

HB200 INTRODUCED



1 HB200
2 9TZSMBB-1
3 By Representative England
4 RFD: Judiciary
5 First Read: 20-Feb-24



4 SYNOPSIS:

5 Under existing law, a medical examiner is
6 required to notify the next of kin if he or she retains
7 the organ or organs of a deceased person to determine
8 identification or the cause or manner of death.

9 Under existing law, a medical examiner may not
10 retain a deceased person's organ or organs for any
11 reason other than to determine identification or cause
12 or manner of death without notification and approval by
13 the next of kin.

14 This bill would provide that a medical examiner
15 commits a Class C felony if he or she retains a
16 deceased person's organ or organs without the
17 notification and consent of the next of kin in certain
18 circumstances.

19 Section 111.05 of the Constitution of Alabama of
20 2022, prohibits a general law whose purpose or effect
21 would be to require a new or increased expenditure of
22 local funds from becoming effective with regard to a
23 local governmental entity without enactment by a 2/3
24 vote unless: it comes within one of a number of
25 specified exceptions; it is approved by the affected
26 entity; or the Legislature appropriates funds, or
27 provides a local source of revenue, to the entity for
28 the purpose.



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The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the section. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to become effective because it comes within one of the specified exceptions contained in the section.

A BILL
TO BE ENTITLED
AN ACT

Relating to medical examiners; to amend Section 22-19-85, Code of Alabama 1975, to provide that it is unlawful for a medical examiner to retain a deceased person's organ or organs in certain circumstances; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 22-19-85, Code of Alabama 1975, is amended to read as follows:

"§22-19-85

(a) Unless directed otherwise by the Governor, the Attorney General, a district attorney, or an order of a circuit court judge, a medical examiner performing his or her duties in any county in this state ~~as provided under existing~~



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57 ~~law~~, including a medical examiner employed by the Department
58 of Forensic Sciences, shall notify the next of kin, through
59 the appropriate law enforcement agency, when retaining a
60 deceased person's entire organ or organs for additional
61 testing that is required to determine identification or the
62 cause or manner of death.

63 (b) A medical examiner performing his or her duties in
64 any county in this state ~~as provided under existing law~~,
65 including a medical examiner employed by the Department of
66 Forensic Sciences, ~~is prohibited from retaining~~ shall not
67 retain a deceased person's entire organ or organs for research
68 or any other purpose not in conjunction with a determination
69 of identification or cause or manner of death without
70 notification to, and approval by, the appropriate next of kin.

71 (c) A violation of this section is a Class C felony."

72 Section 2. Although this bill would have as its purpose
73 or effect the requirement of a new or increased expenditure of
74 local funds, the bill is excluded from further requirements
75 and application under Section 111.05 of the Constitution of
76 Alabama of 2022, because the bill defines a new crime or
77 amends the definition of an existing crime.

78 Section 3. This act shall become effective on October
79 1, 2024.