



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-4377/1
TJD&MED:wlj&amn

2015 ASSEMBLY BILL 867

February 4, 2016 - Introduced by Representatives SCHRAA, SHANKLAND, LOUDENBECK, KITCHENS, KLEEFISCH, TITTL, R. BROOKS, SKOWRONSKI, QUINN, KRUG, WACHS, KUGLITSCH, KAHL, KOLSTE, KESSLER, MURSAU, VANDERMEER, SPIROS, BORN, THIESFELDT, ROHRKASTE, SWEARINGEN, MEYERS and MURPHY, cosponsored by Senators GUDEX and LASSA. Referred to Committee on State Affairs and Government Operations.

1 **AN ACT** *to repeal* 69.18 (4) (bm), 979.01 (3), 979.01 (3m), 979.03 and 979.10 (3);
2 *to renumber* 69.18 (4) (a) 1g. to 6.; *to renumber and amend* 69.18 (4) (a)
3 (intro.), 157.02 (1), (2), (3), (4) and (5), 979.01 (1m), 979.01 (2), 979.01 (4),
4 979.02, 979.10 (1) (a) 1., 2. and 3. and 979.10 (1) (c); *to amend* 20.165 (1) (g),
5 20.435 (1) (gm), 69.01 (12), 69.18 (2) (d) 1., 69.18 (2) (d) 2., 69.18 (2) (d) 3., 69.18
6 (3) (a), 69.18 (3) (b), 69.18 (3) (d), 69.20 (2) (a) 2., 157.03 (1), 157.03 (2), 157.055
7 (2) (intro.), 157.112 (3) (intro.), 157.70 (3) (a), 346.71 (1), 346.71 (2), 440.03 (9)
8 (a) (intro.), 440.05 (intro.), 440.78 (1) (b), 979.01 (title), 979.01 (1r), 979.015,
9 979.02 (title), 979.025 (2), 979.025 (3), 979.09, 979.10 (1) (a) (intro.), 979.10 (1)
10 (b), 979.10 (2), 979.10 (4) and 979.22; *to repeal and recreate* 20.435 (1) (gm),
11 979.01 (1) and 979.01 (1g); and *to create* 15.405 (18), 20.165 (1) (hr), 20.165 (1)
12 (kd), 51.30 (4) (b) 29., 69.18 (4) (am) (intro.), 69.18 (4) (b), 69.18 (4) (d), 69.18 (4)
13 (e), 69.18 (4) (f), 157.02 (1m) (title), 157.02 (2m), 440.03 (9) (bm), 440.03 (13) (b)
14 38d., 440.08 (2) (a) 46t., chapter 465, 979.001, 979.01 (1d), 979.01 (1i), 979.01

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1 (1k), 979.01 (1m) (b), 979.01 (1p), 979.01 (2) (b), 979.017, 979.02 (2) to (7),
2 979.027, 979.032, 979.034, 979.036, 979.10 (1) (a) 1m. and 2m., 979.10 (1) (d),
3 979.10 (5) and 979.10 (6) of the statutes; **relating to:** reporting deaths; death
4 investigations and other duties of coroners and medical examiners; disposition
5 of bodies; creating a medicolegal investigation examining board; licensure of
6 medical examiners and medicolegal investigation staff members; extending the
7 time limit for emergency rule procedures; providing an exemption from
8 emergency rule procedures; granting rule-making authority; making an
9 appropriation; and providing criminal penalties.

Analysis by the Legislative Reference Bureau

Under current law, coroners or medical examiners investigate certain deaths and have various duties and powers specified by law related to deaths occurring in this state, including receiving reports of deaths, participating in inquest proceedings, determining causes of death, ordering autopsies, administering provisions related to making anatomical gifts, and issuing cremation permits. Current law provides for the election of coroners for four-year terms by the electors of each county or of more than one county in certain cases, except that a county with a population of 500,000 or more must, and a county with a population of less than 500,000 may, abolish the office of coroner and establish a medical examiner system. Under the medical examiner system, a medical examiner is appointed by the county board or, in populous counties, by the county executive. Current law does not otherwise specify any particular requirements that an individual must fulfill in order to hold the office of coroner or to be appointed as a medical examiner.

Licensure of medical examiners, medicolegal investigators, and others

The bill establishes a prohibition against performing a death investigation or performing the functions of a medical examiner or a person who assists a coroner or medical examiner with a death investigation (medicolegal investigation staff member) without a license in medicolegal investigation issued by the Medicolegal Investigation Examining Board, except that the bill exempts coroners and certain accredited medical examiners from this requirement. Any person who violates the prohibition may be subject to a fine of not more than \$1,000 and imprisonment of up to 90 days.

The bill requires the board to issue an initial license in medicolegal investigation, at no charge, to every individual who is serving as a nonaccredited medical examiner or medicolegal investigation staff member in this state on the bill's effective date. The bill also allows an individual who is serving as coroner on the bill's

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effective date to elect to receive such a license. The bill requires each such individual to complete, prior to the next license renewal date, 40 hours of education, except that the bill allows an individual who holds a credential, in good standing, from a nationally recognized accreditation organization specializing in death investigation education to receive a waiver from completing 16 of those 40 hours. The bill requires the board to provide, at no cost, the required hours of training to these individuals.

The bill also requires the board to issue a license in medicolegal investigation to any individual who is appointed as a nonaccredited medical examiner or is hired to serve as a medicolegal investigation staff member after the bill's effective date, if the individual pays any initial license fee imposed by the board. The bill requires such an individual to complete a 40-hour death investigation training course within 18 months of initial licensure.

Finally, the bill allows an individual who is not serving as a medical examiner or medicolegal investigator to obtain a license in medicolegal investigation from the board if he or she first completes 40 hours of training and pays any licensure fee established by the board.

The bill provides that the renewal date for any license in medicolegal investigation is January 1, 2019, and every four years thereafter. In order to renew a license, a license holder must pay any renewal fee imposed by the board and complete 24 hours of education, subject to certain exemptions for initial renewals.

Medicolegal Investigation Examining Board; powers and duties

The bill provides for the creation of the 11-member board in the Department of Safety and Professional Services, to be composed of two individuals who are coroners, chief deputy coroners, or deputy coroners; two individuals who are nonaccredited medical examiners or medicolegal investigation staff members; two accredited medical examiners; a member of the Wisconsin District Attorneys' Association; members of two specified law enforcement organizations; the attorney general or his or her designee; and one public member, appointed for six-year terms. The bill requires the board to do all of the following:

1. Promulgate rules specifying standards and curricula for training and education requirements for individuals holding a license in medicolegal investigation issued by the board.
2. Coordinate and provide, on a regional basis, training and education for holders of licenses issued by the board at no cost to those license holders.
3. Monitor compliance with the licensure requirements created by the bill.
4. Revoke the license of a license holder who fails to complete the required death investigation course.
5. Provide the required training and education to license holders. The bill allows the board to impose fees for licenses issued after the bill's effective date and for license renewals.

The bill also requires the board, if a license is revoked or not renewed for any reason, to do any of the following that applies to the license holder:

1. If the license holder is a nonaccredited medical examiner, send a statement to the county board or county executive, if applicable, for any county in which the

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license holder serves, recommending dismissal of the nonaccredited medical examiner because of the revocation or failure to renew the license.

2. If the license holder is a medicolegal investigation staff member, send a notice to the office in which the individual works notifying the coroner or medical examiner of the revocation or failure to renew the license.

The bill requires an individual who is appointed as a nonaccredited medical examiner or is hired to serve as a medicolegal investigation staff member, and who leaves his or her position as a medical examiner or medicolegal investigation staff member, to so inform the board.

The bill appropriates to the board all moneys received from licensure fees for medicolegal investigators licensed by the board and moneys received by the Department of Health Services for the issuance of death certificates.

Reporting deaths

Under current law, any person who has knowledge of certain deaths must report the death to the sheriff, police chief, or medical examiner or coroner for the locality in which the death occurred. The following types of deaths must be reported: a death that involves unexplained, unusual, or suspicious circumstances; a homicide or suicide; a death following an accident; a death that is due to poisoning; a death following an abortion; a death for which a physician or spiritual advisor did not attend the deceased within 30 days before death; and a death for which a physician refuses to sign the death certificate or for which a physician cannot timely be obtained to sign the medical certification that is required for a death certificate. A sheriff or police chief who is notified of such a death must notify the coroner or medical examiner of the death, and the coroner or medical examiner must notify the district attorney. In addition, current law requires a parent, stepparent, guardian, or legal custodian of a child to report to law enforcement the death of the child if it occurs under certain circumstances.

The bill requires that a law enforcement officer, health care provider, or funeral director who has knowledge of a death that occurs outside a hospital, nursing home, hospice, or physician's office must immediately report the death to the appropriate law enforcement agency and the coroner or medical examiner in the county where the death occurred or where the body or remains were located. Any person who discovers a body or the remains of a deceased individual outside a hospital, nursing home, hospice, or physician's office must also immediately report the death, if the death is of a type that must be reported, to law enforcement in the county where the death occurred or where the body or remains were located and may also report the death to the coroner or medical examiner. If the discovery of the body or remains is not reported to the coroner or medical examiner, law enforcement must report the discovery to the coroner or medical examiner. The bill also includes specific reporting requirements for deaths that occur in hospitals, nursing homes, hospices, or physician's offices. First, a health care provider must report each death that occurs in a physician's office. Second, a hospice must report deaths that occur while a person is receiving care from hospice in accordance with the coroner or medical examiner's written policy. Third, a hospital or nursing home must report each death that occurs at the hospital or nursing home and that did not result from a natural disease

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process. Fourth, a hospital must report each death that occurs in the emergency department of the hospital.

Currently, the penalty for failure to report a death for which reporting is required is a fine not to exceed \$1,000 or imprisonment for not more than 90 days. The bill increases the maximum fine to \$10,000 for a partnership, association, organization, institution, or body politic or corporate that fails to report a death for which reporting is required.

Jurisdiction to investigate death and notifications

The bill assigns jurisdiction to investigate the cause and manner of a death to the coroner or medical examiner in the county in which occurred the crime, injury, or other event that caused the death. However, if it cannot be determined where the event that caused the death occurred, or if the death occurred outside the state, the coroner or medical examiner in the county in which death was pronounced has jurisdiction to investigate. The bill provides that after any crime scene investigation the coroner or medical examiner who has jurisdiction to investigate cause and manner of death has custody of the deceased's body and prohibits any person from moving the body at or from a death scene without authorization from the law enforcement agency investigating the death and the coroner or medical examiner. The bill requires a coroner or medical examiner who receives notice of a death to notify the deceased's next of kin. The bill provides that a coroner or medical examiner need not notify the district attorney of certain types of reported deaths if the district attorney has waived notice in writing.

Autopsies and other diagnostic procedures

Currently, a coroner, medical examiner, or district attorney may order an autopsy conducted on a body if there is reason to believe that the death resulted from a homicide or certain other crimes or suicide, or occurred under unexplained or suspicious circumstances. A coroner or medical examiner must order an autopsy on any person who dies while confined in a correctional facility in this state. If a child who is under two years of age dies unexpectedly or under circumstances indicating sudden infant death syndrome, the coroner or medical examiner must order an autopsy unless the parent or guardian requests in writing that an autopsy not be performed. If the autopsy reveals that sudden infant death syndrome is the cause of death, that cause shall be stated in the autopsy report. No person may perform an autopsy on the body of a person whose death must be reported without obtaining written authorization from the coroner or medical examiner.

Under current law, if an autopsy is not performed in connection with a death that must be reported, the coroner or medical examiner may take specimens from the body for analysis to assist in determining the cause of death. The coroner or medical examiner must take specimens for analysis in such cases if requested to do so by the spouse, parent, child, or sibling of the deceased.

The bill requires a coroner or medical examiner to order an autopsy for the following deaths: a death that likely resulted from a crime; a death of a person under two years of age under circumstances indicating sudden infant death syndrome; a death of a person under 18 years of age that is unusual or unexplained; a death of a person who is in the custody of a law enforcement officer or under active pursuit

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by a law enforcement officer, or that otherwise involves a law enforcement officer; a death of a person who is confined in federal prison or confined in a jail or otherwise confined by a sheriff; and a death of a person who is detained or institutionalized in connection with a civil commitment, preliminary proceedings for civil commitment, or criminal trial competency proceedings. The bill allows a district attorney to order an autopsy. The bill repeals the requirement that a coroner or medical examiner, in cases where a death must be reported, must take specimens from a deceased's body upon request of the deceased's spouse, parent, child, or sibling. Under the bill, if a coroner or medical examiner does not order an autopsy for a death that must be reported and a representative of the deceased inquires about performance of an autopsy, the coroner or medical examiner must inform the representative that the representative may independently contract for pathology-related services. Finally, the bill repeals the requirement that, when applicable, coroners and medical examiners cite sudden infant death syndrome as the cause of death in an autopsy report.

Investigation records and handling of personal property

The bill requires that each coroner or medical examiner keep records of each death investigation and specifies the contents of the records. The bill further requires that the coroner or medical examiner keep death investigation records in an office that is owned or leased by the county and designated as the office of the coroner or medical examiner.

The bill provides that records of autopsies and other diagnostic procedures are confidential. Under the bill, a coroner or medical examiner may release such records only to persons who have authority to access the deceased's health care records without informed consent, to a representative of the deceased, or for educational purposes. The bill requires that a coroner or medical examiner keep all confidential records that are gathered for an investigation, such as health care records, confidential with certain exceptions. At the request of a law enforcement agency investigating a death, a coroner or medical examiner must keep death investigation records and information related to an investigation confidential during the course of the investigation. The bill also requires that each coroner or medical examiner maintain written policies regarding access to death investigation records.

The bill requires a coroner or medical examiner to maintain an inventory of personal property that the coroner or medical examiner takes from a death scene or from a deceased. The bill specifies that the coroner or medical examiner must destroy, in accordance with applicable county evidence retention policies and standards for disposal of medications, or donate to a drug repository program any prescription medications that the coroner or medical examiner collects in an investigation and does not provide to a law enforcement agency.

Disposition of bodies

Under current law, the coroner's or medical examiner's authorization is required for various activities related to the disposition of bodies.

Authorization to embalm or dispose of a body. Under current law, a coroner's or medical examiner's authorization is required to embalm or perform an autopsy on the body of a person whose death must be reported. A coroner or medical examiner

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must issue the authorization within 12 hours of receiving notice of the death or as soon thereafter as possible in the event of unexplained, unusual, or suspicious circumstances.

The bill requires an authorization from the coroner or medical examiner to embalm, bury, entomb, cremate, or deliver for research purposes the body of a person whose death must be reported. The bill specifies certain information that a coroner or medical examiner must include on an authorization to embalm or dispose of a body, eliminates the general 12-hour deadline for issuing an authorization to embalm, and provides that a coroner or medical examiner must issue an authorization to embalm or dispose of a body as soon as possible after being notified of a death.

Cremation permit. Under current law, a cremation permit issued by a coroner or medical examiner is required for cremation of the body of any deceased person. Currently, a person may not cremate a body within 48 hours of death, or discovery of death, unless the death was caused by a contagious or infectious disease. A coroner or medical examiner must view a body and make inquiry into the cause and manner of death before issuing a cremation permit. Finally, a cremation permit for the body of a person who died outside the state may be used only in the county in which it is issued.

The bill calls the authorization required for cremation a release rather than a permit. The bill provides that even when a death is caused by a contagious or infectious disease, the body may not be cremated within 48 hours of the pronouncement of death unless the body must be cremated immediately to effectively contain the disease or a public health authority orders the sooner disposal of the body during a state of emergency that is related to public health. The bill requires that, if the medical certification of the cause and manner of death on a death certificate is completed by a physician, the coroner or medical examiner must review the medical certification before issuing a cremation release. The bill further requires that a coroner or medical examiner must specify on a cremation release the earliest date and time that cremation may occur. Finally, the bill requires that a person who receives a body for medical research or education must request a cremation release before receiving the body.

Authorization to disinter and reinter. Under current law, a coroner or medical examiner must issue an authorization to disinter and reinter a body upon an order of the court or at the request of various next of kin of the deceased or another person who has authority to dispose of the body.

The bill clarifies that no person, other than a cemetery, may disinter a body or human remains without authorization from the coroner or medical examiner. The bill adds, as a condition for obtaining a coroner's or medical examiner's authorization for disinterment without a court order, that the person requesting authorization provide proof of intent to cremate or bury the disinterred remains.

Disposition of unidentified or unclaimed bodies. Under current law, if an inmate of a state, county, or municipal institution dies, and a relative or friend of the deceased does not claim the body and a medical or mortuary school does not take the body, the superintendent of the institution must bury the body.

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This bill provides that, if a person other than the superintendent of a state, county, or municipal institution has an unidentified or unclaimed body, the person shall notify the coroner or medical examiner in the county of residence of the deceased, who must bury or cremate the body. The bill further provides that, if the coroner or medical examiner makes reasonable efforts to identify a body and notify the deceased's representative of disposal of the body, the coroner or medical examiner is immune from civil liability for his or her choice of method for disposing of the body.

Mental health treatment records

Under current law, a coroner or medical examiner may obtain a deceased's health care records without informed consent for the purpose of completing a medical certification on a certificate of death or for conducting a death investigation. This bill provides a coroner or medical examiner access to a deceased's mental health treatment records without informed consent for the purpose of completing a medical certification on a certificate of death or for conducting a death investigation.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 15.405 (18) of the statutes is created to read:

2 15.405 (18) MEDICOLEGAL INVESTIGATION EXAMINING BOARD. There is created a
3 medicolegal investigation examining board in the department of safety and
4 professional services that shall consist of the following members appointed for
5 6-year terms:

6 (a) Two individuals, each of whom is a coroner, chief deputy coroner, or deputy
7 coroner.

8 (am) Two individuals, each of whom is a nonaccredited medical examiner, as
9 defined in s. 465.01 (4), or a medicolegal investigation staff member, as defined in s.
10 465.01 (3), other than a medicolegal investigation staff member included under par.
11 (a).

12 (b) Two individuals, each of whom is an accredited medical examiner, as defined
13 in s. 465.01 (1g).

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1 (c) One member of the Wisconsin District Attorneys' Association.

2 (d) One member of the Badger State Sheriffs Association.

3 (e) One member of the Wisconsin Chiefs of Police Association.

4 (g) The attorney general or his or her designee.

5 (i) One public member.

6 **SECTION 2.** 20.165 (1) (g) of the statutes is amended to read:

7 20.165 (1) (g) *General program operations.* The amounts in the schedule for
8 the licensing, rule making, and regulatory functions of the department, other than
9 the licensing, rule-making, and credentialing functions of the medical examining
10 board and the affiliated credentialing boards attached to the medical examining
11 board and except for preparing, administering, and grading examinations. Ninety
12 percent of all moneys received under chs. 440 to 480, except ~~ch.~~ chs. 448 and 465 and
13 ss. 440.03 (13), and 440.05 (1) (b), and, less \$10 of each renewal fee received under
14 s. 452.12 (5); all moneys transferred from the appropriation under par. (i); and all
15 moneys received under s. 440.055 (2), shall be credited to this appropriation.

16 **SECTION 3.** 20.165 (1) (hr) of the statutes is created to read:

17 20.165 (1) (hr) *Medicolegal investigation examining board; program revenues.*
18 All moneys received from fees imposed for licenses issued under s. 465.10 to provide
19 training and education to individuals licensed under s. 465.10 and to support the
20 medicolegal investigation examining board in performing its duties and functions.

21 **SECTION 4.** 20.165 (1) (kd) of the statutes is created to read:

22 20.165 (1) (kd) *Medicolegal investigation examining board.* All moneys
23 transferred from the appropriation account under s. 20.435 (1) (gm) to provide
24 training and education to individuals licensed under s. 465.10 and to support the
25 medicolegal investigation examining board in performing its duties and functions.

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1 **SECTION 5.** 20.435 (1) (gm) of the statutes, as affected by 2015 Wisconsin Act
2 55, section 669, is amended to read:

3 20.435 (1) (gm) *Licensing, review and certifying activities; fees; supplies and*
4 *services.* The amounts in the schedule for the purposes specified in ss. 253.12,
5 254.176, 254.178, 254.179, 254.20 (5) and (8), 254.31 to 254.39, 254.41, 254.47,
6 254.61 to 254.88, and 256.15 (8), ch. 69, for the purchase and distribution of medical
7 supplies, and to analyze and provide data under s. 250.04. All moneys received under
8 ss. 250.04 (3m), 254.176, 254.178, 254.181, 254.20 (5) and (8), 254.31 to 254.39,
9 254.41, 254.47, 254.61 to 254.88, and 256.15 (5) (f) and (8) (d) and ch. 69, other than
10 s. 69.22 (1m), and as reimbursement for medical supplies shall be credited to this
11 appropriation account, except that all moneys received under s. 69.22 for copies of
12 death certificates shall be transferred to the appropriation account under s. 20.165
13 (1) (kd).

14 **SECTION 6.** 20.435 (1) (gm) of the statutes, as affected by 2015 Wisconsin Acts
15 55, section 670, and (this act), is repealed and recreated to read:

16 20.435 (1) (gm) *Licensing, review and certifying activities; fees; supplies and*
17 *services.* The amounts in the schedule for the purposes specified in ss. 253.12,
18 254.176, 254.178, 254.179, 254.20 (5) and (8), 254.31 to 254.39, 254.41, and 256.15
19 (8), ch. 69, for the purchase and distribution of medical supplies, and to analyze and
20 provide data under s. 250.04. All moneys received under ss. 250.04 (3m), 254.176,
21 254.178, 254.181, 254.20 (5) and (8), 254.31 to 254.39, 254.41, and 256.15 (5) (f) and
22 (8) (d) and ch. 69, other than s. 69.22 (1m), and as reimbursement for medical
23 supplies shall be credited to this appropriation account, except that all moneys
24 received under s. 69.22 for copies of death certificates shall be transferred to the
25 appropriation account under s. 20.165 (1) (kd).

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1 **SECTION 7.** 51.30 (4) (b) 29. of the statutes is created to read:

2 51.30 (4) (b) 29. To a medical examiner, assistant medical examiner, coroner,
3 or deputy coroner upon an oral or written request from that person, if the individual's
4 treatment records are relevant to completion of a medical certification for the
5 individual's death under s. 69.18 (2) or to an investigation of the cause or manner of
6 the individual's death under s. 979.01 or 979.10. A custodian of treatment records
7 may initiate contact with a coroner or medical examiner to inform him or her of
8 treatment records of a deceased individual that may be relevant to the completion
9 of a medical certification or the investigation of a death. The recipient of any
10 information under this subdivision shall keep the information confidential except as
11 necessary to comply with s. 69.18, 979.01, or 979.10.

12 **SECTION 8.** 69.01 (12) of the statutes is amended to read:

13 69.01 (12) "Final disposition" means the disposition of a corpse or stillbirth by
14 burial, interment, entombment, cremation, delivery to a university or school under
15 s. 157.02 (3) (1m) (c), or delivery to a medical or dental school anatomy department
16 under s. 157.06. "Final disposition" does not include disposition of the ashes
17 produced by cremation of a corpse or stillbirth.

18 **SECTION 9.** 69.18 (2) (d) 1. of the statutes is amended to read:

19 69.18 (2) (d) 1. Except as provided under par. (e), if ~~a~~ the manner of death is
20 not natural and is the subject of a coroner's or medical examiner's determination
21 investigated by a coroner or medical examiner under s. 979.01 ~~or 979.03~~, the coroner
22 or medical examiner or a physician supervised by a coroner or medical examiner in
23 the county where the event which caused the death occurred shall complete and sign
24 the medical certification for the death ~~and mail the death certificate within 5 days~~
25 ~~after the pronouncement of death or present the certificate to the person responsible~~

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1 ~~for filing the death certificate under sub. (1)~~ within 6 days after the pronouncement
2 of death.

3 **SECTION 10.** 69.18 (2) (d) 2. of the statutes is amended to read:

4 69.18 (2) (d) 2. Except as provided under par. (e), if the decedent was not under
5 the care of a physician for the illness or condition from which the person died, the
6 coroner or medical examiner, or a physician supervised by a coroner or medical
7 examiner, in the county of the place of death shall complete and sign the medical
8 certification for the death ~~and mail the death certificate within 5 days after the~~
9 ~~pronouncement of death or present the certificate to the person responsible for filing~~
10 ~~the death certificate under sub. (1)~~ within 6 days after the pronouncement of death.

11 **SECTION 11.** 69.18 (2) (d) 3. of the statutes is amended to read:

12 69.18 (2) (d) 3. For a medical certification under this paragraph, except a
13 medical certification of the cause of death of an indigent, a coroner or medical
14 examiner may charge a fee established by the county board, not to exceed an amount
15 reasonably related to the actual and necessary cost of providing the medical
16 certification. The coroner or medical examiner, or the physician employed by the
17 coroner or medical examiner, shall ~~mail or present~~ complete and sign a medical
18 certification as required under subd. 1., whether or not the fee has been paid.

19 **SECTION 12.** 69.18 (3) (a) of the statutes is amended to read:

20 69.18 (3) (a) Except as provided under par. (c) or (e), the person who has moved
21 a corpse under sub. (1) (a) shall complete a report for final disposition, on a form
22 supplied by the state registrar, and, within 24 hours after being notified of the death,
23 mail or present a copy of the report to the coroner or medical examiner in the county
24 of the place of death and mail or present a copy to the local registrar in the
25 registration district of the place of death. ~~If the cause of death is subject to an~~

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1 ~~investigation must be reported to a coroner or medical examiner under s. 979.01 or~~
2 ~~979.03, the report for final disposition shall be submitted to the coroner or medical~~
3 ~~examiner in the county in which the event which caused the death occurred.~~

4 **SECTION 13.** 69.18 (3) (b) of the statutes is amended to read:

5 69.18 (3) (b) If a medical certification for a corpse is required under sub. (2) (d),
6 no person may embalm the corpse or effect its final disposition without satisfying the
7 requirements for a report under par. (a) and without obtaining ~~the written~~
8 ~~permission of the person required to complete the medical certification under sub.~~
9 ~~(2) (d) an authorization to embalm or dispose of a body under s. 979.105.~~

10 **SECTION 14.** 69.18 (3) (d) of the statutes is amended to read:

11 69.18 (3) (d) No person may remove a corpse from this state if the place of death
12 was in this state unless the corpse is accompanied by a copy of the report for final
13 disposition. If a medical certification is required for the corpse under sub. (2) (d), the
14 corpse must be accompanied by the report and ~~the written permission of the coroner~~
15 ~~or medical examiner to embalm and effect final disposition~~ an authorization to
16 embalm or dispose of a body under s. 979.105. No person may remove a stillbirth
17 from this state if the delivery of the stillbirth was in this state unless the stillbirth
18 is accompanied by a report for final disposition.

19 **SECTION 15.** 69.18 (4) (a) (intro.) of the statutes is renumbered 69.18 (4) (c) and
20 amended to read:

21 69.18 (4) (c) Subject to s. 157.111, the coroner or medical examiner of the county
22 in which a decedent's corpse is interred shall issue ~~an authorization~~ a permit for
23 disinterment and reinterment upon receipt of an order of a court of competent
24 jurisdiction ~~or upon receipt of a written application for disinterment and reinterment~~
25 ~~signed by the person in charge of the disinterment and by any of the following~~

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1 ~~persons, in order of priority stated, when persons in prior classes are not available~~
2 ~~at the time of application, and in the absence of actual notice of contrary indications~~
3 ~~by the decedent or actual notice of opposition by a member of the same or a prior~~
4 ~~class.~~

5 **SECTION 16.** 69.18 (4) (a) 1g. to 6. of the statutes are renumbered 69.18 (4) (am)
6 1g. to 6.

7 **SECTION 17.** 69.18 (4) (am) (intro.) of the statutes is created to read:

8 69.18 (4) (am) (intro.) In this subsection, “representative of the decedent”
9 means any member of the following classes of individuals, in the order of priority
10 listed:

11 **SECTION 18.** 69.18 (4) (b) of the statutes is created to read:

12 69.18 (4) (b) Except as provided in s. 157.112 (3), no person may disinter a
13 human corpse from a grave or tomb without first obtaining a disinterment permit
14 under par. (c) or (d).

15 **SECTION 19.** 69.18 (4) (bm) of the statutes is repealed.

16 **SECTION 20.** 69.18 (4) (d) of the statutes is created to read:

17 69.18 (4) (d) Subject to s. 157.111, the coroner or medical examiner of the county
18 in which a decedent’s corpse is interred shall issue a disinterment permit upon
19 receipt of a written application for disinterment that is made and signed by a
20 representative of the decedent and signed by the person in charge of disinterment
21 if all of the following apply:

22 1. No representative of the decedent who is a member of a prior class under par.
23 (am) is available at the time the application is made.

24 2. The coroner or medical examiner does not have actual notice that the
25 decedent would have opposed the disinterment.

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1 3. The coroner or medical examiner does not have actual notice of opposition
2 to disinterment by a representative of the decedent who is a member of the same or
3 a prior class under par. (am) as the applicant.

4 4. The applicant provides proof of intent to cremate the decedent's corpse or to
5 lawfully inter the decedent's corpse in a specified burial place.

6 **SECTION 21.** 69.18 (4) (e) of the statutes is created to read:

7 69.18 (4) (e) No person may cremate a corpse disinterred under this subsection
8 without obtaining a cremation release under s. 979.10 (1) (ag).

9 **SECTION 22.** 69.18 (4) (f) of the statutes is created to read:

10 69.18 (4) (f) Except as provided in s. 157.112 (3), no person may disinter a
11 decedent's cremated remains from a cemetery unless all of the following conditions
12 are satisfied:

- 13 1. The cemetery authority, or its designee, consents to disinterment.
- 14 2. A representative of the decedent consents to disinterment and no other
15 representative of the decedent who is a member of the same or a prior class under
16 par. (am) objects to disinterment.

17 **SECTION 23.** 69.20 (2) (a) 2. of the statutes is amended to read:

18 69.20 (2) (a) 2. For a certificate of death, any of the persons specified under s.
19 69.18 (4) ~~(a)~~ (am) 1g. to 6. or an individual who is authorized in writing by one of the
20 persons.

21 **SECTION 24.** 157.02 (1), (2), (3), (4) and (5) of the statutes are renumbered
22 157.02 (1m) (a), (b), (c), (d) and (e), and 157.02 (1m) (b) and (e), as renumbered, are
23 amended to read:

24 157.02 (1m) (b) *Time allowed relative to act.* If a relative or friend fails to
25 arrange for taking charge of the corpse within a reasonable time after death, the

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1 superintendent or other officer may proceed as provided in this ~~section~~ subsection,
2 but relatives or friends may claim the corpse at any time before it has been delivered
3 pursuant to ~~sub. (3)~~ par. (c).

4 (e) *Other disposition.* If the corpse is not disposed of under ~~subs. (1) to (4)~~ pars.
5 (a) to (d), the superintendent or public officer shall properly bury it.

6 **SECTION 25.** 157.02 (1m) (title) of the statutes is created to read:

7 157.02 (1m) (title) DISPOSITION OF INMATE'S REMAINS.

8 **SECTION 26.** 157.02 (2m) of the statutes is created to read:

9 157.02 (2m) DISPOSITION OF OTHER UNCLAIMED REMAINS. (a) If a person, other
10 than a person who has responsibility to dispose of a corpse under sub. (1m), has the
11 corpse of a deceased individual and cannot by exercise of reasonable effort locate a
12 representative of the deceased, as defined in s. 979.001 (8), or a representative of the
13 deceased refuses to claim the corpse for disposition, the person shall notify the
14 coroner or medical examiner in the county of residence of the deceased, and the
15 coroner or medical examiner shall take custody of the corpse and cause the corpse
16 to be decently buried or cremated.

17 (b) A coroner or medical examiner is immune from civil liability for his or her
18 choice of method for disposing of an unidentified corpse under this subsection if the
19 coroner or medical examiner made reasonable efforts to identify the corpse.

20 (c) A coroner or medical examiner is immune from civil liability for his or her
21 choice of method for disposing of an unclaimed corpse under this subsection if the
22 coroner or medical examiner made reasonable efforts to notify a representative of the
23 deceased, as defined in s. 979.001 (8), of the disposal of the corpse.

24 **SECTION 27.** 157.03 (1) of the statutes is amended to read:

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1 157.03 (1) The corpse of a person who died with smallpox, diphtheria, or scarlet
2 fever, or who in his or her last sickness shall request to be buried or cremated, and
3 of a stranger or traveler who suddenly died, shall not be disposed of under s. 157.02
4 ~~(3) (1m) (c)~~, and no person having charge of a corpse authorized to be so disposed of
5 shall sell or deliver it to be used outside the state.

6 **SECTION 28.** 157.03 (2) of the statutes is amended to read:

7 157.03 (2) Upon receipt of the corpse by a university or school pursuant to s.
8 157.02 ~~(3) (1m) (c)~~ it shall be properly embalmed and retained for 3 months before
9 being used or dismembered and shall be delivered to any relative claiming it upon
10 satisfactory proof of relationship.

11 **SECTION 29.** 157.055 (2) (intro.) of the statutes is amended to read:

12 157.055 (2) (intro.) Notwithstanding ss. 69.18 (4), ~~157.113~~, 445.04 (2), 445.14,
13 ~~979.01 (3), (3m), and (4)~~, 979.02, and ~~979.025 (2), 979.027, 979.10, and 979.105~~, and
14 subch. VII of ch. 440, during a period of a state of emergency related to public health
15 declared by the governor under s. 323.10, a public health authority may do all of the
16 following:

17 **SECTION 30.** 157.112 (3) (intro.) of the statutes is amended to read:

18 157.112 (3) (intro.) A cemetery authority may rebury human remains under
19 sub. (2) without first ~~obtaining an authorization~~ complying with the conditions under
20 s. 69.18 (4), but the cemetery authority shall do all of the following:

21 **SECTION 31.** 157.70 (3) (a) of the statutes is amended to read:

22 157.70 (3) (a) ~~Except as provided under s. 979.01, a~~ A person shall immediately
23 notify the director if the person knows or has reasonable grounds to believe that a
24 burial site or the cataloged land contiguous to a cataloged burial site is being
25 disturbed or may be disturbed contrary to the requirements of subs. (4) and (5).

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1 **SECTION 32.** 346.71 (1) of the statutes is amended to read:

2 346.71 (1) Every coroner or medical examiner shall, on or before the 10th day
3 of each month, report in writing any accident involving a motor vehicle occurring
4 within the coroner's or medical examiner's jurisdiction resulting in the death of any
5 person during the preceding calendar month. If the accident involved an all-terrain
6 vehicle or utility terrain vehicle, the report shall be made to the department of
7 natural resources and shall include the information specified by that department.
8 If the accident involved any other motor vehicle, the report shall be made to the
9 department and shall include the information specified by the department. The
10 coroner or medical examiner of the county where the death occurs, if the accident
11 occurred in another jurisdiction, shall, immediately upon learning of the death,
12 report it to the coroner or medical examiner of the county where the accident
13 occurred, ~~as provided in s. 979.01 (1).~~

14 **SECTION 33.** 346.71 (2) of the statutes is amended to read:

15 346.71 (2) In cases of death involving a motor vehicle in which the decedent was
16 the operator of a motor vehicle, a pedestrian 14 years of age or older or a bicycle or
17 electric personal assistive mobility device operator 14 years of age or older and who
18 died within 6 hours of the time of the accident, the coroner or medical examiner of
19 the county where the death occurred shall require that a blood specimen of at least
20 10 cc. be withdrawn from the body of the decedent within 12 hours after his or her
21 death, by the coroner or medical examiner or by a physician so designated by the
22 coroner or medical examiner or by a qualified person at the direction of the physician.
23 All funeral directors shall obtain ~~a release~~ an authorization from the a coroner or
24 medical examiner ~~of the county where the accident occurred~~ as provided in s. ~~979.01~~
25 ~~(4)~~ 979.105 prior to proceeding with embalming any body coming under the scope of

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1 this section. The blood so drawn shall be forwarded to a laboratory approved by the
2 department of health services for analysis of the alcoholic content of the blood
3 specimen. The coroner or medical examiner causing the blood to be withdrawn shall
4 be notified of the results of each analysis made and shall forward the results of each
5 such analysis to the department of health services. If the death involved a motor
6 vehicle, the department shall keep a record of all such examinations to be used for
7 statistical purposes only and the department shall disseminate and make public the
8 cumulative results of the examinations without identifying the individuals involved.
9 If the death involved an all-terrain vehicle or utility terrain vehicle, the department
10 of natural resources shall keep a record of all such examinations to be used for
11 statistical purposes only and the department of natural resources shall disseminate
12 and make public the cumulative results of the examinations without identifying the
13 individuals involved.

14 **SECTION 34.** 440.03 (9) (a) (intro.) of the statutes is amended to read:

15 440.03 (9) (a) (intro.) Subject to pars. (b) and (c) and except as provided in par.
16 (bm), the department shall, biennially, determine each fee for an initial credential
17 for which no examination is required, for a reciprocal credential, and for a credential
18 renewal by doing all of the following:

19 **SECTION 35.** 440.03 (9) (bm) of the statutes is created to read:

20 440.03 (9) (bm) The medicolegal investigation examining board may determine
21 the amount of any fees imposed for licenses issued under s. 465.10, in accordance
22 with s. 465.05 (2) (a).

23 **SECTION 36.** 440.03 (13) (b) 38d. of the statutes is created to read:

24 440.03 (13) (b) 38d. Medicolegal investigator.

25 **SECTION 37.** 440.05 (intro.) of the statutes is amended to read:

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1 **(3)** (a) Except as provided in par. (b), “medicolegal investigation staff member”
2 means a chief deputy coroner, a deputy coroner, a deputy medical examiner, and any
3 other individual who assists the office of a coroner or medical examiner with an
4 investigation of a death.

5 (b) “Medicolegal investigation staff member” does not include any of the
6 following:

7 1. An individual who is elected as a coroner or appointed to fill a vacancy as a
8 coroner.

9 2. A medical examiner.

10 3. An individual performing solely administrative functions in the office of a
11 coroner or medical examiner.

12 **(4)** “Nonaccredited medical examiner” means a medical examiner appointed
13 under s. 59.34 (1) (a) or 59.38 (5) other than an accredited medical examiner.

14 **465.05 Powers and duties of board. (1) DUTIES.** The board shall do all of
15 the following:

16 (a) Promulgate rules specifying standards and curricula for the training and
17 education requirements to be satisfied by individuals who seek or possess a license
18 in medicolegal investigation.

19 (b) Coordinate and provide, on a regional basis and at no cost to licensees, the
20 training and education described in s. 465.10 (3), (3m) (b), and (4) (a) 1. and (b) 2.

21 (c) Monitor compliance with the licensure requirements under this chapter.

22 (d) Approve instructor certification standards that must be satisfied in order
23 for a person to conduct the training and education required under s. 465.10 (3), (3m)
24 (b), and (4) (a) 1. and (b) 2.

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1 (dm) If an individual who holds a license issued under s. 465.10 fails to satisfy
2 the requirement under s. 465.10 (3) (a) within the period specified in s. 465.10 (3) (a),
3 revoke the individual's license.

4 (e) If a license issued under s. 465.10 is revoked by the board or is not renewed,
5 do any of the following that is applicable with respect to the individual who was the
6 holder of the license:

7 1. If the individual is a nonaccredited medical examiner, send a statement to
8 the county board or county executive, if applicable, for any county in which the
9 nonaccredited medical examiner serves recommending dismissal of the
10 nonaccredited medical examiner because of the revocation of or failure to renew the
11 license.

12 2. If the individual is a medicolegal investigation staff member, send a notice
13 to the office in which the medicolegal investigation staff member works notifying the
14 coroner or medical examiner of the revocation of or failure to renew the license.

15 **(2) POWERS.** The board may do any of the following:

16 (a) Impose fees for initial licenses or for license renewals under s. 465.10 (2) and
17 (4). If the board imposes any fee under this paragraph, the board shall set the fee
18 at an amount commensurate with the cost of issuing licenses and monitoring
19 compliance with this chapter.

20 (c) Promulgate and enforce any rules not inconsistent with this chapter to
21 enforce this chapter.

22 **465.10 License required; requirements to maintain license. (1) LICENSE**
23 **REQUIRED.** (a) Except as provided in par. (b), no person may perform a death
24 investigation or perform the functions of a medical examiner or medicolegal

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1 investigation staff member without a license in medicolegal investigation issued
2 under this section.

3 (b) None of the following is required to have a license in medicolegal
4 investigation issued under this section:

5 1. An accredited medical examiner.

6 2. An individual who is elected as a coroner or appointed to fill a vacancy as a
7 coroner.

8 **(2) ISSUING OF LICENSES.** (a) *Initial license.* The board shall issue a license in
9 medicolegal investigation to an individual if all of the following are satisfied:

10 1. The individual is appointed as a nonaccredited medical examiner or is hired
11 by a coroner or medical examiner to serve as a medicolegal investigation staff
12 member.

13 2. The individual pays any fee imposed by the board under s. 465.05 (2) (a).

14 (b) *License renewal.* The renewal date for a license issued under this subsection
15 is specified under s. 440.08 (2) (a). Renewal applications shall include any fee
16 established by the board under s. 465.05 (2) (a) and proof satisfactory to the board
17 that the individual has completed all hours of training or education required under
18 sub. (3).

19 **(3) TRAINING AND EDUCATION REQUIREMENTS.** (a) An individual who is issued an
20 initial license under sub. (2) (a) shall, within 18 months after the license is issued,
21 complete a basic, 40-hour death investigation training course approved by the board.

22 (am) 1. An individual who is issued an initial license under sub. (2) (a) within
23 18 months prior to the next renewal date may renew the license one time without
24 satisfying the requirement under par. (a). The individual may renew the license a

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1 2nd time following completion, within the period specified under par. (a), of that
2 requirement.

3 2. An individual who is issued an initial license under sub. (2) (a) more than
4 18 months prior to the next renewal date may renew the license one time after
5 satisfying, within the period specified under par. (a), the requirement under par. (a).

6 (b) An individual applying for a renewal of a license issued under sub. (2) (a)
7 subsequent to the 2nd renewal under par. (am) 1. or the first renewal under par. (am)
8 2., and an individual applying for a renewal of a license issued under sub. (2) (a)
9 subsequent to the renewal under sub. (3m) (b), shall complete 24 hours of education,
10 as prescribed by the board.

11 **(3m)** CURRENTLY SERVING INDIVIDUALS. (a) Notwithstanding sub. (2) (a), the
12 board shall issue an initial license in medicolegal investigation under sub. (2) (a) to
13 every individual who is serving as a nonaccredited medical examiner or medicolegal
14 investigation staff member in this state on the effective date of this paragraph
15 [LRB inserts date]. The board may also, in the manner prescribed by the board, issue
16 an initial license in medicolegal investigation under sub. (2) (a) to an individual who
17 is serving as a coroner in this state on the effective date of this paragraph [LRB
18 inserts date], and who elects to receive a license under this paragraph.

19 (b) Notwithstanding sub. (3) (a) and (am), an individual issued an initial license
20 under par. (a) is not required to satisfy the requirement under sub. (3) (a), but shall
21 instead, prior to the January 1, 2019, renewal date, satisfy all of the following in
22 order to renew the license:

23 1. Complete 24 hours of education, as prescribed by the board.

24 2. In addition to the hours of education required under subd. 1., do one of the
25 following:

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- 1 a. Complete 16 hours of education, as prescribed by the board.
- 2 b. Obtain a waiver from the requirement under subd. 2. a. in the method
3 described under par. (c).
- 4 (c) The board may grant a waiver of the education requirement under par. (b)
5 2. a. to a coroner, nonaccredited medical examiner, or medicolegal investigation staff
6 member who holds a credential, in good standing, from a nationally recognized
7 accreditation organization specializing in death investigation education and who
8 applies to the board for a waiver in the method prescribed by the board.
- 9 (d) Notwithstanding sub. (2) (a) 2. and s. 465.05 (2) (a), no initial license fee may
10 be imposed for individuals issued an initial license under par. (a).
- 11 **(4) OPTIONAL LICENSE.** (a) *Initial license.* The board may issue a license in
12 medicolegal investigation to an individual, other than an individual required to hold
13 a license under sub. (1), who satisfies all of the following criteria:
- 14 1. The individual successfully completes 40 hours of training, as prescribed by
15 the board, and any additional requirements set by the board.
- 16 2. The individual applies to the board for a license in the manner prescribed
17 by the board.
- 18 3. The individual pays any licensing fee imposed by the board under s. 465.05
19 (2) (a).
- 20 (b) *License renewal.* The renewal date for a license issued under this subsection
21 is specified under s. 440.08 (2) (a). Renewal applications shall include all of the
22 following:
- 23 1. Any fee established by the board under s. 465.05 (2) (a).
- 24 2. Proof satisfactory to the board that the individual has completed, in the
25 4-year period preceding the renewal date, 24 hours of education, as prescribed by the

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1 board. This subdivision does not apply to an individual applying for an initial
2 renewal who is issued a license under par. (a) when there is less than one year
3 remaining until the next license renewal date.

4 3. Proof that the individual has fulfilled any other requirements of licensure
5 as prescribed by the board.

6 **(5) BOARD NOTIFICATION REQUIREMENT.** An individual who is elected as a coroner,
7 is appointed to fill a vacancy as a coroner, is appointed as a nonaccredited medical
8 examiner, or is hired by a coroner or medical examiner to serve as a medicolegal
9 investigation staff member shall, if he or she leaves his or her position as a coroner,
10 medical examiner, or medicolegal investigation staff member, so inform the board.

11 **465.15 Penalty.** Any person who violates s. 465.10 (1) (a) shall be fined not
12 more than \$1,000 or imprisoned not more than 90 days.

13 **SECTION 41.** 979.001 of the statutes is created to read:

14 **979.001 Definitions.** In this chapter:

15 **(1)** "Health care provider" means all of the following:

16 (a) A midwife licensed under subch. XIII of ch. 440.

17 (b) A nurse licensed under ch. 441.

18 (c) A chiropractor licensed under ch. 446.

19 (d) A dentist licensed under ch. 447.

20 (e) A physician, physician assistant, or respiratory care practitioner licensed
21 or certified under subch. II of ch. 448.

22 (f) A physical therapist licensed under subch. III of ch. 448.

23 (g) A podiatrist licensed under subch. IV of ch. 448.

24 (h) A dietitian certified under subch. V of ch. 448.

25 (i) An athletic trainer licensed under subch. VI of ch. 448.

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1 (j) An occupational therapist or occupational therapy assistant licensed under
2 subch. VII of ch. 448.

3 (k) An optometrist licensed under ch. 449.

4 (L) A pharmacist licensed under ch. 450.

5 (m) An acupuncturist certified under ch. 451.

6 (n) A psychologist licensed under ch. 455.

7 (o) A social worker, marriage and family therapist, or professional counselor
8 certified or licensed under ch. 457.

9 (p) A speech-language pathologist or audiologist licensed under subch. II of ch.
10 459 or a speech and language pathologist licensed by the department of public
11 instruction.

12 (q) A massage therapist or bodyworker certified under ch. 460.

13 **(2)** "Hospice" means an organization, program, or place that meets the
14 definition in s. 50.90 (1) and that is licensed under s. 50.92.

15 **(3)** "Hospital" means a facility licensed under s. 50.35 or a facility operated as
16 a hospital by the federal government, a state, or a political subdivision of a state.

17 **(4)** "Human remains" has the meaning given in s. 157.061 (8).

18 **(5)** "Law enforcement agency" has the meaning given in s. 165.83 (1) (b).

19 **(6)** "Law enforcement officer" means any person employed by the state, or any
20 political subdivision of the state, for the purpose of detecting and preventing crime
21 and enforcing laws or ordinances and who is authorized to make arrests for violations
22 of the laws or ordinances that the person is employed to enforce.

23 **(7)** "Nursing home" means a facility that meets the definition in s. 50.01 (3) and
24 that is licensed under subch. I of ch. 50.

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1 (8) “Representative of the deceased” means any member of one of the following
2 classes of individuals, in the order of priority listed, who is available, if no member
3 of a prior class is available:

4 (a) The deceased’s spouse.

5 (b) An adult son or daughter of the deceased.

6 (c) A parent of the deceased.

7 (d) An adult brother or sister of the deceased.

8 (e) A person appointed as a representative of the deceased by the circuit court.

9 **SECTION 42.** 979.01 (title) of the statutes is amended to read:

10 **979.01 (title) Reporting deaths required; penalty; taking specimens by**
11 **coroner or medical examiner jurisdiction for investigating deaths.**

12 **SECTION 43.** 979.01 (1) of the statutes is repealed and recreated to read:

13 979.01 (1) (a) If a death occurs outside a hospital, physician’s office, nursing
14 home, or hospice, and is not required to be reported under par. (b) or (c), a law
15 enforcement officer, health care provider, or funeral director who has knowledge of
16 the death and any person who discovers the body or remains of a deceased individual
17 shall immediately report the death to an appropriate law enforcement agency and
18 to the coroner or medical examiner in the county in which the individual was
19 pronounced dead or in which the deceased’s body or remains were located except that
20 a person who is required to report a death because he or she discovered a body or the
21 remains of a deceased individual may report the death to a law enforcement officer
22 in lieu of reporting the death to the coroner or medical examiner. Deaths that are
23 required to be reported under this paragraph include all of the following:

24 1. A death that involves unexplained, unusual, or suspicious circumstances.

25 2. A death that the person has reason to believe is the result of a homicide.

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- 1 3. A death that the person has reason to believe is the result of a suicide.
- 2 4. A death of a woman that is associated with an abortion, as defined in s. 253.10
- 3 (2) (a).
- 4 5. A death, if the person has reason to believe that an injury or poisoning was
- 5 a contributing cause of the death, whether or not the person has reason to believe
- 6 that the injury or poisoning was the primary cause of the death and regardless of the
- 7 interval between the injury or poisoning and the death.
- 8 6. A death that occurred when the individual was not under the care of a
- 9 physician for the illness or condition that caused the death.
- 10 7. A death, if after reasonable efforts, a physician cannot within 6 days after
- 11 the pronouncement of death, or sooner under circumstances that the coroner or
- 12 medical examiner determines to be an emergency, be obtained to sign the medical
- 13 certification as required under s. 69.18 (2) (b) or (c).
- 14 8. A death that the person has reason to believe is associated with the abuse
- 15 of a chemical substance that may be legally used or with the use of a controlled
- 16 substance, as defined in s. 961.01 (4).
- 17 9. A death that the person has reason to believe is associated with an epidemic
- 18 or pandemic, with the spread of a dangerous communicable disease, as defined by the
- 19 department of health services, or with a disease-causing agent that may pose a
- 20 threat to public health.
- 21 (b) A law enforcement officer shall immediately report to the coroner or medical
- 22 examiner in the county in which an individual was pronounced dead all of the
- 23 following:
- 24 1. A death that occurs while an individual is in the actual or constructive
- 25 custody of a law enforcement officer.

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1 2. A death of an individual that occurs during the pursuit of the individual by
2 a law enforcement officer or otherwise involves a law enforcement officer.

3 3. A death that occurs while the individual is confined in a federal prison in this
4 state, a state prison, county jail or house of correction, a juvenile correctional facility,
5 as defined in s. 938.02 (10p), or a juvenile detention facility, as defined in s. 938.02
6 (10r), or is otherwise incarcerated in the custody of the department or of a county
7 sheriff.

8 (c) A facility where a deceased individual was being detained or
9 institutionalized under s. 51.20, 971.14, or 971.17 or ch. 980 at the time of his or her
10 death shall immediately report the death to the coroner or medical examiner in the
11 county where the facility is located.

12 (d) A health care provider shall immediately report a death that occurs in a
13 physician's office, as defined in s. 460.01 (5), to the coroner or medical examiner in
14 the county in which the physician's office is located.

15 (e) A hospital shall immediately report to the coroner or medical examiner in
16 the county in which the hospital is located a death that occurs at the hospital and
17 satisfies any of the following conditions:

18 1. The death occurred in the emergency department of the hospital.

19 2. The death was not the result of a natural disease process. For purposes of
20 this subdivision, deaths described in par. (a) 1. to 5., 8., and 9. are not considered to
21 be the result of a natural disease process.

22 (f) A nursing home shall immediately report to the coroner or medical examiner
23 in the county in which the nursing home is located a death that occurs at the nursing
24 home and that the nursing home has reason to believe was not the result of a natural

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1 disease process. For purposes of this paragraph, deaths described in par. (a) 1. to 5.,
2 8., and 9. are not considered to be the result of a natural disease process.

3 (g) 1. A hospice shall report a death that occurred while an individual was
4 receiving care from the hospice in accordance with the written policy created under
5 subd. 2. that applies to the county in which the death occurred.

6 2. A coroner or medical examiner shall create and distribute to each hospice
7 that operates in the county under his or her jurisdiction a written policy that
8 describes the circumstances under which a hospice must report to the coroner or
9 medical examiner a death that occurs while an individual is receiving care from the
10 hospice.

11 **SECTION 44.** 979.01 (1d) of the statutes is created to read:

12 979.01 (1d) Notwithstanding sub. (1), no person specified in sub. (1) need
13 report a death under sub. (1) if that person knows that another person specified in
14 sub. (1) has already reported the death to a coroner or medical examiner.

15 **SECTION 45.** 979.01 (1g) of the statutes is repealed and recreated to read:

16 979.01 (1g) If discovery of a body or remains of a deceased individual is
17 reported to law enforcement under sub. (1) but not to the coroner or medical
18 examiner, the law enforcement officer shall immediately notify the coroner or the
19 medical examiner of the county in which the body or human remains were located.

20 **SECTION 46.** 979.01 (1i) of the statutes is created to read:

21 979.01 (1i) If a coroner or medical examiner is notified of a death under sub.
22 (1) and determines that the death was caused by a crime, injury, trauma, or other
23 event in a county other than the county in which the death was reported, the coroner
24 or medical examiner shall notify an appropriate law enforcement agency and the

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1 coroner or medical examiner in the county in which the crime, injury, trauma, or
2 other event is believed to have occurred.

3 **SECTION 47.** 979.01 (1k) of the statutes is created to read:

4 979.01 (1k) (a) Except as provided in par. (b), if a death must be reported under
5 sub. (1), the coroner or medical examiner in the county in which the crime, injury,
6 trauma, or other event that caused the death occurred has jurisdiction to investigate
7 the cause and manner of death including access to a death investigation scene and
8 specimens necessary for death investigation.

9 (b) If there is reason to believe that a death that must be reported under sub.
10 (1) was caused by a crime, injury, trauma, or other event that occurred outside this
11 state, or if after reasonable efforts it cannot be determined where the crime, injury,
12 trauma, or other event that caused the death occurred, the coroner or medical
13 examiner in the county in which death is pronounced has jurisdiction to investigate
14 the cause and manner of death.

15 **SECTION 48.** 979.01 (1m) of the statutes is renumbered 979.01 (1m) (a) and
16 amended to read:

17 979.01 (1m) (a) The Except as provided in par. (b), the coroner or medical
18 examiner receiving notification under sub. (1) or (1g) who has jurisdiction to
19 investigate cause and manner of a death under this section shall immediately, within
20 a reasonable time after receiving notice of the death, notify the district attorney for
21 his or her county of the death.

22 **SECTION 49.** 979.01 (1m) (b) of the statutes is created to read:

23 979.01 (1m) (b) Except as provided in s. 979.04 (2), the coroner or medical
24 examiner is not required to notify the district attorney of any deaths for which the
25 district attorney, in writing, waives notice.

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1 **SECTION 50.** 979.01 (1p) of the statutes is created to read:

2 979.01 (1p) A coroner or medical examiner who receives notice of a death under
3 sub. (1), or his or her designee, shall notify the deceased's next of kin of the death.

4 **SECTION 51.** 979.01 (1r) of the statutes is amended to read:

5 979.01 (1r) If the coroner or medical examiner is notified of ~~a death under sub.~~
6 ~~(1) or (1g) and determines that his or her notification of the death was not required~~
7 ~~under sub. (1) or (1g),~~ the discovery of human remains under this section and
8 determines that the human remains have no forensic significance, he or she shall
9 notify the director of the historical society under s. 157.70 (3).

10 **SECTION 52.** 979.01 (2) of the statutes is renumbered 979.01 (2) (a) and
11 amended to read:

12 979.01 (2) (a) Unless s. 948.23 (1) (b) applies and except as provided in par. (b),
13 any person who violates ~~this section shall~~ sub. (1) may be fined not more than \$1,000
14 or imprisoned not more than 90 days or both.

15 **SECTION 53.** 979.01 (2) (b) of the statutes is created to read:

16 979.01 (2) (b) Any partnership, association, organization, institution, or body
17 politic or corporate that violates sub. (1) may be fined not more than \$10,000.

18 **SECTION 54.** 979.01 (3) of the statutes is repealed.

19 **SECTION 55.** 979.01 (3m) of the statutes is repealed.

20 **SECTION 56.** 979.01 (4) of the statutes is renumbered 979.105 and amended to
21 read:

22 **979.105 Authorization to embalm or dispose of a body.** No person may
23 embalm or ~~perform an autopsy on~~ dispose of, by burial, entombment, cremation,
24 delivery to a university or school under s. 157.02 (3), or delivery to a medical or dental
25 school anatomy department under s. 157.06, the body of any person who has died

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1 under any of the circumstances listed in this section or on the body of any person
2 whose death has been reported under s. 948.23 (1) (b) unless the person obtains the
3 individual whose death must be reported under s. 948.23 (1) (b) or 979.01 (1) without
4 the written authorization of the coroner of the county in which the injury or cause
5 of death occurred. Such authorization shall be issued by the or medical examiner
6 who has jurisdiction to investigate the death under s. 979.01. An authorization
7 under this section shall include information necessary to identify the deceased, the
8 date and place of death, the name of the funeral director or person acting in the place
9 of the funeral director, and shall specify that the authorization does not override the
10 wishes of the next of kin of the deceased with respect to disposition of the body. The
11 coroner or ~~a deputy~~ within 12 hours after notification of the reportable death, or
12 medical examiner, or his or her designee, shall issue an authorization under this
13 section as soon thereafter as possible in the event of unexplained, unusual or
14 suspicious circumstances after being notified of the death.

15 **SECTION 57.** 979.015 of the statutes is amended to read:

16 **979.015 Subpoena for documents.** Upon the request of the coroner, medical
17 examiner, or district attorney, a court shall issue a subpoena requiring the
18 production of documents necessary for the determination of a decedent's relevant to
19 determining the cause or manner of a deceased's death. ~~The documents may include~~
20 ~~the decedent's patient health care records and treatment records, as defined in ss.~~
21 ~~51.30 and 146.81 (4).~~ The documents shall be returnable to the officer named in the
22 subpoena.

23 **SECTION 58.** 979.017 of the statutes is created to read:

24 **979.017 Custody of and authorization to move a body.** (1) After any
25 crime scene investigation has been completed, the coroner or medical examiner who

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1 has jurisdiction to investigate a death under s. 979.01 has legal custody of the
2 deceased's body until he or she releases the body for disposition. Temporary transfer
3 of a deceased's body for the purpose of removing a body part that is the subject of an
4 anatomical gift under s. 157.06 does not constitute release of legal custody of the
5 body.

6 (2) If an individual's death must be reported under s. 979.01 (1), no person may
7 move the individual's body at or from the scene of death without authorization from
8 both the law enforcement agency investigating the death and the coroner or medical
9 examiner to whom the death was first reported under s. 979.01, except if it is
10 necessary to move the body to perform search or rescue operations for living
11 individuals.

12 **SECTION 59.** 979.02 (title) of the statutes is amended to read:

13 **979.02 (title) Autopsies and other diagnostic procedures.**

14 **SECTION 60.** 979.02 of the statutes is renumbered 979.02 (1) and amended to
15 read:

16 979.02 (1) The coroner, or medical examiner ~~or district attorney who has~~
17 jurisdiction to investigate a death under s. 979.01 may order the conducting of that
18 an autopsy upon or other appropriate diagnostic procedure be performed on the body
19 of ~~a dead person any place within the state in cases where an inquest might be had~~
20 as provided in s. 979.04 notwithstanding the fact that no such inquest is ordered or
21 conducted. ~~The autopsy shall be conducted by a licensed physician who has~~
22 ~~specialized training in pathology. The district attorney may move the circuit court~~
23 ~~for the county in which the body is buried for an order disinterring the body for~~
24 ~~purposes of autopsy. The order shall be granted by the circuit court upon a~~
25 ~~reasonable showing that any of the criteria specified in s. 979.04 exists. This section~~

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1 ~~does not prevent additional autopsies or examinations of the body if there are~~
2 ~~unanswered pathological questions concerning the death and the causes of death the~~
3 ~~deceased, or may extract from the body any specimen, bodily fluids, other bodily~~
4 ~~material, or other material for analysis that will assist him or her in conducting a~~
5 ~~death investigation. The coroner or medical examiner shall dispose of specimens,~~
6 ~~fluids, and materials that are no longer of use in the investigation in accordance with~~
7 ~~standard biological material practices and county evidence retention rules.~~

8 **SECTION 61.** 979.02 (2) to (7) of the statutes are created to read:

9 979.02 (2) The coroner or medical examiner who has jurisdiction to investigate
10 a death under s. 979.01, or his or her designee, shall order that an autopsy and any
11 other appropriate diagnostic procedure be performed on the body of the deceased if
12 any of the following applies:

13 (a) The coroner or medical examiner has reason to believe that the death
14 resulted from a criminal act, unless the district attorney waives the requirement for
15 an autopsy.

16 (b) The death must be reported under s. 979.01 (1) (b) or (c), unless the district
17 attorney waives the requirement for an autopsy.

18 (c) The deceased was under 18 years of age and the death is unexplained or
19 unusual.

20 (d) The deceased was under 2 years of age and the death occurred under
21 circumstances indicating sudden infant death syndrome.

22 (3) The district attorney may order an autopsy conducted on the body of a
23 deceased regardless of whether the conditions for ordering an inquest under s.
24 979.04 (1) are satisfied.

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1 (4) An autopsy ordered under this section may be performed only by a licensed
2 physician who has undergone specialized training in pathology.

3 (5) The requirement to order an autopsy under sub. (2) does not preclude a
4 coroner or medical examiner from allowing the removal of a body part that is the
5 subject of an anatomical gift under s. 157.06.

6 (6) Except if ordered under sub. (3), no person may perform an autopsy on the
7 body of an individual whose death must be reported under s. 948.23 (1) (b) or 979.01
8 (1) without the written authorization of the coroner or medical examiner who has
9 jurisdiction to investigate the death under s. 979.01. In cases in which the coroner
10 or medical examiner issues an authorization to perform an autopsy, the coroner or
11 medical examiner shall, if possible, issue the authorization within 12 hours after
12 being notified of the death, or as soon as possible thereafter.

13 (7) If the coroner or medical examiner who has jurisdiction to investigate a
14 death under s. 979.01 determines that an autopsy or analysis of specimens, bodily
15 fluids, or other bodily materials is not required for an investigation of a death that
16 must be reported under s. 948.23 (1) (b) or 979.01 (1) and a representative of the
17 deceased inquires about performance of an autopsy or analysis of specimens, bodily
18 fluids, or other bodily materials, the coroner or medical examiner shall inform the
19 representative of the deceased that the representative of the deceased may contract
20 for pathology-related services at his or her own expense.

21 **SECTION 62.** 979.025 (2) of the statutes is amended to read:

22 979.025 (2) INMATE CONFINED IN AN INSTITUTION IN ANOTHER STATE. If an
23 individual dies while he or she is in the legal custody of the department and confined
24 to a correctional facility in another state under a contract under s. 301.07, 301.21,
25 or 302.25, the department shall have an autopsy and any other appropriate

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1 diagnostic procedure performed by an appropriate authority in the other state or by
2 the coroner or medical examiner of the county in which the circuit court is located
3 that sentenced the individual to the custody of the department. If the coroner or
4 medical examiner who performs the autopsy or other diagnostic procedure in this
5 state determines that the individual's death may have been the result of any of the
6 situations that would permit the district attorney to order an inquest under s. 979.04
7 (1), the coroner or medical examiner shall forward the results of the autopsy or other
8 diagnostic procedure to the appropriate authority in the other state.

9 **SECTION 63.** 979.025 (3) of the statutes is amended to read:

10 979.025 (3) COSTS OF AN AUTOPSY AND DIAGNOSTIC PROCEDURE. The costs of an
11 autopsy or other diagnostic procedure performed under sub. (1) ~~or~~ (2) or performed
12 on an inmate confined in a correctional facility in this state whose death must be
13 reported under s. 979.01 (1) (b) shall be paid by the department.

14 **SECTION 64.** 979.027 of the statutes is created to read:

15 **979.027 Disinterment for autopsy or other diagnostic procedure.** The
16 district attorney may move the circuit court for the county in which a body is buried
17 for an order disinterring the body for the purpose of conducting an autopsy or other
18 diagnostic procedures. The order shall be granted by the circuit court upon a
19 reasonable showing that any of the criteria specified in s. 979.04 (1) exists. The clerk
20 of the circuit court shall send a copy of the order to the coroner or medical examiner
21 in the county in which the body is buried. Upon receipt of the order, the coroner or
22 medical examiner shall issue a permit for disinterment and reinterment under s.
23 69.18 (4) (c).

24 **SECTION 65.** 979.03 of the statutes is repealed.

25 **SECTION 66.** 979.032 of the statutes is created to read:

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1 **979.032 Coroner or medical examiner investigation records.** (1) The
2 coroner or medical examiner shall create and maintain for each investigation
3 conducted under s. 979.01 a record that contains all of the following:

4 (a) The full name of the deceased and any known alias used by the deceased.

5 (b) A coroner or medical examiner case number.

6 (c) A case activity log.

7 (d) An investigation report containing any personal information regarding the
8 deceased that is relevant to determining the cause and manner of death, the medical
9 history of the deceased, information relevant to the circumstances of the death, death
10 scene observations, findings regarding the body of the deceased that are relevant to
11 determining the cause of death, notation of evidence recovered, including any visual
12 documentation, a list of other persons or agencies involved in the investigation, and
13 a list of persons interviewed by the coroner or medical examiner regarding the case.

14 (e) A written autopsy report, if an autopsy is conducted.

15 (f) Documentation of the chain of custody of all evidence and property obtained
16 by the coroner or medical examiner, including an inventory sheet of prescription
17 medications, described under s. 979.036 (2), if applicable.

18 **(2)** The coroner or medical examiner shall maintain investigation records
19 created under sub. (1) in an office that is owned or leased by the county, maintained
20 by the county, and designated as the office of the county coroner or medical examiner.

21 **(3)** Subject to s. 979.034, the coroner or medical examiner shall maintain
22 written policies regarding access to investigation records created or maintained
23 under this section.

24 **SECTION 67.** 979.034 of the statutes is created to read:

ASSEMBLY BILL 867**979.034 Confidentiality of coroner or medical examiner investigation**

records and information. (1) The coroner or medical examiner shall keep confidential all records obtained under s. 51.30 (4) (b) 29. or 146.82 (2) (a) 18., all confidential documents obtained by subpoena under s. 979.015, and any information contained in such records or documents, except that the coroner or medical examiner may divulge such information as necessary to complete a medical certification under s. 69.18 (2) and shall provide access to information and records to law enforcement and district attorneys.

(2) The coroner or medical examiner shall keep records of autopsies and other diagnostic procedures, including any photographs or other pictorial images of the deceased made in connection with a death investigation, and information learned from a death investigation or other diagnostic procedure confidential. The coroner or medical examiner may not release such records or information except to persons to whom the deceased's patient health care records may be released under s. 146.82 (2) without informed consent, to a representative of the deceased or his or her designee, or for educational purposes.

(3) If a law enforcement agency, or a district attorney, investigating a death requests that the coroner or medical examiner keep investigation records under s. 979.032 and information related to an investigation confidential, the coroner or medical examiner shall keep such records and information confidential for as long as the law enforcement agency has an open death investigation or the district attorney requests.

SECTION 68. 979.036 of the statutes is created to read:

979.036 Handling of personal property of deceased. (1) Each coroner or medical examiner shall keep an inventory of any money or other property that the

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1 coroner or medical examiner takes from a death scene or from a deceased and does
2 not immediately provide to a law enforcement agency as evidence. The coroner or
3 medical examiner shall release any such property, other than prescription
4 medication, that belonged to the deceased to a representative of the deceased unless
5 the property is needed as evidence or unless a court has issued an order to hold the
6 property for payment of fees associated with the disposal of the body.

7 (2) If the coroner or medical examiner takes prescription medications from a
8 death scene or from the body of a deceased, the coroner or medical examiner shall list
9 them on an inventory sheet and sign the inventory sheet. If the coroner or medical
10 examiner does not provide the prescription medications to a law enforcement agency
11 as evidence, the coroner or medical examiner shall destroy them in accordance with
12 applicable county evidence retention policies and appropriate standards for disposal
13 of medications, except that the coroner or medical examiner shall donate those
14 prescription medications that satisfy the requirements under s. 255.056 (3) to the
15 drug repository program under s. 255.056 or to another similar drug repository
16 program. The coroner or medical examiner shall indicate on the inventory sheet the
17 disposition of the prescription medications.

18 **SECTION 69.** 979.09 of the statutes is amended to read:

19 **979.09 Burial Disposition of an unidentified or unclaimed body.** If any
20 ~~judge or circuit court commissioner conducts an inquest as to the death of a stranger~~
21 ~~or of a person whose identity is unknown or whose body is unclaimed or if the district~~
22 ~~attorney determines that no inquest into the death of such a person is necessary and~~
23 ~~the circuit judge has not ordered an inquest under s. 979.04 (2), a coroner or medical~~
24 examiner has custody of an unidentified or unclaimed body of an individual whose
25 death was investigated under s. 979.01, and the coroner or medical examiner has

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1 made reasonable efforts to identify the body or locate a representative of the
2 deceased, the coroner or medical examiner shall cause the body to be decently buried
3 or cremated and shall certify ~~to all the charges incurred in taking any inquest by him~~
4 ~~or her and to the expenses of burial or cremation of the dead body.~~ The charges and
5 expenses shall be audited by the county board of the proper county and paid ~~out of~~
6 ~~the county treasury~~ with funds other than funds appropriated for the operation of
7 the coroner's or medical examiner's office. The immunity provisions under s. 157.02
8 (2m) (b) and (c) apply to a coroner's or medical examiner's actions under this section.

9 **SECTION 70.** 979.10 (1) (a) (intro.) of the statutes is amended to read:

10 979.10 (1) (a) (intro.) No person may cremate the ~~corpse~~ body of a deceased
11 person within 48 hours after ~~the pronouncement of death, or the discovery of the~~
12 ~~death, of the deceased person~~ unless the death was caused by a contagious or
13 infectious disease, and one of the following conditions applies:

14 (ag) No person may cremate a ~~corpse~~ body unless the person has received a
15 cremation permit release from one of the following:

16 **SECTION 71.** 979.10 (1) (a) 1., 2. and 3. of the statutes are renumbered 979.10
17 (1) (ag) 1., 2. and 3. and amended to read:

18 979.10 (1) (ag) 1. The coroner or medical examiner in the county where the
19 death ~~occurred~~ was pronounced if the death ~~occurred~~ was pronounced in this state;
20 and the death was not subject to an investigation under s. 979.01.

21 2. The coroner or medical examiner ~~in the county where the event which caused~~
22 ~~the death occurred if the death occurred in this state and~~ who investigated the death
23 if the death was pronounced in this state and is the subject of to an investigation
24 under s. 979.01; ~~or,~~

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1 3. The coroner or medical examiner of the county where the ~~corpse~~ body is to
2 be cremated if the death occurred was pronounced outside this state. ~~A cremation~~
3 ~~permit issued under this subdivision may not be used in any county except the county~~
4 ~~in which the cremation permit is issued.~~

5 **SECTION 72.** 979.10 (1) (a) 1m. and 2m. of the statutes are created to read:

6 979.10 (1) (a) 1m. The person determines that the body must be cremated
7 immediately to effectively contain the disease.

8 2m. A public health authority orders sooner disposal of the body under s.
9 157.055 (2) (c) during a state of emergency related to public health.

10 **SECTION 73.** 979.10 (1) (b) of the statutes is amended to read:

11 979.10 (1) (b) A coroner or medical examiner shall include in any cremation
12 permit release issued under par. (a) ~~(a)~~ (ag) a statement that he or she has viewed the
13 ~~corpse~~ body which is the subject of the permit release and made personal inquiry into
14 the cause and manner of death under sub. (2) and is of the opinion that no further
15 examination or judicial inquiry is necessary. The release shall also specify the
16 earliest date and time that the cremation may occur.

17 **SECTION 74.** 979.10 (1) (c) of the statutes is renumbered 157.113 and amended
18 to read:

19 **157.113 Permission required to deposit cremated remains in cemetery.**

20 No person may deposit any cremated remains of a corpse in any cemetery without
21 the permission of the ~~person who owns or is in charge of the cemetery~~ authority.

22 **SECTION 75.** 979.10 (1) (d) of the statutes is created to read:

23 979.10 (1) (d) If the medical certification of the cause and manner of death of
24 a deceased is completed by a physician under s. 69.18 (2) (b) or (c), the coroner or
25 medical examiner shall review the medical certification before issuing a cremation

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1 release for the deceased. It is not a violation of s. 69.24 for a coroner or medical
2 examiner to make or receive a copy of a death certificate, that has not been filed
3 under s. 69.18 (1), for purposes of this paragraph. A coroner or medical examiner
4 may not release such a copy of a death certificate to any other person or use the copy
5 for a purpose other than complying with the review requirement under this
6 paragraph.

7 **SECTION 76.** 979.10 (2) of the statutes is amended to read:

8 979.10 (2) ~~If a corpse is to be cremated~~ person requests a cremation release, the
9 coroner or medical examiner shall view the body, make a careful personal inquiry
10 into the cause and manner of death, and ~~conduct an autopsy or order the conducting~~
11 ~~of an autopsy, if in his or her or the~~ coroner, medical examiner, or district attorney's
12 ~~opinion~~ attorney determines that it is necessary to determine the cause and manner
13 of death, perform or order an autopsy performed on the body. If the coroner or
14 medical examiner determines that no further examination or judicial inquiry is
15 necessary, he or she shall certify that fact and issue a cremation release. Upon
16 written request by the district attorney the coroner or medical examiner shall obtain
17 the concurrence of the district attorney before issuing the ~~certification~~ cremation
18 release. If the coroner or medical examiner determines that further examination or
19 judicial inquiry is necessary, he or she shall notify the district attorney under s.
20 979.04 (2) and refuse to issue a cremation release until the examination or judicial
21 inquiry is concluded.

22 **SECTION 77.** 979.10 (3) of the statutes is repealed.

23 **SECTION 78.** 979.10 (4) of the statutes is amended to read:

24 979.10 (4) Whoever accepts, receives, or takes any ~~corpse~~ body of a deceased
25 person with intent to destroy the ~~corpse~~ body by means of cremation, or who cremates

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1 or aids and assists in the cremation of any ~~corpse~~ body of a deceased person without
2 having presented the ~~permit~~ release specified in sub. (1) ~~(ag)~~, shall be fined not more
3 than \$10,000 or imprisoned not more than 9 months or both.

4 **SECTION 79.** 979.10 (5) of the statutes is created to read:

5 979.10 (5) If a coroner or medical examiner issues an authorization under s.
6 979.105 for a body but refuses to issue a cremation release for the body under sub.
7 (2), the coroner or medical examiner and the county are not liable for the cost of
8 storing the body.

9 **SECTION 80.** 979.10 (6) of the statutes is created to read:

10 979.10 (6) A person receiving a body under s. 157.02 (1m) (c) or 157.06 for the
11 purpose of medical research or education shall request a cremation release from the
12 coroner or medical examiner who has jurisdiction to issue a cremation release under
13 sub. (1) (ag) before moving the body out of the county served by the coroner or medical
14 examiner.

15 **SECTION 81.** 979.22 of the statutes is amended to read:

16 **979.22 Autopsies Fees for other autopsy and toxicological services**
17 **other diagnostic procedures by coroners or medical examiners.** A coroner
18 or medical examiner may perform autopsies and ~~toxicological services~~ other
19 diagnostic procedures not required under this chapter and may charge a fee
20 established by the county board for such autopsies and ~~services~~ procedures. The fee
21 may not exceed an amount reasonably related to the actual and necessary cost of
22 providing the ~~service~~ autopsy and procedures.

23 **SECTION 82. Nonstatutory provisions.**

24 (1) EXAMINING BOARD; INITIAL TERMS. Notwithstanding the length of terms
25 specified for the members of the medicolegal investigation examining board under

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1 section 15.405 (18) of the statutes, as created by this act, initial appointments to the
2 medicolegal investigation examining board shall be made as follows:

3 (a) The members under section 15.405 (18) (a) of the statutes, as created by this
4 act, the member under section 15.405 (18) (c) of the statutes, as created by this act,
5 and the member under section 15.405 (18) (e) of the statutes, as created by this act,
6 shall be appointed for terms expiring on July 1, 2016.

7 (b) The members under section 15.405 (18) (am) of the statutes, as created by
8 this act, the member under section 15.405 (18) (d) of the statutes, as created by this
9 act, and the member under section 15.405 (18) (g) of the statutes, as created by this
10 act, shall be appointed for terms expiring on July 1, 2018.

11 (c) The members under section 15.405 (18) (b) of the statutes, as created by this
12 act, and the member under section 15.405 (18) (i) of the statutes, as created by this
13 act, shall be appointed for terms expiring on July 1, 2020.

14 (2) EXAMINING BOARD; PROVISIONAL APPOINTMENTS.

15 (a) Notwithstanding section 15.08 (1) of the statutes, the governor may
16 provisionally appoint initial members of the medicolegal investigation examining
17 board under section 15.405 (18) of the statutes, as created by this act. Those
18 provisional appointments remain in force until withdrawn by the governor or acted
19 upon by the senate, and if confirmed by the senate shall continue for the remainder
20 of the unexpired term, if any, of the member and until a successor is chosen and
21 qualifies. A provisional appointee may exercise all the powers and duties of board
22 membership to which the person is appointed during the time in which the appointee
23 qualifies.

24 (b) A provisional appointment made under paragraph (a) that is withdrawn by
25 the governor lapses upon withdrawal and creates a vacancy for provisional

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1 appointment of another initial member of the medicolegal investigation examining
2 board. Any provisional appointment made under paragraph (a) that is rejected by
3 the senate lapses upon rejection and creates a vacancy for nomination and
4 appointment under section 15.08 (1) of the statutes of another initial board member.

5 (3) EXAMINING BOARD; EMERGENCY RULE AUTHORITY. The medicolegal
6 investigation examining board may promulgate emergency rules under section
7 227.24 of the statutes as required under section 465.05 (1) (a) of the statutes, as
8 created by this act, or as authorized under section 465.05 (2) (c) of the statutes, as
9 created by this act. Notwithstanding section 227.24 (1) (c) and (2) of the statutes,
10 emergency rules promulgated under this subsection remain in effect for one year, or
11 until the date on which permanent rules take effect, whichever is sooner.
12 Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the medicolegal
13 investigation examining board is not required to provide evidence that promulgating
14 a rule under this subsection as an emergency rule is necessary for the preservation
15 of the public peace, health, safety, or welfare and is not required to provide a finding
16 of emergency for a rule promulgated under this subsection.

SECTION 83. Fiscal changes.

17
18 (1) On the effective date of this subsection, there is transferred from the
19 appropriation account under section 20.435 (1) (gm) of the statutes to the
20 appropriation account under section 20.165 (1) (kd) of the statutes \$270,000.

SECTION 84. Initial applicability.

21
22 (1) DEATH INVESTIGATIONS; AUTHORIZATION TO EMBALM OR DISPOSE OF A BODY;
23 CREMATION RELEASE; DISPOSITION OF BODIES. The treatment of sections 69.01 (12), 69.18
24 (2) (d) 1., 2., and 3., and (3) (a), (b), and (d), 157.02 (1), (1m) (title), (2), (2m), (3), (4),
25 and (5), 157.03 (1) and (2), 157.055 (2) (intro.), 346.71 (2), 440.78 (1) (b), 979.001,

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1 979.01 (title), (1), (1d), (1g), (1i), (1k), (1p), (1r), (3), (3m), and (4), 979.017, 979.025
2 (2) and (3), 979.03, 979.032, 979.034, 979.036, 979.09, 979.10 (1) (a) (intro.), 1., 1m.,
3 2., 2m., and 3., (b), (c), and (d), (2), (3), (4), (5), and (6), and 979.22 of the statutes, the
4 renumbering and amendment of sections 979.01 (1m) and (2) and 979.02 of the
5 statutes, the amendment of section 979.02 (title) of the statutes, and the creation of
6 sections 979.01 (1m) (b) and (2) (b) and 979.02 (2), (3), (4), (5), (6), and (7) of the
7 statutes first apply to deaths occurring on the effective date of this subsection.

8 (2) **DISINTERMENT PERMITS.** The treatment of sections 69.18 (4) (a) (intro.) and
9 1g. to 6., (am) (intro.), (b), (bm), (d), (e), and (f) and 157.112 (3) (intro.) of the statutes
10 first applies to disinterments performed on the effective date of this subsection.

11 **SECTION 85. Effective dates.** This act takes effect on the day after publication,
12 except as follows:

13 (1) The treatment of sections 440.03 (9) (a) (intro.) and (bm) and (13) (b) 38d.,
14 440.05 (intro.), 440.08 (2) (a) 46t., 465.05 (1) (b), (c), (dm), and (e) and (2) (a), 465.10,
15 and 465.15 of the statutes takes effect on the first day of the 13th month beginning
16 after publication.

17 (2) The repeal and recreation of section 20.435 (1) (gm) of the statutes takes
18 effect on July 1, 2016.

19 (END)