24 (2) The State Medical Examiner shall manage all aspects of the [*State Medical Examiner's*] **state**
 25 **death investigation** program.

26 (3) Subject to the State Personnel Relations Law, the State Medical Examiner may employ or
 27 discharge other personnel of the State Medical Examiner's office.

28 (4) The State Medical Examiner's office shall:

29 (a) File and maintain appropriate reports on all deaths requiring investigation.

30 (b) Maintain an accurate list of all active district medical examiners[, *assistant district medical*
 31 *examiners and designated pathologists.*] **and assistant district medical examiners.**

32 (c) **Maintain an accurate list of all designated pathologists.**

33 [*(c)*] (d) Transmit monthly to the Department of Transportation a report for the preceding cal-
 34 endar month of all information obtained under ORS 146.113.

35 (5) Notwithstanding ORS 192.501 (35):

36 (a) [*Any*] **A** parent, spouse, sibling, child or personal representative of the deceased, or [*any*] **a**
 37 person who may be criminally or civilly liable for the death, or their authorized representatives re-
 38 spectively, may examine and obtain copies of [*any*] **a** medical examiner's report, autopsy report or
 39 laboratory test report ordered by a medical examiner under ORS 146.117.

40 (b) The system described in ORS 192.517 (1) shall have access to reports described in this sub-
 41 section as provided in ORS 192.517.

42 **SECTION 5.** ORS 146.055 is amended to read:

43 146.055. (1) The State Medical Examiner shall assist and advise district medical examiners **ap-**
 44 **pointed under ORS 146.065** in the performance of their duties.

45 (2) The State Medical Examiner shall perform [*autopsies*] **an autopsy**, if in the judgment of the

1 State Medical Examiner *[such]* **an** autopsy is necessary in *[any]* a death requiring investigation,
2 when *[requested by]* a medical examiner or district attorney **requests the autopsy**.

3 (3) The State Medical Examiner shall regularly conduct training programs for *[the]* district
4 medical examiners **appointed under ORS 146.065** and law enforcement agencies.

5 (4) The State Medical Examiner shall submit an annual report to the State Medical Examiner
6 Advisory Board detailing the activities and accomplishments **in the preceding year** of the State
7 **Medical Examiner's office** and each county office *[in the preceding year]* **located in a region over**
8 **which the State Medical Examiner has not assumed responsibility** as well as a cost analysis
9 of the *[office of the]* State Medical *[Examiner]* **Examiner's office**.

10 **SECTION 6.** ORS 146.065 is amended to read:

11 146.065. (1) In each county **located in a region over which the State Medical Examiner has**
12 **not assumed responsibility under ORS 146.045** there shall be a **district** medical examiner for the
13 purpose of investigating and certifying the cause and manner of deaths requiring investigation.

14 (2) *[Each]* District medical *[examiner]* **examiners** shall be appointed by the State Medical Ex-
15 aminer with approval of the appropriate board or boards of commissioners and may be discharged
16 by the State Medical Examiner without such approval.

17 (3) If the position of district medical examiner is vacant, the county health officer shall tempo-
18 rarily act as **a** medical examiner in cooperation with the State Medical Examiner until the vacancy
19 is filled.

20 (4) If the positions of district medical examiner and county health officer are both vacant, the
21 district attorney shall temporarily act as **a** medical examiner in cooperation with the State Medical
22 Examiner until the vacancy is filled.

23 (5) Two or more counties, with the approval of the State Medical Examiner Advisory Board and
24 commissioners of each county, may *[form a]* **establish a single** district medical examiner's office
25 *[instead of an office for each such county]* **for the counties**.

26 (6) When a county or district has a population of 200,000 or more persons, the State Medical
27 Examiner may, with the approval of the State Medical Examiner Advisory Board, appoint a Deputy
28 State Medical Examiner **as the district medical examiner** for that county or district.

29 (7) The compensation of the Deputy State Medical Examiner **appointed as district medical**
30 **examiner under subsection (6) of this section** shall be paid by the state from funds available for
31 *[such]* **that** purpose.

32 (8) The services of *[the]* **a** Deputy State Medical Examiner may be contracted by the Department
33 of State Police. *[These]* Contracts **entered into under this subsection** may be terminated by either
34 party at any time by written notice to the other party *[to the agreement and, upon termination, the*
35 *appointment of such Deputy State Medical Examiner is terminated]*.

36 **SECTION 7.** ORS 146.075 is amended to read:

37 146.075. (1) *[The]* **A** district medical examiner **appointed under ORS 146.065** shall serve as the
38 administrator of the district medical examiner's office. Subject to applicable provisions of a county
39 personnel policy or civil service law, the district medical examiner may employ such other personnel
40 as the district medical examiner *[deems]* **considers** necessary to operate the office.

41 (2) All expenses of equipping, maintaining and operating the district medical examiner's office,
42 including the compensation of the district medical examiner and assistant district medical examin-
43 ers, shall be paid by the county or counties of the district from funds budgeted for *[such]* **that** pur-
44 pose.

45 (3) When a district medical examiner also serves as county health officer, the county shall sep-

1 arately budget the compensation and expenses to be paid for **the district** medical examiner's duties
2 **as prescribed by ORS 146.003 to 146.189.**

3 *[(4) All expenses of death investigations shall be paid from county funds budgeted for such purpose*
4 *except that, in counties under 200,000 population upon the approval of the State Medical Examiner,*
5 *one-half of the costs of autopsies ordered under ORS 146.117 shall be paid annually by the state from*
6 *funds for such purpose. If funds available for this payment are insufficient to meet one-half of these*
7 *costs, even proportional payments to the counties shall be made.]*

8 **(4)(a) All expenses of death investigations shall be paid:**

9 **(A) For a region over which the State Medical Examiner has assumed responsibility un-**
10 **der ORS 146.045, from state funds made available for the purpose of administering ORS**
11 **146.003 to 146.189; and**

12 **(B) For counties located in a region over which the State Medical Examiner has not as-**
13 **sumed responsibility under ORS 146.045, from county funds budgeted for the purpose of ad-**
14 **ministering ORS 146.003 to 146.189.**

15 **(b) Notwithstanding paragraph (a)(B) of this subsection, in counties with a population of**
16 **fewer than 200,000, upon the approval of the State Medical Examiner, one-half of the costs**
17 **of autopsies ordered under ORS 146.117 shall be paid annually by the state from funds made**
18 **available for that purpose. If state funds are insufficient to meet one-half of the costs of**
19 **autopsies ordered under ORS 146.117, even proportional payments to the counties shall be**
20 **made.**

21 (5) Expenses of burial or other disposition of an unclaimed body shall be paid:

22 **(a) For a region over which the State Medical Examiner has assumed responsibility under**
23 **ORS 146.045, from state funds made available for the purpose of administering ORS 146.003**
24 **to 146.189; and**

25 **(b) For counties located in a region over which the State Medical Examiner has not as-**
26 **sumed responsibility under ORS 146.045, by the county where the death occurs, as provided by**
27 **ORS 146.100 (2), in the manner provided by ORS 146.121 (4).**

28 (6) *[Each]* **A district medical examiner's** office shall maintain copies of the:

29 (a) Reports of death investigation by the medical examiner;

30 (b) Autopsy reports;

31 (c) Laboratory analysis reports; and

32 (d) Inventories of money or property of the deceased taken into custody during the investigation.

33 (7) Reports and inventories maintained by the district office shall be **made** available for in-
34 spection as provided by ORS 146.035 (5).

35 (8) Copies of reports of death investigations by medical examiners and autopsy reports shall be
36 forwarded to the State Medical Examiner's office.

37 (9) Each district **medical examiner's** office shall maintain current records of:

38 (a) All assistant district medical examiners **that have been appointed by the district medical**
39 **examiner.**

40 (b) *[Appointments of each deputy medical examiner appointed for the county or district]* **All deputy**
41 **medical examiners that have been appointed by the district medical examiner.**

42 (c) The name, address and director of each licensed funeral home located within the county or
43 district.

44 (10) *[Each]* **A district medical examiner's** office shall immediately *[in writing]* notify the State
45 Medical Examiner's office **in writing** of all appointments and resignations of *[their]* medical exam-

1 iners.

2 **SECTION 8.** ORS 146.080 is amended to read:

3 146.080. (1) *[Each]* **A district medical examiner appointed under ORS 146.045** may appoint one
4 or more assistant district medical examiners.

5 (2) The qualifications of an assistant district medical examiner shall be *[prescribed]* **established**
6 by the State Medical Examiner Advisory Board.

7 *[(3) When delegated by the district medical examiner, an assistant district medical examiner*
8 *shall:]*

9 **(3) A district medical examiner may authorize an assistant district medical examiner to:**

10 (a) Assist the district medical examiner in investigating and certifying deaths.

11 (b) Have the authority and responsibility to investigate and certify deaths requiring investi-
12 gation.

13 **SECTION 9.** ORS 146.085 is amended to read:

14 146.085. (1) *[The]* **A district medical examiner appointed under ORS 146.065** shall appoint,
15 subject to the approval of the district attorney **serving in the county in which the appointee will**
16 **have the authority to serve** and applicable civil service regulations, qualified deputy medical
17 examiners*[, including]*. **Appointees under this subsection must include** the sheriff or a deputy
18 sheriff and a member of the Oregon State Police for each county. Other peace officers may also be
19 appointed as deputy medical examiners.

20 **(2) For a region over which the State Medical Examiner has assumed responsibility under**
21 **ORS 146.045, the State Medical Examiner may appoint sheriffs, deputy sheriffs, members of**
22 **the Oregon State Police and other peace officers as deputy medical examiners.**

23 *[(2)]* **(3) The State Medical Examiner or** district medical examiner and the **county** district at-
24 torney shall establish qualifications for deputy medical examiners.

25 *[(3)]* **(4)** Each deputy medical examiner shall be individually appointed and the name of the
26 deputy medical examiner shall be on file in *[the office of the district medical examiner.]*:

27 **(a) For a region over which the State Medical Examiner has assumed responsibility under**
28 **ORS 146.045, the State Medical Examiner's office; and**

29 **(b) For counties located in a region over which the State Medical Examiner has not as-**
30 **sumed responsibility under ORS 146.045, the district medical examiner's office.**

31 *[(4)]* **(5)** A deputy medical examiner shall investigate deaths subject to the control and direction
32 of **the State Medical Examiner**, the district medical examiner or the **county** district attorney.

33 *[(5)]* **(6)** A deputy medical examiner may authorize the removal of the body of a deceased person
34 from the apparent place of death.

35 *[(6)]* **(7)** The deputy medical examiner may not authorize embalming, order a post-mortem ex-
36 amination or autopsy, or certify the cause and manner of death.

37 **SECTION 10.** ORS 146.095 is amended to read:

38 146.095. *[(1)]* **(1)(a) For a region over which the State Medical Examiner has assumed re-**
39 **sponsibility under ORS 146.045, a medical examiner appointed by the State Medical Examiner**
40 **shall be responsible for all deaths requiring an investigation.**

41 **(b) For counties located in a region over which the State Medical Examiner has not as-**
42 **sumed responsibility under ORS 146.045, the district medical examiner appointed under ORS**
43 **146.065 who serves the county where death occurs, as provided by ORS 146.100 (2), and the**
44 **district attorney for the county where death occurs, as provided by ORS 146.100 (2), shall be re-**
45 **sponsible for the investigation of all deaths requiring investigation.**

1 (2) The medical examiner shall certify the manner and the cause of all deaths which the medical
 2 examiner is required to investigate. The certificate of death shall be filed as required by ORS
 3 432.307.

4 (3) The medical examiner shall make a report of death investigation to the State Medical Ex-
 5 aminer as soon as possible after being notified of a death requiring investigation.

6 (4) Within five days after notification of a death requiring investigation, the medical examiner
 7 shall make a written report of the investigation and file it in the district medical examiner's office.

8 (5) *[the]* **A district medical examiner appointed under ORS 146.065** shall supervise *[the]* assist-
 9 ant district medical examiners *[and deputy medical examiners]* **who are assisting in the investi-**
 10 **gation** in cooperation with the **county** district attorney.

11 **(6) A medical examiner shall supervise deputy medical examiners who are assisting in the**
 12 **investigation in cooperation with the county district attorney.**

13 *[(6)] (7) [The]* **A district medical examiner appointed under ORS 146.065** shall regularly conduct
 14 administrative training programs for *[the]* assistant district medical examiners, deputy medical ex-
 15 aminers and law enforcement agencies.

16 **SECTION 11.** ORS 146.100 is amended to read:

17 146.100. *[(1)]* **(1)(a) For a region over which the State Medical Examiner has assumed re-**
 18 **sponsibility under ORS 146.045, death investigations shall be under the direction of a medical**
 19 **examiner appointed by the State Medical Examiner.**

20 **(b) For counties located in a region over which the State Medical Examiner has not as-**
 21 **sumed responsibility under ORS 146.045, death investigations shall be under the direction of the**
 22 **district medical examiner appointed under ORS 146.065 who serves the county where death**
 23 **occurs** and the district attorney for the county where the death occurs.

24 (2) For purposes of ORS 146.003 to 146.189, if the county where death occurs is unknown, the
 25 death shall be deemed to have occurred in the county where the body is found, except that if in an
 26 emergency the deceased is moved by conveyance to another county and is dead on arrival, the death
 27 shall be deemed to have occurred in the county from which the body was originally removed.

28 (3) The *[district medical examiner or a designated assistant medical examiner for the county where*
 29 *death occurs]* **medical examiner under whose direction a death investigation occurs as de-**
 30 **scribed in subsection (1) of this section** shall *[be]* immediately **be** notified of:

31 (a) All deaths requiring investigation; and

32 (b) All deaths of persons admitted to a hospital or institution for less than 24 hours, although
 33 the medical examiner need not investigate nor certify such deaths.

34 (4) *[No]* **A person having knowledge of a death requiring investigation [shall] may not** inten-
 35 tionally or knowingly fail to *[make notification thereof]* **provide notice of the death** as required by
 36 subsection (3) of this section.

37 (5) *[The district medical examiner or deputy]* **The** medical examiner shall immediately notify the
 38 district attorney for the county where death occurs of all deaths requiring investigation except for
 39 those specified by ORS 146.090 (1)(d) to (g).

40 (6) All peace officers, health care providers (as defined in ORS 192.556, supervisors of penal in-
 41 stitutions and supervisors of hospitals or institutions caring for the ill or helpless shall cooperate
 42 with the medical examiner by providing a decedent's medical records and tissue samples and any
 43 other material necessary to conduct the death investigation of the decedent and shall make notifi-
 44 cation of deaths as required by subsection (3) of this section. A person who cooperates with the
 45 medical examiner in accordance with this subsection does not:

1 (a) Waive any claim of privilege applicable to, or the confidentiality of, the materials and re-
 2 cords provided.

3 (b) Waive any claim that the materials and records are subject to an exemption from disclosure
 4 under ORS 192.410 to 192.505.

5 (7) Records or materials described in subsection (6) of this section may be released by the
 6 medical examiner only pursuant to a valid court order.

7 **SECTION 12.** ORS 146.109 is amended to read:

8 146.109. (1) Upon identifying the [*body, the*] **deceased, a** medical examiner shall immediately
 9 attempt to locate the next of kin or responsible friends to obtain the designation of a funeral home
 10 to which the deceased is to be taken.

11 (2) If unable to promptly obtain a designation of funeral home from the next of kin or responsi-
 12 ble friends, the medical examiner or deputy medical examiner shall designate the funeral home. In
 13 designating the funeral home, the medical examiner or deputy medical examiner shall be fair and
 14 equitable [*among the funeral homes listed in the office of the district medical examiner*].

15 **SECTION 13.** ORS 146.113 is amended to read:

16 146.113. (1) A medical examiner or district attorney may, in [*any*] a death requiring investi-
 17 gation, order [*samples of*] blood or urine **samples to be** taken for laboratory analysis.

18 (2) When a death requiring an investigation as a result of a motor vehicle accident occurs
 19 within five hours after the accident and the deceased is over 13 years of age, a blood sample shall
 20 be taken and forwarded to an approved laboratory for analysis. Such blood or urine samples shall
 21 be analyzed for the presence and quantity of ethyl alcohol, and if considered necessary by the State
 22 Medical Examiner, the presence of controlled substances.

23 (3) Laboratory reports of the analysis shall be made a part of the State Medical Examiner's [*and*
 24 *district medical examiner's*] files.

25 **(4) If the death occurs in a region over which the State Medical Examiner has not as-**
 26 **sumed responsibility under ORS 146.045, laboratory reports of the analysis shall be made a**
 27 **part of the files of the district medical examiner who is responsible for the investigation as**
 28 **described in ORS 146.100 (1)(b).**

29 **SECTION 14.** ORS 146.117 is amended to read:

30 146.117. (1) A medical examiner or district attorney may order an autopsy performed in any
 31 death requiring investigation. This authorization for an autopsy shall permit the pathologist to re-
 32 move and retain body tissues or organs from the deceased for the purpose of the legal or medical
 33 determination of the manner or cause of death, or other purposes approved under policies estab-
 34 lished by the State Medical Examiner Advisory Board.

35 [(2) *If an autopsy is ordered, the medical examiner shall obtain the services of a pathologist au-*
 36 *thorized under ORS 146.045 (2)(b).*]

37 [(3) *A pathologist may not receive compensation for performing the autopsy if, as medical examiner,*
 38 *the pathologist ordered the autopsy.*]

39 **(2) A pathologist designated by the State Medical Examiner must perform an autopsy**
 40 **ordered under this section.**

41 **SECTION 15.** ORS 146.121 is amended to read:

42 146.121. (1) [*No person shall*] **A person may not** bury or otherwise dispose of the body of a
 43 person whose death required investigation[,] without having first obtained:

44 **(a)** A burial or cremation permit[,] or

45 **(b)** A death certificate completed and signed by a medical examiner.

1 (2) When a medical examiner investigates the death of a person whose body is not claimed by
 2 a friend or relative within five days of the date of death, the sheriff or, in counties having a popu-
 3 lation of 400,000 or more, the medical examiner shall dispose of the body according to the provisions
 4 of ORS 97.170 to 97.210.

5 (3) If the medical examiner is unable to dispose of the body of a deceased person according to
 6 subsection (2) of this section, the medical examiner may order in writing that the body be *[either]*
 7 cremated or plainly and decently buried.

8 (4) **For counties located in a region over which the State Medical Examiner has not as-**
 9 **sumed responsibility under ORS 146.045,** the sheriff or medical examiner shall file a copy of the
 10 death certificate, the order for disposition and a verified statement of the expenses of the cremation
 11 or burial with the board of county commissioners. The board of county commissioners shall pay such
 12 expenses, or any proportion *[thereof]* **of the expenses** as may be available, from county funds an-
 13 nually budgeted for *[this purpose]* **the purposes of this subsection.**

14 **SECTION 16.** ORS 146.125 is amended to read:

15 146.125. (1) *[The]* **A** medical examiner, deputy medical examiner, district attorney or sheriff may
 16 temporarily retain possession of any property found on the body or in the possession of the deceased
 17 which in the opinion of the medical examiner, deputy medical examiner, district attorney or sheriff
 18 may be useful in establishing the cause or manner of death or may be used in further proceedings.

19 (2) When a medical examiner, deputy medical examiner, district attorney or sheriff assumes
 20 control or custody of money or personal property found on the body or in the possession of the de-
 21 ceased, the medical examiner, deputy medical examiner, district attorney or sheriff shall:

22 (a) Make a verified inventory of *[such]* **the** money or property.

23 (b) File the inventory in:

24 **(A) For a region over which the State Medical Examiner has assumed responsibility un-**
 25 **der ORS 146.045, the State Medical Examiner's office; or**

26 **(B) For counties located in a region over which the State Medical Examiner has not as-**
 27 **sumed responsibility under ORS 146.045,** the district medical examiner's office.

28 (c) Deposit the money with:

29 **(A) For a region over which the State Medical Examiner has assumed responsibility un-**
 30 **der ORS 146.045, the State Treasurer to the credit of the State Police Account; or**

31 **(B) For counties located in a region over which the State Medical Examiner has not as-**
 32 **sumed responsibility under ORS 146.045,** the county treasurer to the credit of the county general
 33 fund.

34 (3) If personal property is not retained by the medical examiner, deputy medical examiner, dis-
 35 trict attorney or sheriff, and is not claimed within 30 days, the inventory shall be *[filed with the*
 36 *board of county commissioners to be]* disposed of as follows:

37 **(a) For counties located in a region over which the State Medical Examiner has not as-**
 38 **sumed responsibility under ORS 146.045, the inventory shall be filed with the board of county**
 39 **commissioners.**

40 *[(a)]* **(b)** If the property has value, the **State Medical Examiner or the** board may order it sold
 41 and, after deducting the cost of *[sale]* **selling the property,** shall deposit the proceeds of the sale
 42 with:

43 **(A) For a region over which the State Medical Examiner has assumed responsibility un-**
 44 **der ORS 146.045, the State Treasurer to the credit of the State Police Account; or**

45 **(B) For counties located in a region over which the State Medical Examiner has not as-**

1 **sumed responsibility under ORS 146.045**, the county treasurer to the credit of the county general
2 fund.

3 (b) If the property has no value in the judgment of the **State Medical Examiner or the** board,
4 the **State Medical Examiner may destroy the property or the** board may order the sheriff to
5 destroy [*such*] **the** property.

6 (4) Any expenses incurred by the **State Medical Examiner or a** county in transporting or dis-
7 posing of [*the*] **a** body may be deducted from the money or proceeds of the sale of personal property
8 before [*it*] **the body** is delivered to a claimant.

9 (5) If [*it appears that*] the person whose death required investigation died wholly intestate and
10 without heirs, the [*county whose official*] **State Medical Examiner or the county that** has control
11 or custody of the property shall notify an estate administrator of the Department of State Lands
12 appointed under ORS 113.235 within 15 days after the death.

13 (6) If a legally qualified personal representative, spouse, or next of kin:

14 (a) Claims the money of the deceased, the **State Treasurer or county** treasurer shall, subject
15 to the provisions of subsection (4) of this section, deliver [*such*] **the** money to the claimant.

16 (b) Within 30 days, claims the personal property of the deceased, the property shall be delivered
17 to [*such*] **the** claimant subject to the provisions of subsections (1) and (5) of this section.

18 (7) If money of the deceased is not claimed within seven years and is presumed abandoned as
19 provided by ORS 98.302 to 98.436 and 98.992, the **State Medical Examiner or the** board of county
20 commissioners shall order the money paid as required by law.

21 **SECTION 17.** ORS 146.135 is amended to read:

22 146.135. (1) The district attorney for the county where [*the*] **a** death occurs may order an inquest
23 to obtain a jury finding of the cause and manner of death in any case requiring investigation.

24 (2) For the purpose of conducting an inquest, the district attorney shall have the powers of a
25 judicial officer as described by ORS 1.240 and 1.250.

26 (3) The district attorney shall advise the jury of inquest as to its duties and instruct the jury
27 on questions of law.

28 (4) The district attorney shall cause a record of the inquest proceedings to be made [*which*].
29 **The record** shall include the written order of inquest, a record of the testimony of witnesses and
30 the written verdict of the jury.

31 (5) Within a reasonable time after the verdict is returned, the record of inquest shall be filed
32 in:

33 (a) **For a region over which the State Medical Examiner has assumed responsibility under**
34 **ORS 146.045, the State Medical Examiner's office; or**

35 (b) **For counties located in a region over which the State Medical Examiner has not as-**
36 **sumed responsibility under ORS 146.045**, the district medical examiner's office for the county
37 where the inquest was held.

38 (6) [*A copy of the order of inquest and verdict of the jury*] **A copy of the record filed in a dis-**
39 **trict medical examiner's office under subsection (5)(b) of this section** shall be filed in the State
40 Medical Examiner's office.

41 (7) The record of inquest shall be available for inspection as provided by ORS 146.035 (5).

42 **SECTION 18.** (1) **The amendments to ORS 146.003, 146.025, 146.035, 146.045, 146.055,**
43 **146.065, 146.075, 146.080, 146.085, 146.095, 146.100, 146.109, 146.113, 146.117, 146.121, 146.125 and**
44 **146.135 by sections 1 to 17 of this 2013 Act become operative on January 1, 2014.**

45 (2) **The State Medical Examiner and the Department of State Police may take any action**

1 before the operative date specified in subsection (1) of this section that is necessary to enable
 2 the State Medical Examiner and the department to exercise, on and after the operative date
 3 specified in subsection (1) of this section, all the duties, functions and powers conferred on
 4 the State Medical Examiner by the amendments to ORS 146.003, 146.025, 146.035, 146.045,
 5 146.055, 146.065, 146.075, 146.080, 146.085, 146.095, 146.100, 146.109, 146.113, 146.117, 146.121,
 6 146.125 and 146.135 by sections 1 to 17 of this 2013 Act.

7
 8 **PROVISIONS THAT BECOME OPERATIVE JULY 1, 2017**

9
 10 **SECTION 19.** ORS 146.045, as amended by section 1 of this 2013 Act, is amended to read:

11 146.045. [(1)(a)] (1) After consultation with the State Medical Examiner Advisory Board, the
 12 State Medical Examiner shall:

13 [(A)] (a) Establish regions in this state for the administration of ORS 146.003 to 146.189;

14 [(B)] *Determine, for each region established under this subsection, whether the counties located in*
 15 *the region shall continue their duties related to the administration of ORS 146.003 to 146.189 or*
 16 *whether the State Medical Examiner is wholly responsible for the administration of ORS 146.003 to*
 17 *146.189 in the region;*

18 [(C)] (b) Appoint a Deputy State Medical Examiner for each region [*over which the State Medical*
 19 *Examiner assumes responsibility*]; and

20 [(D)] (c) Appoint other Deputy State Medical Examiners as the State Medical Examiner deter-
 21 mines is necessary for the administration of ORS 146.003 to 146.189.

22 [(b)] *The borders of regions established under this subsection shall be drawn in accordance with*
 23 *the borders of counties.*

24 (2) The State Medical Examiner shall:

25 (a) Appoint and discharge medical examiners.

26 [(b)] *Appoint and discharge district medical examiners, as provided by ORS 146.065 (2), for counties*
 27 *located in regions over which the State Medical Examiner has not assumed responsibility.*

28 [(c)] (b) Designate pathologists authorized to perform autopsies under ORS 146.117 (2).

29 [(d)] (c) Approve laboratories authorized to perform the analyses required under ORS 146.113 (2).

30 (3) The State Medical Examiner may:

31 (a) Assume control of a death investigation in cooperation with a district attorney.

32 (b) Order an autopsy in a death requiring investigation.

33 (c) Certify the cause and manner of a death requiring investigation.

34 (d) Amend a previously completed death certificate on a death requiring investigation.

35 (e) Order a body exhumed in a death requiring investigation.

36 (f) Designate a Deputy State Medical Examiner as Acting State Medical Examiner.

37 (g) After a reasonable and thorough investigation, complete and file a death certificate for a
 38 person whose body is not found.

39 [(4)] *Distribution of moneys from the State Medical Examiner's budget for partial reimbursement*
 40 *of the autopsy expenditures of a county that remains responsible for the administration of ORS 146.003*
 41 *to 146.189 shall be made subject to approval of the State Medical Examiner.*

42 [(5)] (4) Within 45 days of receipt of information that a person is missing at sea and presumed
 43 dead, the State Medical Examiner shall determine whether the information is credible and, if so,
 44 complete and file a death certificate for the person presumed dead. If the information is determined
 45 not to be credible, the State Medical Examiner may continue the death investigation.

SECTION 20. ORS 146.003, as amended by section 2 of this 2013 Act, is amended to read:

146.003. As used in ORS 146.003 to 146.189 and 146.710 to 146.992, unless the context requires otherwise:

(1) “Approved laboratory” means a laboratory approved by the State Medical Examiner as competent to perform the blood sample analysis required by ORS 146.113 (2).

[(2) “Assistant district medical examiner” means a physician appointed by a district medical examiner under ORS 146.080 to investigate and certify deaths within a county or district.]

[(3)] (2) “Cause of death” means the primary or basic disease process or injury ending life.

[(4)] (3) “Death requiring investigation” means the death of a person occurring in any one of the circumstances set forth in ORS 146.090.

[(5)] (4) “Deputy medical examiner” means a person appointed by [a district medical examiner] **the State Medical Examiner** under ORS 146.085 to assist in the investigation of deaths [within a county].

[(6) “District medical examiner” means a physician appointed by the State Medical Examiner under ORS 146.065 to investigate and certify deaths within a county or district.]

[(7)] (5) “Law enforcement agency” means a county sheriff’s office, municipal police department, police department established by a university under ORS 352.383 and the Oregon State Police.

[(8)] (6) “Legal intervention” includes an execution pursuant to ORS 137.463, 137.467 and 137.473 and other legal use of force resulting in death.

[(9)] (7) “Manner of death” means the designation of the probable mode of production of the cause of death, including natural, accidental, suicidal, homicidal, legal intervention or undetermined.

[(10)] (8) “Medical examiner” means a physician appointed as provided by ORS 146.003 to 146.189 to investigate and certify the cause and manner of deaths requiring investigation, including the State Medical Examiner.

[(11)] (9) “Pathologist” means a physician holding a current license to practice medicine and surgery and who is eligible for certification by the American Board of Pathology.

[(12)] (10) “Unidentified human remains” does not include human remains that are unidentified human remains that are part of an archaeological site or suspected of being Native American and covered under ORS chapters 97 and 390 and ORS 358.905 to 358.961.

SECTION 21. ORS 146.025, as amended by section 3 of this 2013 Act, is amended to read:

146.025. In addition to the duties set forth in ORS 146.015 the State Medical Examiner Advisory Board shall:

(1) Recommend to the Oregon Department of Administrative Services the qualifications and compensation for the positions of State Medical Examiner and Deputy State Medical Examiner.

[(2) Recommend to the county courts located in regions over which the State Medical Examiner has not assumed responsibility under ORS 146.045 the compensation of district medical examiners and assistant district medical examiners.]

[(3) Recommend to district medical examiners appointed under ORS 146.065 and district attorneys serving in regions over which the State Medical Examiner has not assumed responsibility under ORS 146.045 the qualifications for deputy medical examiners.]

[(4) Approve or disapprove of a single district medical examiner’s office for two or more counties as provided by ORS 146.065 (5).]

[(5)] (2) Recommend a proposed budget for the State Medical Examiner’s office to the Department of State Police.

[(6)] (3) Annually review the State Medical Examiner’s report required by ORS 146.055 and re-

1 port to the Superintendent of State Police and to the State Board of Health regarding the operation
2 of the State Medical Examiner's office.

3 **SECTION 22.** ORS 146.035, as amended by section 4 of this 2013 Act, is amended to read:

4 146.035. (1) There shall be established within the Department of State Police the State Medical
5 Examiner's office for the purpose of directing and supporting the state death investigation program.

6 (2) The State Medical Examiner shall manage all aspects of the state death investigation pro-
7 gram.

8 (3) Subject to the State Personnel Relations Law, the State Medical Examiner may employ or
9 discharge other personnel of the State Medical Examiner's office.

10 (4) The State Medical Examiner's office shall:

11 (a) File and maintain appropriate reports on all deaths requiring investigation.

12 [(b) Maintain an accurate list of all active district medical examiners and assistant district medical
13 examiners.]

14 [(c)] (b) Maintain an accurate list of all designated pathologists.

15 [(d)] (c) Transmit monthly to the Department of Transportation a report for the preceding cal-
16 endar month of all information obtained under ORS 146.113.

17 (5) Notwithstanding ORS 192.501 (35):

18 (a) A parent, spouse, sibling, child or personal representative of the deceased, or a person who
19 may be criminally or civilly liable for the death, or their authorized representatives respectively,
20 may examine and obtain copies of a medical examiner's report, autopsy report or laboratory test
21 report ordered by a medical examiner under ORS 146.117.

22 (b) The system described in ORS 192.517 (1) shall have access to reports described in this sub-
23 section as provided in ORS 192.517.

24 **SECTION 23.** ORS 146.055, as amended by section 5 of this 2013 Act, is amended to read:

25 146.055. [(1) *The State Medical Examiner shall assist and advise district medical examiners ap-
26 pointed under ORS 146.065 in the performance of their duties.*]

27 [(2)] (1) The State Medical Examiner shall perform an autopsy, if in the judgment of the State
28 Medical Examiner an autopsy is necessary in a death requiring investigation, when a [*medical ex-
29aminer or*] district attorney requests the autopsy.

30 [(3) *The State Medical Examiner shall regularly conduct training programs for district medical
31 examiners appointed under ORS 146.065 and law enforcement agencies.*]

32 [(4)] (2) The State Medical Examiner shall submit an annual report to the State Medical Exam-
33 iner Advisory Board detailing the activities and accomplishments [*in the preceding year of the State
34 Medical Examiner's office and each county office located in a region over which the State Medical
35 Examiner has not assumed responsibility*] **of the State Medical Examiner's office in the preceding
36 year** as well as a cost analysis of the State Medical Examiner's office.

37 **SECTION 24.** ORS 146.065, as amended by section 6 of this 2013 Act, is amended to read:

38 146.065. [(1) *In each county located in a region over which the State Medical Examiner has not
39 assumed responsibility under ORS 146.045 there shall be a district medical examiner for the purpose
40 of investigating and certifying the cause and manner of deaths requiring investigation.*]

41 [(2) *District medical examiners shall be appointed by the State Medical Examiner with approval
42 of the appropriate board or boards of commissioners and may be discharged by the State Medical Ex-
43aminer without such approval.*]

44 [(3) *If the position of district medical examiner is vacant, the county health officer shall temporarily
45 act as a medical examiner in cooperation with the State Medical Examiner until the vacancy is*

1 *filled.]*

2 [(4) *If the positions of district medical examiner and county health officer are both vacant, the*
3 *district attorney shall temporarily act as a medical examiner in cooperation with the State Medical*
4 *Examiner until the vacancy is filled.]*

5 [(5) *Two or more counties, with the approval of the State Medical Examiner Advisory Board and*
6 *commissioners of each county, may establish a single district medical examiner's office for the*
7 *counties.]*

8 [(6) *When a county or district has a population of 200,000 or more persons, the State Medical Ex-*
9 *aminer may, with the approval of the State Medical Examiner Advisory Board, appoint a Deputy State*
10 *Medical Examiner as the district medical examiner for that county or district.]*

11 [(7) *The compensation of the Deputy State Medical Examiner appointed as district medical exam-*
12 *iner under subsection (6) of this section shall be paid by the state from funds available for that*
13 *purpose.]*

14 [(8)] The services of a Deputy State Medical Examiner may be contracted by the Department
15 of State Police. Contracts entered into under this [subsection] **section** may be terminated by either
16 party at any time by written notice to the other party.

17 **SECTION 25.** ORS 146.085, as amended by section 9 of this 2013 Act, is amended to read:

18 146.085. [(1) *A district medical examiner appointed under ORS 146.065 shall appoint, subject to the*
19 *approval of the district attorney serving in the county in which the appointee will have the authority*
20 *to serve and applicable civil service regulations, qualified deputy medical examiners. Appointees under*
21 *this subsection must include the sheriff or a deputy sheriff and a member of the Oregon State Police*
22 *for each county. Other peace officers may also be appointed as deputy medical examiners.]*

23 [(2)] (1) [For a region over which the State Medical Examiner has assumed responsibility under
24 ORS 146.045,] The State Medical Examiner may appoint sheriffs, deputy sheriffs, members of the
25 Oregon State Police and other peace officers as deputy medical examiners.

26 [(3)] (2) The State Medical Examiner [or district medical examiner and the county district
27 attorney] shall establish qualifications for deputy medical examiners.

28 [(4)] (3) Each deputy medical examiner shall be individually appointed and the name of the
29 deputy medical examiner shall be on file in[:] **the State Medical Examiner's office.**

30 [(a) *For a region over which the State Medical Examiner has assumed responsibility under ORS*
31 *146.045, the State Medical Examiner's office; and]*

32 [(b) *For counties located in a region over which the State Medical Examiner has not assumed re-*
33 *sponsibility under ORS 146.045, the district medical examiner's office.]*

34 [(5)] (4) A deputy medical examiner shall investigate deaths subject to the control and direction
35 of the State Medical Examiner[, *the district medical examiner*] or the county district attorney.

36 [(6)] (5) A deputy medical examiner may authorize the removal of the body of a deceased person
37 from the apparent place of death.

38 [(7)] (6) The deputy medical examiner may not authorize embalming, order a post-mortem ex-
39 amination or autopsy, or certify the cause and manner of death.

40 **SECTION 26.** ORS 146.095, as amended by section 10 of this 2013 Act, is amended to read:

41 146.095. [(1)(a) *For a region over which the State Medical Examiner has assumed responsibility*
42 *under ORS 146.045, a medical examiner appointed by the State Medical Examiner shall be responsible*
43 *for all deaths requiring an investigation.]*

44 [(b) *For counties located in a region over which the State Medical Examiner has not assumed re-*
45 *sponsibility under ORS 146.045, the district medical examiner appointed under ORS 146.065 who*

1 serves the county where death occurs, as provided by ORS 146.100 (2), and the district attorney for the
 2 county where death occurs, as provided by ORS 146.100 (2), shall be responsible for the investigation
 3 of all deaths requiring investigation.]

4 **(1) A medical examiner appointed by the State Medical Examiner shall be responsible for**
 5 **all deaths requiring an investigation.**

6 (2) The medical examiner shall certify the manner and the cause of all deaths which the medical
 7 examiner is required to investigate. The certificate of death shall be filed as required by ORS
 8 432.307.

9 (3) The medical examiner shall make a report of death investigation to the State Medical Ex-
 10 aminer as soon as possible after being notified of a death requiring investigation.

11 (4) Within five days after notification of a death requiring investigation, the medical examiner
 12 shall make a written report of the investigation and file it in the district medical examiner's office.

13 [(5) A district medical examiner appointed under ORS 146.065 shall supervise assistant district
 14 medical examiners who are assisting in the investigation in cooperation with the county district attor-
 15 ney.]

16 [(6)] (5) A medical examiner shall supervise deputy medical examiners who are assisting in the
 17 investigation in cooperation with the county district attorney.

18 [(7) A district medical examiner appointed under ORS 146.065 shall regularly conduct adminis-
 19 trative training programs for assistant district medical examiners, deputy medical examiners and law
 20 enforcement agencies.]

21 **SECTION 27.** ORS 146.100, as amended by section 11 of this 2013 Act, is amended to read:

22 146.100. [(1)(a) For a region over which the State Medical Examiner has assumed responsibility
 23 under ORS 146.045, death investigations shall be under the direction of a medical examiner appointed
 24 by the State Medical Examiner.]

25 [(b) For counties located in a region over which the State Medical Examiner has not assumed re-
 26 sponsibility under ORS 146.045, death investigations shall be under the direction of the district medical
 27 examiner appointed under ORS 146.065 who serves the county where death occurs and the district at-
 28 torney for the county where the death occurs.]

29 [(2) For purposes of ORS 146.003 to 146.189, if the county where death occurs is unknown, the
 30 death shall be deemed to have occurred in the county where the body is found, except that if in an
 31 emergency the deceased is moved by conveyance to another county and is dead on arrival, the death
 32 shall be deemed to have occurred in the county from which the body was originally removed.]

33 **(1) Death investigations shall be under the direction of a medical examiner appointed by**
 34 **the State Medical Examiner.**

35 [(3)] (2) The medical examiner [under whose direction a death investigation occurs as described
 36 in subsection (1) of this section] shall immediately be notified of:

37 (a) All deaths requiring investigation; and

38 (b) All deaths of persons admitted to a hospital or institution for less than 24 hours, although
 39 the medical examiner need not investigate nor certify such deaths.

40 [(4)] (3) A person having knowledge of a death requiring investigation may not intentionally or
 41 knowingly fail to provide notice of the death as required by subsection [(3)] (2) of this section.

42 [(5)] (4) The medical examiner shall immediately notify the district attorney for the county
 43 where death occurs of all deaths requiring investigation except for those specified by ORS 146.090
 44 (1)(d) to (g).

45 [(6)] (5) All peace officers, health care providers as defined in ORS 192.556, supervisors of penal

1 institutions and supervisors of hospitals or institutions caring for the ill or helpless shall cooperate
 2 with the medical examiner by providing a decedent's medical records and tissue samples and any
 3 other material necessary to conduct the death investigation of the decedent and shall make notifi-
 4 cation of deaths as required by subsection [(3)] (2) of this section. A person who cooperates with the
 5 medical examiner in accordance with this subsection does not:

6 (a) Waive any claim of privilege applicable to, or the confidentiality of, the materials and re-
 7 cords provided.

8 (b) Waive any claim that the materials and records are subject to an exemption from disclosure
 9 under ORS 192.410 to 192.505.

10 [(7)] (6) Records or materials described in subsection [(6)] (5) of this section may be released by
 11 the medical examiner only pursuant to a valid court order.

12 **SECTION 28.** ORS 146.113, as amended by section 13 of this 2013 Act, is amended to read:

13 146.113. (1) A medical examiner or district attorney may, in a death requiring investigation, or-
 14 der blood or urine samples to be taken for laboratory analysis.

15 (2) When a death requiring an investigation as a result of a motor vehicle accident occurs
 16 within five hours after the accident and the deceased is over 13 years of age, a blood sample shall
 17 be taken and forwarded to an approved laboratory for analysis. Such blood or urine samples shall
 18 be analyzed for the presence and quantity of ethyl alcohol, and if considered necessary by the State
 19 Medical Examiner, the presence of controlled substances.

20 (3) Laboratory reports of the analysis shall be made a part of the State Medical Examiner's files.

21 [(4) *If the death occurs in a region over which the State Medical Examiner has not assumed re-*
 22 *sponsibility under ORS 146.045, laboratory reports of the analysis shall be made a part of the files of*
 23 *the district medical examiner who is responsible for the investigation as described in ORS 146.100*
 24 *(1)(b).]*

25 **SECTION 29.** ORS 146.121, as amended by section 15 of this 2013 Act, is amended to read:

26 146.121. (1) A person may not bury or otherwise dispose of the body of a person whose death
 27 required investigation without having first obtained:

28 (a) A burial or cremation permit; or

29 (b) A death certificate completed and signed by a medical examiner.

30 (2) When a medical examiner investigates the death of a person whose body is not claimed by
 31 a friend or relative within five days of the date of death, the sheriff or, in counties having a popu-
 32 lation of 400,000 or more, the medical examiner shall dispose of the body according to the provisions
 33 of ORS 97.170 to 97.210.

34 (3) If the medical examiner is unable to dispose of the body of a deceased person according to
 35 subsection (2) of this section, the medical examiner may order in writing that the body be cremated
 36 or plainly and decently buried.

37 [(4) *For counties located in a region over which the State Medical Examiner has not assumed re-*
 38 *sponsibility under ORS 146.045, the sheriff or medical examiner shall file a copy of the death certifi-*
 39 *cate, the order for disposition and a verified statement of the expenses of the cremation or burial with*
 40 *the board of county commissioners. The board of county commissioners shall pay such expenses, or any*
 41 *proportion of the expenses as may be available, from county funds annually budgeted for the purposes*
 42 *of this subsection.]*

43 **SECTION 30.** ORS 146.125, as amended by section 16 of this 2013 Act, is amended to read:

44 146.125. (1) A medical examiner, deputy medical examiner, district attorney or sheriff may tem-
 45 porarily retain possession of any property found on the body or in the possession of the deceased

1 which in the opinion of the medical examiner, deputy medical examiner, district attorney or sheriff
2 may be useful in establishing the cause or manner of death or may be used in further proceedings.

3 (2) When a medical examiner, deputy medical examiner, district attorney or sheriff assumes
4 control or custody of money or personal property found on the body or in the possession of the de-
5 ceased, the medical examiner, deputy medical examiner, district attorney or sheriff shall:

6 (a) Make a verified inventory of the money or property.

7 (b) File the inventory in[:] **the State Medical Examiner's office.**

8 [(A) For a region over which the State Medical Examiner has assumed responsibility under ORS
9 146.045, the State Medical Examiner's office; or]

10 [(B) For counties located in a region over which the State Medical Examiner has not assumed re-
11 sponsibility under ORS 146.045, the district medical examiner's office.]

12 (c) Deposit the money with[:] **the State Treasurer to the credit of the State Police Account.**

13 [(A) For a region over which the State Medical Examiner has assumed responsibility under ORS
14 146.045, the State Treasurer to the credit of the State Police Account; or]

15 [(B) For counties located in a region over which the State Medical Examiner has not assumed re-
16 sponsibility under ORS 146.045, the county treasurer to the credit of the county general fund.]

17 (3) If personal property is not retained by the medical examiner, deputy medical examiner, dis-
18 trict attorney or sheriff, and is not claimed within 30 days, the inventory shall be disposed of as
19 follows:

20 [(a) For counties located in a region over which the State Medical Examiner has not assumed re-
21 sponsibility under ORS 146.045, the inventory shall be filed with the board of county commissioners.]

22 [(b)] (a) If the property has value, the State Medical Examiner [or the board] may order it sold
23 and, after deducting the cost of selling the property, shall deposit the proceeds of the sale with[:]
24 **the State Treasurer to the credit of the State Police Account.**

25 [(A) For a region over which the State Medical Examiner has assumed responsibility under ORS
26 146.045, the State Treasurer to the credit of the State Police Account; or]

27 [(B) For counties located in a region over which the State Medical Examiner has not assumed re-
28 sponsibility under ORS 146.045, the county treasurer to the credit of the county general fund.]

29 (b) If the property has no value in the judgment of the State Medical Examiner [or the board],
30 the State Medical Examiner may destroy the property [or the board may order the sheriff to destroy
31 the property].

32 (4) Any expenses incurred by the State Medical Examiner [or a county] in transporting or dis-
33 posing of a body may be deducted from the money or proceeds of the sale of personal property be-
34 fore the body is delivered to a claimant.

35 (5) If the person whose death required investigation died wholly intestate and without heirs, the
36 State Medical Examiner [or the county that has control or custody of the property] shall notify an
37 estate administrator of the Department of State Lands appointed under ORS 113.235 within 15 days
38 after the death.

39 (6) If a legally qualified personal representative, spouse, or next of kin:

40 (a) Claims the money of the deceased, the State Treasurer [or county treasurer] shall, subject to
41 the provisions of subsection (4) of this section, deliver the money to the claimant.

42 (b) Within 30 days, claims the personal property of the deceased, the property shall be delivered
43 to the claimant subject to the provisions of subsections (1) and (5) of this section.

44 (7) If money of the deceased is not claimed within seven years and is presumed abandoned as
45 provided by ORS 98.302 to 98.436 and 98.992, the State Medical Examiner [or the board of county

1 commissioners] shall order the money paid as required by law.

2 **SECTION 31.** ORS 146.135, as amended by section 17 of this 2013 Act, is amended to read:

3 146.135. (1) The district attorney for the county where a death occurs may order an inquest to
4 obtain a jury finding of the cause and manner of death in any case requiring investigation.

5 (2) For the purpose of conducting an inquest, the district attorney shall have the powers of a
6 judicial officer as described by ORS 1.240 and 1.250.

7 (3) The district attorney shall advise the jury of inquest as to its duties and instruct the jury
8 on questions of law.

9 (4) The district attorney shall cause a record of the inquest proceedings to be made. The record
10 shall include the written order of inquest, a record of the testimony of witnesses and the written
11 verdict of the jury.

12 (5) Within a reasonable time after the verdict is returned, the record of inquest shall be filed
13 in[.] **the State Medical Examiner's office.**

14 [(a) For a region over which the State Medical Examiner has assumed responsibility under ORS
15 146.045, the State Medical Examiner's office; or]

16 [(b) For counties located in a region over which the State Medical Examiner has not assumed re-
17 sponsibility under ORS 146.045, the district medical examiner's office for the county where the inquest
18 was held.]

19 [(6) A copy of the record filed in a district medical examiner's office under subsection (5)(b) of this
20 section shall be filed in the State Medical Examiner's office.]

21 [(7)] **(6)** The record of inquest shall be available for inspection as provided by ORS 146.035 (5).

22 **SECTION 32.** ORS 146.992 is amended to read:

23 146.992. (1) A person who violates ORS 146.103 (1) commits a Class A misdemeanor.

24 (2) A person who violates ORS 146.103 (2) or (4), 146.107 (5), or 146.121 (1) commits a Class B
25 misdemeanor.

26 (3) A person who violates ORS 146.100 [(4)] **(3)** commits a Class C misdemeanor.

27 **SECTION 33.** ORS 433.449 is amended to read:

28 433.449. (1) As used in this section:

29 (a) "Contaminated material" means wastes or other materials exposed to or tainted by chemical,
30 radiological, or biological substances or agents.

31 (b) "Transmissible agent" means a biological substance capable of causing disease or infection
32 through individual to individual transmission, animal to individual transmission, or other modes of
33 transmission.

34 (2) Notwithstanding any provision in ORS chapter 97 or 692, during a state of public health
35 emergency, the Public Health Director may:

36 (a) Prescribe measures to provide for the safe disposal of human remains as may be reasonable
37 and necessary to respond to the public health emergency. Measures adopted under this subsection
38 may include the embalming, burial, cremation, interment, disinterment, transportation and disposal
39 of human remains.

40 (b) Require any person in charge of disposing of human remains to clearly label the human re-
41 mains of a deceased person with a communicable disease or transmissible agent with an external,
42 clearly visible tag indicating that the human remains are infected or contaminated and, if known,
43 the communicable disease or transmissible agent or contaminated materials present in the remains.

44 (c) After a medical examiner has certified the cause and manner of death, order a person in
45 charge of disposing of human remains to dispose of the human remains of a person who has died of

1 a communicable disease or transmissible agent through burial or cremation within a specified time
 2 period. To the extent practicable, religious, cultural, family and individual beliefs of the deceased
 3 person or the person's family shall be considered when disposing of any human remains.

4 (3) The Public Health Director must consult and coordinate with the State Medical Examiner
 5 when exercising authority under this section. Nothing in this section is intended to override au-
 6 thority granted to the State Medical Examiner [*or district medical examiner*] under ORS 146.003 to
 7 146.189 and 146.710 to 146.992.

8 **SECTION 34. ORS 146.075, 146.080 and 146.088 are repealed.**

9 **SECTION 35. (1) The amendments to ORS 146.003, 146.025, 146.035, 146.045, 146.055,**
 10 **146.065, 146.085, 146.095, 146.100, 146.109, 146.113, 146.121, 146.125, 146.135, 146.992 and 443.449**
 11 **by sections 19 to 33 of this 2013 Act and the repeal of ORS 146.075, 146.080 and 146.088 by**
 12 **section 34 of this 2013 Act become operative on July 1, 2017.**

13 **(2) The State Medical Examiner and Department of State Police may take any action**
 14 **before the operative date specified in subsection (1) of this section that is necessary to enable**
 15 **the State Medical Examiner and department to exercise, on and after the operative date**
 16 **specified in subsection (1) of this section, all the duties, functions and powers conferred on**
 17 **the State Medical Examiner by the amendments to ORS 146.003, 146.025, 146.035, 146.045,**
 18 **146.055, 146.065, 146.085, 146.095, 146.100, 146.109, 146.113, 146.121, 146.125, 146.135, 146.992 and**
 19 **443.449 by sections 19 to 33 of this 2013 Act and the repeal of ORS 146.075, 146.080 and 146.088**
 20 **by section 34 of this 2013 Act.**

21 22 TRANSITIONAL PROVISIONS

23
24 **SECTION 36. (1) The tenure of a district medical examiner appointed under ORS 146.065**
 25 **ceases on the date on which the State Medical Examiner assumes responsibility for the ad-**
 26 **ministration of ORS 146.003 to 146.189 for a region in which the county in which the district**
 27 **medical examiner serves is located. If the district medical examiner serves two or more**
 28 **counties, as authorized by the State Medical Examiner Advisory Board under ORS 146.065 (5),**
 29 **the district medical examiner shall continue to serve as the district medical examiner for**
 30 **any county that is not located in the region over which the State Medical Examiner has as-**
 31 **sumed responsibility.**

32 **(2) The tenure of an assistant district medical examiner or a deputy medical examiner**
 33 **ceases on the date on which the tenure of the district medical examiner who appointed the**
 34 **assistant district medical examiner or the deputy medical examiner ceases. The State Med-**
 35 **ical Examiner may reappoint a deputy medical examiner whose tenure ceases under this**
 36 **subsection.**

37 **(3) When the tenure of a district medical examiner ceases as provided under subsection**
 38 **(1) of this section, the State Medical Examiner's office shall assume all contracts entered**
 39 **into by the district medical examiner's office that relate to the administration of ORS 146.003**
 40 **to 146.189. The State Medical Examiner is not obligated to renew any contracts that the State**
 41 **Medical Examiner's office assumes under this subsection.**

42 43 UNIT CAPTIONS

44
45 **SECTION 37. The unit captions used in this 2013 Act are provided only for the conven-**

1 ience of the reader and do not become part of the statutory law of this state or express any
2 legislative intent in the enactment of this 2013 Act.

3

4

EMERGENCY CLAUSE

5

6 **SECTION 38.** This 2013 Act being necessary for the immediate preservation of the public
7 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
8 on its passage.

9
