

HOUSE BILL NO. 1042

Introduced by

Human Services Committee

(At the request of the Department of Health and Human Services)

1 A BILL for an Act to amend and reenact sections 11-19.1-11, 11-19.1-13, and 11-19.1-16 of the
2 North Dakota Century Code, relating to autopsies, determination of cause of death, and
3 certification of coroner fees in situations involving the unexplained sudden death in infant or
4 child with or without intrinsic or extrinsic factors, or both.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 11-19.1-11 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **11-19.1-11. Autopsies - Notice of results.**

- 9 1. The coroner or the coroner's medical deputy, if the coroner deems it necessary, may
10 take custody of the deceased human body for the purpose of autopsy. When the
11 coroner does not deem an autopsy necessary, the sheriff or state's attorney may direct
12 an autopsy be performed.
- 13 2. The autopsy must be performed by the state forensic examiner or by the state forensic
14 examiner's authorized pathologist at a facility approved by the state forensic examiner.
- 15 3. Upon the death of a minor whose cause of death is suspected by the minor's parent or
16 guardian or the coroner or the coroner's medical deputy to have been the unexplained
17 sudden infant death syndrome ~~in infant or child with or without intrinsic or extrinsic~~
18 factors, or both, the coroner or the coroner's medical deputy, after consultation with
19 the parent or guardian, shall take custody of the body and shall arrange for the
20 performance of the autopsy by the state forensic examiner or a pathologist designated
21 by the state forensic examiner, unless the county coroner, sheriff, state's attorney, and
22 the parent or guardian all agree that an autopsy is unnecessary. The parents or
23 guardian and the state health officer must be promptly notified of the results of that
24 autopsy.

1 4. A report of death, an autopsy report, and any working papers, notes, images, pictures,
2 photographs, or recordings in any form are confidential but the coroner may use or
3 disclose these materials for purposes of an investigation, inquest, or prosecution. The
4 coroner may disclose a copy of the report of death in accordance with the authority of
5 the state forensic examiner under section 23-01-05.5 and may disclose an autopsy
6 photograph or other visual image or video or audio recording subject to limitations in
7 section 44-04-18.18. The coroner shall disclose a copy of the autopsy report to the
8 state forensic examiner.

9 **SECTION 2. AMENDMENT.** Section 11-19.1-13 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **11-19.1-13. Cause of death - Determination.**

12 The cause of death, the manner of death, and the mode in which the death occurred must
13 be incorporated in the death certificate filed with the registrar of vital statistics of this state. The
14 term "unexplained sudden infant death syndrome in infant or child with or without intrinsic or
15 extrinsic factors, or both" may be entered on the death certificate as the principal cause of death
16 only if the child is under the age of one year and the death remains unexplained after a case
17 investigation that includes a complete autopsy of the infant at the state's expense, examination
18 of the death scene, and a review of the clinical history of the infant.

19 **SECTION 3. AMENDMENT.** Section 11-19.1-16 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **11-19.1-16. Coroner's fees paid out of county treasury - Fees to be charged by**
22 **coroner - Duty of county auditor - Certain expenses paid by the state.**

- 23 1. The fees and mileage as provided by section 11-10-15 allowed to the coroner shall be
24 paid out of the county treasury of the county of residence of the deceased person and
25 the coroner's bill shall be presented to the county auditor and shall be paid upon
26 approval and order of the board of county commissioners.
- 27 2. The department of health and human services shall audit, and if found correct, certify
28 for payment by the state treasurer duly itemized and verified claims of the coroner, the
29 coroner's medical deputy, and pathologist for the necessary expenses incurred or paid
30 in the performance of an autopsy of a child whose cause of death was suspected to

- 1 have been the unexplained sudden infant death syndrome in infant or child with or
- 2 without intrinsic or extrinsic factors, or both.