SB 953-MR2
(LC 524)
4/5/23 (JLM/ps)

Requested by Senator LINTHICUM

PROPOSED MINORITY REPORT AMENDMENTS TO SENATE BILL 953

1 On page 1 of the printed bill, after "investigations;" insert "creating new
2 provisions;".
3 After line 4, insert:
4 "Whereas the Office of the Chief Medical Examiner, established within
5 the Department of State Police, manages the statewide death investigation
6 program in Oregon; and
7 "Whereas integrity and consistency are integral to the preservation of
8 accuracy in understanding and managing public health and criminal or
9 nonnatural death evaluation in the death examination processes; and
10 "Whereas appropriate completion of death certificates yields accurate and
11 reliable data for use in epidemiological analyses and public health reporting;
12 and
13 "Whereas state and county medical examiners investigate and certify all
14 nonnatural deaths involving homicides, accidents, suicides, suspicious cir-
15 cumstances, controlled substances, use or abuse of chemicals or toxic agents,
16 on-the-job deaths, deaths occurring in state custody, bodies disposed of in an
17 offensive manner, and 'unattended' deaths of persons who were not recently
18 under a physician's care; and
19 "Whereas the Office of the Chief Medical Examiner is also required to
20 investigate deaths related to a disease or medical malfeasance that might
21 constitute a threat to public health; and

"Whereas certain aspects of the death examination processes are insufficiently addressed due to current staffing levels; and

"Whereas there is a state interest in supporting a consistent statewide medical examiner and all necessary staffing that can sufficiently perform the duties of the office; and

"Whereas the quality of death investigations and forensic pathology services should be independent of county population size, county budget variation and county political variations; and

"Whereas the completion of the certification of death is accomplished by highly trained medical professionals who can integrate autopsy findings with those from the crime scene, hospital, medical records and laboratory; and

"Whereas these professionals have core competency in assessing immediate and earlier medical history by interviewing witnesses and evaluating physical examination reports; and

"Whereas the Office of the Chief Medical Examiner is required by ORS 146.055 to report to the State Medical Examiner Advisory Board detailing the activities and accomplishments of the state and county offices within the preceding year, and the board is required to review the report and report to the Superintendent of State Police and to the State Board of Health regarding the operation of the Office of the Chief Medical Examiner; and

"Whereas data collection and data integrity are essential to accurate and unbiased statistical analysis; and

"Whereas all federal agencies are required by law to notify the Federal Register of any changes to data collection, no matter how small or seemingly insignificant; and

"Whereas notification within the Federal Register initiates both federal oversight of proposed changes by the Office of Management and Budget and opportunity for public comment; and

"Whereas in public health emergencies, mortality surveillance provides crucial information about population-level disease progression, as well as

guides the development of public health interventions and assessment of their impact; and

"Whereas monitoring and analysis of mortality data allow dissemination of critical information to the public and key stakeholders; and

"Whereas one of the most important methods of mortality surveillance is through monitoring causes of death as reported on death certificates; and

"Whereas death certificates are registered for every death occurring in the United States, offering a complete picture of mortality nationwide; and

"Whereas the death certificate provides essential information about the deceased and the cause or causes and circumstances of death; now, therefore,".

Delete lines 6 through 27 and delete pages 2 through 12 and insert:

"SECTION 1. ORS 146.003 is amended to read:

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

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

"(2) 'Assistant [*district*] **county** medical examiner' means a physician**, physician assistant or nurse practitioner approved by the Chief Medical Examiner and** appointed by the [*district*] **county** medical examiner to investigate and certify deaths within a county [*or district*].

"(3) 'Cause of death' means the primary or basic disease process or injury ending life.

"**(4) 'County medical examiner' means a physician, physician assistant or nurse practitioner appointed by the Chief Medical Examiner to investigate and certify deaths within a county, including a Deputy State Medical Examiner.**

"[*(4)*] **(5)** 'Death requiring investigation' means the death of a person occurring in any one of the circumstances set forth in ORS 146.090.

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

"(6) 'Law enforcement agency' means a county sheriff's office, municipal police department, police department established by a university under ORS 352.121 or 353.125 and the Oregon State Police.

"[*(7) 'Legal intervention' includes an execution pursuant to ORS 137.463, 137.467 and 137.473 and other legal use of force resulting in death.*]

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

"[*(9)*] **(8)** 'Medical examiner' means a physician**, physician assistant or nurse practitioner** appointed as provided by ORS 146.003 to 146.189 to investigate and certify the cause and manner of deaths requiring investigation, including the Chief Medical Examiner.

"[*(10)*] **(9)** '[*Medical-legal*] **Medicolegal** death investigator' means a person appointed by the [*district*] **county** medical examiner to assist in the investigation of deaths within a county.

"**(10) 'Nurse practitioner' means a registered nurse who has been licensed as a nurse practitioner by the Oregon State Board of Nursing under ORS chapter 678 and who has been approved for medical examiner duties by the Chief Medical Examiner.**

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

"**(12) 'Physician assistant' means a physician assistant licensed under ORS 677.505 to 677.525 who has been approved for medical examiner duties by the Chief Medical Examiner.**

"[*(12)*] **(13)** 'Unidentified human remains' does not include human remains that are unidentified human remains that are part of an archaeological site

or suspected of being Native American and covered under ORS chapters 97 and 390 and ORS 358.905 to 358.961.

"SECTION 2. ORS 146.025 is amended to read:

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

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

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

"(3) Recommend to [*district*] **county** medical examiners and district attorneys the qualifications for [*medical-legal*] **medicolegal** death investigators.

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

"[*(5)*] **(4)** Recommend a proposed budget for the Office of the Chief Medical Examiner to the Department of State Police.

"[*(6)*] **(5)** Annually review the Chief Medical Examiner's report prescribed by ORS 146.055 and report to the Superintendent of State Police and to the State Board of Health regarding the operation of the Office of the Chief Medical Examiner.

"SECTION 3. ORS 146.035 is amended to read:

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

"(2) The Chief Medical Examiner shall manage all aspects of the Office of the Chief Medical Examiner's program.

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

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

"(a) File and maintain appropriate reports on all deaths requiring investigation **as submitted to the office by the county medical examiner's office**.

"(b) Maintain an accurate list of all active [*district*] **county** medical examiners, assistant [*district*] **county** medical examiners and designated pathologists**, physician assistants and nurse practitioners**.

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

"(5) Notwithstanding ORS 192.345 (36):

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

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

"SECTION 4. ORS 146.045 is amended to read:

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

"(2) The Chief Medical Examiner shall:

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

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

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

"**(d) Approve physician assistants and nurse practitioners for medical examiner duties.**

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

"(3) The Chief Medical Examiner may:

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

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

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

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

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

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

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

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

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

"[*(6)(a)*] **(5)(a)** If the Search and Rescue Coordinator and a county sheriff investigate a person missing in the wilderness or a forested environment and determine that the person is believed to be deceased, the sheriff shall send

documentation of the investigation and determination to the Chief Medical Examiner.

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

"(c) If the Chief Medical Examiner, based on the evaluation under paragraph (b) of this subsection and the Chief Medical Examiner's field of expertise, determines that there is no reasonable suspicion that the person is not deceased, the Chief Medical Examiner shall complete and file a report of death for the person believed to be deceased within 45 days after making the determination.

"(d)(A) If the Chief Medical Examiner, based on the evaluation under paragraph (b) of this subsection and the Chief Medical Examiner's field of expertise, determines that there is a reasonable suspicion that the person is not deceased, the Chief Medical Examiner shall report to the sheriff with the basis for the determination and a list of any missing information that would aid the Chief Medical Examiner in evaluating the credibility of the investigation and the determination that the person is believed to be deceased.

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

"(C) After issuing a report under this paragraph, the Chief Medical Examiner shall continue the death investigation in conjunction with the sheriff and the Search and Rescue Coordinator until the sheriff issues a final report on the missing person. If, at any time, the Chief Medical Examiner determines, based on the Chief Medical Examiner's field of expertise, that there is no reasonable suspicion that the person is not deceased, the Chief Medical Examiner shall complete and file a report of death for the person believed to be deceased within 45 days after making the determination.

"SECTION 5. ORS 146.055 is amended to read:

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

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

"(3) The Chief Medical Examiner shall regularly conduct training programs for the [*district*] **offices of the county** medical examiners and law enforcement agencies.

"(4) The Chief Medical Examiner shall submit an annual report to the State Medical Examiner Advisory Board detailing the activities and accomplishments of the state and each county office in the preceding year as well as a cost analysis of the Office of the Chief Medical Examiner.

"SECTION 6. ORS 146.065 is amended to read:

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

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

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

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

"[*(5) Two or more counties, with the approval of the State Medical Exam-*

iner Advisory Board and commissioners of each county, may form a district medical examiner's office instead of an office for each such county.]

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

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

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

"SECTION 7. ORS 146.075 is amended to read:

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

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

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

"(4) All expenses of death investigations shall be paid from county funds budgeted for such purpose except that, in counties under 200,000 population upon the approval of the Chief Medical Examiner, one-half of the costs of

autopsies ordered under ORS 146.117 shall be paid annually by the state from funds for such purpose. If funds available for this payment are insufficient to meet one-half of these costs, even proportional payments to the counties shall be made.

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

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

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

"(b) Autopsy reports;

"(c) Laboratory analysis reports; and

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

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

"(8) Copies of reports of death investigations by medical examiners and autopsy reports shall be forwarded to the Office of the Chief Medical Examiner.

"(9) Each [*district*] **county medical examiner's** office shall maintain current records of:

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

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

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

"(10) Each [*district*] **county medical examiner's** office shall immediately in writing notify the Office of the Chief Medical Examiner of all appointments and resignations of their **medicolegal death investigators and all**

resignations of their medical examiners.

"SECTION 8. ORS 146.080 is amended to read:

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

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

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

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

"(b) Have the authority and responsibility to investigate and certify deaths requiring investigation.

"SECTION 9. ORS 146.085 is amended to read:

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

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

"(3) Each [*medical-legal*] **medicolegal** death investigator shall be individually appointed and the name of the [*medical-legal*] **medicolegal** death investigator shall be on file in the office of the [*district*] **county** medical examiner.

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

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

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

"SECTION 10. ORS 146.088 is amended to read:

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

"SECTION 11. ORS 146.090 is amended to read:

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

"(a) Apparently homicidal, suicidal or occurring under suspicious or unknown circumstances;

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

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

"(d) Apparently accidental or following an injury;

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

"(f) While not under the care of a physician [*during the period immediately previous to death*] **within one year prior to the date of death**;

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

"(h) In which a human body apparently has been disposed of in an offensive manner.

"(2) As used in this section, 'offensive manner' means a manner offensive to the generally accepted standards of the community.

"SECTION 12. ORS 146.095 is amended to read:

"146.095. (1) The [*district*] **county** medical examiner and the district attorney for the county where death occurs, as provided by ORS 146.100 (2), shall be responsible for the investigation of all deaths requiring investigation.

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

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

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

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

"(6) The [*district*] **county** medical examiner shall regularly conduct administrative training programs for the assistant [*district*] **county** medical examiners, [*medical-legal*] **medicolegal** death investigators and law enforcement agencies.

"SECTION 13. ORS 146.100 is amended to read:

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

"(2) For purposes of ORS 146.003 to 146.189, if the county where death occurs is unknown, the death shall be deemed to have occurred in the county

where the body is found, except that if in an emergency the body is moved by conveyance to another county and is dead on arrival, the death shall be deemed to have occurred in the county from which the body was originally removed.

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

"(a) All deaths requiring investigation; and

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

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

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

"(6) All peace officers, health care providers as defined in ORS 192.556, supervisors of penal institutions, supervisors of youth correction facilities, juvenile community supervision officers as defined in ORS 420.905, and supervisors of hospitals or institutions caring for [*the*] **individuals who are** ill or helpless shall cooperate with the medical examiner or [*medical-legal*] **medicolegal** death investigator by providing a decedent's medical records and tissue samples and any other material necessary to conduct the death investigation of the decedent and shall make notification of deaths as required by subsection (3) of this section. A person who cooperates with the medical examiner or [*medical-legal*] **medicolegal** death investigator in accordance with this subsection does not:

"(a) Waive any claim of privilege applicable to, or the confidentiality of,

the materials and records provided.

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

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

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

"(8)(a) If a death is suspected to be suicide and the decedent was 24 years of age or younger, the [*district*] **county** medical examiner or [*medical-legal*] **medicolegal** death investigator shall notify the local mental health authority in the county where the death occurred and, if the decedent was a member of a federally recognized Oregon tribe, shall also notify the tribe's mental health authority.

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

"(c) The notification under this subsection must include the decedent's name, date of birth, date of death, suspected manner of death and cause of death.

"(d) The notification under this subsection may include any other information that the [*district*] **county** medical examiner or [*medical-legal*] **medicolegal** death investigator determines is necessary to preserve the

public health and that is not otherwise protected from public disclosure by state or federal law, including information regarding the decedent's school attended and extracurricular activities.

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

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

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

"(f) As used in this subsection, 'local mental health authority' has the meaning given that term in ORS 430.630.

"SECTION 14. ORS 146.103 is amended to read:

"146.103. (1) In a death requiring an investigation, [*no*] **a** person [*shall*] **may not** 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, [*medical-legal*] **a medicolegal** death investigator or the district attorney.

"(2) [*No*] **A** person [*shall*] **may not** 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 [*medical-legal*] **medicolegal** 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 [*medical-legal*] **medicolegal** 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*] **a** person [*shall*] **may not** undress, embalm[,] **or** 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 15. ORS 146.107 is amended to read:

"146.107. (1) A medical examiner, [*medical-legal*] **medicolegal** death investigator or district attorney may enter any room, dwelling, building or other place in which the medical examiner, [*medical-legal*] **medicolegal** 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, [*medical-legal*] **medicolegal** 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, [*medical-legal*] **medicolegal** death investigator or district attorney may:

"(a) Place under the custody or control of the medical examiner, [*medical-legal*] **medicolegal** 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*] **A** person [*shall*] **may not** enter upon the enclosures or areas specified in subsection (4) of this section without the permission of the medical examiner, [*medical-legal*] **medicolegal** death investigator or district attorney.

"SECTION 16. ORS 146.109 is amended to read:

"146.109. (1) Upon identifying the body, the medical examiner **or medicolegal death investigator** 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 [*medical-legal*] **medicolegal** death investigator shall designate the funeral home. In designating the funeral home, the medical examiner or [*medical-legal*] **medicolegal** death investigator shall be fair and equitable among the funeral homes listed in the office of the [*district*] **county** medical examiner.

"SECTION 17. ORS 146.113 is amended to read:

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

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

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

"SECTION 18. ORS 146.117 is amended to read:

"146.117. (1) A medical examiner or district attorney may order an autopsy performed in any death requiring investigation. This authorization for an autopsy shall permit the pathologist**, physician assistant or nurse practitioner** to remove and retain body tissues**, fluids** or organs from the deceased for the purpose of the legal or medical determination of the manner or cause

of death, or other purposes approved under policies established by the State Medical Examiner Advisory Board.

"(2) If an autopsy is ordered, the medical examiner shall obtain the services of a pathologist**, physician assistant or nurse practitioner** authorized under ORS 146.045 (2)(b).

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

"SECTION 19. ORS 146.125 is amended to read:

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

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

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

"(b) File the inventory in the [*district*] **county** medical examiner's office.

"(c) Deposit the money with the county treasurer to the credit of the county general fund.

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

"(a) If the property has value, the board may order it sold and after de-

ducting the cost of sale, shall deposit the proceeds of the sale with the county treasurer to the credit of the county general fund.

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

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

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

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

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

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

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

"SECTION 20. ORS 146.135 is amended to read:

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

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

"(3) The district attorney shall advise the jury of inquest as to its duties

and instruct the jury on questions of law.

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

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

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

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

"SECTION 21. Section 22 of this 2023 Act is added to and made a part of ORS 146.003 to 146.189.

"SECTION 22. It is the policy of the Chief Medical Examiner and the Deputy State Medical Examiner to strictly enforce and follow guidelines published in the Medical Examiners' and Coroners' Handbook on Death Registration and Fetal Death Reporting published by the Centers for Disease Control and Prevention only if those guidelines follow and adhere to the statutory requirements of:

"(1) The federal Administrative Procedure Act, 5 U.S.C. 551 et seq.;

"(2) The federal Paperwork Reduction Act, 44 U.S.C. 3501 et seq.; and

"(3) The federal Information Quality Act, section 515 of P.L. 106-554.

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

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

"(a) All criminal laws; and

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

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

"(a) Prevent crime.

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

"(c) Institute criminal proceedings.

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

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

"(f) Give first aid to the injured.

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

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

"SECTION 24. ORS 433.449 is amended to read:

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

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

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

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

"(a) Prescribe measures to provide for the safe disposal of human remains as may be reasonable and necessary to respond to the public health emer-

gency. Measures adopted under this subsection may include the embalming, burial, cremation, interment, disinterment, transportation and disposal of human remains.

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

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

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