

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1435

100TH GENERAL ASSEMBLY

3488H.04P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 58.095, 58.451, 58.720, 192.067, 193.145, 193.265, 194.119, and 210.195, RSMo, and to enact in lieu thereof ten new sections relating to the deceased, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 58.095, 58.451, 58.720, 192.067, 193.145, 193.265, 194.119, and
2 210.195, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as
3 sections 58.035, 58.095, 58.208, 58.451, 58.720, 192.067, 193.145, 193.265, 194.119, and
4 210.195, to read as follows:

**58.035. 1. The provisions of this section and section 58.208 shall be known and may
2 be cited as the "Jayke Minor Act".**

**3 2. There is hereby established within the department of health and senior services
4 a "Coroner Standards and Training Commission", which shall be composed of eight
5 members, appointed by the governor, with the advice and consent of the senate. The
6 governor shall take into account the diversity of the state when making the appointments
7 to this commission. The commission shall consist of:**

- 8 **(1) Two coroners elected from counties of the third classification;**
9 **(2) One coroner elected from a county of the first, second, or fourth classification;**
10 **(3) One currently appointed medical examiner;**
11 **(4) One child death pathologist;**
12 **(5) One elected prosecuting attorney;**
13 **(6) One elected sheriff; and**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 **(7) The director of the department of health and senior services, or his or her**
15 **designee, who shall serve as a nonvoting member of the commission.**

16

17 **Each member of the coroner standards and training commission shall have been at the**
18 **time of his or her appointment a citizen of the United States and a resident of this state for**
19 **a period of at least one year, and members who are coroners shall be qualified as**
20 **established by chapter 58.**

21 **3. The members of the commission shall serve for the following terms:**

22 **(1) Every member of the commission who holds elected office shall serve an initial**
23 **term of two years;**

24 **(2) Every member of the commission who does not hold elected office shall serve**
25 **an initial term of four years; and**

26 **(3) Every member of the commission shall serve for a term of four years after the**
27 **initial term has been served.**

28 **4. Annually the commission shall elect one of the members as chair. The coroner**
29 **standards and training commission shall meet at least twice each year as determined by the**
30 **director of the department of health and senior services, the chair, or a majority of the**
31 **members to perform its duties. A majority of the members of the coroner standards and**
32 **training commission shall constitute a quorum.**

33 **5. No member of the coroner standards and training commission shall receive any**
34 **compensation for the performance of his or her official duties.**

35 **6. The coroner standards and training commission shall establish training**
36 **standards, by rule, relating to the office of county coroner. These standards shall relate**
37 **to the operation of the office, the legal responsibilities of the office, and the technical skills**
38 **and knowledge required of the office. The commission shall establish the training**
39 **standards by September 1, 2021. The Missouri Coroners' and Medical Examiners'**
40 **Association shall begin providing such training by January 1, 2022.**

41 **7. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
42 **created under the authority delegated in this section shall become effective only if it**
43 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
44 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**
45 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
46 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
47 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2020,**
48 **shall be invalid and void.**

49 **8. Once the commission has developed standards, the commission shall issue a**
 50 **report detailing the standards. This report shall be submitted to the speaker of the house**
 51 **of representatives and the president pro tempore of the senate, and shall be published on**
 52 **the website of the department of health and senior services.**

58.095. 1. The county coroner in any county~~], other than in a first classification~~
 2 ~~chartered county,]~~ **not having a charter form of government** shall receive an annual salary
 3 computed on a basis as set forth in the following schedule. The provisions of this section shall
 4 not permit or require a reduction in the amount of compensation being paid for the office of
 5 coroner on January 1, 1997:

	Assessed Valuation		Salary
6			
7	\$ 18,000,000	to 40,999,999	\$ 8,000
8	41,000,000	to 53,999,999	8,500
9	54,000,000	to 65,999,999	9,000
10	66,000,000	to 85,999,999	9,500
11	86,000,000	to 99,999,999	10,000
12	100,000,000	to 130,999,999	11,000
13	131,000,000	to 159,999,999	12,000
14	160,000,000	to 189,999,999	13,000
15	190,000,000	to 249,999,999	14,000
16	250,000,000	to 299,999,999	15,000
17	300,000,000	or more	16,000

18 2. One thousand dollars of the salary authorized in this section shall be payable to the
 19 coroner only if the coroner has completed at least twenty hours of classroom instruction each
 20 calendar year ~~[relating to the operations of the coroner's office when approved by a professional~~
 21 ~~association of the county coroners of Missouri]~~ **as established by the coroner standards and**
 22 **training commission** unless exempted from the training by the ~~[professional association]~~
 23 **Missouri Coroners' and Medical Examiners' Association for good cause.** The ~~[professional~~
 24 ~~association approving the program]~~ **Missouri Coroners' and Medical Examiners' Association**
 25 shall provide a certificate of completion to each coroner who completes the training program and
 26 shall send a list of certified coroners to the treasurer of each county **and the department of**
 27 **health and senior services. The coroner standards and training commission may certify**
 28 **training programs that satisfy the requirements of this section in lieu of the training**
 29 **provided by the Missouri Coroners' and Medical Examiners' Association. Certified**
 30 **training completion shall be submitted to the Missouri Coroners' and Medical Examiners'**
 31 **Association, which, upon validating the certified training, shall submit the individual's**
 32 **name to the county treasurer and department of health and senior services indicating the**

33 **individual is compliant with the training requirements.** Expenses incurred for attending the
34 training session may be reimbursed to the county coroner in the same manner as other expenses
35 as may be appropriated for that purpose. All elected or appointed coroners, deputy coroners, and
36 assistants to the coroner shall complete the annual training described in this subsection within
37 six months of election or appointment.

38 3. The county coroner in any county, other than a first classification charter county, shall
39 not, except upon two-thirds vote of all the members of the salary commission, receive an annual
40 compensation in an amount less than the total compensation being received for the office of
41 county coroner in the particular county for services rendered or performed on the date the salary
42 commission votes.

43 4. For the term beginning in 1997, the compensation of the coroner, in counties in which
44 the salary commission has not voted to pay one hundred percent of the maximum allowable
45 salary, shall be a percentage of the maximum allowable salary established by this section. The
46 percentage applied shall be the same percentage of the maximum allowable salary received or
47 allowed, whichever is greater, to the presiding commissioner or sheriff, whichever is greater, of
48 that county for the year beginning January 1, 1997. In those counties in which the salary
49 commission has voted to pay one hundred percent of the maximum allowable salary, the
50 compensation of the coroner shall be based on the maximum allowable salary in effect at each
51 time a coroner's term of office commences following the vote to pay one hundred percent of the
52 maximum allowable compensation. Subsequent compensation shall be determined as provided
53 in section 50.333.

54 5. Effective January 1, 1997, the county coroner in any county~~[-other than a county of~~
55 ~~the first classification with a charter form of government,]~~ **not having a charter form of**
56 **government** may, upon the approval of the county commission, receive additional compensation
57 for any month during which investigations or other services are performed for three or more
58 decedents in the same incident during such month. The additional compensation shall be an
59 amount that when added to the regular compensation the sum shall equal the monthly
60 compensation of the county sheriff.

58.208. 1. One dollar of the fee collected for any death certificate issued under
2 **section 193.265 shall be deposited into the Missouri state coroners' training fund**
3 **established under subsection 2 of this section. Moneys in such fund shall be used by the**
4 **Missouri Coroners' and Medical Examiners' Association:**

5 (1) For in-state training, equipment, and necessary supplies; and

6 (2) To provide aid to training programs approved by the coroner standards and
7 training commission.

8 **2. (1) There is hereby created in the state treasury the "Missouri State Coroners'**
9 **Training Fund", which shall consist of moneys collected under subsection 1 of this section.**
10 **The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and**
11 **30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund**
12 **and, upon appropriation, moneys in the fund shall be used solely for the administration of**
13 **subsection 1 of this section.**

14 **(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys**
15 **remaining in the fund over the amount of five hundred thousand dollars shall revert to the**
16 **credit of the general revenue fund.**

17 **(3) The state treasurer shall invest moneys in the fund in the same manner as other**
18 **funds are invested. Any interest and moneys earned on such investments shall be credited**
19 **to the fund.**

20 **3. Local registrars may, during states of emergency or disaster, request**
21 **reimbursement from the fund for copies of death certificates issued to individuals who are**
22 **unable to afford the associated fees.**

 58.451. 1. When any person, in any county in which a coroner is required by section
2 58.010, dies and there is reasonable ground to believe that such person died as a result of:

- 3 (1) Violence by homicide, suicide, or accident;
- 4 (2) Criminal abortions, including those self-induced;
- 5 (3) Some unforeseen sudden occurrence and the deceased had not been attended by a
6 physician during the thirty-six-hour period preceding the death;
- 7 (4) In any unusual or suspicious manner;
- 8 (5) Any injury or illness while in the custody of the law or while an inmate in a public
9 institution;

10
11 the police, sheriff, law enforcement officer or official, or any person having knowledge of such
12 a death shall immediately notify the coroner of the known facts concerning the time, place,
13 manner and circumstances of the death. Immediately upon receipt of notification, the coroner
14 or deputy coroner shall take charge of the dead body and fully investigate the essential facts
15 concerning the medical causes of death, including whether by the act of man, and the manner of
16 death. The coroner or deputy coroner may take the names and addresses of witnesses to the
17 death and shall file this information in the coroner's office. The coroner or deputy coroner shall
18 take possession of all property of value found on the body, making exact inventory of such
19 property on the report and shall direct the return of such property to the person entitled to its
20 custody or possession. The coroner or deputy coroner shall take possession of any object or

21 article which, in the coroner's or the deputy coroner's opinion, may be useful in establishing the
22 cause of death, and deliver it to the prosecuting attorney of the county.

23 2. When a death occurs outside a licensed health care facility, the first licensed medical
24 professional or law enforcement official learning of such death shall immediately contact the
25 county coroner. Immediately upon receipt of such notification, the coroner or the coroner's
26 deputy shall make the determination if further investigation is necessary, based on information
27 provided by the individual contacting the coroner, and immediately advise such individual of the
28 coroner's intentions.

29 3. **Notwithstanding the provisions of subsection 2 of this section to the contrary,**
30 **when a death occurs under the care of a hospice, no investigation shall be required if the**
31 **death is certified by the treating physician of the deceased or the medical director of the**
32 **hospice as a natural death due to disease or diagnosed illness. The hospice shall provide**
33 **written notice to the coroner within twenty-four hours of the death.**

34 4. Upon taking charge of the dead body and before moving the body the coroner shall
35 notify the police department of any city in which the dead body is found, or if the dead body is
36 found in the unincorporated area of a county governed by the provisions of sections 58.451 to
37 58.457, the coroner shall notify the county sheriff or the highway patrol and cause the body to
38 remain unmoved until the police department, sheriff or the highway patrol has inspected the body
39 and the surrounding circumstances and carefully noted the appearance, the condition and position
40 of the body and recorded every fact and circumstance tending to show the cause and manner of
41 death, with the names and addresses of all known witnesses, and shall subscribe the same and
42 make such record a part of the coroner's report.

43 ~~[4-]~~ 5. In any case of sudden, violent or suspicious death after which the body was
44 buried without any investigation or autopsy, the coroner, upon being advised of such facts, may
45 at the coroner's own discretion request that the prosecuting attorney apply for a court order
46 requiring the body to be exhumed.

47 ~~[5-]~~ 6. The coroner may certify the cause of death in any case where death occurred
48 without medical attendance or where an attending physician refuses to sign a certificate of death
49 or when a physician is unavailable to sign a certificate of death.

50 ~~[6-]~~ 7. When the cause of death is established by the coroner, the coroner shall file a
51 copy of the findings in the coroner's office within thirty days.

52 ~~[7-]~~ 8. If on view of the dead body and after personal inquiry into the cause and manner
53 of death, the coroner determines that a further examination is necessary in the public interest, the
54 coroner on the coroner's own authority may make or cause to be made an autopsy on the body.
55 The coroner may on the coroner's own authority employ the services of a pathologist, chemist,
56 or other expert to aid in the examination of the body or of substances supposed to have caused

57 or contributed to death, and if the pathologist, chemist, or other expert is not already employed
58 by the city or county for the discharge of such services, the pathologist, chemist, or other expert
59 shall, upon written authorization of the coroner, be allowed reasonable compensation, payable
60 by the city or county, in the manner provided in section 58.530. The coroner shall, at the time
61 of the autopsy, record or cause to be recorded each fact and circumstance tending to show the
62 condition of the body and the cause and manner of death.

63 ~~[8-]~~ 9. If on view of the dead body and after personal inquiry into the cause and manner
64 of death, the coroner considers a further inquiry and examination necessary in the public interest,
65 the coroner shall make out the coroner's warrant directed to the sheriff of the city or county
66 requiring the sheriff forthwith to summon six good and lawful citizens of the county to appear
67 before the coroner, at the time and place expressed in the warrant, and to inquire how and by
68 whom the deceased died.

69 ~~[9-]~~ 10. (1) When a person is being transferred from one county to another county for
70 medical treatment and such person dies while being transferred, or dies while being treated in
71 the emergency room of the receiving facility the place which the person is determined to be dead
72 shall be considered the place of death and the county coroner or medical examiner of the county
73 from which the person was originally being transferred shall be responsible for determining the
74 cause and manner of death for the Missouri certificate of death.

75 (2) The coroner or medical examiner in the county in which the person is determined to
76 be dead may with authorization of the coroner or medical examiner from the original transferring
77 county, investigate and conduct postmortem examinations at the expense of the coroner or
78 medical examiner from the original transferring county. The coroner or medical examiner from
79 the original transferring county shall be responsible for investigating the circumstances of such
80 and completing the Missouri certificate of death. The certificate of death shall be filed in the
81 county where the deceased was pronounced dead.

82 (3) Such coroner or medical examiner of the county where a person is determined to be
83 dead shall immediately notify the coroner or medical examiner of the county from which the
84 person was originally being transferred of the death of such person, and shall make available
85 information and records obtained for investigation of the death.

86 (4) If a person does not die while being transferred and is institutionalized as a regularly
87 admitted patient after such transfer and subsequently dies while in such institution, the coroner
88 or medical examiner of the county in which the person is determined to be dead shall
89 immediately notify the coroner or medical examiner of the county from which such person was
90 originally transferred of the death of such person. In such cases, the county in which the
91 deceased was institutionalized shall be considered the place of death. If the manner of death is
92 by homicide, suicide, accident, criminal abortion including those that are self-induced, child

93 fatality, or any unusual or suspicious manner, the investigation of the cause and manner of death
94 shall revert to the county of origin, and this coroner or medical examiner shall be responsible for
95 the Missouri certificate of death. The certificate of death shall be filed in the county where the
96 deceased was pronounced dead.

97 ~~[10.]~~ **11.** There shall not be any statute of limitations or time limits on the cause of death
98 when death is the final result or determined to be caused by homicide, suicide, accident, child
99 fatality, criminal abortion including those self-induced, or any unusual or suspicious manner.
100 The place of death shall be the place in which the person is determined to be dead. The final
101 investigation of death in determining the cause and matter of death shall revert to the county of
102 origin, and the coroner or medical examiner of such county shall be responsible for the Missouri
103 certificate of death. The certificate of death shall be filed in the county where the deceased was
104 pronounced dead.

105 ~~[11.]~~ **12.** Except as provided in subsection ~~[9]~~ **10** of this section, if a person dies in one
106 county and the body is subsequently transferred to another county, for burial or other reasons,
107 the county coroner or medical examiner where the death occurred shall be responsible for the
108 certificate of death and for investigating the cause and manner of the death.

109 ~~[12.]~~ **13.** In performing the duties, the coroner or medical examiner shall comply with
110 sections 58.775 to 58.785 with respect to organ donation.

58.720. 1. When any person dies within a county having a medical examiner as a result
2 of:

3 (1) Violence by homicide, suicide, or accident;

4 (2) Thermal, chemical, electrical, or radiation injury;

5 (3) Criminal abortions, including those self-induced;

6 (4) Disease thought to be of a hazardous and contagious nature or which might constitute
7 a threat to public health; or when any person dies:

8 (a) Suddenly when in apparent good health;

9 (b) When unattended by a physician, chiropractor, or an accredited Christian Science
10 practitioner, during the period of thirty-six hours immediately preceding his death;

11 (c) While in the custody of the law, or while an inmate in a public institution;

12 (d) In any unusual or suspicious manner;

13

14 the police, sheriff, law enforcement officer or official, or any person having knowledge of such
15 a death shall immediately notify the office of the medical examiner of the known facts
16 concerning the time, place, manner and circumstances of the death. Immediately upon receipt
17 of notification, the medical examiner or his **or her** designated assistant shall take charge of the
18 dead body and fully investigate the essential facts concerning the medical causes of death. He

19 **or she** may take the names and addresses of witnesses to the death and shall file this information
20 in his office. The medical examiner or his **or her** designated assistant shall take possession of
21 all property of value found on the body, making exact inventory thereof on his **or her** report and
22 shall direct the return of such property to the person entitled to its custody or possession. The
23 medical examiner or his **or her** designated assistant examiner shall take possession of any object
24 or article which, in his **or her** opinion, may be useful in establishing the cause of death, and
25 deliver it to the prosecuting attorney of the county.

26 2. When a death occurs outside a licensed health care facility, the first licensed medical
27 professional or law enforcement official learning of such death shall contact the county medical
28 examiner. Immediately upon receipt of such notification, the medical examiner or the medical
29 examiner's deputy shall make a determination if further investigation is necessary, based on
30 information provided by the individual contacting the medical examiner, and immediately advise
31 such individual of the medical examiner's intentions.

32 3. **Notwithstanding the provisions of subsection 2 of this section to the contrary,**
33 **when a death occurs under the care of a hospice, no investigation shall be required if the**
34 **death is certified by the treating physician of the deceased or the medical director of the**
35 **hospice as a natural death due to disease or diagnosed illness. The hospice shall provide**
36 **written notice to the medical examiner within twenty-four hours of the death.**

37 4. In any case of sudden, violent or suspicious death after which the body was buried
38 without any investigation or autopsy, the medical examiner, upon being advised of such facts,
39 may at his own discretion request that the prosecuting attorney apply for a court order requiring
40 the body to be exhumed.

41 [4.] 5. The medical examiner shall certify the cause of death in any case where death
42 occurred without medical attendance or where an attending physician refuses to sign a certificate
43 of death, and may sign a certificate of death in the case of any death.

44 [5.] 6. When the cause of death is established by the medical examiner, he shall file a
45 copy of his findings in his office within thirty days after notification of the death.

46 [6.] 7. (1) When a person is being transferred from one county to another county for
47 medical treatment and such person dies while being transferred, or dies while being treated in
48 the emergency room of the receiving facility, the place which the person is determined to be dead
49 shall be considered the place of death and the county coroner or the medical examiner of the
50 county from which the person was originally being transferred shall be responsible for
51 determining the cause and manner of death for the Missouri certificate of death.

52 (2) The coroner or medical examiner in the county in which the person is determined to
53 be dead may, with authorization of the coroner or medical examiner from the transferring county,
54 investigate and conduct postmortem examinations at the expense of the coroner or medical

55 examiner from the transferring county. The coroner or medical examiner from the transferring
56 county shall be responsible for investigating the circumstances of such and completing the
57 Missouri certificate of death. The certificate of death shall be filed in the county where the
58 deceased was pronounced dead.

59 (3) Such coroner or medical examiner, or the county where a person is determined to be
60 dead, shall immediately notify the coroner or medical examiner of the county from which the
61 person was originally being transferred of the death of such person and shall make available
62 information and records obtained for investigation of death.

63 (4) If a person does not die while being transferred and is institutionalized as a regularly
64 admitted patient after such transfer and subsequently dies while in such institution, the coroner
65 or medical examiner of the county in which the person is determined to be dead shall
66 immediately notify the coroner or medical examiner of the county from which such person was
67 originally transferred of the death of such person. In such cases, the county in which the
68 deceased was institutionalized shall be considered the place of death. If the manner of death is
69 by homicide, suicide, accident, criminal abortion including those that are self-induced, child
70 fatality, or any unusual or suspicious manner, the investigation of the cause and manner of death
71 shall revert to the county of origin, and this coroner or medical examiner shall be responsible for
72 the Missouri certificate of death. The certificate of death shall be filed in the county where the
73 deceased was pronounced dead.

74 ~~[7.]~~ **8.** There shall not be any statute of limitations or time limits on cause of death when
75 death is the final result or determined to be caused by homicide, suicide, accident, criminal
76 abortion including those self-induced, child fatality, or any unusual or suspicious manner. The
77 place of death shall be the place in which the person is determined to be dead, but the final
78 investigation of death determining the cause and manner of death shall revert to the county of
79 origin, and this coroner or medical examiner shall be responsible for the Missouri certificate of
80 death. The certificate of death shall be filed in the county where the deceased was pronounced
81 dead.

82 ~~[8.]~~ **9.** Except as provided in subsection ~~[6]~~ **7** of this section, if a person dies in one
83 county and the body is subsequently transferred to another county, for burial or other reasons,
84 the county coroner or medical examiner where the death occurred shall be responsible for the
85 certificate of death and for investigating the cause and manner of the death.

86 ~~[9.]~~ **10.** In performing the duties, the coroner or medical examiner shall comply with
87 sections 58.775 to 58.785 with respect to organ donation.

192.067. 1. The department of health and senior services, for purposes of conducting
2 epidemiological studies to be used in promoting and safeguarding the health of the citizens of
3 Missouri under the authority of this chapter, is authorized to receive information from patient

4 medical records. The provisions of this section shall also apply to the collection, analysis, and
5 disclosure of nosocomial infection data from patient records collected pursuant to section
6 192.667 and to the collection of data under section 192.990.

7 2. The department shall maintain the confidentiality of all medical record information
8 abstracted by or reported to the department. Medical information secured pursuant to the
9 provisions of subsection 1 of this section may be released by the department only in a statistical
10 aggregate form that precludes and prevents the identification of patient, physician, or medical
11 facility except that medical information may be shared with other public health authorities and
12 coinvestigators of a health study if they abide by the same confidentiality restrictions required
13 of the department of health and senior services and except as otherwise authorized by the
14 provisions of sections 192.665 to 192.667[;] or section 192.990. The department of health and
15 senior services, public health authorities and coinvestigators shall use the information collected
16 only for the purposes provided for in this section, section 192.667, or section 192.990.

17 3. No individual or organization providing information to the department in accordance
18 with this section shall be deemed to be or be held liable, either civilly or criminally, for divulging
19 confidential information unless such individual organization acted in bad faith or with malicious
20 purpose.

21 4. The department of health and senior services is authorized to reimburse medical care
22 facilities, within the limits of appropriations made for that purpose, for the costs associated with
23 abstracting data for special studies.

24 5. Any department of health and senior services employee, public health authority or
25 coinvestigator of a study who knowingly releases information which violates the provisions of
26 this section shall be guilty of a class A misdemeanor and, upon conviction, shall be punished as
27 provided by law.

193.145. 1. A certificate of death for each death which occurs in this state shall be filed
2 with the local registrar, or as otherwise directed by the state registrar, within five days after death
3 and shall be registered if such certificate has been completed and filed pursuant to this section.
4 All data providers in the death registration process, including, but not limited to, the state
5 registrar, local registrars, the state medical examiner, county medical examiners, coroners,
6 funeral directors or persons acting as such, embalmers, sheriffs, attending physicians and resident
7 physicians, physician assistants, assistant physicians, advanced practice registered nurses, and
8 the chief medical officers of licensed health care facilities, and other public or private institutions
9 providing medical care, treatment, or confinement to persons, shall be required to use and utilize
10 any electronic death registration system required and adopted under subsection 1 of section
11 193.265 within six months of the system being certified by the director of the department of
12 health and senior services, or the director's designee, to be operational and available to all data

13 providers in the death registration process. However, should the person or entity that certifies
14 the cause of death not be part of, or does not use, the electronic death registration system, the
15 funeral director or person acting as such may enter the required personal data into the electronic
16 death registration system and then complete the filing by presenting the signed cause of death
17 certification to the local registrar, in which case the local registrar shall issue death certificates
18 as set out in subsection 2 of section 193.265. ~~[Nothing in this section shall prevent the state
19 registrar from adopting pilot programs or voluntary electronic death registration programs until
20 such time as the system can be certified; however, no such pilot or voluntary electronic death
21 registration program shall prevent the filing of a death certificate with the local registrar or the
22 ability to obtain certified copies of death certificates under subsection 2 of section 193.265 until
23 six months after such certification that the system is operational.]~~

24 2. If the place of death is unknown but the dead body is found in this state, the certificate
25 of death shall be completed and filed pursuant to the provisions of this section. The place where
26 the body is found shall be shown as the place of death. The date of death shall be the date on
27 which the remains were found.

28 3. When death occurs in a moving conveyance in the United States and the body is first
29 removed from the conveyance in this state, the death shall be registered in this state and the place
30 where the body is first removed shall be considered the place of death. When a death occurs on
31 a moving conveyance while in international waters or air space or in a foreign country or its air
32 space and the body is first removed from the conveyance in this state, the death shall be
33 registered in this state but the certificate shall show the actual place of death if such place may
34 be determined.

35 4. The funeral director or person in charge of final disposition of the dead body shall file
36 the certificate of death. The funeral director or person in charge of the final disposition of the
37 dead body shall obtain or verify and enter into the electronic death registration system:

38 (1) The personal data from the next of kin or the best qualified person or source
39 available;

40 (2) The medical certification **and attestation** from the person responsible for such
41 certification **and attestation** if designated to do so under subsection 5 of this section; and

42 (3) Any other information or data that may be required to be placed on a death certificate
43 or entered into the electronic death certificate system including, but not limited to, the name and
44 license number of the embalmer.

45 5. The medical certification shall be completed, attested to its accuracy either by
46 signature or an electronic process approved by the department, and returned to the funeral
47 director or person in charge of final disposition within seventy-two hours after death by the
48 physician, physician assistant, assistant physician, **or** advanced practice registered nurse in

49 charge of the patient's care for the illness or condition which resulted in death. In the absence
50 of the physician, physician assistant, assistant physician, advanced practice registered nurse or
51 with the physician's, physician assistant's, assistant physician's, or advanced practice registered
52 nurse's approval the certificate may be completed and attested to its accuracy either by signature
53 or an approved electronic process by the physician's associate physician, the chief medical officer
54 of the institution in which death occurred, or the physician who performed an autopsy upon the
55 decedent, provided such individual has access to the medical history of the case, views the
56 deceased at or after death and death is due to natural causes. The person authorized to complete
57 the medical certification may, in writing, designate any other person to enter the medical
58 certification information **and attestation** into the electronic death registration system if the
59 person authorized to complete the medical certificate has physically or by electronic process
60 signed a statement stating the cause of death. Any persons completing the medical certification
61 or entering data **and attestation** into the electronic death registration system shall be immune
62 from civil liability for such certification **and attestation** completion, data entry, or determination
63 of the cause of death, absent gross negligence or willful misconduct. The state registrar may
64 approve alternate methods of obtaining and processing the medical certification and filing the
65 death certificate. The Social Security number of any individual who has died shall be placed in
66 the records relating to the death and recorded on the death certificate.

67 6. When death occurs from natural causes more than thirty-six hours after the decedent
68 was last treated by a physician, physician assistant, assistant physician, advanced practice
69 registered nurse, the case shall be referred to the county medical examiner or coroner or
70 physician or local registrar for investigation to determine and certify the cause of death. If the
71 death is determined to be of a natural cause, the medical examiner or coroner or local registrar
72 shall refer the certificate of death to the attending physician, physician assistant, assistant
73 physician, **or** advanced practice registered nurse for such certification. If the attending physician,
74 physician assistant, assistant physician, **or** advanced practice registered nurse refuses or is
75 otherwise unavailable, the medical examiner or coroner or local registrar shall attest to the
76 accuracy of the certificate of death either by signature or an approved electronic process within
77 thirty-six hours.

78 7. If the circumstances suggest that the death was caused by other than natural causes,
79 the medical examiner or coroner shall determine the cause of death and shall [~~complete and attest~~
80 ~~to the accuracy~~] , either by signature or an approved electronic process, **complete and attest to**
81 **the accuracy of** the medical certification within seventy-two hours after taking charge of the
82 case.

83 8. If the cause of death cannot be determined within seventy-two hours after death, the
84 attending medical examiner, coroner, attending physician, physician assistant, assistant

85 physician, advanced practice registered nurse, or local registrar shall give the funeral director,
86 or person in charge of final disposition of the dead body, notice of the reason for the delay, and
87 final disposition of the body shall not be made until authorized by the medical examiner, coroner,
88 attending physician, physician assistant, assistant physician, advanced practice registered nurse,
89 or local registrar.

90 9. When a death is presumed to have occurred within this state but the body cannot be
91 located, a death certificate may be prepared by the state registrar upon receipt of an order of a
92 court of competent jurisdiction which shall include the finding of facts required to complete the
93 death certificate. Such a death certificate shall be marked "Presumptive", show on its face the
94 date of registration, and identify the court and the date of decree.

95 10. ~~[(4)]~~ The department of health and senior services shall notify all physicians,
96 physician assistants, assistant physicians, and advanced practice registered nurses licensed under
97 chapters 334 and 335 of the requirements regarding the use of the electronic vital records system
98 provided for in this section.

99 ~~[(2) On or before August 30, 2015, the department of health and senior services, division
100 of community and public health shall create a working group comprised of representation from
101 the Missouri electronic vital records system users and recipients of death certificates used for
102 professional purposes to evaluate the Missouri electronic vital records system, develop
103 recommendations to improve the efficiency and usability of the system, and to report such
104 findings and recommendations to the general assembly no later than January 1, 2016.]~~

105 **11. Notwithstanding any provision of law to the contrary, if a coroner or deputy**
106 **coroner is not current with or is without the approved training under chapter 58, the**
107 **department of health and senior services shall prohibit such coroner from attesting to the**
108 **accuracy of a certificate of death. No person elected or appointed to the office of coroner**
109 **shall assume such elected office until the training, as established by the coroner standards**
110 **and training commission under the provisions of section 58.035, has been completed and**
111 **a certificate of completion has been issued. In the event a coroner is unable to fulfill his or**
112 **her duties or is no longer qualified to attest to the accuracy of a death certificate, the sheriff**
113 **of the county shall appoint a medical professional to attest death certificates until such time**
114 **as the coroner is able to resume his or her duties or another coroner is appointed or elected**
115 **to the office.**

193.265. 1. For the issuance of a certification or copy of a death record, the applicant
2 shall pay a fee of ~~[thirteen]~~ **fourteen** dollars for the first certification or copy and a fee of ~~[ten]~~
3 **eleven** dollars for each additional copy ordered at that time. For the issuance of a certification
4 or copy of a birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen
5 dollars. No fee shall be required or collected for a certification of birth, death, or marriage if the

6 request for certification is made by the children's division, the division of youth services, a
7 guardian ad litem, or a juvenile officer on behalf of a child or person under twenty-one years of
8 age who has come under the jurisdiction of the juvenile court under section 211.031. All fees
9 **collected under this subsection** shall be deposited to the state department of revenue.
10 Beginning August 28, 2004, for each vital records fee collected, the director of revenue shall
11 credit four dollars to the general revenue fund, five dollars to the children's trust fund, one dollar
12 shall be credited to the endowed care cemetery audit fund, **one dollar for each certification or**
13 **copy of death records to the Missouri state coroners' training fund established in section**
14 **58.208**, and three dollars for the first copy of death records and five dollars for birth, marriage,
15 divorce, and fetal death records shall be credited to the Missouri public services health fund
16 established in section 192.900. Money in the endowed care cemetery audit fund shall be
17 available by appropriation to the division of professional registration to pay its expenses in
18 administering sections 214.270 to 214.410. All interest earned on money deposited in the
19 endowed care cemetery audit fund shall be credited to the endowed care cemetery fund.
20 Notwithstanding the provisions of section 33.080 to the contrary, money placed in the endowed
21 care cemetery audit fund shall not be transferred and placed to the credit of general revenue until
22 the amount in the fund at the end of the biennium exceeds three times the amount of the
23 appropriation from the endowed care cemetery audit fund for the preceding fiscal year. The
24 money deposited in the public health services fund under this section shall be deposited in a
25 separate account in the fund, and moneys in such account, upon appropriation, shall be used to
26 automate and improve the state vital records system, and develop and maintain an electronic
27 birth and death registration system. For any search of the files and records, when no record is
28 found, the state shall be entitled to a fee equal to the amount for a certification of a vital record
29 for a five-year search to be paid by the applicant. For the processing of each legitimation,
30 adoption, court order or recording after the registrant's twelfth birthday, the state shall be entitled
31 to a fee equal to the amount for a certification of a vital record. Except whenever a certified copy
32 or copies of a vital record is required to perfect any claim of any person on relief, or any
33 dependent of any person who was on relief for any claim upon the government of the state or
34 United States, the state registrar shall, upon request, furnish a certified copy or so many certified
35 copies as are necessary, without any fee or compensation therefor.

36 2. For the issuance of a certification of a death record by the local registrar, the applicant
37 shall pay a fee of [~~thirteen~~] **fourteen** dollars for the first certification or copy and a fee of [~~ten~~]
38 **eleven** dollars for each additional copy ordered at that time. **For each fee collected under this**
39 **subsection, one dollar shall be deposited to the state department of revenue and the**
40 **remainder shall be deposited to the credit of the official city or county health agency. The**

41 **director of revenue shall credit all fees deposited to the state department of revenue under**
42 **this subsection to the Missouri state coroners' training fund established in section 58.208.**

43 **3.** For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death
44 record, the applicant shall pay a fee of fifteen dollars; except that, in any county with a charter
45 form of government and with more than six hundred thousand but fewer than seven hundred
46 thousand inhabitants, a donation of one dollar may be collected by the local registrar over and
47 above any fees required by law when a certification or copy of any marriage license or birth
48 certificate is provided, with such donations collected to be forwarded monthly by the local
49 registrar to the county treasurer of such county and the donations so forwarded to be deposited
50 by the county treasurer into the housing resource commission fund to assist homeless families
51 and provide financial assistance to organizations addressing homelessness in such county. The
52 local registrar shall include a check-off box on the application form for such copies. All fees
53 **collected under this subsection**, other than the donations collected in any county with a charter
54 form of government and with more than six hundred thousand but fewer than seven hundred
55 thousand inhabitants for marriage licenses and birth certificates, shall be deposited to the official
56 city or county health agency.

57 **4.** A certified copy of a death record by the local registrar can only be issued within
58 twenty-four hours of receipt of the record by the local registrar. Computer-generated
59 certifications of death records may be issued by the local registrar after twenty-four hours of
60 receipt of the records. **In the event that it is determined by the state registrar that any**
61 **required information from any data provider was missing or incomplete on records or**
62 **documentation that were filed with or submitted to the local registrar and then sent to the**
63 **state registrar, the state registrar shall return the records or documentation to the local**
64 **registrar so that the data provider, funeral director, or person in charge of the final**
65 **disposition can provide the missing or incomplete information. Nothing in this subsection**
66 **removes any requirement in any statute or regulation as to when an affidavit or court**
67 **order is necessary to amend a death certificate that has been issued.** The fees paid to the
68 official county health agency shall be retained by the local agency for local public health
69 purposes.

194.119. 1. As used in this section, the term "right of sepulcher" means the right to
2 choose and control the burial, cremation, or other final disposition of a dead human body.

3 2. For purposes of this chapter and chapters 193, 333, and 436, and in all cases relating
4 to the custody, control, and disposition of deceased human remains, including the common law
5 right of sepulcher, where not otherwise defined, the term "next-of-kin" means the following
6 persons in the priority listed if such person is eighteen years of age or older, is mentally
7 competent, and is willing to assume responsibility for the costs of disposition:

8 (1) An attorney in fact designated in a durable power of attorney wherein the deceased
9 specifically granted the right of sepulcher over his or her body to such attorney in fact;

10 (2) For a decedent who was on active duty in the United States military at the time of
11 death, the person designated by such decedent in the written instrument known as the United
12 States Department of Defense Form 93, Record of Emergency Data, in accordance with ~~[P.L.~~
13 ~~109-163, Section 564,]~~ 10 U.S.C. Section 1482;

14 (3) The surviving spouse, **unless an action for the dissolution of the marriage has**
15 **been filed and is pending in a court of competent jurisdiction;**

16 (4) Any surviving child of the deceased. If a surviving child is less than eighteen years
17 of age and has a legal or natural guardian, such child shall not be disqualified on the basis of the
18 child's age and such child's legal or natural guardian, if any, shall be entitled to serve in the place
19 of the child unless such child's legal or natural guardian was subject to an action in dissolution
20 from the deceased. In such event the person or persons who may serve as next-of-kin shall serve
21 in the order provided in subdivisions (5) to (9) of this subsection;

22 (5) (a) Any surviving parent of the deceased; or

23 (b) If the deceased is a minor, a surviving parent who has custody of the minor; or

24 (c) If the deceased is a minor and the deceased's parents have joint custody, the parent
25 whose residence is the minor child's residence for purposes of mailing and education;

26 (6) Any surviving sibling of the deceased;

27 (7) The next nearest surviving relative of the deceased by consanguinity or affinity;

28 (8) Any person or friend who assumes financial responsibility for the disposition of the
29 deceased's remains if no next-of-kin assumes such responsibility;

30 (9) The county coroner or medical examiner; provided however that such assumption
31 of responsibility shall not make the coroner, medical examiner, the county, or the state
32 financially responsible for the cost of disposition.

33 3. The next-of-kin of the deceased shall be entitled to control the final disposition of the
34 remains of any dead human being consistent with all applicable laws, including all applicable
35 health codes. **The next-of-kin may delegate the control of the final disposition of the**
36 **remains of any dead human being to a principal or an agent through either a specific or**
37 **general grant of power in accordance with section 404.710 if, at the time of delegation, the**
38 **next-of-kin was eighteen years of age or older and mentally competent and the principal**
39 **or agent is taking financial responsibility for the disposition.**

40 4. A funeral director or establishment is entitled to rely on and act according to the
41 lawful instructions of any person claiming to be the next-of-kin of the deceased; provided
42 however, in any civil cause of action against a funeral director or establishment licensed pursuant
43 to this chapter for actions taken regarding the funeral arrangements for a deceased person in the

44 director's or establishment's care, the relative fault, if any, of such funeral director or
 45 establishment may be reduced if such actions are taken in reliance upon a person's claim to be
 46 the deceased person's next-of-kin.

47 5. Any person who desires to exercise the right of sepulcher and who has knowledge of
 48 an individual or individuals with a superior right to control disposition shall notify such
 49 individual or individuals prior to making final arrangements.

50 6. If an individual with a superior claim is [~~personally served with written notice from~~
 51 **notified in person or by written notice with delivery confirmation to such person's last**
 52 **known address by** a person with an inferior claim that such person desires to exercise the right
 53 of sepulcher and the individual so served does not object within forty-eight hours of [~~receipt~~
 54 **such notice**, such individual shall be deemed to have waived such right. An individual with a
 55 superior right may also waive such right at any time if such waiver is in writing and dated.

56 7. If there is more than one person in a class who are equal in priority and the funeral
 57 director has no knowledge of any objection by other members of such class, the funeral director
 58 or establishment shall be entitled to rely on and act according to the instructions of the first such
 59 person in the class to make arrangements; provided that such person assumes responsibility for
 60 the costs of disposition and no other person in such class provides written notice of his or her
 61 objection. If the funeral director has knowledge that there is more than one person in a class who
 62 are equal in priority and who do not agree on the disposition, the decision of the majority of the
 63 members of such class shall control the disposition.

64 8. For purposes of conducting a majority vote under subsection 7 of this section, the
 65 funeral director shall allow voting by proxy using a written authorization or instrument.

210.195. 1. The director of the department of social services shall establish a special
 2 team which shall:

3 (1) Develop and implement protocols for the evaluation and review of child fatalities;

4 (2) Provide training, expertise and assistance to county child fatality review panels for
 5 the review of child fatalities; **and**

6 (3) When required and unanimously requested by the county fatality review panel, assist
 7 in the review and prosecution of specific child fatalities; [~~and~~

8 ~~_____~~(4)]

9

10 The special team may be known as the department of social services, state technical assistance
 11 team.

12 2. The director of the department of social services shall appoint regional coordinators
 13 to serve as resources to child fatality review panels established pursuant to section 210.192.

14 3. The director of the department of social services shall appoint a state child fatality
15 review panel which shall meet at least biannually to provide oversight and make
16 recommendations to the department of social services, state technical assistance team. The
17 department of social services, state technical assistance team shall gather data from local child
18 fatality review panels to identify systemic problems and shall submit findings and
19 recommendations to the director of the department of social services, the governor, the speaker
20 of the house of representatives, the president pro tempore of the senate, the children's services
21 commission, juvenile officers, and the chairman of the local child fatality review panel, at least
22 once a year, on ways to prevent further child abuse and injury deaths. The report shall include
23 a summary of compliance with the provisions of sections 210.192 to 210.196 for each county or
24 city not within a county.

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