

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
SENATE BILL 953**

1 On page 1 of the printed bill, delete lines 6 through 27 and delete pages
2 2 through 12 and insert:

3 **“SECTION 1.** ORS 146.003 is amended to read:

4 “146.003. As used in ORS 146.003 to 146.189 and 146.710 to 146.992, unless
5 the context requires otherwise:

6 “(1) ‘Approved laboratory’ means a laboratory approved by the Chief
7 Medical Examiner as competent to perform the blood sample analysis re-
8 quired by ORS 146.113 (2).

9 “(2) ‘Assistant [*district*] **county** medical examiner’ means a physician,
10 **physician assistant or nurse practitioner approved by the Chief Med-**
11 **ical Examiner and** appointed by the [*district*] **county** medical examiner to
12 investigate and certify deaths within a county [*or district*].

13 “(3) ‘Cause of death’ means the primary or basic disease process or injury
14 ending life.

15 “(4) ‘**County medical examiner**’ means a **physician, physician as-**
16 **stant or nurse practitioner appointed by the Chief Medical Examiner**
17 **to investigate and certify deaths within a county, including a Deputy**
18 **State Medical Examiner.**

19 “[~~(4)~~] (5) ‘Death requiring investigation’ means the death of a person oc-
20 ccurring in any one of the circumstances set forth in ORS 146.090.

21 “[~~(5)~~] ‘*District medical examiner*’ means a physician appointed by the Chief

1 *Medical Examiner to investigate and certify deaths within a county or district,*
2 *including a Deputy State Medical Examiner.]*

3 “(6) ‘Law enforcement agency’ means a county sheriff’s office, municipal
4 police department, police department established by a university under ORS
5 352.121 or 353.125 and the Oregon State Police.

6 “[7] ‘Legal intervention’ includes an execution pursuant to ORS 137.463,
7 137.467 and 137.473 and other legal use of force resulting in death.]

8 “[8] (7) ‘Manner of death’ means the designation of the probable mode
9 of production of the cause of death, including natural, accidental, suicidal,
10 homicidal[, *legal intervention*] or undetermined.

11 “[9] (8) ‘Medical examiner’ means a physician, **physician assistant or**
12 **nurse practitioner** appointed as provided by ORS 146.003 to 146.189 to in-
13 vestigate and certify the cause and manner of deaths requiring investigation,
14 including the Chief Medical Examiner.

15 “[10] (9) [*Medical-legal*] **Medicolegal** death investigator’ means a person
16 appointed by the [*district*] **county** medical examiner to assist in the investi-
17 gation of deaths within a county.

18 “(10) ‘Nurse practitioner’ means a **registered nurse who has been**
19 **licensed as a nurse practitioner by the Oregon State Board of Nursing**
20 **under ORS chapter 678 and who has been approved for medical exam-**
21 **iner duties by the Chief Medical Examiner.**

22 “(11) ‘Pathologist’ means a physician holding a current license to practice
23 medicine and surgery and who is eligible for certification by the American
24 Board of Pathology.

25 “(12) ‘Physician assistant’ means a **physician assistant licensed un-**
26 **der ORS 677.505 to 677.525 who has been approved for medical examiner**
27 **duties by the Chief Medical Examiner.**

28 “[12] (13) ‘Unidentified human remains’ does not include human remains
29 that are unidentified human remains that are part of an archaeological site
30 or suspected of being Native American and covered under ORS chapters 97

1 and 390 and ORS 358.905 to 358.961.

2 **“SECTION 2.** ORS 146.025 is amended to read:

3 “146.025. In addition to the duties set forth in ORS 146.015 the State
4 Medical Examiner Advisory Board shall:

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

8 “(2) Recommend to the county courts the compensation of the [*district*]
9 **county** medical examiners and assistant [*district*] **county** medical examiners.

10 “(3) Recommend to [*district*] **county** medical examiners and district at-
11 torneys the qualifications for [*medical-legal*] **medicolegal** death investi-
12 gators.

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

15 “[*(5)*] **(4)** Recommend a proposed budget for the Office of the Chief Med-
16 ical Examiner to the Department of State Police.

17 “[*(6)*] **(5)** Annually review the Chief Medical Examiner’s report prescribed
18 by ORS 146.055 and report to the Superintendent of State Police and to the
19 State Board of Health regarding the operation of the Office of the Chief
20 Medical Examiner.

21 **“SECTION 3.** ORS 146.035 is amended to read:

22 “146.035. (1) There is established within the Department of State Police
23 the Office of the Chief Medical Examiner for the purpose of directing and
24 supporting the state death investigation program.

25 “(2) The Chief Medical Examiner shall manage all aspects of the Office
26 of the Chief Medical Examiner’s program.

27 “(3) Subject to the State Personnel Relations Law, the Chief Medical
28 Examiner may employ or discharge other personnel of the Office of the Chief
29 Medical Examiner.

30 “(4) The Office of the Chief Medical Examiner shall:

1 “(a) File and maintain appropriate reports on all deaths requiring inves-
2 tigation **as submitted to the office by the county medical examiner’s**
3 **office.**

4 “(b) Maintain an accurate list of all active [*district*] **county** medical ex-
5 aminers, assistant [*district*] **county** medical examiners and designated
6 pathologists, **physician assistants and nurse practitioners.**

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

9 “(5) Notwithstanding ORS 192.345 (36):

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

15 “(b) The system described in ORS 192.517 (1) shall have access to reports
16 described in this subsection as provided in ORS 192.517.

17 “**SECTION 4.** ORS 146.045 is amended to read:

18 “146.045. (1) After consultation with the State Medical Examiner Advisory
19 Board, the Chief Medical Examiner shall appoint each Deputy State Medical
20 Examiner.

21 “(2) The Chief Medical Examiner shall:

22 “(a) Appoint and discharge each [*district*] **county** medical examiner as
23 provided by ORS 146.065 (2).

24 “(b) Designate those pathologists, **physician assistants and nurse**
25 **practitioners** authorized to perform autopsies under ORS 146.117 (2) **and**
26 **define their individual scopes of practice within the Office of the Chief**
27 **Medical Examiner.**

28 “(c) Approve those laboratories authorized to perform the analyses re-
29 quired under ORS 146.113 (2).

30 “(d) **Approve physician assistants and nurse practitioners for med-**

1 **ical examiner duties.**

2 **“(e) Provide training and supervision for physician assistants and**
3 **nurse practitioners in the performance of autopsies, review of death**
4 **investigations and certification of deaths requiring investigation under**
5 **ORS 146.090.**

6 “(3) The Chief Medical Examiner may:

7 “(a) Assume control of a death investigation in cooperation with the dis-
8 trict attorney.

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

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

11 “(d) Amend a previously completed report on a death requiring investi-
12 gation.

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

14 “(f) Designate a Deputy State Medical Examiner as Acting Chief Medical
15 Examiner.

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

18 “[*(4) Distribution of moneys from the Chief Medical Examiner’s budget for*
19 *partial reimbursement of each county’s autopsy expenditures shall be made*
20 *subject to approval of the Chief Medical Examiner.*]

21 “[*(5)*] **(4)** Within 45 days of receipt of information that a person is missing
22 at sea and presumed dead, the Chief Medical Examiner shall determine
23 whether the information is credible and, if so, complete and file a report of
24 death for the person presumed dead. If the information is determined not to
25 be credible, the Chief Medical Examiner may continue the death investi-
26 gation.

27 “[*(6)(a)*] **(5)(a)** If the Search and Rescue Coordinator and a county sheriff
28 investigate a person missing in the wilderness or a forested environment and
29 determine that the person is believed to be deceased, the sheriff shall send
30 documentation of the investigation and determination to the Chief Medical

1 Examiner.

2 “(b) Within seven days after receiving documentation under paragraph (a)
3 of this subsection, the Chief Medical Examiner shall evaluate the credibility
4 of the investigation and the determination that the person is believed to be
5 deceased.

6 “(c) If the Chief Medical Examiner, based on the evaluation under para-
7 graph (b) of this subsection and the Chief Medical Examiner’s field of ex-
8 pertise, determines that there is no reasonable suspicion that the person is
9 not deceased, the Chief Medical Examiner shall complete and file a report
10 of death for the person believed to be deceased within 45 days after making
11 the determination.

12 “(d)(A) If the Chief Medical Examiner, based on the evaluation under
13 paragraph (b) of this subsection and the Chief Medical Examiner’s field of
14 expertise, determines that there is a reasonable suspicion that the person is
15 not deceased, the Chief Medical Examiner shall report to the sheriff with the
16 basis for the determination and a list of any missing information that would
17 aid the Chief Medical Examiner in evaluating the credibility of the investi-
18 gation and the determination that the person is believed to be deceased.

19 “(B) Upon receiving a report under subparagraph (A) of this paragraph,
20 the sheriff shall make a reasonable effort to provide the missing information
21 listed by the Chief Medical Examiner.

22 “(C) After issuing a report under this paragraph, the Chief Medical Ex-
23 aminer shall continue the death investigation in conjunction with the sheriff
24 and the Search and Rescue Coordinator until the sheriff issues a final report
25 on the missing person. If, at any time, the Chief Medical Examiner deter-
26 mines, based on the Chief Medical Examiner’s field of expertise, that there
27 is no reasonable suspicion that the person is not deceased, the Chief Medical
28 Examiner shall complete and file a report of death for the person believed
29 to be deceased within 45 days after making the determination.

30 **“SECTION 5.** ORS 146.055 is amended to read:

1 “146.055. (1) The Chief Medical Examiner shall assist and advise
2 [*district*] **county** medical examiners in the performance of their duties.

3 “(2) The Chief Medical Examiner shall perform autopsies, if in the judg-
4 ment of the Chief Medical Examiner such autopsy is necessary in any death
5 requiring investigation, when requested by a **county** medical examiner or
6 district attorney.

7 “(3) The Chief Medical Examiner shall regularly conduct training pro-
8 grams for the [*district*] **offices of the county** medical examiners and law
9 enforcement agencies.

10 “(4) The Chief Medical Examiner shall submit an annual report to the
11 State Medical Examiner Advisory Board detailing the activities and accom-
12 plishments of the state and each county office in the preceding year as well
13 as a cost analysis of the Office of the Chief Medical Examiner.

14 “**SECTION 6.** ORS 146.065 is amended to read:

15 “146.065. (1) In each county there shall be a **county** medical examiner for
16 the purpose of investigating and certifying the cause and manner of deaths
17 requiring investigation.

18 “(2) Each [*district*] **county** medical examiner shall be appointed by the
19 Chief Medical Examiner with approval of the appropriate board or boards
20 of commissioners and may be discharged by the Chief Medical Examiner
21 without such approval.

22 “(3) If the position of [*district*] **county** medical examiner is vacant, the
23 local health officer shall temporarily act as medical examiner in cooperation
24 with the Chief Medical Examiner until the vacancy is filled.

25 “(4) If the positions of [*district*] **county** medical examiner and local health
26 officer are both vacant, the district attorney shall temporarily act as medical
27 examiner in cooperation with the Chief Medical Examiner until the vacancy
28 is filled.

29 “[*(5) Two or more counties, with the approval of the State Medical Exam-*
30 *iner Advisory Board and commissioners of each county, may form a district*”

1 *medical examiner's office instead of an office for each such county.]*

2 “[~~(6)~~] (5) When a county [*or district*] has a population of 200,000 or more
3 persons, the Chief Medical Examiner may, with the approval of the State
4 Medical Examiner Advisory Board, appoint a Deputy State Medical Exam-
5 iner for that county [*or district*].

6 “[~~(7)~~] (6) The compensation of the Deputy State Medical Examiner shall
7 be paid by the state from funds available for such purpose.

8 “[~~(8)~~] (7) The services of the Deputy State Medical Examiner may be
9 contracted by the Department of State Police. These contracts may be ter-
10 minated by either party at any time by written notice to the other party to
11 the agreement and, upon termination, the appointment of such Deputy State
12 Medical Examiner is terminated.

13 **“SECTION 7.** ORS 146.075 is amended to read:

14 “146.075. (1) The [*district*] **county** medical examiner shall serve as the
15 administrator of the [*district*] **county** medical examiner's office. Subject to
16 applicable provisions of a county personnel policy or civil service law, the
17 [*district*] **county** medical examiner may employ such other personnel as the
18 [*district*] **county** medical examiner deems necessary to operate the office.

19 “(2) All expenses of equipping, maintaining and operating the [*district*]
20 **county** medical examiner's office, including the compensation of the
21 [*district*] **county** medical examiner and assistant [*district*] **county** medical
22 examiners, shall be paid by the county [*or counties of the district*] from funds
23 budgeted for such purpose.

24 “(3) When a [*district*] **county** medical examiner also serves as local health
25 officer, the county shall separately budget the compensation and expenses to
26 be paid for medical examiner's duties.

27 “(4) All expenses of death investigations shall be paid from county funds
28 budgeted for such purpose [*except that, in counties under 200,000 population*
29 *upon the approval of the Chief Medical Examiner, one-half of the costs of*
30 *autopsies ordered under ORS 146.117 shall be paid annually by the state from*

1 *funds for such purpose. If funds available for this payment are insufficient to*
2 *meet one-half of these costs, even proportional payments to the counties shall*
3 *be made].*

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

7 “(6) Each [*district*] **county medical examiner’s** office shall maintain
8 copies of the:

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

10 “(b) Autopsy reports;

11 “(c) Laboratory analysis reports; and

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

14 “(7) Reports and inventories maintained by the [*district*] **county medical**
15 **examiner’s** office shall be available for inspection as provided by ORS
16 146.035 (5).

17 “(8) Copies of reports of death investigations by medical examiners and
18 autopsy reports shall be forwarded to the Office of the Chief Medical Ex-
19 aminer.

20 “(9) Each [*district*] **county medical examiner’s** office shall maintain
21 current records of:

22 “(a) All assistant [*district*] **county** medical examiners appointed.

23 “(b) Appointments of each [*medical-legal*] **medicolegal** death investigator
24 appointed for the county [*or district*].

25 “(c) The name, address and director of each licensed funeral home located
26 within the county [*or district*].

27 “(10) Each [*district*] **county medical examiner’s** office shall immediately
28 in writing notify the Office of the Chief Medical Examiner of all appoint-
29 ments and resignations of their **medicolegal death investigators and all**
30 **resignations of their** medical examiners.

1 **“SECTION 8.** ORS 146.080 is amended to read:

2 “146.080. (1) Each [*district*] **county** medical examiner may appoint one or
3 more assistant [*district*] **county** medical examiners.

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

6 “(3) When delegated by the [*district*] **county** medical examiner, an as-
7 sistant [*district*] **county** medical examiner shall:

8 “(a) Assist the [*district*] **county** medical examiner in investigating and
9 certifying deaths.

10 “(b) Have the authority and responsibility to investigate and certify
11 deaths requiring investigation.

12 **“SECTION 9.** ORS 146.085 is amended to read:

13 “146.085. (1) The [*district*] **county** medical examiner shall appoint, subject
14 to the approval of the district attorney and applicable civil service regu-
15 lations, qualified [*medical-legal*] **medicolegal** death investigators, including
16 **health care workers**, the sheriff or a deputy sheriff [*and*] **or** a member of
17 the Oregon State Police, for each county. Other peace officers may also be
18 appointed as [*medical-legal*] **medicolegal** death investigators.

19 “(2) The [*district*] **county** medical examiner and the district attorney shall
20 establish qualifications for [*medical-legal*] **medicolegal** death investigators.

21 “(3) Each [*medical-legal*] **medicolegal** death investigator shall be indi-
22 vidually appointed and the name of the [*medical-legal*] **medicolegal** death
23 investigator shall be on file in the office of the [*district*] **county** medical
24 examiner.

25 “(4) A [*medical-legal*] **medicolegal** death investigator shall investigate
26 deaths subject to the control and direction of the [*district*] **county** medical
27 examiner or the district attorney.

28 “(5) A [*medical-legal*] **medicolegal** death investigator may authorize the
29 removal of the body of a deceased person from the apparent place of death.

30 “(6) The [*medical-legal*] **medicolegal** death investigator may not authorize

1 embalming, order a post-mortem examination or autopsy, or certify the cause
2 and manner of death.

3 **“SECTION 10.** ORS 146.088 is amended to read:

4 “146.088. A [*district*] **county** medical examiner, [*medical-legal*]
5 **medicolegal** death investigator, assistant [*district*] **county** medical examiner
6 or designated pathologist, **physician assistant or nurse practitioner** is
7 deemed to be an officer or employee of a public body for purposes of ORS
8 30.260 to 30.300 while acting as a [*district*] **county** medical examiner,
9 [*medical-legal*] **medicolegal** death investigator, assistant [*district*] **county**
10 medical examiner or designated pathologist, **physician assistant or nurse**
11 **practitioner**.

12 **“SECTION 11.** ORS 146.090 is amended to read:

13 “146.090. (1) The medical examiner shall investigate and certify the cause
14 and manner of all human deaths **described within the following**
15 **categories:**

16 “(a) Apparently homicidal, suicidal or occurring under suspicious or un-
17 known circumstances;

18 “(b) Resulting from the unlawful use of controlled substances or the use
19 or abuse of chemicals or toxic agents;

20 “(c) Occurring while incarcerated in any jail, correction facility or in
21 police custody;

22 “(d) Apparently accidental or following an injury;

23 “(e) By disease, injury or toxic agent during or arising from employment;

24 “(f) While not under the care of a physician [*during the period imme-*
25 *diately previous to death*] **within one year prior to the date of death;**

26 “(g) Related to disease which might constitute a threat to the public
27 health; or

28 “(h) In which a human body apparently has been disposed of in an offen-
29 sive manner.

30 “(2) As used in this section, ‘offensive manner’ means a manner offensive

1 to the generally accepted standards of the community.

2 **“SECTION 12.** ORS 146.095 is amended to read:

3 “146.095. (1) The [*district*] **county** medical examiner and the district at-
4 torney for the county where death occurs, as provided by ORS 146.100 (2),
5 shall be responsible for the investigation of all deaths requiring investi-
6 gation.

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

10 “(3) The medical examiner shall make a report of death investigation to
11 the Chief Medical Examiner as soon as possible after being notified of a
12 death requiring investigation.

13 “(4) Within five days after notification of a death requiring investigation,
14 the medical examiner **or medicolegal death investigator** shall make a
15 written report of the investigation and file it in the [*district*] **county** medical
16 examiner’s office.

17 “(5) The [*district*] **county** medical examiner shall supervise the assistant
18 [*district*] **county** medical examiners and [*medical-legal*] **medicolegal** death
19 investigators in cooperation with the district attorney.

20 “(6) The [*district*] **county** medical examiner shall regularly conduct ad-
21 ministrative training programs for the assistant [*district*] **county** medical
22 examiners, [*medical-legal*] **medicolegal** death investigators and law enforce-
23 ment agencies.

24 **“SECTION 13.** ORS 146.100 is amended to read:

25 “146.100. (1) Death investigations shall be under the direction of the
26 [*district*] **county** medical examiner and the district attorney for the county
27 where the death occurs.

28 “(2) For purposes of ORS 146.003 to 146.189, if the county where death
29 occurs is unknown, the death shall be deemed to have occurred in the county
30 where the body is found, except that if in an emergency the body is moved

1 by conveyance to another county and is dead on arrival, the death shall be
2 deemed to have occurred in the county from which the body was originally
3 removed.

4 “(3) The [*district*] **county** medical examiner or an assistant [*district*]
5 **county** medical examiner for the county where death occurs shall be imme-
6 diately notified of:

7 “(a) All deaths requiring investigation; and

8 “(b) All deaths of persons admitted to a hospital or institution for less
9 than 24 hours, although the medical examiner need not investigate nor cer-
10 tify such deaths.

11 “(4) [*No*] **A** person having knowledge of a death requiring investigation
12 [*shall*] **may not** intentionally or knowingly fail to make notification thereof
13 as required by subsection (3) of this section.

14 “(5) The [*district*] **county** medical examiner or [*medical-legal*]
15 **medicolegal** death investigator shall immediately notify the district attorney
16 for the county where death occurs of all deaths requiring investigation ex-
17 cept for those specified by ORS 146.090 (1)(d) to (g).

18 “(6) All peace officers, health care providers as defined in ORS 192.556,
19 supervisors of penal institutions, supervisors of youth correction facilities,
20 juvenile community supervision officers as defined in ORS 420.905, and
21 supervisors of hospitals or institutions caring for [*the*] **individuals who are**
22 ill or helpless shall cooperate with the medical examiner or [*medical-legal*]
23 **medicolegal** death investigator by providing a decedent’s medical records
24 and tissue samples and any other material necessary to conduct the death
25 investigation of the decedent and shall make notification of deaths as re-
26 quired by subsection (3) of this section. A person who cooperates with the
27 medical examiner or [*medical-legal*] **medicolegal** death investigator in ac-
28 cordance with this subsection does not:

29 “(a) Waive any claim of privilege applicable to, or the confidentiality of,
30 the materials and records provided.

1 “(b) Waive any claim that the materials and records are subject to an
2 exemption from disclosure under ORS 192.311 to 192.478.

3 “(c) Violate the restrictions on disclosing or providing copies of reports
4 and other materials in ORS 419A.257.

5 “(7) Records or materials described in subsection (6) of this section may
6 be released by the medical examiner or [*medical-legal*] **medicolegal** death
7 investigator only pursuant to a valid court order.

8 “(8)(a) If a death is suspected to be suicide and the decedent was 24 years
9 of age or younger, the [*district*] **county** medical examiner or [*medical-legal*]
10 **medicolegal** death investigator shall notify the local mental health author-
11 ity in the county where the death occurred and, if the decedent was a mem-
12 ber of a federally recognized Oregon tribe, shall also notify the tribe’s mental
13 health authority.

14 “(b) For the purposes of this subsection, the manner of death is suspected
15 to be suicide if the [*district*] **county** medical examiner, the assistant
16 [*district*] **county** medical examiner, a pathologist, **physician assistant or**
17 **nurse practitioner** authorized under ORS 146.045 (2)(b) or a designee of the
18 [*district*] **county** medical examiner, including a [*medical-legal*] **medicolegal**
19 death investigator, confirms orally or in writing that the [*district*] **county**
20 medical examiner, assistant [*district*] **county** medical examiner, pathologist,
21 **physician assistant or nurse practitioner** or designee of the [*district*]
22 **county** medical examiner reasonably believes that the manner of death was
23 suicide.

24 “(c) The notification under this subsection must include the decedent’s
25 name, date of birth, date of death, suspected manner of death and cause of
26 death.

27 “(d) The notification under this subsection may include any other infor-
28 mation that the [*district*] **county** medical examiner or [*medical-legal*]
29 **medicolegal** death investigator determines is necessary to preserve the
30 public health and that is not otherwise protected from public disclosure by

1 state or federal law, including information regarding the decedent’s school
2 attended and extracurricular activities.

3 “(e) The [*district*] **county** medical examiner or [*medical-legal*]
4 **medicolegal** death investigator must provide the notification under this
5 subsection no later than:

6 “(A) 48 hours after receiving notification of the death if the county where
7 the death occurred has a population of 400,000 or more; or

8 “(B) 72 hours after receiving notification of the death if the county where
9 the death occurred has a population of fewer than 400,000.

10 “(f) As used in this subsection, ‘local mental health authority’ has the
11 meaning given that term in ORS 430.630.

12 **“SECTION 14.** ORS 146.103 is amended to read:

13 “146.103. (1) In a death requiring an investigation, [*no*] a person [*shall*]
14 **may not** move a human body or body suspected of being human, or remove
15 any of the effects of the deceased or instruments or weapons related to the
16 death, without the permission of a medical examiner, [*medical-legal*] a
17 **medicolegal** death investigator or the district attorney.

18 “(2) [*No*] A person [*shall*] **may not** move or remove any of the items
19 specified in subsection (1) of this section if the medical examiner or district
20 attorney objects.

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

28 “(4) In a death requiring investigation, [*no*] a person [*shall*] **may not**
29 undress, embalm[,] **or** cleanse the surface of the body or otherwise alter the
30 appearance or the state of the body without the permission of the medical

1 examiner or the district attorney.

2 **“SECTION 15.** ORS 146.107 is amended to read:

3 “146.107. (1) A medical examiner, [*medical-legal*] **medicolegal** death in-
4 vestigator or district attorney may enter any room, dwelling, building or
5 other place in which the medical examiner, [*medical-legal*] **medicolegal**
6 death investigator or district attorney has reasonable cause to believe that
7 a body or evidence of the circumstances of death requiring investigation may
8 be found.

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

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

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

19 “(a) Place under the custody or control of the medical examiner,
20 [*medical-legal*] **medicolegal** death investigator or district attorney, or en-
21 close or lock any room, dwelling, building or other enclosure for a period
22 of not more than five days.

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

24 “(c) Forbid the entrance of any unauthorized person into the area speci-
25 fied under paragraphs (a) and (b) of this subsection.

26 “(5) [*No*] **A** person [*shall*] **may not** enter upon the enclosures or areas
27 specified in subsection (4) of this section without the permission of the
28 medical examiner, [*medical-legal*] **medicolegal** death investigator or district
29 attorney.

30 **“SECTION 16.** ORS 146.109 is amended to read:

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

5 “(2) If unable to promptly obtain a designation of funeral home from the
6 next of kin or responsible friends, the medical examiner or [*medical-legal*]
7 **medicolegal** death investigator shall designate the funeral home. In desig-
8 nating the funeral home, the medical examiner or [*medical-legal*]
9 **medicolegal** death investigator shall be fair and equitable among the funeral
10 homes listed in the office of the [*district*] **county** medical examiner.

11 “**SECTION 17.** ORS 146.113 is amended to read:

12 “146.113. (1) A medical examiner or district attorney may, in any death
13 requiring investigation, order samples of blood, [*or*] urine **or vitreous fluid**
14 taken for laboratory analysis.

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

22 “(3) Laboratory reports of the analysis shall be made a part of the Chief
23 Medical Examiner’s and [*district*] **county** medical examiner’s files.

24 “**SECTION 18.** ORS 146.117 is amended to read:

25 “146.117. (1) A medical examiner or district attorney may order an autopsy
26 performed in any death requiring investigation. This authorization for an
27 autopsy shall permit the pathologist, **physician assistant or nurse practi-**
28 **tioner** to remove and retain body tissues, **fluids** or organs from the deceased
29 for the purpose of the legal or medical determination of the manner or cause
30 of death, or other purposes approved under policies established by the State

1 Medical Examiner Advisory Board.

2 “(2) If an autopsy is ordered, the medical examiner shall obtain the ser-
3 vices of a pathologist, **physician assistant or nurse practitioner** author-
4 ized under ORS 146.045 (2)(b).

5 “(3) A pathologist, **physician assistant or nurse practitioner** may not
6 receive compensation for performing the autopsy if, as medical examiner, the
7 pathologist, **physician assistant or nurse practitioner** ordered the
8 autopsy.

9 **“SECTION 19.** ORS 146.125 is amended to read:

10 “146.125. (1) The medical examiner, [*medical-legal*] **medicolegal** death in-
11 vestigator, district attorney or sheriff may temporarily retain possession of
12 any property found on the body or in the possession of the deceased that in
13 the opinion of the medical examiner, [*medical-legal*] **medicolegal** death in-
14 vestigator, district attorney or sheriff may be useful in establishing the cause
15 or manner of death or may be used in further proceedings.

16 “(2) When a medical examiner, [*medical-legal*] **medicolegal** death inves-
17 tigator, district attorney or sheriff assumes control or custody of money or
18 personal property found on the body or in the possession of the deceased, the
19 medical examiner, [*medical-legal*] **medicolegal** death investigator, district
20 attorney or sheriff shall:

21 “(a) Make a verified inventory of such money or property.

22 “(b) File the inventory in the [*district*] **county** medical examiner’s office.

23 “(c) Deposit the money with the county treasurer to the credit of the
24 county general fund.

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

29 “(a) If the property has value, the board may order it sold and after de-
30 ducting the cost of sale, shall deposit the proceeds of the sale with the

1 county treasurer to the credit of the county general fund.

2 “(b) If the property has no value in the judgment of the board, the board
3 may order the sheriff to destroy such property.

4 “(4) Any expenses incurred by the county in transporting or disposing of
5 the body may be deducted from the money or proceeds of the sale of personal
6 property before it is delivered to a claimant.

7 “(5) If it appears that the person whose death required investigation died
8 wholly intestate and without heirs, the county whose official has control or
9 custody of the property shall notify an estate administrator of the State
10 Treasurer appointed under ORS 113.235 within 15 days after the death.

11 “(6) If a legally qualified personal representative, spouse, next of kin or
12 estate administrator of the State Treasurer:

13 “(a) Claims the money of the deceased, the county treasurer shall, subject
14 to the provisions of subsection (4) of this section, deliver such money to the
15 claimant.

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

19 “(7) If money of the deceased is not claimed within seven years, the money
20 is presumed abandoned as provided by ORS 98.302 to 98.436 and 98.992 and
21 the board of county commissioners shall order the county treasurer to deliver
22 and report the money to the State Treasurer as required by ORS 98.352.

23 **“SECTION 20.** ORS 146.135 is amended to read:

24 “146.135. (1) The district attorney for the county where the death occurs
25 may order an inquest to obtain a jury finding of the cause and manner of
26 death in any case requiring investigation.

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

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

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

4 “(5) Within a reasonable time after the verdict is returned, the record of
5 inquest shall be filed in the [*district*] **county** medical examiner’s office for
6 the county where the inquest was held.

7 “(6) A copy of the order of inquest and verdict of the jury shall be filed
8 in the Office of the Chief Medical Examiner.

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

11 **“SECTION 21.** ORS 181A.080 is amended to read:

12 “181A.080. (1) The Department of State Police and the members of the
13 Oregon State Police are charged with the enforcement of:

14 “(a) All criminal laws; and

15 “(b) All laws applicable to highways and the operation of vehicles on
16 highways.

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

18 “(a) Prevent crime.

19 “(b) Pursue and apprehend offenders and obtain legal evidence necessary
20 to ensure the conviction of the offenders in the courts.

21 “(c) Institute criminal proceedings.

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

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

26 “(f) Give first aid to the injured.

27 “(3) Each member of the state police has the same general powers and
28 authority as those conferred by law upon sheriffs, police officers, constables
29 and peace officers. A member of the state police may be appointed as a
30 [*medical-legal*] **medicolegal** death investigator.

1 “(4) The members of the state police are subject to the call of the Gov-
2 ernor and are empowered to cooperate with any other instrumentality or
3 authority of this state, or any political subdivision, in detecting crime, ap-
4 prehending criminals and preserving law and order throughout this state, but
5 the state police may not be used as a posse except when ordered by the
6 Governor.

7 **“SECTION 22.** ORS 433.449 is amended to read:

8 “433.449. (1) As used in this section:

9 “(a) ‘Contaminated material’ means wastes or other materials exposed to
10 or tainted by chemical, radiological, or biological substances or agents.

11 “(b) ‘Transmissible agent’ means a biological substance capable of causing
12 disease or infection through individual to individual transmission, animal to
13 individual transmission, or other modes of transmission.

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

16 “(a) Prescribe measures to provide for the safe disposal of human remains
17 as may be reasonable and necessary to respond to the public health emer-
18 gency. Measures adopted under this subsection may include the embalming,
19 burial, cremation, interment, disinterment, transportation and disposal of
20 human remains.

21 “(b) Require any person in charge of disposing of human remains to
22 clearly label the human remains of a deceased person with a communicable
23 disease or transmissible agent with an external, clearly visible tag indicating
24 that the human remains are infected or contaminated and, if known, the
25 communicable disease or transmissible agent or contaminated materials
26 present in the remains.

27 “(c) After a medical examiner has certified the cause and manner of
28 death, order a person in charge of disposing of human remains to dispose of
29 the human remains of a person who has died of a communicable disease or
30 transmissible agent through burial or cremation within a specified time pe-

1 rioid. To the extent practicable, religious, cultural, family and individual be-
2 liefs of the deceased person or the person’s family shall be considered when
3 disposing of any human remains.

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

9
