

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 291

Short Title: Autopsy/Family Notice.

(Public)

Sponsors: Representatives Starnes; and Sutton.

Referred to: Insurance, if favorable, Judiciary I.

February 20, 1997

A BILL TO BE ENTITLED

AN ACT REQUIRING NOTIFICATION OF NEXT OF KIN BEFORE AN AUTOPSY
MAY BE PERFORMED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-389(a) reads as rewritten:

"(a) ~~If, in the opinion of the medical examiner investigating the case or of the Chief Medical Examiner, it is advisable and in the public interest that an autopsy or other study be made; or, if an autopsy or other study is requested by the district attorney of the county or by any superior court judge, an autopsy or other study shall be made by the Chief Medical Examiner or by a competent pathologist designated by the Chief Medical Examiner.~~

An autopsy or other study shall be made by the Chief Medical Examiner if:

(1) An autopsy or other study is requested by the district attorney of the county or by any superior court judge; or

(2) In the opinion of the medical examiner investigating the case or of the Chief Medical Examiner it is advisable and in the public interest that an autopsy or study be made. Except when the Chief Medical Examiner determines that notice and opportunity to object would be contrary to the public interest, an autopsy or other study shall not be conducted pursuant to this subdivision until the next of kin of the deceased have

1 been given notice and opportunity to object to the autopsy or study. If
2 within five days of the death of the deceased:

3 a. The next of kin object to the autopsy or study, then the autopsy
4 or study shall not be made unless the Chief Medical Examiner
5 determines that failure to perform the autopsy or study would be
6 contrary to the public interest; or

7 b. The next of kin have not been located after reasonable efforts to
8 locate have been made by the investigating medical examiner or
9 the Chief Medical Examiner, then the autopsy or study shall be
10 made.

11 A complete autopsy report of findings and interpretations, prepared on forms designated
12 for the purpose, shall be submitted promptly to the Chief Medical Examiner. Copies of
13 the report shall be furnished the authorizing medical examiner, district attorney or
14 superior court judge. A copy of the report shall be furnished to other persons upon
15 request. A fee for the autopsy or other study shall be paid by the State. However, if the
16 deceased is a resident of the county in which the death or fatal injury occurred, that
17 county shall pay the fee. The fee shall be four hundred dollars (\$400.00)."

18 Section 2. This act is effective when it becomes law.