

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 554

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIDDLE.

Pre-filed December 1, 2019, and ordered printed.

Read 2nd time January 9, 2020, and referred to the Committee on Professional Registration.

Reported from the Committee February 3, 2020, with recommendation that the bill do pass.

Taken up for Perfection February 18, 2020. Bill declared Perfected and Ordered Printed, as amended.

ADRIANE D. CROUSE, Secretary.

3287S.01P

AN ACT

To repeal sections 58.095, 58.451, 58.720, 193.145, 193.265, and 194.119, RSMo, and to enact in lieu thereof eight new sections relating to the deceased.

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

Section A. Sections 58.095, 58.451, 58.720, 193.145, 193.265, and 194.119, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 58.035, 58.095, 58.208, 58.451, 58.720, 193.145, 193.265, and 194.119, to read as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

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

- (1) Two coroners elected from counties of the third classification;**
- (2) One coroner elected from a county of the first, second, or fourth classification;**
- (3) One currently appointed medical examiner;**
- (4) One child death pathologist;**
- (5) One elected prosecuting attorney;**
- (6) One elected sheriff;**
- (7) The director of the department of health and senior services,**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

15 or his or her designee, who shall serve as a nonvoting member of the
16 commission.

17 Each member of the coroner standards and training commission shall
18 have been at the time of his appointment a citizen of the United States
19 and a resident of this state for a period of at least one year, and
20 members who are coroners shall be qualified as established by chapter
21 58.

22 2. The members of the commission shall serve for the following
23 terms:

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

26 (2) Every member of the commission who does not hold elected
27 office shall serve an initial term of four years;

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

30 3. Annually the commission shall elect one of the members as
31 chairperson. The coroner standards and training commission shall
32 meet at least twice each year as determined by the director of the
33 department of health and senior services, the chairperson, or a
34 majority of the members to perform its duties. A majority of the
35 members of the coroner standards and training commission shall
36 constitute a quorum.

37 4. No member of the coroner standards and training commission
38 shall receive any compensation for the performance of his or her
39 official duties.

40 5. The coroner standards and training commission shall establish
41 training standards, by rule, relating to the office of county coroner.
42 These standards shall relate to the operation of the office, the legal
43 responsibilities of the office, and the technical skills and knowledge
44 required of the office.

45 6. Any rule or portion of a rule, as that term is defined in section
46 536.010, that is created under the authority delegated in this section
47 shall become effective only if it complies with and is subject to all of
48 the provisions of chapter 536, and, if applicable, section 536.028. This
49 section and chapter 536 are nonseverable and if any of the powers
50 vested with the general assembly pursuant to chapter 536 to review, to
51 delay the effective date, or to disapprove and annul a rule are

52 subsequently held unconstitutional, then the grant of rulemaking
 53 authority and any rule proposed or adopted after August 28, 2020, shall
 54 be invalid and void.

55 7. Once the commission has developed standards, the commission
 56 shall issue a report detailing the standards. This report shall be
 57 submitted to the speaker of the house of representatives and the
 58 president pro tempore of the senate, and shall be published on the
 59 website of the department of health and senior services.

58.095. 1. The county coroner in any county[, other than in a first
 2 classification chartered county,] **not having a charter form of government**
 3 shall receive an annual salary computed on a basis as set forth in the following
 4 schedule. The provisions of this section shall not permit or require a reduction
 5 in the amount of compensation being paid for the office of coroner on January 1,
 6 1997:

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

19 2. One thousand dollars of the salary authorized in this section shall be
 20 payable to the coroner only if the coroner has completed at least twenty hours of
 21 classroom instruction each calendar year [relating to the operations of the
 22 coroner's office when approved by a professional association of the county
 23 coroners of Missouri] **as established by the coroner standards and training**
 24 **commission** unless exempted from the training by the [professional association]
 25 **Missouri Coroners' and Medical Examiners' Association for good**
 26 **cause**. The [professional association approving the program] **Missouri**
 27 **Coroners' and Medical Examiners' Association** shall provide a certificate
 28 of completion to each coroner who completes the training program and shall send

29 a list of certified coroners to the treasurer of each county **and the department**
30 **of health and senior services. The coroner standards and training**
31 **commission may certify training programs that satisfy the**
32 **requirements of this section in lieu of the training provided by the**
33 **Missouri Coroners' and Medical Examiners' Association. Certified**
34 **training completion shall be submitted to the Missouri Coroners' and**
35 **Medical Examiners' Association, which, upon validating the certified**
36 **training, shall submit the individual's name to the county treasurer and**
37 **department of health and senior services indicating the individual is**
38 **compliant with the training requirements.** Expenses incurred for attending
39 the training session may be reimbursed to the county coroner in the same manner
40 as other expenses as may be appropriated for that purpose. All elected or
41 appointed coroners, deputy coroners, and assistants to the coroner shall complete
42 the annual training described in this subsection within six months of election or
43 appointment.

44 3. The county coroner in any county[, other than a first classification
45 charter county] **not having a charter form of government**, shall not, except
46 upon two-thirds vote of all the members of the salary commission, receive an
47 annual compensation in an amount less than the total compensation being
48 received for the office of county coroner in the particular county for services
49 rendered or performed on the date the salary commission votes.

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

63 5. Effective January 1, 1997, the county coroner in any county[, other
64 than a county of the first classification with a charter form of government,] **not**

65 **having a charter form of government** may, upon the approval of the county
66 commission, receive additional compensation for any month during which
67 investigations or other services are performed for three or more decedents in the
68 same incident during such month. The additional compensation shall be an
69 amount that when added to the regular compensation the sum shall equal the
70 monthly compensation of the county sheriff.

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

- 6 (1) For in-state training, equipment, and necessary supplies; and
- 7 (2) To provide aid to training programs approved by the
8 Missouri Coroners' and Medical Examiners' Association.

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

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

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

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

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

- 4 (1) Violence by homicide, suicide, or accident;
- 5 (2) Criminal abortions, including those self-induced;
- 6 (3) Some unforeseen sudden occurrence and the deceased had not been

7 attended by a physician during the thirty-six-hour period preceding the death;
8 (4) In any unusual or suspicious manner;
9 (5) Any injury or illness while in the custody of the law or while an
10 inmate in a public institution;
11 the police, sheriff, law enforcement officer or official, or any person having
12 knowledge of such a death shall immediately notify the coroner of the known facts
13 concerning the time, place, manner and circumstances of the death. Immediately
14 upon receipt of notification, the coroner or deputy coroner shall take charge of the
15 dead body and fully investigate the essential facts concerning the medical causes
16 of death, including whether by the act of man, and the manner of death. The
17 coroner or deputy coroner may take the names and addresses of witnesses to the
18 death and shall file this information in the coroner's office. The coroner or deputy
19 coroner shall take possession of all property of value found on the body, making
20 exact inventory of such property on the report and shall direct the return of such
21 property to the person entitled to its custody or possession. The coroner or
22 deputy coroner shall take possession of any object or article which, in the
23 coroner's or the deputy coroner's opinion, may be useful in establishing the cause
24 of death, and deliver it to the prosecuting attorney of the county.

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

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

39 4. Upon taking charge of the dead body and before moving the body the
40 coroner shall notify the police department of any city in which the dead body is
41 found, or if the dead body is found in the unincorporated area of a county
42 governed by the provisions of sections 58.451 to 58.457, the coroner shall notify

43 the county sheriff or the highway patrol and cause the body to remain unmoved
44 until the police department, sheriff or the highway patrol has inspected the body
45 and the surrounding circumstances and carefully noted the appearance, the
46 condition and position of the body and recorded every fact and circumstance
47 tending to show the cause and manner of death, with the names and addresses
48 of all known witnesses, and shall subscribe the same and make such record a part
49 of the coroner's report.

50 [4.] 5. In any case of sudden, violent or suspicious death after which the
51 body was buried without any investigation or autopsy, the coroner, upon being
52 advised of such facts, may at the coroner's own discretion request that the
53 prosecuting attorney apply for a court order requiring the body to be exhumed.

54 [5.] 6. The coroner may certify the cause of death in any case where
55 death occurred without medical attendance or where an attending physician
56 refuses to sign a certificate of death or when a physician is unavailable to sign
57 a certificate of death.

58 [6.] 7. When the cause of death is established by the coroner, the coroner
59 shall file a copy of the findings in the coroner's office within thirty days.

60 [7.] 8. If on view of the dead body and after personal inquiry into the
61 cause and manner of death, the coroner determines that a further examination
62 is necessary in the public interest, the coroner on the coroner's own authority may
63 make or cause to be made an autopsy on the body. The coroner may on the
64 coroner's own authority employ the services of a pathologist, chemist, or other
65 expert to aid in the examination of the body or of substances supposed to have
66 caused or contributed to death, and if the pathologist, chemist, or other expert is
67 not already employed by the city or county for the discharge of such services, the
68 pathologist, chemist, or other expert shall, upon written authorization of the
69 coroner, be allowed reasonable compensation, payable by the city or county, in the
70 manner provided in section 58.530. The coroner shall, at the time of the autopsy,
71 record or cause to be recorded each fact and circumstance tending to show the
72 condition of the body and the cause and manner of death.

73 [8.] 9. If on view of the dead body and after personal inquiry into the
74 cause and manner of death, the coroner considers a further inquiry and
75 examination necessary in the public interest, the coroner shall make out the
76 coroner's warrant directed to the sheriff of the city or county requiring the sheriff
77 forthwith to summon six good and lawful citizens of the county to appear before
78 the coroner, at the time and place expressed in the warrant, and to inquire how

79 and by whom the deceased died.

80 [9.] 10. (1) When a person is being transferred from one county to
81 another county for medical treatment and such person dies while being
82 transferred, or dies while being treated in the emergency room of the receiving
83 facility the place which the person is determined to be dead shall be considered
84 the place of death and the county coroner or medical examiner of the county from
85 which the person was originally being transferred shall be responsible for
86 determining the cause and manner of death for the Missouri certificate of death.

87 (2) The coroner or medical examiner in the county in which the person is
88 determined to be dead may with authorization of the coroner or medical examiner
89 from the original transferring county, investigate and conduct postmortem
90 examinations at the expense of the coroner or medical examiner from the original
91 transferring county. The coroner or medical examiner from the original
92 transferring county shall be responsible for investigating the circumstances of
93 such and completing the Missouri certificate of death. The certificate of death
94 shall be filed in the county where the deceased was pronounced dead.

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

100 (4) If a person does not die while being transferred and is
101 institutionalized as a regularly admitted patient after such transfer and
102 subsequently dies while in such institution, the coroner or medical examiner of
103 the county in which the person is determined to be dead shall immediately notify
104 the coroner or medical examiner of the county from which such person was
105 originally transferred of the death of such person. In such cases, the county in
106 which the deceased was institutionalized shall be considered the place of death.
107 If the manner of death is by homicide, suicide, accident, criminal abortion
108 including those that are self-induced, child fatality, or any unusual or suspicious
109 manner, the investigation of the cause and manner of death shall revert to the
110 county of origin, and this coroner or medical examiner shall be responsible for the
111 Missouri certificate of death. The certificate of death shall be filed in the county
112 where the deceased was pronounced dead.

113 [10.] 11. There shall not be any statute of limitations or time limits on
114 the cause of death when death is the final result or determined to be caused by

115 homicide, suicide, accident, child fatality, criminal abortion including those
116 self-induced, or any unusual or suspicious manner. The place of death shall be
117 the place in which the person is determined to be dead. The final investigation
118 of death in determining the cause and matter of death shall revert to the county
119 of origin, and the coroner or medical examiner of such county shall be responsible
120 for the Missouri certificate of death. The certificate of death shall be filed in the
121 county where the deceased was pronounced dead.

122 [11.] 12. Except as provided in subsection [9] 10 of this section, if a
123 person dies in one county and the body is subsequently transferred to another
124 county, for burial or other reasons, the county coroner or medical examiner where
125 the death occurred shall be responsible for the certificate of death and for
126 investigating the cause and manner of the death.

127 [12.] 13. In performing the duties, the coroner or medical examiner shall
128 comply with sections 58.775 to 58.785 with respect to organ donation.

58.720. 1. When any person dies within a county having a medical
2 examiner as a result 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
7 might constitute 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
10 Christian Science practitioner, during the period of thirty-six hours immediately
11 preceding his death;
 - 12 (c) While in the custody of the law, or while an inmate in a public
13 institution;
 - 14 (d) In any unusual or suspicious manner;

15 the police, sheriff, law enforcement officer or official, or any person having
16 knowledge of such a death shall immediately notify the office of the medical
17 examiner of the known facts concerning the time, place, manner and
18 circumstances of the death. Immediately upon receipt of notification, the medical
19 examiner or his designated assistant shall take charge of the dead body and fully
20 investigate the essential facts concerning the medical causes of death. He may
21 take the names and addresses of witnesses to the death and shall file this
22 information in his office. The medical examiner or his designated assistant shall

23 take possession of all property of value found on the body, making exact inventory
24 thereof on his report and shall direct the return of such property to the person
25 entitled to its custody or possession. The medical examiner or his designated
26 assistant examiner shall take possession of any object or article which, in his
27 opinion, may be useful in establishing the cause of death, and deliver it to the
28 prosecuting attorney of the county.

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

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

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

47 [4.] 5. The medical examiner shall certify the cause of death in any case
48 where death occurred without medical attendance or where an attending
49 physician refuses to sign a certificate of death, and may sign a certificate of death
50 in the case of any death.

51 [5.] 6. When the cause of death is established by the medical examiner,
52 he shall file a copy of his findings in his office within thirty days after notification
53 of the death.

54 [6.] 7. (1) When a person is being transferred from one county to another
55 county for medical treatment and such person dies while being transferred, or
56 dies while being treated in the emergency room of the receiving facility, the place
57 which the person is determined to be dead shall be considered the place of death
58 and the county coroner or the medical examiner of the county from which the

59 person was originally being transferred shall be responsible for determining the
60 cause and manner of death for the Missouri certificate of death.

61 (2) The coroner or medical examiner in the county in which the person is
62 determined to be dead may, with authorization of the coroner or medical
63 examiner from the transferring county, investigate and conduct postmortem
64 examinations at the expense of the coroner or medical examiner from the
65 transferring county. The coroner or medical examiner from the transferring
66 county shall be responsible for investigating the circumstances of such and
67 completing the Missouri certificate of death. The certificate of death shall be filed
68 in the county where the deceased was pronounced dead.

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

74 (4) If a person does not die while being transferred and is
75 institutionalized as a regularly admitted patient after such transfer and
76 subsequently dies while in such institution, the coroner or medical examiner of
77 the county in which the person is determined to be dead shall immediately notify
78 the coroner or medical examiner of the county from which such person was
79 originally transferred of the death of such person. In such cases, the county in
80 which the deceased was institutionalized shall be considered the place of death.
81 If the manner of death is by homicide, suicide, accident, criminal abortion
82 including those that are self-induced, child fatality, or any unusual or suspicious
83 manner, the investigation of the cause and manner of death shall revert to the
84 county of origin, and this coroner or medical examiner shall be responsible for the
85 Missouri certificate of death. The certificate of death shall be filed in the county
86 where the deceased was pronounced dead.

87 [7.] 8. There shall not be any statute of limitations or time limits on
88 cause of death when death is the final result or determined to be caused by
89 homicide, suicide, accident, criminal abortion including those self-induced, child
90 fatality, or any unusual or suspicious manner. The place of death shall be the
91 place in which the person is determined to be dead, but the final investigation of
92 death determining the cause and manner of death shall revert to the county of
93 origin, and this coroner or medical examiner shall be responsible for the Missouri
94 certificate of death. The certificate of death shall be filed in the county where the

95 deceased was pronounced dead.

96 [8.] 9. Except as provided in subsection [6] 7 of this section, if a person
97 dies in one county and the body is subsequently transferred to another county,
98 for burial or other reasons, the county coroner or medical examiner where the
99 death occurred shall be responsible for the certificate of death and for
100 investigating the cause and manner of the death.

101 [9.] 10. In performing the duties, the coroner or medical examiner shall
102 comply with sections 58.775 to 58.785 with respect to organ donation.

193.145. 1. A certificate of death for each death which occurs in this state
2 shall be filed with the local registrar, or as otherwise directed by the state
3 registrar, within five days after death and shall be registered if such certificate
4 has been completed and filed pursuant to this section. All data providers in the
5 death registration process, including, but not limited to, the state registrar, local
6 registrars, the state medical examiner, county medical examiners, coroners,
7 funeral directors or persons acting as such, embalmers, sheriffs, attending
8 physicians and resident physicians, physician assistants, assistant physicians,
9 advanced practice registered nurses, and the chief medical officers of licensed
10 health care facilities, and other public or private institutions providing medical
11 care, treatment, or confinement to persons, shall be required to use and utilize
12 any electronic death registration system required and adopted under subsection
13 1 of section 193.265 within six months of the system being certified by the
14 director of the department of health and senior services, or the director's
15 designee, to be operational and available to all data providers in the death
16 registration process. However, should the person or entity that certifies the cause
17 of death not be part of, or does not use, the electronic death registration system,
18 the funeral director or person acting as such may enter the required personal
19 data into the electronic death registration system and then complete the filing by
20 presenting the signed cause of death certification to the local registrar, in which
21 case the local registrar shall issue death certificates as set out in subsection 2 of
22 section 193.265. [Nothing in this section shall prevent the state registrar from
23 adopting pilot programs or voluntary electronic death registration programs until
24 such time as the system can be certified; however, no such pilot or voluntary
25 electronic death registration program shall prevent the filing of a death certificate
26 with the local registrar or the ability to obtain certified copies of death
27 certificates under subsection 2 of section 193.265 until six months after such
28 certification that the system is operational.]

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

34 3. When death occurs in a moving conveyance in the United States and
35 the body is first removed from the conveyance in this state, the death shall be
36 registered in this state and the place where the body is first removed shall be
37 considered the place of death. When a death occurs on a moving conveyance
38 while in international waters or air space or in a foreign country or its air space
39 and the body is first removed from the conveyance in this state, the death shall
40 be registered in this state but the certificate shall show the actual place of death
41 if such place may be determined.

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

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

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

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

54 5. The medical certification shall be completed, attested to its accuracy
55 either by signature or an electronic process approved by the department, and
56 returned to the funeral director or person in charge of final disposition within
57 seventy-two hours after death by the physician, physician assistant, assistant
58 physician, **or** advanced practice registered nurse in charge of the patient's care
59 for the illness or condition which resulted in death. In the absence of the
60 physician, physician assistant, assistant physician, advanced practice registered
61 nurse or with the physician's, physician assistant's, assistant physician's, or
62 advanced practice registered nurse's approval the certificate may be completed
63 and attested to its accuracy either by signature or an approved electronic process
64 by the physician's associate physician, the chief medical officer of the institution

65 in which death occurred, or the physician who performed an autopsy upon the
66 decedent, provided such individual has access to the medical history of the case,
67 views the deceased at or after death and death is due to natural causes. The
68 person authorized to complete the medical certification may, in writing, designate
69 any other person to enter the medical certification information **and attestation**
70 into the electronic death registration system if the person authorized to complete
71 the medical certificate has physically or by electronic process signed a statement
72 stating the cause of death. Any persons completing the medical certification or
73 entering data **and attestation** into the electronic death registration system shall
74 be immune from civil liability for such certification **and attestation** completion,
75 data entry, or determination of the cause of death, absent gross negligence or
76 willful misconduct. The state registrar may approve alternate methods of
77 obtaining and processing the medical certification and filing the death
78 certificate. The Social Security number of any individual who has died shall be
79 placed in the records relating to the death and recorded on the death certificate.

80 6. When death occurs from natural causes more than thirty-six hours after
81 the decedent was last treated by a physician, physician assistant, assistant
82 physician, advanced practice registered nurse, the case shall be referred to the
83 county medical examiner or coroner or physician or local registrar for
84 investigation to determine and certify the cause of death. If the death is
85 determined to be of a natural cause, the medical examiner or coroner or local
86 registrar shall refer the certificate of death to the attending physician, physician
87 assistant, assistant physician, advanced practice registered nurse for such
88 certification. If the attending physician, physician assistant, assistant physician,
89 advanced practice registered nurse refuses or is otherwise unavailable, the
90 medical examiner or coroner or local registrar shall attest to the accuracy of the
91 certificate of death either by signature or an approved electronic process within
92 thirty-six hours.

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

98 8. If the cause of death cannot be determined within seventy-two hours
99 after death, the attending medical examiner, coroner, attending physician,
100 physician assistant, assistant physician, advanced practice registered nurse, or

101 local registrar shall give the funeral director, or person in charge of final
102 disposition of the dead body, notice of the reason for the delay, and final
103 disposition of the body shall not be made until authorized by the medical
104 examiner, coroner, attending physician, physician assistant, assistant physician,
105 advanced practice registered nurse, or local registrar.

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

112 10. [(1)] The department of health and senior services shall notify all
113 physicians, physician assistants, assistant physicians, and advanced practice
114 registered nurses licensed under chapters 334 and 335 of the requirements
115 regarding the use of the electronic vital records system provided for in this
116 section.

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

124 **11. Notwithstanding any provision of law to the contrary, if a**
125 **coroner or deputy coroner is not current with or is without the**
126 **approved training under chapter 58, the department of health and**
127 **senior services shall prohibit such coroner from attesting to the**
128 **accuracy of a certificate of death. No person elected or appointed to**
129 **the office of coroner can assume such elected office until the training,**
130 **as established by the coroner standards and training commission under**
131 **the provisions of section 58.035, has been completed and a certificate**
132 **of completion has been issued. In the event a coroner cannot fulfill his**
133 **or her duties or is no longer qualified to attest to the accuracy of a**
134 **death certificate, the sheriff of the county shall appoint a medical**
135 **professional to attest death certificates until such time as the coroner**
136 **can resume his or her duties or another coroner is appointed or elected**

137 **to the office.**

193.265. 1. For the issuance of a certification or copy of a death record,
2 the applicant shall pay a fee of [~~thirteen~~] **fourteen** dollars for the first
3 certification or copy and a fee of [~~ten~~] **eleven** dollars for each additional copy
4 ordered at that time. For the issuance of a certification or copy of a birth,
5 marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen
6 dollars. No fee shall be required or collected for a certification of birth, death, or
7 marriage if the request for certification is made by the children's division, the
8 division of youth services, a guardian ad litem, or a juvenile officer on behalf of
9 a child or person under twenty-one years of age who has come under the
10 jurisdiction of the juvenile court under section 211.031. All fees **collected**
11 **under this subsection** shall be deposited to the state department of
12 revenue. Beginning August 28, 2004, for each vital records fee collected, the
13 director of revenue shall credit four dollars to the general revenue fund, five
14 dollars to the children's trust fund, one dollar shall be credited to the endowed
15 care cemetery audit fund, **one dollar for each certification or copy of death**
16 **records to the Missouri state coroners' training fund established in**
17 **section 58.208**, and three dollars for the first copy of death records and five
18 dollars for birth, marriage, divorce, and fetal death records shall be credited to
19 the Missouri public services health fund established in section 192.900. Money
20 in the endowed care cemetery audit fund shall be available by appropriation to
21 the division of professional registration to pay its expenses in administering
22 sections 214.270 to 214.410. All interest earned on money deposited in the
23 endowed care cemetery audit fund shall be credited to the endowed care cemetery
24 fund. Notwithstanding the provisions of section 33.080 to the contrary, money
25 placed in the endowed care cemetery audit fund shall not be transferred and
26 placed to the credit of general revenue until the amount in the fund at the end
27 of the biennium exceeds three times the amount of the appropriation from the
28 endowed care cemetery audit fund for the preceding fiscal year. The money
29 deposited in the public health services fund under this section shall be deposited
30 in a separate account in the fund, and moneys in such account, upon
31 appropriation, shall be used to automate and improve the state vital records
32 system, and develop and maintain an electronic birth and death registration
33 system. For any search of the files and records, when no record is found, the
34 state shall be entitled to a fee equal to the amount for a certification of a vital
35 record for a five-year search to be paid by the applicant. For the processing of

36 each legitimation, adoption, court order or recording after the registrant's twelfth
37 birthday, the state shall be entitled to a fee equal to the amount for a certification
38 of a vital record. Except whenever a certified copy or copies of a vital record is
39 required to perfect any claim of any person on relief, or any dependent of any
40 person who was on relief for any claim upon the government of the state or
41 United States, the state registrar shall, upon request, furnish a certified copy or
42 so many certified copies as are necessary, without any fee or compensation
43 therefor.

44 2. For the issuance of a certification of a death record by the local
45 registrar, the applicant shall pay a fee of [thirteen] **fourteen** dollars for the first
46 certification or copy and a fee of [ten] **eleven** dollars for each additional copy
47 ordered at that time. **For each fee collected under this subsection, one**
48 **dollar shall be deposited to the state department of revenue and the**
49 **remainder shall be deposited to the official city or county health**
50 **agency. The director of revenue shall credit all fees deposited to the**
51 **state department of revenue under this subsection to the Missouri state**
52 **coroners' training fund established in section 58.208.**

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

69 4. A certified copy of a death record by the local registrar can only be
70 issued within twenty-four hours of receipt of the record by the local
71 registrar. Computer-generated certifications of death records may be issued by

72 the local registrar after twenty-four hours of receipt of the records. **In the event**
73 **that it is determined by the state registrar that any required**
74 **information from any data provider was missing or incomplete on**
75 **records or documentation that were filed with or submitted to the local**
76 **registrar and then sent to the state registrar, the state registrar shall**
77 **return the records or documentation to the local registrar so that the**
78 **data provider, funeral director, or person in charge of the final**
79 **disposition, can provide the missing or incomplete**
80 **information. Nothing in this subsection removes any requirement in**
81 **any statute or regulation as to when an affidavit or court order is**
82 **necessary to amend a death certificate that has been issued.** The fees
83 paid to the official county health agency shall be retained by the local agency for
84 local public health purposes.

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

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

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

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

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

21 (4) Any surviving child of the deceased. If a surviving child is less than
22 eighteen years of age and has a legal or natural guardian, such child shall not be
23 disqualified on the basis of the child's age and such child's legal or natural

24 guardian, if any, shall be entitled to serve in the place of the child unless such
25 child's legal or natural guardian was subject to an action in dissolution from the
26 deceased. In such event the person or persons who may serve as next-of-kin shall
27 serve in the order provided in subdivisions (5) to (9) of this subsection;

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

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

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

34 (6) Any surviving sibling of the deceased;

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

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

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

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

52 4. A funeral director or establishment is entitled to rely on and act
53 according to the lawful instructions of any person claiming to be the next-of-kin
54 of the deceased; provided however, in any civil cause of action against a funeral
55 director or establishment licensed pursuant to this chapter for actions taken
56 regarding the funeral arrangements for a deceased person in the director's or
57 establishment's care, the relative fault, if any, of such funeral director or
58 establishment may be reduced if such actions are taken in reliance upon a
59 person's claim to be the deceased person's next-of-kin.

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

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

72 7. If there is more than one person in a class who are equal in priority
73 and the funeral director has no knowledge of any objection by other members of
74 such class, the funeral director or establishment shall be entitled to rely on and
75 act according to the instructions of the first such person in the class to make
76 arrangements; provided that such person assumes responsibility for the costs of
77 disposition and no other person in such class provides written notice of his or her
78 objection. If the funeral director has knowledge that there is more than one
79 person in a class who are equal in priority and who do not agree on the
80 disposition, the decision of the majority of the members of such class shall control
81 the disposition.

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

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