

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 11-594, Arizona Revised Statutes, is amended to read:

11-594. Powers and duties of county medical examiner

A. The county medical examiner or alternate medical examiner shall direct a death investigation, shall determine whether an external examination or autopsy is required and shall:

1. Take charge of the dead body.
2. Certify to the cause and manner of death following completion of the death investigation, unless the medical examiner or alternate medical¹ examiner determines there is no jurisdiction pursuant to section 11-593, reduce the findings to writing and promptly make a full report on forms prescribed for that purpose.
3. Have subpoena authority for all documents, records and papers deemed useful in the death investigation.
4. Execute a death certificate provided by the state registrar of vital statistics indicating the cause and the manner of death for those bodies for which a death investigation has been conducted and jurisdiction is assumed.
5. Give approval for cremation of a dead body after a death investigation and record the approval on the death certificate.
6. Notify the county attorney or other law enforcement authority when death is found to be from other than natural causes.
7. Carry out the duties specified under section 28-668.
8. Carry out the duties specified under title 36, chapter 7, article 3.
9. Observe all policies adopted by the board of supervisors regarding conflicts of interest and disclosure of noncounty employment.

B. The county medical examiner or alternate medical examiner may:

1. Assign to a medical death investigator or other qualified personnel all aspects of a death investigation except the performance of autopsies.
2. Authorize forensic pathologists to perform examinations and autopsies. The medical examiner or alternate medical examiner may authorize medical students or residents and fellows in pathology training to perform autopsies under the supervision of a licensed physician who is board certified in anatomic pathology, pursuant to procedures adopted by the county medical examiner or alternate medical examiner. Authorization and the amount to be paid by the county for pathology services are subject to approval of the board of supervisors.
3. Delegate any power, duty or function whether ministerial or discretionary vested by this chapter in the medical examiner or alternate medical examiner to a person meeting the qualifications prescribed in this chapter who is employed by or who has contracted with the county to provide death investigation services. The medical examiner or alternate medical examiner shall be responsible for the official acts of the person designated pursuant to this section and shall act under the name and authority of the medical examiner or alternate medical examiner.
4. Authorize the taking of organs and tissues as they prove to be usable for transplants, other treatment, therapy, education or research if all of the requirements of title 36, chapter 7, article 3 are met. The medical examiner or alternate medical examiner shall give this authorization within a time period that permits a medically viable donation.
5. Authorize licensed physicians, surgeons or trained technicians to remove parts of bodies provided they follow an established protocol approved

by the medical examiner or alternate medical examiner.

6. Limit the removal of organs or tissues for transplants or other therapy or treatment if, based on a review of available medical and investigative information within a time that permits a medically viable donation, the medical examiner or alternate medical examiner makes an initial determination that their removal would interfere with a medical examination, autopsy or certification of death. Before making a final decision to limit the removal of organs, the medical examiner or alternate medical examiner shall consult with the organ procurement organization. After the consultation and when the organ procurement organization provides information that the organ procurement organization reasonably believes could alter the initial decision and at the request of the organ procurement organization, the medical examiner or alternate medical examiner shall conduct a physical examination of the body. If the medical examiner or alternate medical examiner limits the removal of organs, the medical examiner or alternate medical examiner shall maintain documentation of this decision and shall make the documentation available to the organ procurement organization.

C. A county medical examiner or alternate medical examiner shall not be held civilly or criminally liable for any acts performed in good faith pursuant to **subsection B, paragraphs 4, 5 and 6** of this section.

D. If a dispute arises over the findings of the medical examiner's report, the medical examiner, on an order of the superior court, shall make available all evidence and documentation to a court-designated licensed forensic pathologist for review, and the results of the review shall be reported to the superior court in the county issuing the order.

E. For providing external examinations and autopsies pursuant to this section, the medical examiner may charge a fee established by the board of supervisors pursuant to section 11-251.08.

F. The county medical examiner or alternate medical examiner is entitled to all medical records and related records of a person for whom the medical examiner is required to certify cause of death.

Sec. 2. Section 11-597, Arizona Revised Statutes, is amended to read:

11-597. Autopsies; reports; exemption from liability

A. The county medical examiner or alternate medical examiner shall conduct a death investigation to determine whether or not the public interest requires an external examination, autopsy or other special investigation.

B. An external examination or autopsy is not required for deaths due to natural diseases that occur during surgical or anesthetic procedures unless the medical examiner or alternate medical examiner determines that an external examination or autopsy is necessary.

C. In the determination of the need for an autopsy, the county medical examiner or alternate medical examiner may consider the request for an autopsy made by private persons or public officials. If the county attorney or a superior court judge of the county where the death occurred requests an autopsy, the county medical examiner shall perform the autopsy, or, in the case of an alternate medical examiner, an autopsy shall be performed by a forensic pathologist.

D. A forensic pathologist shall perform an autopsy in cases of sudden and unexplained infant death in accordance with protocols adopted by the director of the department of health services. If the medical examiner or forensic pathologist determines that the infant died of sudden infant death syndrome, the medical examiner or forensic pathologist shall notify the department of health services. The medical examiner or forensic pathologist may ~~take~~ **RETAIN** tissue samples, **SPECIMENS AND OTHER BIOLOGICAL MATERIALS** for

diagnostic purposes.

E. If an autopsy is performed, a full record or report of the facts developed by the autopsy in the findings of the person performing the autopsy shall be properly made and filed in the office of the county medical examiner or the board of supervisors. If the person performing the autopsy determines that the report should be forwarded to the county where the death occurred or the county in which any injury contributing to or causing the death was sustained, the report shall be forwarded to the county attorney.

F. A county attorney may request and ~~upon~~ **ON** request shall receive from the county medical examiner or alternate medical examiner a copy of the report on any autopsy performed.

G. The county medical examiner or alternate medical examiner may perform other tests deemed necessary to determine identity and the cause and manner of death and may retain tissues, specimens and other biological materials for subsequent examination.

H. When ~~an~~ **A DEATH INVESTIGATION, INCLUDING AN EXTERNAL EXAMINATION, autopsy or other tests are performed by THE COUNTY MEDICAL EXAMINER, ALTERNATE MEDICAL EXAMINER OR** a forensic pathologist, no cause of action shall lie against the physician or any other person for requesting ~~the autopsy, for,~~ **PERFORMING, participating in the OR DETERMINING THE CAUSE AND MANNER OF DEATH OR OTHERWISE REPORTING THE RESULTS FROM THE EXTERNAL EXAMINATION, DEATH INVESTIGATION, autopsy OR OTHER TESTS** or for retaining specimens ~~or,~~ **tissues OR OTHER BIOLOGICAL MATERIAL.**

Sec. 3. Title 11, chapter 3, article 12, Arizona Revised Statutes, is amended by adding section 11-597.02, to read:

11-597.02. Autopsy photographs digital images,, x-rays, and video recordings; confidentiality; exceptions; procedures; immunity

A. NOTWITHSTANDING TITLE 39, CHAPTER 1, PHOTOGRAPHS, DIGITAL IMAGES, X-RAYS, AND VIDEO RECORDINGS OF HUMAN REMAINS CREATED BY A MEDICAL EXAMINER, ALTERNATE MEDICAL EXAMINER THEIR OR EMPLOYEES OR AGENTS DURINGS A DEATH INVESTIGATION CONDUCTED PURSUANT TO THIS CHAPTER SHALL NOT BE MADE AVAILABLE TO THE PUBLIC WITHOUT PRIOR IN CAMERA REVIEW BY A JUDGE OF THE SUPERIOR COURT WHO SHALL BALANCE THE INTERESTS UNDER ARIZONA PUBLIC RECORDS LAW AND DECIDE WHETHER TO ORDER DISCLOSURE OF ALL OR ANY REACTED PART OF THE IMAGES. A PERSON SEEKING DISCLOSURE MAY SEEK IN CAMERA REVIEW OF THESE RECORDS BY FILING A PETITON IN SUPERIOR COURT.

B. THE FOLLOWING PERSONS MAY EXAMINE AND OBTAIN THE MATERIALS DESCRIBED IN SUBSECTION A OF THIS SECTION WITHOUT SEEKING A PRIOR IN CAMERA REVIEW PURSUANT TO SUBSECTION A.

1. THE COUNTY ATTORNEY, ATTORNEY GENERAL OR OTHER LAW ENFORCEMENT AGENCY HAVING JURISDICTION, ON WRITTEN REQUEST, AS NECESSARY FOR THE PERFORMANCE OF THEIR DUTIES.

2. THE SURVIVING SPOUSE, CHILD, PARENT, GRANDPARENT, GRANDCHILD OR SIBLING OF THE DECEDENT, ANY PERSON WHO WAS THE LEGAL GUARDIAN OF THE DECEDENT AT THE TIME OF DEATH OR THE PERSONAL REPRESENTATIVE OF THE DECEDENT'S ESTATE.

3. FEDERAL, STATE OR LOCAL GOVERNMENTAL AUTHORITIES, INCLUDING PUBLIC HEALTH OFFICERS, AS NECESSARY FOR THE PERFORMANCE OF THEIR DUTIES.

4. THE ATTENDING PHYSICIAN OR NURSE PRACTITIONER.

5. A MEDICAL OR SCIENTIFIC BODY OR UNIVERSITY OR OTHER EDUCATIONAL INSTITUTION FOR EDUCATIONAL OR RESEARCH PURPOSES, PROVIDED THAT THE MATERIALS USED DO NOT REVEAL THE DECEDENT'S IDENTITY.

C. THE MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER MAY PRESCRIBE

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PROCEDURES FOR THE ISSUANCE OF MATERIALS PURSUANT TO SUBSECTION B OF THIS SECTION , INCLUDING REPRODUCTION FEES.

E. A CAUSE OF ACTION SHALL NOT ARISE AGAINST THE COUNTY MEDICAL EXAMINER, ALTERNATE MEDICAL EXAMINER, THEIR EMPLOYEES OR AGENTS, OR THE COUNTY FOR LAWFULLY DISCLOSING A DEATH INVESTIGATION PHOTOGRAPH, DIGITAL IMAGE, X-RAY, OR VIDEO RECORDING PURSUANT TO THIS SECTION.