

Raymond P. Ward proposes the following substitute bill:

Medical Examiner Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Raymond P. Ward

Senate Sponsor:

LONG TITLE

General Description:

This bill amends provisions related to the medical examiner.

Highlighted Provisions:

This bill:

- amends provisions related to death certificates;
- amends provisions related to permits to render a dead body unavailable for postmortem investigation; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

26B-8-114, as last amended by Laws of Utah 2024, Chapter 280

26B-8-230, as renumbered and amended by Laws of Utah 2023, Chapter 306

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **26B-8-114** is amended to read:

26B-8-114 . Certificate of death -- Execution and registration requirements --

Information provided to lieutenant governor.

(1)(a) A certificate of death for each death that occurs in this state shall be filed with the local registrar of the district in which the death occurs, or as otherwise directed by the state registrar, within five days after death and prior to the decedent's interment, any other disposal, or removal from the registration district where the death occurred.

(b) A certificate of death shall be registered if the certificate of death is completed and

- 30 filed in accordance with this part.
- 31 (2)(a) If the place of death is unknown but the dead body is found in this state:
- 32 (i) the certificate of death shall be completed and filed in accordance with this
- 33 section; and
- 34 (ii) the place where the dead body is found shall be shown as the place of death.
- 35 (b) If the date of death is unknown, the date shall be determined by approximation.
- 36 (3)(a) When death occurs in a moving conveyance in the United States and the decedent
- 37 is first removed from the conveyance in this state:
- 38 (i) the certificate of death shall be filed with:
- 39 (A) the local registrar of the district where the decedent is removed; or
- 40 (B) a person designated by the state registrar; and
- 41 (ii) the place where the decedent is removed shall be considered the place of death.
- 42 (b) When a death occurs on a moving conveyance outside the United States and the
- 43 decedent is first removed from the conveyance in this state:
- 44 (i) the certificate of death shall be filed with:
- 45 (A) the local registrar of the district where the decedent is removed; or
- 46 (B) a person designated by the state registrar; and
- 47 (ii) the certificate of death shall show the actual place of death to the extent it can be
- 48 determined.
- 49 (4)(a) Subject to Subsections (4)(d) and (10), a custodial funeral service director or, if a
- 50 funeral service director is not retained, a dispositioner shall sign the certificate of
- 51 death.
- 52 (b) The custodial funeral service director, an agent of the custodial funeral service
- 53 director, or, if a funeral service director is not retained, a dispositioner shall:
- 54 (i) file the certificate of death prior to any disposition of a dead body or fetus; and
- 55 (ii) obtain the decedent's personal data from the next of kin or the best qualified
- 56 person or source available, including the decedent's social security number, if
- 57 known.
- 58 (c) The certificate of death may not include the decedent's social security number.
- 59 (d) A dispositioner may not sign a certificate of death, unless the signature is witnessed
- 60 by the state registrar or a local registrar.
- 61 (5)(a) Except as provided in Section 26B-8-115 or when inquiry is required by Part 2,
- 62 Utah Medical Examiner, a health care professional who was in charge of the
- 63 decedent's care for the illness or condition which resulted in death shall complete,

sign, and return the medical section of the certificate of death within three business days from the day on which the death occurred to:

(i) the funeral service director; or

(ii) if a funeral service director is not retained, a dispositioner.

(b) In the absence of the health care professional or with the health care professional's approval, the certificate of death may be completed and signed by an associate physician, the chief medical officer of the institution in which death occurred, or a physician who performed an autopsy upon the decedent, if:

(i) the person has access to the medical history of the case;

(ii) the person views the decedent at or after death; and

(iii) the death is not due to causes required to be investigated by the medical examiner.

(c) When completing the immediate cause of death section of a certificate of death, a health care professional may indicate that the immediate cause of death is unknown if the immediate cause of death is unknown.

(d) The department shall create instructions for completing a certificate of death that inform a health care professional that the health care professional may indicate that the immediate cause of death is unknown in accordance with Subsection (5)(c).

(e)(i) The department shall develop and maintain an online system that allows the health care professional that is required to complete the death certificate to complete a death certificate online.

(ii) The online system described in Subsection (5)(e)(i) shall:

(A) allow a health care professional completing a death certificate to choose a diagnoses for the cause of death from a list of commonly used International Classification of Diseases codes or a similar system of medical diagnoses codes;

(B) notify the health care professional in real time whether the completed death certificate will be considered complete and correct or whether the medical examiner may need to review the death certificate;

(C) if the death certificate is filled out in a manner that requires further review by the medical examiner, provide information to the health care provider indicating which portions of the death certificate may require further review; and

(D) if the death certificate requires further review, notify the health care provider

in real time that the family may be subject to a fee described in Section 26B-8-230 if the family chooses to cremate or otherwise make the body unavailable for postmortem investigation and the amount of the fee that the family of the decedent may need to pay.

- (6) When death occurs more than 365 days after the day on which the decedent was last treated by a health care professional, the case shall be referred to the medical examiner for investigation to determine and certify the cause, date, and place of death.
- (7) When inquiry is required by Part 2, Utah Medical Examiner, the medical examiner shall make an investigation and complete and sign the medical section of the certificate of death within 72 hours after taking charge of the case.
- (8) If the cause of death cannot be determined within 72 hours after death:
- (a) the medical section of the certificate of death shall be completed as provided by department rule;
 - (b) the attending health care professional or medical examiner shall give the funeral service director, or, if a funeral service director is not retained, a dispositioner, notice of the reason for the delay; and
 - (c) final disposition of the decedent may not be made until authorized by the attending health care professional or medical examiner.
- (9)(a) When a death is presumed to have occurred within this state but the dead body cannot be located, a certificate of death may be prepared by the state registrar upon receipt of an order of a Utah court.
- (b) The order described in Subsection (9)(a) shall include a finding of fact stating the name of the decedent, the date of death, and the place of death.
- (c) A certificate of death prepared under Subsection (9)(a) shall:
- (i) show the date of registration; and
 - (ii) identify the court and the date of the order.
- (10) It is unlawful for a dispositioner to charge for or accept any remuneration for:
- (a) signing a certificate of death; or
 - (b) performing any other duty of a dispositioner, as described in this section.
- (11) The state registrar shall, within five business days after the day on which the state registrar or local registrar registers a certificate of death for a Utah resident, inform the lieutenant governor of:
- (a) the decedent's name, last known residential address, date of birth, and date of death;
 - and

(b) any other information requested by the lieutenant governor to assist the county clerk in identifying the decedent for the purpose of removing the decedent from the official register of voters.

(12) The lieutenant governor shall, within one business day after the day on which the lieutenant governor receives the information described in Subsection (11), provide the information to the county clerks.

Section 2. Section **26B-8-230** is amended to read:

26B-8-230 . Application for permit to render a dead body unavailable for postmortem investigation -- Medical examiner review fee.

(1) Upon receiving an application by a person for a permit to render a dead body unavailable for postmortem investigation, the medical examiner shall ~~[review the application to]~~ determine whether:

(a) the person is authorized by law to render the dead body unavailable for postmortem investigation in the manner specified in the application; ~~[and]~~

~~(b) the death certificate is complete and correct; and~~

~~[(b)]~~ (c) there is a need to delay any action that will render the dead body unavailable for postmortem investigation until a postmortem investigation or an autopsy of the dead body is performed by the medical examiner.

~~(2) The medical examiner shall automatically issue a permit to render a dead body unavailable for postmortem investigation if:~~

~~(a) the person requesting the permit is authorized to render the dead body unavailable for postmortem investigation in the manner specified in the application; and~~

~~(b) the death certificate is complete and correct;~~

~~(c) the death does not fall under the jurisdiction of the medical examiner as described in Section 26B-8-205; and~~

~~(d) an autopsy authorized by Section 26B-8-213 or 26B-8-224 is not needed.~~

~~[(2)]~~ (3) Except as provided in Subsection ~~[(4)]~~ (5), within three days after receiving an application described in Subsection (1), the medical examiner shall:

(a) make the determinations described in Subsection (1); and

(b)(i) issue a permit to render the dead body unavailable for postmortem investigation in the manner specified in the application; or
(ii) deny the permit.

~~[(3)]~~ (4) The medical examiner may deny a permit to render a dead body unavailable for postmortem investigation only if:

166 (a) the applicant is not authorized by law to render the dead body unavailable for
167 postmortem investigation in the manner specified in the application;
168 (b) the medical examiner determines that there is a need to delay any action that will
169 render the dead body unavailable for postmortem investigation; or
170 (c) the applicant fails to pay the fee described in Subsection [(5)] (6).
171 [(4)] (5) If the medical examiner cannot in good faith make the determinations described in
172 Subsection (1) within three days after receiving an application described in Subsection
173 (1), the medical examiner shall notify the applicant:
174 (a) that more time is needed to make the determinations described in Subsection (1); and
175 (b) of the estimated amount of time needed before the determinations described in
176 Subsection (1) can be made.
177 [(5)] (6) The medical examiner may charge a fee, [~~pursuant to~~] set in accordance with
178 Section 63J-1-504, to recover the costs of fulfilling the duties of the medical examiner
179 described in this section.
180 Section 3. **Effective Date.**
181 This bill takes effect on January 1, 2026.