

House Bill 2322

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Oregon State Police)

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**.

Renames position of State Medical Examiner to Chief Medical Examiner.
Changes defined term "deputy medical examiner" to "medical-legal death investigator."

A BILL FOR AN ACT

1
2 Relating to medical examiners; amending ORS 97.082, 137.300, 146.003, 146.015, 146.025, 146.035,
3 146.045, 146.055, 146.065, 146.075, 146.085, 146.088, 146.095, 146.100, 146.103, 146.107, 146.109,
4 146.113, 146.125, 146.135, 146.171, 176.740, 181A.080, 431A.865, 432.133, 432.138 and 433.449.

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

6 **SECTION 1.** ORS 97.082 is amended to read:

7 97.082. (1) Except as provided in subsection (2) of this section, whenever a person dies and no
8 autopsy is ordered by a medical examiner or district attorney pursuant to ORS 146.117, an autopsy
9 may not be conducted without the prior written consent of a person within the first applicable class
10 of the following listed classes:

11 (a) The spouse of the decedent;

12 (b) A son or daughter of the decedent 18 years of age or older;

13 (c) Either parent of the decedent;

14 (d) A brother or sister of the decedent 18 years of age or older;

15 (e) A guardian of the decedent at the time of death;

16 (f) A person in the next degree of kindred to the decedent;

17 (g) The personal representative of the estate of the decedent; or

18 (h) The person nominated as the personal representative of the decedent in the decedent's last
19 will.

20 (2)(a) Consent required under subsection (1) of this section must be granted on a written autopsy
21 consent form developed pursuant to subsection (3) of this section.

22 (b) If the person authorized by subsection (1) of this section to grant written consent to conduct
23 an autopsy is not available to grant written consent in person, the authorized person may grant
24 consent by completing the required consent form and returning the signed form, by facsimile or
25 other electronic transmission, to the party requesting permission.

26 (3) The Public Health Officer, in consultation with the [*State*] **Chief** Medical Examiner, shall
27 develop and make available a standardized written autopsy consent form that:

28 (a) Grants the person specified in subsection (1) of this section the authority to:

29 (A) Grant permission to conduct an unlimited autopsy;

30 (B) Grant permission to conduct a limited autopsy and to specify what limitations are imposed
31 upon the autopsy; or

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 (C) Refuse permission to conduct an autopsy.

2 (b) Provides a section for the person specified in subsection (1) of this section to submit specific
 3 instructions with respect to tests to be performed during the autopsy and to the disposition of or-
 4 gans and tissue removed for purposes of a limited autopsy.

5 (c) Provides that the consent signature be accompanied by the signature of a witness.

6 **SECTION 2.** ORS 137.300 is amended to read:

7 137.300. (1) The Criminal Fine Account is established in the General Fund. Except as otherwise
 8 provided by law, all amounts collected in state courts as monetary obligations in criminal actions
 9 shall be deposited by the courts in the account. All moneys in the account are continuously appro-
 10 priated to the Department of Revenue to be distributed by the Department of Revenue as provided
 11 in this section. The Department of Revenue shall keep a record of moneys transferred into and out
 12 of the account.

13 (2) The Legislative Assembly shall first allocate moneys from the Criminal Fine Account for the
 14 following purposes, in the following order of priority:

15 (a) Allocations for public safety standards, training and facilities.

16 (b) Allocations for criminal injuries compensation and assistance to victims of crime and chil-
 17 dren reasonably suspected of being victims of crime.

18 (c) Allocations for the forensic services provided by the Oregon State Police, including, but not
 19 limited to, services of the [State] **Chief** Medical Examiner.

20 (d) Allocations for the maintenance and operation of the Law Enforcement Data System.

21 (3) After making allocations under subsection (2) of this section, the Legislative Assembly shall
 22 allocate moneys from the Criminal Fine Account for the following purposes:

23 (a) Allocations to the Law Enforcement Medical Liability Account established under ORS
 24 414.815.

25 (b) Allocations to the State Court Facilities and Security Account established under ORS 1.178.

26 (c) Allocations to the Department of Corrections for the purpose of planning, operating and
 27 maintaining county juvenile and adult corrections programs and facilities and drug and alcohol
 28 programs.

29 (d) Allocations to the Oregon Health Authority for the purpose of grants under ORS 430.345 for
 30 the establishment, operation and maintenance of alcohol and drug abuse prevention, early inter-
 31 vention and treatment services provided through a county.

32 (e) Allocations to the Oregon State Police for the purpose of the enforcement of the laws relat-
 33 ing to driving under the influence of intoxicants.

34 (f) Allocations to the Arrest and Return Account established under ORS 133.865.

35 (g) Allocations to the Intoxicated Driver Program Fund established under ORS 813.270.

36 (4) It is the intent of the Legislative Assembly that allocations from the Criminal Fine Account
 37 under subsection (3) of this section be consistent with historical funding of the entities, programs
 38 and accounts listed in subsection (3) of this section from monetary obligations imposed in criminal
 39 proceedings. Amounts that are allocated under subsection (3)(c) of this section shall be distributed
 40 to counties based on the amounts that were transferred to counties by circuit courts during the
 41 2009-2011 biennium under the provisions of ORS 137.308, as in effect January 1, 2011.

42 (5) Moneys in the Criminal Fine Account may not be allocated for the payment of debt service
 43 obligations.

44 (6) The Department of Revenue shall deposit in the General Fund all moneys remaining in the
 45 Criminal Fine Account after the distributions listed in subsections (2) and (3) of this section have

1 been made.

2 (7) The Department of Revenue shall establish by rule a process for distributing moneys in the
3 Criminal Fine Account. The department may not distribute more than one-eighth of the total
4 biennial allocation to an entity during a calendar quarter.

5 **SECTION 3.** ORS 146.003 is amended to read:

6 146.003. As used in ORS 146.003 to 146.189 and 146.710 to 146.992, unless the context requires
7 otherwise:

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

10 (2) “Assistant district medical examiner” means a physician appointed by the district medical
11 examiner to investigate and certify deaths within a county or district.

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

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

15 [(5) “Deputy medical examiner” means a person appointed by the district medical examiner to assist
16 in the investigation of deaths within a county.]

17 [(6)] (5) “District medical examiner” means a physician appointed by the [State] **Chief** Medical
18 Examiner to investigate and certify deaths within a county or district, including a Deputy State
19 Medical Examiner.

20 [(7)] (6) “Law enforcement agency” means a county sheriff’s office, municipal police department,
21 police department established by a university under ORS 352.121 or 353.125 and the Oregon State
22 Police.

23 [(8)] (7) “Legal intervention” includes an execution pursuant to ORS 137.463, 137.467 and 137.473
24 and other legal use of force resulting in death.

25 [(9)] (8) “Manner of death” means the designation of the probable mode of production of the
26 cause of death, including natural, accidental, suicidal, homicidal, legal intervention or undetermined.

27 [(10)] (9) “Medical examiner” means a physician appointed as provided by ORS 146.003 to
28 146.189 to investigate and certify the cause and manner of deaths requiring investigation, including
29 the [State] **Chief** Medical Examiner.

30 (10) **“Medical-legal death investigator” means a person appointed by the district medical
31 examiner to assist in the investigation of deaths within a county.**

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

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

37 **SECTION 4.** ORS 146.015 is amended to read:

38 146.015. (1) There is hereby established the State Medical Examiner Advisory Board.

39 (2) The board shall make policies for the administration of ORS 146.003 to 146.189 and the De-
40 partment of State Police shall adopt rules to effectuate the policies.

41 (3) The board shall recommend the name or names of pathologists to the Superintendent of State
42 Police from which the superintendent shall appoint the [State] **Chief** Medical Examiner.

43 (4) The board consists of 11 members appointed by the Governor who are:

44 (a) The Chair of the Department of Pathology of the Oregon Health and Science University, who
45 is the chairperson of the board;

- 1 (b) The State Health Officer;
- 2 (c) A sheriff;
- 3 (d) A trauma physician recommended by the State Trauma Advisory Board;
- 4 (e) A pathologist;
- 5 (f) A district attorney;
- 6 (g) A funeral service practitioner and embalmer licensed by the State Mortuary and Cemetery
- 7 Board;
- 8 (h) A chief of police;
- 9 (i) A member of the defense bar;
- 10 (j) A member of the public at large; and
- 11 (k) A member of one of the federally recognized Oregon Indian tribes.

12 (5) The members described in subsection (4)(a) and (b) of this section may serve as long as they
 13 hold their respective positions. The term of office of each member described in subsection (4)(c), (f)
 14 and (h) of this section is for four years, except that the position becomes vacant if the member
 15 ceases to be a sheriff, district attorney or chief of police, respectively. The terms of office of the
 16 other members of the State Medical Examiner Advisory Board are for four years.

17 (6) A member of the board is entitled to compensation and expenses as provided in ORS 292.495.

18 (7) The board shall meet annually at a time and place determined by the chairperson. The
 19 chairperson or any four members of the board may call a special meeting upon not less than one
 20 week's notice to the members of the board.

21 (8) Six members of the board constitute a quorum.

22 **SECTION 5.** ORS 146.025 is amended to read:

23 146.025. In addition to the duties set forth in ORS 146.015 the State Medical Examiner Advisory
 24 Board shall:

25 (1) Recommend to the Oregon Department of Administrative Services the qualifications and
 26 compensation for the positions of [State] **Chief** Medical Examiner and Deputy State Medical Exam-
 27 iner.

28 (2) Recommend to the county courts the compensation of the district medical examiners and
 29 assistant district medical examiners.

30 (3) Recommend to district medical examiners and district attorneys the qualifications for [*deputy*
 31 *medical examiners*] **medical-legal death investigators**.

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

34 (5) Recommend a proposed budget for the [*State Medical Examiner's office*] **Office of the Chief**
 35 **Medical Examiner** to the Department of State Police.

36 (6) Annually review the [*State*] **Chief** Medical Examiner's report prescribed by ORS 146.055 and
 37 report to the Superintendent of State Police and to the State Board of Health regarding the opera-
 38 tion of the [*State Medical Examiner's office*] **Office of the Chief Medical Examiner**.

39 **SECTION 6.** ORS 146.035 is amended to read:

40 146.035. (1) There is established within the Department of State Police the [*State Medical*
 41 *Examiner's office*] **Office of the Chief Medical Examiner** for the purpose of directing and support-
 42 ing the state death investigation program.

43 (2) The [*State*] **Chief** Medical Examiner shall manage all aspects of the [*State Medical*
 44 *Examiner's*] **Office of the Chief Medical Examiner's** program.

45 (3) Subject to the State Personnel Relations Law, the [*State*] **Chief** Medical Examiner may em-

1 ploy or discharge other personnel of the [*State Medical Examiner's office*] **Office of the Chief**
 2 **Medical Examiner.**

3 (4) The [*State Medical Examiner's office*] **Office of the Chief Medical Examiner** shall:

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

5 (b) Maintain an accurate list of all active district medical examiners, assistant district medical
 6 examiners and designated pathologists.

7 (c) Transmit monthly to the Department of Transportation a report for the preceding calendar
 8 month of all information obtained under ORS 146.113.

9 (5) Notwithstanding ORS 192.501 (36):

10 (a) Any parent, spouse, sibling, child or personal representative of the deceased, or any person
 11 who may be criminally or civilly liable for the death, or their authorized representatives respec-
 12 tively, may examine and obtain copies of any medical examiner's report, autopsy report or labora-
 13 tory test report ordered by a medical examiner under ORS 146.117.

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

16 **SECTION 7.** ORS 146.045 is amended to read:

17 146.045. (1) After consultation with the State Medical Examiner Advisory Board, the [*State*]
 18 **Chief Medical Examiner** shall appoint each Deputy State Medical Examiner.

19 (2) The [*State*] **Chief Medical Examiner** shall:

20 (a) Appoint and discharge each district medical examiner as provided by ORS 146.065 (2).

21 (b) Designate those pathologists authorized to perform autopsies under ORS 146.117 (2).

22 (c) Approve those laboratories authorized to perform the analyses required under ORS 146.113
 23 (2).

24 (3) The [*State*] **Chief Medical Examiner** may:

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

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

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

28 (d) Amend a previously completed report on a death requiring investigation.

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

30 (f) Designate a Deputy State Medical Examiner as Acting [*State*] **Chief Medical Examiner**.

31 (g) After a reasonable and thorough investigation, complete and file a report of death for a
 32 person whose body is not found.

33 (4) Distribution of moneys from the [*State*] **Chief Medical Examiner's** budget for partial re-
 34 imbursement of each county's autopsy expenditures shall be made subject to approval of the [*State*]
 35 **Chief Medical Examiner**.

36 (5) Within 45 days of receipt of information that a person is missing at sea and presumed dead,
 37 the [*State*] **Chief Medical Examiner** shall determine whether the information is credible and, if so,
 38 complete and file a report of death for the person presumed dead. If the information is determined
 39 not to be credible, the [*State*] **Chief Medical Examiner** may continue the death investigation.

40 **SECTION 8.** ORS 146.055 is amended to read:

41 146.055. (1) The [*State*] **Chief Medical Examiner** shall assist and advise district medical examin-
 42 ers in the performance of their duties.

43 (2) The [*State*] **Chief Medical Examiner** shall perform autopsies, if in the judgment of the
 44 [*State*] **Chief Medical Examiner** such autopsy is necessary in any death requiring investigation, when
 45 requested by a medical examiner or district attorney.

1 (3) The [State] **Chief** Medical Examiner shall regularly conduct training programs for the district
2 medical examiners and law enforcement agencies.

3 (4) The [State] **Chief** Medical Examiner shall submit an annual report to the State Medical Ex-
4 aminer Advisory Board detailing the activities and accomplishments of the state and each county
5 office in the preceding year as well as a cost analysis of the Office of the [State] **Chief** Medical
6 Examiner.

7 **SECTION 9.** ORS 146.065 is amended to read:

8 146.065. (1) In each county there shall be a medical examiner for the purpose of investigating
9 and certifying the cause and manner of deaths requiring investigation.

10 (2) Each district medical examiner shall be appointed by the [State] **Chief** Medical Examiner
11 with approval of the appropriate board or boards of commissioners and may be discharged by the
12 [State] **Chief** Medical Examiner without such approval.

13 (3) If the position of district medical examiner is vacant, the local health officer shall tempo-
14 rarily act as medical examiner in cooperation with the [State] **Chief** Medical Examiner until the
15 vacancy is filled.

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

19 (5) Two or more counties, with the approval of the State Medical Examiner Advisory Board and
20 commissioners of each county, may form a district medical examiner's office instead of an office for
21 each such county.

22 (6) When a county or district has a population of 200,000 or more persons, the [State] **Chief**
23 Medical Examiner may, with the approval of the State Medical Examiner Advisory Board, appoint
24 a Deputy State Medical Examiner for that county or district.

25 (7) The compensation of the Deputy State Medical Examiner shall be paid by the state from
26 funds available for such purpose.

27 (8) The services of the Deputy State Medical Examiner may be contracted by the Department
28 of State Police. These contracts may be terminated by either party at any time by written notice to
29 the other party to the agreement and, upon termination, the appointment of such Deputy State
30 Medical Examiner is terminated.

31 **SECTION 10.** ORS 146.075 is amended to read:

32 146.075. (1) The district medical examiner shall serve as the administrator of the district medical
33 examiner's office. Subject to applicable provisions of a county personnel policy or civil service law,
34 the district medical examiner may employ such other personnel as the district medical examiner
35 deems necessary to operate the office.

36 (2) All expenses of equipping, maintaining and operating the district medical examiner's office,
37 including the compensation of the district medical examiner and assistant district medical examin-
38 ers, shall be paid by the county or counties of the district from funds budgeted for such purpose.

39 (3) When a district medical examiner also serves as local health officer, the county shall sepa-
40 rately budget the compensation and expenses to be paid for medical examiner's duties.

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

1 (5) Expenses of burial or other disposition of an unclaimed body shall be paid by the county
 2 where the death occurs, as provided by ORS 146.100 (2), in the manner provided by ORS 146.121 (4).

3 (6) Each district office shall maintain copies of the:

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

5 (b) Autopsy reports;

6 (c) Laboratory analysis reports; and

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

8 (7) Reports and inventories maintained by the district office shall be available for inspection as
 9 provided by ORS 146.035 (5).

10 (8) Copies of reports of death investigations by medical examiners and autopsy reports shall be
 11 forwarded to the [*State Medical Examiner's office*] **Office of the Chief Medical Examiner**.

12 (9) Each district office shall maintain current records of:

13 (a) All assistant district medical examiners appointed.

14 (b) Appointments of each [*deputy medical examiner*] **medical-legal death investigator** appointed
 15 for the county or district.

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

18 (10) Each district office shall immediately in writing notify the [*State Medical Examiner's*
 19 *office*] **Office of the Chief Medical Examiner** of all appointments and resignations of their medical
 20 examiners.

21 **SECTION 11.** ORS 146.085 is amended to read:

22 146.085. (1) The district medical examiner shall appoint, subject to the approval of the district
 23 attorney and applicable civil service regulations, qualified [*deputy medical examiners*] **medical-legal**
 24 **death investigators**, including the sheriff or a deputy sheriff and a member of the Oregon State
 25 Police for each county. Other peace officers may also be appointed as [*deputy medical examiners*]
 26 **medical-legal death investigators**.

27 (2) The district medical examiner and the district attorney shall establish qualifications for
 28 [*deputy medical examiners*] **medical-legal death investigators**.

29 (3) Each [*deputy medical examiner*] **medical-legal death investigator** shall be individually ap-
 30 pointed and the name of the [*deputy medical examiner*] **medical-legal death investigator** shall be
 31 on file in the office of the district medical examiner.

32 (4) A [*deputy medical examiner*] **medical-legal death investigator** shall investigate deaths sub-
 33 ject to the control and direction of the district medical examiner or the district attorney.

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

36 (6) The [*deputy medical examiner*] **medical-legal death investigator** may not authorize
 37 embalming, order a post-mortem examination or autopsy, or certify the cause and manner of death.

38 **SECTION 12.** ORS 146.088 is amended to read:

39 146.088. A district medical examiner, [*deputy medical examiner*] **medical-legal death investi-**
 40 **gator**, assistant district medical examiner or designated pathologist is deemed to be an officer or
 41 employee of a public body for purposes of ORS 30.260 to 30.300 while acting as a district medical
 42 examiner, [*deputy medical examiner*] **medical-legal death investigator**, assistant district medical
 43 examiner or designated pathologist.

44 **SECTION 13.** ORS 146.095 is amended to read:

45 146.095. (1) The district medical examiner and the district attorney for the county where death

1 occurs, as provided by ORS 146.100 (2), shall be responsible for the investigation of all deaths re-
 2 quiring investigation.

3 (2) The medical examiner shall certify the manner and the cause of all deaths which the medical
 4 examiner is required to investigate. The report of death shall be submitted to a county registrar as
 5 required by ORS 432.133.

6 (3) The medical examiner shall make a report of death investigation to the [State] **Chief Medical**
 7 **Examiner** as soon as possible after being notified of a death requiring investigation.

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

10 (5) The district medical examiner shall supervise the assistant district medical examiners and
 11 [deputy medical examiners] **medical-legal death investigators** in cooperation with the district at-
 12 torney.

13 (6) The district medical examiner shall regularly conduct administrative training programs for
 14 the assistant district medical examiners, [deputy medical examiners] **medical-legal death investi-**
 15 **gators** and law enforcement agencies.

16 **SECTION 14.** ORS 146.100 is amended to read:

17 146.100. (1) Death investigations shall be under the direction of the district medical examiner
 18 and the district attorney for the county where the death occurs.

19 (2) For purposes of ORS 146.003 to 146.189, if the county where death occurs is unknown, the
 20 death shall be deemed to have occurred in the county where the body is found, except that if in an
 21 emergency the [deceased] **body** is moved by conveyance to another county and is dead on arrival,
 22 the death shall be deemed to have occurred in the county from which the body was originally re-
 23 moved.

24 (3) The district medical examiner or [a designated] **an** assistant **district** medical examiner for
 25 the county where death occurs shall be immediately notified of:

26 (a) All deaths requiring investigation; and

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

29 (4) No person having knowledge of a death requiring investigation shall intentionally or know-
 30 ingly fail to make notification thereof as required by subsection (3) of this section.

31 (5) The district medical examiner or [deputy medical examiner] **medical-legal death investi-**
 32 **gator** shall immediately notify the district attorney for the county where death occurs of all deaths
 33 requiring investigation except for those specified by ORS 146.090 (1)(d) to (g).

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

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

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

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

SECTION 15. ORS 146.103 is amended to read:

146.103. (1) In a death requiring an investigation, no person shall move a human body or body suspected of being human, or remove any of the effects of the deceased or instruments or weapons related to the death without the permission of a medical examiner, [*deputy medical examiner*] **medical-legal death investigator** or the district attorney.

(2) No person shall move or remove any of the items specified in subsection (1) of this section if the medical examiner or district attorney objects.

(3) A medical examiner, district attorney or [*deputy medical examiner*] **medical-legal death investigator** shall take custody of or exercise control over the body, the effects of the deceased and any weapons, instruments, vehicles, buildings or premises which the medical examiner, district attorney or [*deputy medical examiner*] **medical-legal death investigator** has reason to believe were involved in the death, in order to preserve evidence relating to the cause and manner of death.

(4) In a death requiring investigation, no person shall undress, embalm, cleanse the surface of the body or otherwise alter the appearance or the state of the body without the permission of the medical examiner or the district attorney.

SECTION 16. ORS 146.107 is amended to read:

146.107. (1) A medical examiner, [*deputy medical examiner*] **medical-legal death investigator** or district attorney may enter any room, dwelling, building or other place in which the medical examiner, [*deputy medical examiner*] **medical-legal death investigator** or district attorney has reasonable cause to believe that a body or evidence of the circumstances of death requiring investigation may be found.

(2) If refused entry, the medical examiner, [*deputy medical examiner*] **medical-legal death investigator** or district attorney may apply to any judge authorized to issue search warrants for an order to enter such premises, search for and seize a body or any evidence of the cause or manner of death.

(3) Upon application supported by an affidavit setting forth facts and circumstances tending to show that a body or such evidence of death is in the place to be searched, the judge shall issue such order to enter and search and seize.

(4) To preserve evidence, a medical examiner, [*deputy medical examiner*] **medical-legal death investigator** or district attorney may:

(a) Place under the custody or control of the medical examiner, [*deputy medical examiner*] **medical-legal death investigator** or district attorney, or enclose or lock any room, dwelling, building or other enclosure for a period of not more than five days.

(b) Rope off or otherwise restrict entry to any open area.

(c) Forbid the entrance of any unauthorized person into the area specified under paragraphs (a) and (b) of this subsection.

(5) No person shall enter upon the enclosures or areas specified in subsection (4) of this section without the permission of the medical examiner, [*deputy medical examiner*] **medical-legal death investigator** or district attorney.

SECTION 17. ORS 146.109 is amended to read:

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

(2) If unable to promptly obtain a designation of funeral home from the next of kin or responsible friends, the medical examiner or [*deputy medical examiner*] **medical-legal death investigator**

1 shall designate the funeral home. In designating the funeral home, the medical examiner or [*deputy*
 2 *medical examiner*] **medical-legal death investigator** shall be fair and equitable among the funeral
 3 homes listed in the office of the district medical examiner.

4 **SECTION 18.** ORS 146.113 is amended to read:

5 146.113. (1) A medical examiner or district attorney may, in any death requiring investigation,
 6 order samples of blood or urine taken for laboratory analysis.

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

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

14 **SECTION 19.** ORS 146.125 is amended to read:

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

20 (2) When a medical examiner, [*deputy medical examiner*] **medical-legal death investigator**, dis-
 21 trict attorney or sheriff assumes control or custody of money or personal property found on the body
 22 or in the possession of the deceased, the medical examiner, [*deputy medical examiner*] **medical-legal**
 23 **death investigator**, district attorney or sheriff shall:

- 24 (a) Make a verified inventory of such money or property.
- 25 (b) File the inventory in the district medical examiner's office.
- 26 (c) Deposit the money with the county treasurer to the credit of the county general fund.

27 (3) If personal property is not retained by the medical examiner, [*deputy medical examiner*]
 28 **medical-legal death investigator**, district attorney or sheriff, and is not claimed within 30 days,
 29 the inventory shall be filed with the board of county commissioners to be disposed of as follows:

- 30 (a) If the property has value, the board may order it sold and after deducting the cost of sale,
 31 shall deposit the proceeds of the sale with the county treasurer to the credit of the county general
 32 fund.
- 33 (b) If the property has no value in the judgment of the board, the board may order the sheriff
 34 to destroy such property.

35 (4) Any expenses incurred by the county in transporting or disposing of the body may be de-
 36 ducted from the money or proceeds of the sale of personal property before it is delivered to a
 37 claimant.

38 (5) If it appears that the person whose death required investigation died wholly intestate and
 39 without heirs, the county whose official has control or custody of the property shall notify an estate
 40 administrator of the Department of State Lands appointed under ORS 113.235 within 15 days after
 41 the death.

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

- 43 (a) Claims the money of the deceased, the treasurer shall, subject to the provisions of subsection
 44 (4) of this section, deliver such money to the claimant.
- 45 (b) Within 30 days, claims the personal property of the deceased, the property shall be delivered

1 to such claimant subject to the provisions of subsections (1) and (5) of this section.

2 (7) If money of the deceased is not claimed within seven years and is presumed abandoned as
 3 provided by ORS 98.302 to 98.436 and 98.992, the board of county commissioners shall order the
 4 money paid as required by law.

5 **SECTION 20.** ORS 146.135 is amended to read:

6 146.135. (1) The district attorney for the county where the death occurs may order an inquest
 7 to obtain a jury finding of the cause and manner of death in any case requiring investigation.

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

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

12 (4) The district attorney shall cause a record of the inquest proceedings to be made which shall
 13 include the written order of inquest, a record of the testimony of witnesses and the written verdict
 14 of the jury.

15 (5) Within a reasonable time after the verdict is returned, the record of inquest shall be filed in
 16 the district medical examiner's office for the county where the inquest was held.

17 (6) A copy of the order of inquest and verdict of the jury shall be filed in the [*State Medical*
 18 *Examiner's office*] **Office of the Chief Medical Examiner.**

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

20 **SECTION 21.** ORS 146.171 is amended to read:

21 146.171. (1) The Superintendent of State Police shall establish and maintain a file of records
 22 relating to unidentified human remains found within the state and of which the Oregon State Police
 23 are notified under ORS 146.174. The records shall be maintained in order to facilitate the identifi-
 24 cation of such remains.

25 (2) The Superintendent of State Police shall establish the file described under subsection (1) of
 26 this section after consultation with the [*State*] **Chief Medical Examiner** to determine what areas of
 27 information generally shall be requested, obtained and preserved in the file. General areas of infor-
 28 mation determined under this section shall be for the purpose of developing file format and standard
 29 forms for collecting data to aid in identifying human remains. Information having potential value in
 30 identifying human remains shall not be excluded from a file because it does not fall within a general
 31 area of information determined under this section or is not required by federal authorities.

32 (3) In addition to any other file it maintains, the Department of State Police shall enter appro-
 33 priate information relating to unidentified human remains into any file maintained by federal au-
 34 thorities to facilitate the identification of such remains. The department shall conform file entries
 35 under this subsection to the format prescribed by the authorities responsible for the federal file.

36 **SECTION 22.** ORS 176.740 is amended to read:

37 176.740. (1) The Governor may proclaim that a natural disaster or an act of war, terrorism or
 38 sabotage has caused the death of unknown persons on a specific date at a specific place.

39 (2) For the purposes of any civil or administrative proceeding, there is a presumption that a
 40 missing person is dead if it is shown that:

41 (a) The person was at or near the place described in a proclamation under this section on the
 42 date specified in the proclamation; and

43 (b) The person's absence cannot be satisfactorily explained after diligent search.

44 (3) In administering the estate of an absentee under ORS chapter 117, the court may enter an
 45 order directing the [*State*] **Chief Medical Examiner** to submit a report of death to the county

1 registrar for a decedent presumed to be dead under this section. The county registrar may not
 2 charge a fee for receiving a report under this subsection or for issuing a copy of a report submitted
 3 under this subsection. The [State] **Chief** Medical Examiner shall indicate on the report of death that
 4 the report of death was submitted pursuant to an order entered under this section.

5 (4) This section does not establish, limit or abrogate the special peril doctrine.

6 **SECTION 23.** ORS 181A.080 is amended to read:

7 181A.080. (1) The Department of State Police and the members of the Oregon State Police are
 8 charged with the enforcement of:

9 (a) All criminal laws; and

10 (b) All laws applicable to highways and the operation of vehicles on highways.

11 (2) Each member of the state police is authorized and empowered to:

12 (a) Prevent crime.

13 (b) Pursue and apprehend offenders and obtain legal evidence necessary to ensure the conviction
 14 of the offenders in the courts.

15 (c) Institute criminal proceedings.

16 (d) Execute any lawful warrant or order of arrest issued against any person or persons for any
 17 violation of the law.

18 (e) Make arrests without warrant for violations of law in the manner provided in ORS 133.310.

19 (f) Give first aid to the injured.

20 (3) Each member of the state police has the same general powers and authority as those con-
 21 ferred by law upon sheriffs, police officers, constables and peace officers. A member of the state
 22 police may be appointed as a [*deputy medical examiner*] **medical-legal death investigator**.

23 (4) The members of the state police are subject to the call of the Governor and are empowered
 24 to cooperate with any other instrumentality or authority of this state, or any political subdivision,
 25 in detecting crime, apprehending criminals and preserving law and order throughout this state, but
 26 the state police may not be used as a posse except when ordered by the Governor.

27 **SECTION 24.** ORS 431A.865, as amended by section 1, chapter 100, Oregon Laws 2016, is
 28 amended to read:

29 431A.865. (1)(a) Except as provided under subsection (2) of this section, prescription monitoring
 30 information submitted under ORS 431A.860 to the prescription monitoring program established in
 31 ORS 431A.855:

32 (A) Is protected health information under ORS 192.553 to 192.581.

33 (B) Is not subject to disclosure pursuant to ORS 192.410 to 192.505.

34 (b) Except as provided under subsection (2)(a)(G) of this section, prescription monitoring infor-
 35 mation submitted under ORS 431A.860 to the prescription monitoring program may not be used to
 36 evaluate a practitioner's professional practice.

37 (2)(a) To the extent that the law or regulation is applicable to the prescription monitoring pro-
 38 gram, if a disclosure of prescription monitoring information, other than the sex of a patient for
 39 whom a drug was prescribed, complies with the federal Health Insurance Portability and Account-
 40 ability Act of 1996 (P.L. 104-191) and regulations adopted under it, including 45 C.F.R. parts 160
 41 and 164, federal alcohol and drug treatment confidentiality laws and regulations, including 42 C.F.R.
 42 part 2, and state health and mental health confidentiality laws, including ORS 179.505, 192.517 and
 43 192.553 to 192.581, the Oregon Health Authority shall disclose the information:

44 (A) To a practitioner or pharmacist, or, if a practitioner or pharmacist authorizes the authority
 45 to disclose the information to a member of the practitioner's or pharmacist's staff, to a member of

1 the practitioner's or pharmacist's staff. If a practitioner or pharmacist authorizes disclosing the in-
 2 formation to a member of the practitioner's or pharmacist's staff under this subparagraph, the
 3 practitioner or pharmacist remains responsible for the use or misuse of the information by the staff
 4 member. To receive information under this subparagraph, or to authorize the receipt of information
 5 by a staff member under this subparagraph, a practitioner or pharmacist must certify that the re-
 6 quested information is for the purpose of evaluating the need for or providing medical or pharma-
 7 ceutical treatment for a patient to whom the practitioner or pharmacist anticipates providing, is
 8 providing or has provided care.

9 (B) In accordance with subparagraph (A) of this paragraph, to a practitioner or pharmacist or
 10 to a member of the practitioner's or pharmacist's staff through a health information technology
 11 system that is used by the practitioner or pharmacist or a member of the practitioner's or
 12 pharmacist's staff to access information about patients if:

13 (i) The practitioner or pharmacist or a member of the practitioner's or pharmacist's staff is au-
 14 thorized to access the information in the health information technology system;

15 (ii) The information is not permanently retained in the health information technology system,
 16 except for purposes of conducting audits and maintaining patient records; and

17 (iii) The health information technology system meets any privacy and security requirements and
 18 other criteria, including criteria required by the federal Health Insurance Portability and Account-
 19 ability Act, established by the authority by rule.

20 (C) To a practitioner in a form that catalogs all prescription drugs prescribed by the practi-
 21 tioner according to the number assigned to the practitioner by the Drug Enforcement Adminis-
 22 tration of the United States Department of Justice.

23 (D) To the [State] **Chief** Medical Examiner or designee of the [State] **Chief** Medical Examiner,
 24 for the purpose of conducting a medicolegal investigation or autopsy.

25 (E) To designated representatives of the authority or any vendor or contractor with whom the
 26 authority has contracted to establish or maintain the electronic system of the prescription moni-
 27 toring program.

28 (F) Pursuant to a valid court order based on probable cause and issued at the request of a fed-
 29 eral, state or local law enforcement agency engaged in an authorized drug-related investigation in-
 30 volving a person to whom the requested information pertains.

31 (G) To a health professional regulatory board that certifies in writing that the requested infor-
 32 mation is necessary for an investigation related to licensure, license renewal or disciplinary action
 33 involving the applicant, licensee or registrant to whom the requested information pertains.

34 (H) To a prescription monitoring program of another state if the confidentiality, security and
 35 privacy standards of the requesting state are determined by the authority to be equivalent to those
 36 of the authority.

37 (b) The authority may disclose information from the prescription monitoring program that does
 38 not identify a patient, practitioner or drug outlet:

39 (A) For educational, research or public health purposes;

40 (B) To a local public health authority, as defined in ORS 431.003; or

41 (C) To officials of the authority who are conducting special epidemiologic morbidity and mor-
 42 tality studies in accordance with ORS 413.196 and rules adopted under ORS 431.001 to 431.550 and
 43 431.990.

44 (c) The Oregon Health Authority shall disclose information relating to a patient maintained in
 45 the electronic system operated pursuant to the prescription monitoring program to that patient at

1 no cost to the patient within 10 business days after the authority receives a request from the patient
2 for the information.

3 (d)(A) A patient may request the authority to correct any information about the patient that is
4 erroneous. The authority shall grant or deny a request to correct information within 10 business
5 days after the authority receives the request.

6 (B) If the authority denies a patient's request to correct information under this paragraph, or
7 fails to grant a patient's request to correct information under this paragraph within 10 business days
8 after the authority receives the request, the patient may appeal the denial or failure to grant the
9 request. Upon receiving notice of an appeal under this subparagraph, the authority shall conduct
10 a contested case hearing as provided in ORS chapter 183. Notwithstanding ORS 183.450, the au-
11 thority has the burden in the contested case hearing of establishing that the information included
12 in the prescription monitoring program is correct.

13 (e) The information in the prescription monitoring program may not be used for any commercial
14 purpose.

15 (f) In accordance with ORS 192.553 to 192.581 and federal privacy regulations, any person au-
16 thorized to prescribe or dispense a prescription drug and who is entitled to access a patient's pre-
17 scription monitoring information may discuss or release the information to other health care
18 providers involved with the patient's care for the purposes of providing safe and appropriate care
19 coordination.

20 (3)(a) The authority shall maintain records of the information disclosed through the prescription
21 monitoring program including, but not limited to:

22 (A) The identity of each person who requests or receives information from the program and any
23 organization the person represents;

24 (B) The information released to each person or organization; and

25 (C) The date and time the information was requested and the date and time the information was
26 provided.

27 (b) Records maintained as required by this subsection may be reviewed by the Prescription
28 Monitoring Program Advisory Commission.

29 (4) Information in the prescription monitoring program that identifies an individual patient must
30 be removed no later than three years from the date the information is entered into the program.

31 (5) The authority shall notify the Attorney General and each affected individual of an improper
32 disclosure of information from the prescription monitoring program.

33 (6)(a) If the authority or a person or entity required to report or authorized to receive or release
34 controlled substance prescription information under this section violates this section or ORS
35 431A.860 or 431A.870, a person injured by the violation may bring a civil action against the au-
36 thority, person or entity and may recover damages in the amount of \$1,000 or actual damages,
37 whichever is greater.

38 (b) Notwithstanding paragraph (a) of this subsection, the authority and a person or entity re-
39 quired to report or authorized to receive or release controlled substance prescription information
40 under this section are immune from civil liability for violations of this section or ORS 431A.860 or
41 431A.870 unless the authority, person or entity acts with malice, criminal intent, gross negligence,
42 recklessness or willful intent.

43 (7) Nothing in ORS 431A.855 to 431A.900 requires a practitioner or pharmacist who prescribes
44 or dispenses a prescription drug to obtain information about a patient from the prescription moni-
45 toring program. A practitioner or pharmacist who prescribes or dispenses a prescription drug may

1 not be held liable for damages in any civil action on the basis that the practitioner or pharmacist
 2 did or did not request or obtain information from the prescription monitoring program.

3 (8) The authority shall, at regular intervals, ensure compliance of a health information technol-
 4 ogy system described in subsection (2) of this section with the privacy and security requirements
 5 and other criteria established by the authority by rule under subsection (2) of this section.

6 **SECTION 25.** ORS 432.133 is amended to read:

7 432.133. (1)(a) A report of death for each death that occurs in this state must be submitted to
 8 the county registrar of the county in which the death occurred or to the Center for Health Statis-
 9 tics, or as otherwise directed by the State Registrar of the Center for Health Statistics, within five
 10 calendar days after death or the finding of a dead body and before final disposition, and must be
 11 registered if it has been completed and submitted in accordance with this section.

12 (b) If the place of death is unknown, but the dead body is found in this state, the report of death
 13 must be completed and submitted in accordance with this section. The place where the body is found
 14 must be noted as the place of death except, if in an emergency the decedent is moved by conveyance
 15 to another county and is dead on arrival, the death shall be considered to have occurred in the
 16 county from where the body was originally moved.

17 (c) When death occurs in a moving conveyance within or outside the United States and the body
 18 is first removed from the conveyance in this state, the death must be registered in this state and the
 19 place where the body is first removed shall be deemed the place of death. The report of death may
 20 note the actual location of death insofar as it can be determined.

21 (d) In all other cases, the place where death is pronounced shall be considered the place where
 22 death occurred.

23 (e) If the date of death is unknown, the medical certifier shall determine the date by approxi-
 24 mation. If the date cannot be determined by approximation, the date that the body was found shall
 25 be entered on the report of death.

26 (2)(a) The funeral service practitioner or person acting as a funeral service practitioner who
 27 first assumes custody of the dead body shall submit the report of death to the county registrar of
 28 the county in which the death occurred or to the Center for Health Statistics. In cases where there
 29 is no funeral service practitioner or person acting as a funeral service practitioner, the medical
 30 examiner shall submit the report of death.

31 (b) The funeral service practitioner or person acting as the funeral service practitioner shall
 32 obtain the personal data from the next of kin or the best qualified person or source available and
 33 shall obtain the medical certification from the person responsible for the medical certification.

34 (c) The funeral service practitioner or person acting as the funeral service practitioner shall
 35 provide sufficient information to identify the decedent to the medical certifier within 48 hours after
 36 death unless the medical certification has already been submitted.

37 (3) A medical certification shall be completed within 48 hours after having access to the report
 38 of death by the decedent's primary or attending medical certifier who was in charge of the care of
 39 the patient for the illness or condition that resulted in death, except when inquiry is required under
 40 ORS chapter 146. In the absence or inability of the medical certifier, or with the medical certifier's
 41 approval, the report of death may be completed by an associate of the medical certifier, the chief
 42 medical officer of the institution where death occurred or the physician who performed an autopsy
 43 upon the decedent, provided that the associate, chief medical officer or physician has access to the
 44 medical history of the case and death is due to natural causes. The person completing the cause
 45 of death shall attest to its accuracy either by signature or by electronic signature.

1 (4) When inquiry is required under ORS chapter 146, the medical examiner in the jurisdiction
2 where death occurred or the body was found shall determine the cause and manner of death and
3 shall complete and sign the medical certification within 48 hours after taking charge of the case. If
4 the cause or manner of death is unknown or pending investigation, the cause or manner of death
5 shall be noted as such on the report of death.

6 (5) When the death occurs in a hospital where more than 10 deaths occurred during the previous
7 calendar year, the person in charge of the hospital shall require the medical certification to be re-
8 ported through the state electronic reporting system and the report of death to include the elec-
9 tronic signature of the medical certifier.

10 (6)(a) When a death occurs in a hospital described in subsection (5) of this section and the death
11 is not under the jurisdiction of a medical examiner, the person in charge of the hospital or the
12 designated representative of the person in charge of the hospital shall enter the following informa-
13 tion on the report of death within 48 hours of death:

14 (A) If the report of death does not exist in the state electronic reporting system, the name of
15 the decedent, the date of the decedent's birth, the date of the decedent's death and the county in
16 which the decedent died; and

17 (B) The medical certification of death, accompanied by the signature or electronic signature of
18 the person completing the cause of death as described in subsection (3) of this section.

19 (b) The partially completed report of death prepared under this subsection shall be made avail-
20 able to the funeral service practitioner or person acting as a funeral service practitioner within 48
21 hours of death.

22 (7) Upon receipt of autopsy results or other information that would change the information re-
23 lated to the cause or manner of death, a medical certifier or medical examiner shall submit an
24 amendment to the record of death within five calendar days to the Center for Health Statistics.

25 (8) When a death that is not the subject of a presumptive death proceeding in a court in this
26 state or another state is presumed to have occurred in this state as the result of a known event in
27 this state, but no remains of the presumed deceased can be located, a report of death may be pre-
28 pared by the [State] **Chief** Medical Examiner upon receiving an order from a court of competent
29 jurisdiction that contains findings of fact necessary to complete the report of death. A report of
30 death prepared under this subsection shall be marked or flagged "Presumptive" and must show on
31 its face the date of death as determined by the court, the date of registration, the identity of the
32 court and the date of the order.

33 (9) When a death of a missing person domiciled in this state, and that is not the subject of a
34 presumptive death proceeding in a court of this state or another state, has been determined by a
35 court of competent jurisdiction to have presumptively occurred in another state, a report of death
36 may be prepared by the [State] **Chief** Medical Examiner upon receiving an order from the court that
37 contains findings of fact necessary to complete the report of death. A report of death prepared under
38 this subsection shall be marked or flagged "Presumptive" and must show on its face the date of
39 death as determined by the court, the date of registration, the identity of the court and the date of
40 the order.

41 (10) When a death occurring in this state has not been registered as prescribed by this section,
42 a report of death may be submitted to the state registrar as described in this section provided that
43 the medical certifier or medical examiner and the funeral service practitioner or person acting as
44 a funeral service practitioner are available to complete the report of death. If the report of death
45 is submitted more than one year after the date of death or the date on which the body was found,

1 the medical certifier or medical examiner and funeral service practitioner or person acting as a fu-
 2 neral service practitioner shall state in accompanying notarized statements that the information
 3 submitted is based on records kept in the files of the medical certifier or medical examiner and fu-
 4 neral service practitioner or person acting as a funeral service practitioner. If the medical certifier
 5 or medical examiner and funeral service practitioner or person acting as a funeral service practi-
 6 tioner are unavailable to complete the report of death, or decline to complete the report death, then
 7 the death shall not be registered except upon the receipt of an order from a court of competent ju-
 8 risdiction.

9 (11) A report of death required to be submitted under this section must contain the Social Se-
 10 curity number of the decedent when the Social Security number is reasonably available from other
 11 records related to the decedent or can be obtained from the person in charge of the final disposition
 12 of the decedent.

13 (12) If a decedent's death was caused by suicide, the person who submits the report of death to
 14 the county registrar or to the Center for Health Statistics, or as otherwise directed by the state
 15 registrar, shall make reasonable efforts to ascertain whether the decedent was a veteran and, if the
 16 decedent was a veteran, whether the decedent served in combat and, if so, where the decedent
 17 served. Information acquired under this subsection must be reported to the Center for Health Sta-
 18 tistics through the state electronic reporting system.

19 **SECTION 26.** ORS 432.138 is amended to read:

20 432.138. (1)(a) A death may be registered by the [State] **Chief** Medical Examiner as specified in
 21 ORS 432.133 (8) or (9) upon receipt of an order from a court of competent jurisdiction.

22 (b) A court order that establishes a record of death shall include all of the following information:

23 (A) The decedent's full legal name;

24 (B) The date of the decedent's death as determined from evidence presented to the court; and

25 (C) The city, county and place in which the decedent died as determined from evidence pre-
 26 sented to the court.

27 (c) A court order that establishes a record of death shall include, if available, all of the follow-
 28 ing information:

29 (A) The decedent's date of live birth, city and state or country of live birth, race, ethnicity, sex
 30 and Social Security number and the name or names of the decedent's parent or parents, as the name
 31 or names appear on a birth record;

32 (B) The decedent's address, including street address, city, county, state and zip code at the time
 33 of death;

34 (C) The decedent's marital status at the time of death;

35 (D) The name, as it appears on a birth record, of any surviving spouse; and

36 (E) The information necessary to complete the medical certification, including the cause and
 37 manner of death and, if the death occurred because of an injury, information on how and when the
 38 injury occurred, or, if the cause and manner of death are not known, a statement that the cause and
 39 manner of death are not known.

40 (2) On the basis of the information in the court order, the [State] **Chief** Medical Examiner shall
 41 prepare a report of death. The State Registrar of the Center for Health Statistics shall use a report
 42 of death prepared under this subsection to register the death.

43 (3) All records of death issued under this section shall show the date of the court order and the
 44 name of the court issuing the order.

45 (4) If the death was registered pursuant to ORS 432.133 (8) or (9), the record of death shall be

1 flagged as being “Presumptive.”

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

3 433.449. (1) As used in this section:

4 (a) “Contaminated material” means wastes or other materials exposed to or tainted by chemical,
5 radiological, or biological substances or agents.

6 (b) “Transmissible agent” means a biological substance capable of causing disease or infection
7 through individual to individual transmission, animal to individual transmission, or other modes of
8 transmission.

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

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

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

19 (c) After a medical examiner has certified the cause and manner of death, order a person in
20 charge of disposing of human remains to dispose of the human remains of a person who has died of
21 a communicable disease or transmissible agent through burial or cremation within a specified time
22 period. To the extent practicable, religious, cultural, family and individual beliefs of the deceased
23 person or the person’s family shall be considered when disposing of any human remains.

24 (3) The Public Health Director must consult and coordinate with the [State] **Chief Medical Ex-**
25 **aminer** when exercising authority under this section. Nothing in this section is intended to override
26 authority granted to the [State] **Chief Medical Examiner** or district medical examiner under ORS
27 146.003 to 146.189 and 146.710 to 146.992.

28