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HOUSE BILL 545

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Danice Picraux

AN ACT

RELATING TO MEDICAL INVESTIGATIONS; ENACTING THE MEDICAL EXAMINERS ACT; CREATING THE OFFICE OF THE CHIEF MEDICAL EXAMINER; CREATING THE BOARD OF MEDICAL EXAMINERS; PROVIDING POWERS AND DUTIES; PROVIDING A STATEWIDE MEDICAL AND LEGAL DEATH INVESTIGATION SYSTEM; PROVIDING FOR TRANSFERS OF PROPERTY, CONTRACTUAL OBLIGATIONS AND STATUTORY REFERENCES; PRESCRIBING CRIMINAL AND CIVIL PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. [NEW MATERIAL] SHORT TITLE.--Sections 1 through 18 of this act may be cited as the "Medical Examiners Act".

Section 2. [NEW MATERIAL] DEFINITIONS.--As used in the Medical Examiners Act:

A. "autopsy" means the dissection of a dead body or

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1 human remains by a forensic pathologist for the purpose of
2 determining the cause, mechanism or manner of death or the seat
3 of disease and evaluating the clinical diagnoses, obtaining and
4 retaining specimens for specialized testing, retrieving
5 physical evidence, identifying the deceased or educating
6 medical professionals and students;

7 B. "board" means the board of medical examiners;

8 C. "body" means the body of a dead human or a part
9 or remains of a dead human;

10 D. "case" means the investigation and examination
11 of a body;

12 E. "cause of death" means the underlying disease or
13 injury responsible for setting in motion a series of
14 physiologic events culminating in death;

15 F. "child" means a person who has reached one year
16 of age and has not yet reached eighteen years of age;

17 G. "consent autopsy" means an autopsy that is
18 requested by an agency or person and that is performed with the
19 written consent of the designated representative;

20 H. "designated representative" means the next of
21 kin or other person legally responsible for the body and
22 personal property of a decedent;

23 I. "extended evaluation" means a delayed
24 examination of a removed organ as part of an autopsy;

25 J. "external examination" means an inspection or

1 examination of the outer surfaces of a body prior to or without
2 an autopsy;

3 K. "forensic autopsy" means an autopsy performed by
4 a medical examiner, which may be performed without the consent
5 of the designated representative;

6 L. "forensic pathologist" means a licensed
7 physician who is certified in forensic pathology by the
8 American board of pathology or who has completed a training
9 program in forensic pathology that is accredited by the
10 accreditation council on graduate medical education and who has
11 been officially qualified for examination in forensic pathology
12 by the American board of pathology or who has an international
13 equivalent;

14 M. "infant" means a born person who has not yet
15 reached one year of age;

16 N. "investigation" means a medical and legal
17 inquiry, whether slight or extensive, into a death;

18 O. "manner of death" means the classification of a
19 death as natural, an accident, a homicide, a suicide or
20 undetermined based in large part on the presence or absence of
21 intent to harm and the presence or absence of injury, the
22 purpose of which is to guide vital statistics nosologists to
23 the correct external causation code in the international
24 classification of diseases;

25 P. "medical examiner" means a forensic pathologist

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1 who investigates and examines deaths under the jurisdiction of
2 the office to determine the condition of a body and to certify
3 the cause and manner of death;

4 Q. "medical investigator" means a person who is
5 employed by the office to conduct investigations into the
6 circumstances of deaths under the jurisdiction of the office;

7 R. "next of kin" means an apparent family member or
8 the representative of the family member;

9 S. "office" means the office of the chief medical
10 examiner;

11 T. "tribal representative" means a person
12 designated by an Indian nation, tribe or pueblo as a liaison to
13 the office to assist the office with the proper handling of a
14 deceased person who was a member of the Indian nation, tribe or
15 pueblo; and

16 U. "unattended death" means the death of a person
17 who is not under the care of a health care provider authorized
18 to sign a death certificate pursuant to the Medical Examiners
19 Act, whether or not the death occurred in the physical presence
20 of the health care provider.

21 Section 3. [NEW MATERIAL] BOARD CREATED.--

22 A. The "board of medical examiners" is created.

23 B. The board consists of:

24 (1) the dean of the university of New Mexico
25 school of medicine, who shall serve as chair;

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1 (2) the secretary of health or the
2 secretary's designee;

3 (3) the chief of the New Mexico state police
4 or the chief's designee;

5 (4) the chair of the board of thanatopractice
6 or the chair's designee; and

7 (5) the secretary of Indian affairs or the
8 secretary's designee.

9 C. The board shall meet at least annually, and as
10 often as necessary, to conduct board business. The chair or a
11 majority of board members may call additional meetings. The
12 chair shall call an additional meeting at the request of the
13 chief medical examiner.

14 D. The board shall adopt and promulgate rules
15 necessary or appropriate to carry out the provisions of the
16 Medical Examiners Act.

17 Section 4. [NEW MATERIAL] OFFICE OF THE CHIEF MEDICAL
18 EXAMINER--CREATED.--

19 A. The "office of the chief medical examiner" is
20 created.

21 B. The office shall be headed by the "chief medical
22 examiner". The chief medical examiner shall be a board-
23 certified forensic pathologist who has at least three years of
24 post-training experience as a medical examiner and is licensed
25 in New Mexico.

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1 C. The chief medical examiner shall maintain the
2 office at the university of New Mexico school of medicine. The
3 university of New Mexico health sciences center shall provide
4 physical space for the office. The chief medical examiner
5 shall receive a faculty appointment in the department of
6 pathology of the university of New Mexico school of medicine.

7 D. The office may maintain as many regional
8 facilities as deemed necessary by the chief medical examiner.

9 E. Subject to appropriations, the chief medical
10 examiner may appoint assistant chief medical examiners, medical
11 examiners and medical investigators as deemed necessary to
12 carry out the provisions of the Medical Examiners Act.

13 F. The office may enter into contracts to carry out
14 the provisions of the Medical Examiners Act.

15 Section 5. [NEW MATERIAL] MEDICAL EXAMINERS AND
16 INVESTIGATORS--QUALIFICATIONS.--

17 A. All assistant chief medical examiners and
18 medical examiners employed by the office shall be licensed
19 physicians.

20 B. Assistant chief medical examiners and medical
21 examiners shall be certified in forensic pathology by the
22 American board of pathology or have similar international
23 qualifications within three years of hire. Assistant chief
24 medical examiners and medical examiners shall receive faculty
25 appointments in the department of pathology of the university

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1 of New Mexico school of medicine.

2 C. Full-time medical investigators shall obtain
3 registry certification by the American board of medicolegal
4 death investigators within two years of hire.

5 D. Supervising deputy medical investigators shall
6 have fellow board certification by the American board of
7 medicolegal death investigators within three years of hire.

8 E. The office may employ part-time field medical
9 investigators to investigate and evaluate potential deaths
10 under the jurisdiction of the office and take custody of a
11 body.

12 Section 6. [NEW MATERIAL] RECORDS KEPT.--

13 A. The office shall maintain records of:

- 14 (1) investigations;
- 15 (2) postmortem inspections and examinations;
- 16 (3) autopsies, ancillary studies and
17 consultations;
- 18 (4) personal property taken into possession;
- 19 (5) transportation and release of bodies and
20 remains;
- 21 (6) fees collected; and
- 22 (7) any other information deemed necessary by
23 the board.

24 B. Photographs and medical information may be
25 disclosed in research and educational publications and forums,

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1 provided that all identifying information has been removed.

2 C. The identity of a body and the cause and manner
3 of death shall be matters of public record. Once the identity
4 of a body is determined by the office or any other agency, it
5 is the responsibility of the local law enforcement agency to
6 ensure that the next of kin has been notified.

7 D. Notwithstanding any other provision of law,
8 photographs kept as part of the final case investigation
9 records by the office shall be released only upon
10 authorization of the chief medical examiner or the chief
11 medical examiner's designee to law enforcement officials, court
12 officers, public health authorities, physicians and designated
13 representatives. All other final case investigation records
14 kept by the office shall be released in accordance with the
15 Inspection of Public Records Act.

16 Section 7. FEES.--The board shall adopt and promulgate a
17 fee schedule for services provided by the office as follows:

18 A. an autopsy outside the jurisdiction of the
19 office, not to exceed seven thousand dollars (\$7,000);

20 B. an external examination outside the jurisdiction
21 of the office, not to exceed two thousand dollars (\$2,000);

22 C. a neuropathology consultation, not to exceed
23 three thousand five hundred dollars (\$3,500);

24 D. a training course, not to exceed five thousand
25 dollars (\$5,000);

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1 E. an investigation, not to exceed two hundred
2 dollars (\$200) plus the cost of all travel-related expenses;

3 F. forensic pathologist consultation, not to exceed
4 eight hundred dollars (\$800) per hour plus the cost of all
5 travel-related expenses;

6 G. court testimony, not to exceed eight hundred
7 dollars (\$800) per hour plus the cost of all travel-related
8 expenses;

9 H. pronouncement of death at a nursing home by
10 agreement, not to exceed one hundred ten dollars (\$110);

11 I. cremation permit, not to exceed two hundred
12 fifty dollars (\$250) per permit;

13 J. storage of a body, not to exceed ninety dollars
14 (\$90.00) per day;

15 K. computer services consultation, not to exceed
16 one hundred eighty dollars (\$180) per hour and access to office
17 database, not to exceed two hundred fifty dollars (\$250) per
18 year;

19 L. production of records, not to exceed seventy
20 dollars (\$70.00) per hour plus ten dollars (\$10.00) per case;

21 M. a report or office-generated document, not to
22 exceed twenty dollars (\$20.00) plus one dollar (\$1.00) per page
23 and the cost of postage;

24 N. a photographic image, not to exceed fifty
25 dollars (\$50.00) plus ten dollars (\$10.00) per image and the

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1 cost of postage;

2 O. medical imaging, not to exceed one hundred
3 dollars (\$100) plus ten dollars (\$10.00) per image and the cost
4 of postage;

5 P. a histologic slide, not to exceed one hundred
6 dollars (\$100) plus twenty dollars (\$20.00) per slide and the
7 cost of postage;

8 Q. a body pouch, not to exceed one hundred dollars
9 (\$100); and

10 R. other materials provided, not to exceed the cost
11 to the office.

12 Section 8. [NEW MATERIAL] ACCESS TO MEDICAL RECORDS--
13 SUBPOENA POWER.--

14 A. The office shall be afforded access and
15 authority to copy all relevant medical and mental health
16 records pertinent to an investigation. The office shall keep
17 the collected information confidential, except as disclosed
18 through reports and death certificates issued pursuant to the
19 Medical Examiners Act.

20 B. The chief medical examiner or the chief medical
21 examiner's designee may:

22 (1) administer oaths and issue subpoenas to
23 compel attendance of any witness in an investigation;

24 (2) issue subpoenas duces tecum to require a
25 witness to produce any books, records, documents, files or

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1 other things under the control of the person served; and

2 (3) issue subpoenas for the production of
3 confidential medical records, mental health records, drug and
4 alcohol abuse records and other relevant information from
5 physicians, hospitals, nursing homes, rehabilitation
6 facilities, residential care facilities and other health care
7 providers when conducting an investigation.

8 C. A subpoena shall state with reasonable certainty
9 the nature of the information required, the time and place
10 where the information shall be produced, whether the subpoena
11 requires the attendance of the person subpoenaed or only the
12 production of documents or other tangible objects and the
13 consequences of failure to obey the subpoena.

14 D. A subpoena shall be served by personal service
15 upon the person to be subpoenaed or by certified mail addressed
16 to the person at the person's last known address. The service
17 of the subpoena shall be at least three days prior to the
18 required appearance or production. If the subpoena is served
19 by certified mail, proof of service is the affidavit of
20 mailing.

21 E. After service of a subpoena, if the person
22 served neglects or refuses to comply with the subpoena, the
23 office may apply to the district court of the county where the
24 subpoena was served or the county where the subpoena was
25 responded to for an order compelling compliance. Failure of

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1 the person to comply with the district court's order shall be
2 punishable as contempt.

3 Section 9. [NEW MATERIAL] DUTIES OF THE OFFICE.--

4 A. The office shall:

5 (1) make inquiries and investigate, as
6 necessary, a death, an anticipated death, a presumptive death
7 where there is no body and any other death reported to the
8 office to determine jurisdiction and the need for further
9 investigation, postmortem inspection or autopsy;

10 (2) establish a system and procedures for
11 dealing with deaths falling under the jurisdiction of the
12 office to determine:

- 13 (a) the identity of a body;
14 (b) the condition of the body;
15 (c) the cause and manner of death; and
16 (d) any issues or potential issues of
17 public health and public safety;

18 (3) in a death to be investigated, take legal
19 custody and transport the body and associated evidence from the
20 place where the body is located to a facility of the office;

21 (4) file death certificates with the
22 department of health in all cases that are accepted by the
23 office; provided that death certificates shall not be filed in
24 the absence of a body except by court order, by judicial decree
25 or in the case of an emergency;

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1 (5) maintain records of investigated deaths
2 and publish an annual report that includes statistics on causes
3 and manners of death in investigations under the jurisdiction
4 of the office; and

5 (6) maintain accreditation by the national
6 association of medical examiners.

7 B. As persons and cultures may have certain
8 requirements and expectations related to postmortem disposition
9 of a body, the office shall be sensitive to the cultural and
10 religious beliefs of designated representatives.

11 C. The office shall provide testimony in criminal
12 cases upon a valid subpoena. Testimony in civil cases shall be
13 subject to a court testimony fee.

14 Section 10. [NEW MATERIAL] DEATHS TO BE INVESTIGATED.--

15 A. The office shall investigate the facts and
16 circumstances concerning all human deaths within the exterior
17 boundaries of New Mexico, exclusive of sovereign tribal domains
18 or federal military or medical installations, regardless of
19 where the death may have occurred, if:

20 (1) the death appears to be due to violence;

21 (2) the death is of known or suspected
22 nonnatural causes;

23 (3) the death appears to be due to exposure to
24 ethanol, toxins or poisons or medicinal or recreational drugs;

25 (4) the death is of an infant or a child and

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1 the death appears to be due to unexpected or unexplained
2 causes;

3 (5) the deceased, who was not an infant or a
4 child, was in apparent good health and the death appears to be
5 of unexpected or unexplained causes;

6 (6) the death is an unattended stillbirth;

7 (7) the death occurs under unusual or
8 suspicious circumstances;

9 (8) the death is known or suspected to be
10 caused by diseases or other conditions constituting a threat to
11 the public;

12 (9) the death is of a person in the custody of
13 a governmental agency or a representative of a governmental
14 agency;

15 (10) the death is unattended by a physician;

16 (11) the death allegedly resulted from
17 unexpected complications or unintended consequences of medical
18 intervention;

19 (12) the body is to be cremated, buried at sea
20 or disposed of by means other than burial;

21 (13) the body is unidentified or unclaimed; or

22 (14) the cause of death or the manner of death
23 is of public interest.

24 B. Immediately upon receipt of notification of a
25 death, the office shall determine if it has jurisdiction over

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1 the body and, if so, shall:

2 (1) take charge of the body; and

3 (2) notify law enforcement authorities when
4 appropriate.

5 Section 11. [NEW MATERIAL] SCENE INVESTIGATIONS.--

6 A. An investigation shall be conducted by a medical
7 investigator for potential deaths under the jurisdiction of the
8 office and, where appropriate, shall include timely evaluations
9 of the death scene. The office shall prepare written reports
10 for all cases for which the office takes jurisdiction.

11 B. A scene investigation may be conducted at the
12 location where a body is discovered as well as other locations
13 thought to bear upon the death of the person.

14 C. A scene shall be secured by the office or a law
15 enforcement agency and kept free of disturbance.

16 D. The office shall have the sole jurisdiction and
17 take custody of a body and of clothing, personal effects and
18 evidence on the body.

19 E. The office may seize and take custody of all
20 other evidence that is pertinent to an investigation and that
21 is not taken by law enforcement personnel.

22 F. Law enforcement personnel shall notify the
23 office as soon as they become aware of a death falling within
24 the jurisdiction of the office, and the office shall inform
25 appropriate law enforcement personnel before it begins its

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1 investigation.

2 G. Law enforcement personnel shall not obstruct or
3 bar office personnel from access to and retrieval of a body.
4 The office may bar law enforcement personnel from access to the
5 body.

6 H. Evidence collected by law enforcement personnel
7 shall be made available to the office and vice versa, except
8 where testing is destructive and does not permit further
9 analysis by the other agency.

10 Section 12. [NEW MATERIAL] POSTMORTEM EXAMINATIONS AND
11 AUTOPSIES.--

12 A. An investigation, an external examination, an
13 extended evaluation, an autopsy or a forensic autopsy shall be
14 conducted as necessary and may be performed over the implicit
15 or explicit objections, including cultural or religious
16 objections, of the designated representative or other parties.

17 B. The chief medical examiner shall decide the
18 extent of the investigation or whether to perform an autopsy
19 when the designated representative or other parties raise
20 objections.

21 C. The office may request laboratory analyses,
22 procedures and expert consultations. The scientific laboratory
23 division of the department of health shall provide laboratory
24 testing to the office.

25 D. If the office determines that an extended

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1 evaluation is required, the forensic pathologist shall make
2 reasonable efforts to explain to the next of kin why the
3 extended evaluation is needed and take into consideration the
4 cultural or religious needs identified by the designated
5 representative or tribal representative. If the decedent was a
6 member of an Indian nation, tribe or pueblo, the office shall
7 work with the tribal representative.

8 Section 13. [NEW MATERIAL] ORGANS AND TISSUES.--The
9 office may:

10 A. examine, process, analyze and test organs and
11 tissues and other specimens from a body or order an
12 examination, processing, analysis, testing or consultation by
13 an outside facility;

14 B. retain organs, tissues and other specimens,
15 including deoxyribonucleic acid specimens, from a body for
16 diagnostic purposes; for future examination or reference; or
17 for processing, quality control, analysis, testing,
18 consultation or evidentiary purposes;

19 C. release organs and tissues to organ and tissue
20 procurement organizations or allow the harvesting of organs and
21 tissues for transplant purposes when appropriate and with the
22 consent of the designated representative; and

23 D. release organs and tissues not ordinarily
24 retained for the purposes stated in Subsection B of this
25 section for education, research or other purposes upon the

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1 consent of the designated representative.

2 Section 14. [NEW MATERIAL] DISPOSITION OF BODIES,
3 REMAINS AND PROPERTY.--

4 A. Upon approval by the chief medical examiner or
5 the chief medical examiner's designee, a body shall be released
6 to the designated representative.

7 B. An unidentified body shall be held for at least
8 three months by the office. A dental examination, full body
9 radiographs and deoxyribonucleic acid collection shall be
10 performed on all unidentified bodies where possible.

11 C. When an identified body is not claimed after two
12 weeks, the body may be released for anatomical donation,
13 cremation or burial by the county of residence of the decedent.
14 If the county of residence is unknown or is out of the state,
15 the body shall be cremated or buried by the county in which the
16 body was found.

17 D. The office may cause a body to be properly
18 embalmed or prepared for preservation for such time as the
19 chief medical examiner deems appropriate.

20 E. All personal property of the decedent taken into
21 possession by the office shall be catalogued, and a written
22 inventory shall be maintained.

23 F. Any personal property not held for evidence
24 shall be released to the designated representative within
25 thirty days of the completion of the investigation.

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1 G. If the designated representative is in dispute
2 or is unknown, the office shall retain the personal property
3 until an executor or administrator is appointed by a court of
4 competent jurisdiction. The board shall determine how to
5 dispose of any personal property that is not claimed after six
6 months.

7 H. A receipt shall be obtained from the designated
8 representative taking custody of the body and personal property
9 from the office.

10 Section 15. [NEW MATERIAL] EXHUMATIONS.--The office may
11 conduct an exhumation to determine the cause and manner of
12 death, to investigate a public health or safety matter, to
13 obtain evidence or to answer a medical or legal issue. The
14 office shall notify the executor or administrator of the
15 decedent's estate or the designated representative unless
16 exigent circumstances exist.

17 Section 16. [NEW MATERIAL] APPEALS TO DETERMINATION OF
18 CAUSE AND MANNER OF DEATH.--Appeals of the determination of the
19 cause and the manner of death or other conclusions reached by
20 the office shall be made to the medical examiner who certified
21 the determination. The medical examiner shall initiate a
22 review of the case and shall notify the appellant of the
23 results of the review. If dissatisfied with the conclusions of
24 the review, the appellant may then appeal the case to the chief
25 medical examiner. The chief medical examiner shall initiate a

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1 review of the case and shall notify the appellant of the
2 results of the review. The decision of the chief medical
3 examiner shall be final.

4 Section 17. [NEW MATERIAL] TRIBAL COLLABORATION.--

5 A. The office shall make reasonable efforts to
6 determine if a decedent was a member of an Indian nation, tribe
7 or pueblo. If a decedent was a member of an Indian nation,
8 tribe or pueblo, and the designated representative or tribal
9 representative offers a cultural or religious objection to an
10 autopsy, the office shall use due diligence to avoid an autopsy
11 and shall use the least invasive means possible to satisfy the
12 office's duties in conducting the investigation.

13 B. When a decedent was a member of an Indian
14 nation, tribe or pueblo and a forensic autopsy is required, the
15 office shall attempt to provide advance notice of the forensic
16 autopsy to the designated representative or to the tribal
17 representative. The office shall allow a law enforcement
18 officer of the Indian nation, tribe or pueblo of the decedent
19 to be present during the forensic autopsy. The law enforcement
20 officer attending the forensic autopsy shall not interfere with
21 the forensic autopsy procedure and shall follow the health
22 rules governing autopsy procedures. The office shall provide
23 documentation concerning the forensic autopsy, upon request, to
24 the designated representative or, if none is identified, to the
25 tribal representative.

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1 C. After an autopsy has been conducted by the
2 office on a decedent who was a member of an Indian nation,
3 tribe or pueblo, the office shall use all due diligence to
4 consult with the designated representative or the tribal
5 representative regarding the disposition of the body. Unless
6 other treatment of the remains is required for investigation,
7 the office shall replace all body parts. Upon request, the
8 office shall provide written certification to the next of kin,
9 designated representative or tribal representative of the
10 disposition of the body parts.

11 D. The office shall request that each Indian
12 nation, tribe or pueblo designate a tribal representative that
13 the office may contact.

14 Section 18. [NEW MATERIAL] REPORTS OF VIOLENT DEATH--
15 PENALTY.--

16 A. Whoever becomes aware of the sudden, unexpected,
17 violent or nonnatural death of a person or finds a body shall
18 report the death or the body to the appropriate law enforcement
19 agency or the office within a reasonable period of time.

20 B. Except on authority of the office or until the
21 office has taken custody of the body and completed its
22 investigation, a person shall not:

23 (1) touch, remove, disturb or conduct an
24 autopsy on a body that is required by law to be reported to the
25 office;

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1 (2) touch, remove or disturb an article or
2 object on or near a body that is required by law to be reported
3 to the office; or

4 (3) disturb the surroundings of a body that is
5 required by law to be reported to the office.

6 C. A person who violates Subsection A or B of this
7 section is guilty of a misdemeanor and upon conviction shall be
8 punished by a fine not to exceed five thousand dollars (\$5,000)
9 or by imprisonment for a definite term not to exceed one year
10 or both.

11 Section 19. Section 24-6B-22 NMSA 1978 (being Laws 2007,
12 Chapter 323, Section 22) is amended to read:

13 "24-6B-22. COOPERATION BETWEEN OFFICE OF THE [STATE]
14 CHIEF MEDICAL [~~INVESTIGATOR~~] EXAMINER AND PROCUREMENT
15 ORGANIZATION.--

16 A. The office of the [~~state~~] chief medical
17 [~~investigator~~] examiner shall cooperate with procurement
18 organizations to maximize the opportunity to recover anatomical
19 gifts for the purpose of transplantation, therapy, research or
20 education.

21 B. If the office of the [~~state~~] chief medical
22 [~~investigator~~] examiner receives notice from a procurement
23 organization that an anatomical gift might be available or was
24 made with respect to a decedent whose body is under the
25 jurisdiction of the office of the [~~state~~] chief medical

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1 ~~[investigator]~~ examiner and a post-mortem examination is going
2 to be performed, unless the office of the ~~[state]~~ chief medical
3 ~~[investigator]~~ examiner denies recovery in accordance with
4 Section ~~[23 of the Jonathan Spradling Revised Uniform~~
5 ~~Anatomical Gift Act]~~ 24-6B-23 NMSA 1978, the office of the
6 ~~[state]~~ chief medical ~~[investigator]~~ examiner or its designee
7 shall conduct a post-mortem examination of the body or the part
8 in a manner and within a period compatible with its
9 preservation for the purposes of the anatomical gift.

10 C. A part ~~[may]~~ shall not be removed from the body
11 of a decedent under the jurisdiction of the office of the
12 ~~[state]~~ chief medical ~~[investigator]~~ examiner for
13 transplantation, therapy, research or education unless the part
14 is the subject of an anatomical gift. The body of a decedent
15 under the jurisdiction of the office of the ~~[state]~~ chief
16 medical ~~[investigator may]~~ examiner shall not be delivered to a
17 person for research or education unless the body is the subject
18 of an anatomical gift. This subsection does not preclude the
19 office of the ~~[state]~~ chief medical ~~[investigator]~~ examiner
20 from performing the ~~[medico-legal]~~ investigation upon the body
21 or parts of a decedent under the jurisdiction of the office of
22 the ~~[state]~~ chief medical ~~[investigator]~~ examiner."

23 Section 20. Section 24-6B-23 NMSA 1978 (being Laws 2007,
24 Chapter 323, Section 23) is amended to read:

25 "24-6B-23. FACILITATION OF ANATOMICAL GIFT FROM DECEDENT

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1 WHOSE BODY IS UNDER JURISDICTION OF THE OFFICE OF THE [STATE]
2 CHIEF MEDICAL [~~INVESTIGATOR~~] EXAMINER.--

3 A. Upon request of a procurement organization, the
4 office of the [~~state~~] chief medical [~~investigator~~] examiner
5 shall release to the procurement organization the name, contact
6 information and available medical and social history of a
7 decedent whose body is under the jurisdiction of the office of
8 the [~~state~~] chief medical [~~investigator~~] examiner. If the
9 decedent's body or part is medically suitable for
10 transplantation, therapy, research or education, the office of
11 the [~~state~~] chief medical [~~investigator~~] examiner shall release
12 post-mortem examination results to the procurement
13 organization. The procurement organization may make a
14 subsequent disclosure of the post-mortem examination results or
15 other information received from the office of the [~~state~~] chief
16 medical [~~investigator~~] examiner only if relevant to
17 transplantation or therapy.

18 B. The office of the [~~state~~] chief medical
19 [~~investigator~~] examiner may conduct [~~a medico-legal~~] an
20 investigation by reviewing all medical records, laboratory test
21 results, x-rays, other diagnostic results and other information
22 that any person possesses about a donor or prospective donor
23 whose body is under the jurisdiction of the office of the
24 [~~state~~] chief medical [~~investigator~~] examiner that the office
25 of the [~~state~~] chief medical [~~investigator~~] examiner determines

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1 may be relevant to the investigation.

2 C. A person that has any information requested by
3 the office of the [state] chief medical [~~investigator~~] examiner
4 pursuant to Subsection B of this section shall provide that
5 information as expeditiously as possible to allow the office of
6 the [state] chief medical [~~investigator~~] examiner to conduct
7 [~~the medico-legal~~] an investigation within a period compatible
8 with the preservation of parts for the purpose of
9 transplantation, therapy, research or education.

10 D. If an anatomical gift has been or might be made
11 of a part of a decedent whose body is under the jurisdiction of
12 the office of the [state] chief medical [~~investigator~~] examiner
13 and a post-mortem examination is not required, or the office of
14 the [state] chief medical [~~investigator~~] examiner determines
15 that a post-mortem examination is required but that the
16 recovery of the part that is the subject of an anatomical gift
17 will not interfere with the examination, the office of the
18 [state] chief medical [~~investigator~~] examiner and the
19 procurement organization shall cooperate in the timely removal
20 of the part from the decedent for the purpose of
21 transplantation, therapy, research or education.

22 E. If an anatomical gift of a part from the
23 decedent under the jurisdiction of the office of the [state]
24 chief medical [~~investigator~~] examiner has been or might be
25 made, but the office of the [state] chief medical

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1 [investigator] examiner initially believes that the recovery of
2 the part could interfere with the post-mortem investigation
3 into the decedent's cause or manner of death, the office of the
4 [state] chief medical [investigator] examiner shall consult
5 with the procurement organization or physician or technician
6 designated by the procurement organization about the proposed
7 recovery. After consultation, the office of the [state] chief
8 medical [investigator] examiner may allow the recovery.

9 F. Following the consultation pursuant to
10 Subsection E of this section, in the absence of mutually
11 agreed-upon protocols to resolve conflict between the office of
12 the [state] chief medical [investigator] examiner and the
13 procurement organization, if the office of the [state] chief
14 medical [investigator] examiner intends to deny recovery, the
15 office of the [state] chief medical [investigator] examiner or
16 its designee [at the] may request [of the procurement
17 organization, shall] to attend the removal procedure for the
18 part before making a final determination not to allow the
19 procurement organization to recover the part. During the
20 removal procedure, the office of the [state] chief medical
21 [investigator] examiner or its designee may allow recovery by
22 the procurement organization to proceed, or, if the office of
23 the [state] chief medical [investigator] examiner or its
24 designee reasonably believes that the part may be involved in
25 determining the decedent's cause or manner of death, may deny

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1 recovery by the procurement organization.

2 G. If the office of the [state] chief medical
3 [~~investigator or its designee~~] examiner denies recovery
4 pursuant to Subsection F of this section, the office of the
5 [state] chief medical [~~investigator or its designee~~] examiner
6 shall

7 [~~(1) explain in a record the specific reasons~~
8 ~~for not allowing recovery of the part;~~

9 (2)] include the specific reasons in the
10 records of the office of the [state] chief medical
11 [~~investigator; and~~

12 (3) ~~provide a record with the specific reasons~~
13 ~~to the procurement organization]~~ examiner.

14 H. If the office of the [state] chief medical
15 [~~investigator~~] examiner or its designee allows recovery of a
16 part pursuant to Subsection D, E or F of this section, the
17 procurement organization, upon request, shall cause the
18 physician or technician who removes the part to provide the
19 office of the [state] chief medical [~~investigator~~] examiner
20 with a record describing the condition of the part, a biopsy, a
21 photograph and any other information and observations that
22 would assist in the post-mortem examination.

23 I. If the office of the [state] chief medical
24 [~~investigator or its designee is required~~] examiner requests to
25 be present at a removal procedure pursuant to Subsection F of

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1 this section, [~~upon request~~] the procurement organization
2 requesting the recovery of the part shall reimburse the office
3 of the [~~state~~] chief medical [~~investigator or its designee~~]
4 examiner for the additional costs incurred [~~in complying with~~
5 ~~the provisions of Subsection F of this section~~]."

6 Section 21. Section 24-12-1 NMSA 1978 (being Laws 1973,
7 Chapter 354, Section 1, as amended) is amended to read:

8 "24-12-1. NOTIFICATION OF RELATIVES OF DECEASED.--

9 A. State, county or municipal officials having
10 charge or control of a body of a dead person shall use due
11 diligence to notify the relatives of the deceased.

12 B. If no claimant is found who will assume the cost
13 of burial, the official having charge or control of the body
14 shall notify the office of the chief medical [~~investigator~~]
15 examiner stating, when possible, the name, age, sex and cause
16 of death of the deceased.

17 C. The body shall be embalmed or cremated according
18 to [~~regulations~~] rules of the state agency having jurisdiction.
19 After the exercise of due diligence required in Subsection A of
20 this section and the report to the office of the chief medical
21 [~~investigator~~] examiner required in Subsection B of this
22 section, the office of the chief medical [~~investigator~~]
23 examiner shall be furnished detailed data demonstrating such
24 due diligence and the fact that no claimant has been found.
25 When the office of the chief medical [~~investigator~~] examiner

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1 has determined that due diligence has been exercised, that
2 reasonable opportunity has been afforded relatives to claim the
3 body and that the body has not been claimed, [~~he~~] the office of
4 the chief medical examiner shall issue [~~his~~] a certificate
5 determining that the remains are unclaimed. In no case shall
6 an unclaimed body be disposed of in less than two weeks from
7 the date of the discovery of the body."

8 Section 22. Section 24-12-2 NMSA 1978 (being Laws 1973,
9 Chapter 354, Section 2, as amended) is amended to read:

10 "24-12-2. DISPOSITION OF UNCLAIMED BODY--TRANSMISSION OF
11 RECORDS OF INSTITUTION.--

12 A. Upon the issuance of [~~his~~] a certificate that
13 the remains are unclaimed, the office of the chief medical
14 [~~investigator~~] examiner shall retain the body for use only for
15 medical education or shall certify that the body is unnecessary
16 or unsuited for medical education and release it to the state,
17 county or municipal officials having charge or control of the
18 body for burial. The state, county or municipal officials
19 shall have the body removed for disposition within [~~three~~
20 weeks] two weeks from the date on which the office of the chief
21 medical [~~investigator~~] examiner released the body.

22 B. If the body is retained for use in medical
23 education, the facility or person receiving the body for that
24 use shall pay the costs of preservation and transportation of
25 the body and shall keep a permanent record of bodies received.

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1 C. If a deceased person was an inmate of a public
2 institution, the institution shall transmit, upon request of
3 the office of the chief medical [investigator] examiner, a
4 brief medical history of the unclaimed dead person for purposes
5 of identification and permanent record. The records shall be
6 open to inspection by any state or county official or district
7 attorney."

8 Section 23. Section 24-12-3 NMSA 1978 (being Laws 1973,
9 Chapter 354, Section 3) is amended to read:

10 "24-12-3. PENALTIES.--

11 A. Any person who conducts a post-mortem
12 examination on an unclaimed body without express permission of
13 the office of the chief medical [investigator] examiner is
14 guilty of a misdemeanor and shall be punished by imprisonment
15 [~~in the county jail for not more than one year or by the~~
16 ~~imposition of]~~ for a definite term not to exceed one year or a
17 fine [of not more than one thousand dollars (\$1,000)] not to
18 exceed five thousand dollars (\$5,000) or both [such
19 ~~imprisonment and fine].~~

20 B. Any person who unlawfully disposes of, uses or
21 sells an unclaimed body is guilty of a fourth degree felony and
22 shall be punished by imprisonment [~~in the state penitentiary~~
23 ~~for a term of not less than one year nor more than five years~~
24 ~~or by the imposition of]~~ for a definite term not to exceed five
25 years or a fine [of not more than] not to exceed five thousand

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1 dollars (\$5,000) or both [~~such imprisonment and fine~~]."

2 Section 24. Section 24-12-4 NMSA 1978 (being Laws 1965,
3 Chapter 86, Section 1, as amended) is amended to read:

4 "24-12-4. POST-MORTEM EXAMINATIONS AND AUTOPSIES--CONSENT
5 REQUIRED.--

6 A. An autopsy or post-mortem examination may be
7 performed on the body of a deceased person by a physician or
8 surgeon whenever consent to the procedure has been given by:

9 (1) written authorization signed by the
10 deceased during [~~his~~] the person's lifetime;

11 (2) authorization of any person or on behalf
12 of any entity whom the deceased designated in writing during
13 [~~his~~] the person's lifetime to take charge of [~~his~~] the
14 deceased's body for burial or other purposes;

15 (3) authorization of the deceased's surviving
16 spouse;

17 (4) authorization of an adult child, parent or
18 adult brother or sister of the deceased if there is no
19 surviving spouse or if the surviving spouse is unavailable,
20 incompetent or has not claimed the body for burial after
21 notification of the death of the decedent;

22 (5) authorization of any other relative of the
23 deceased if none of the persons enumerated in Paragraphs (2)
24 through (4) of this subsection is available or competent to
25 give authorization; or

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1 (6) authorization of the public official,
2 agency or person having custody of the body for burial if none
3 of the persons enumerated in Paragraphs (2) through (5) of this
4 subsection is available or competent to give authorization.

5 B. An autopsy or post-mortem examination shall not
6 be performed under authorization given under the provisions of
7 Paragraph (4) of Subsection A of this section by any one of the
8 persons enumerated if, before the procedure is performed, any
9 one of the other persons enumerated objects in writing to the
10 physician or surgeon by whom the procedure is to be performed.

11 ~~[C. An autopsy or post-mortem examination may be~~
12 ~~performed by a pathologist at the written direction of the~~
13 ~~district attorney or his authorized representative in any case~~
14 ~~in which the district attorney is conducting a criminal~~
15 ~~investigation.~~

16 ~~D. An autopsy or post-mortem examination may be~~
17 ~~performed by a pathologist at the direction of the state,~~
18 ~~district or deputy medical investigator when he suspects the~~
19 ~~death was caused by a criminal act or omission or if the cause~~
20 ~~of death is obscure.~~

21 ~~E.]~~ C. For purposes of this section, "autopsy"
22 means a post-mortem dissection of a dead human body in order to
23 determine the cause, seat or nature of disease or injury and
24 includes the retention of tissues customarily removed during
25 the course of autopsy for evidentiary, identification,

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1 diagnosis, scientific or therapeutic purposes, but "autopsy"
2 does not include an autopsy that is within the jurisdiction of
3 the office of the chief medical examiner."

4 Section 25. Section 24-14-20 NMSA 1978 (being Laws 1961,
5 Chapter 44, Section 18, as amended) is amended to read:

6 "24-14-20. DEATH REGISTRATION.--

7 A. A death certificate for each death in which the
8 cause or manner of death is not under investigation by the
9 office of the chief medical examiner that occurs in this state
10 shall be filed within five days after the death and prior to
11 final disposition. The death certificate shall be registered
12 by the state registrar if it has been completed and filed in
13 accordance with this section, subject to the exception provided
14 in Section 24-14-24 NMSA 1978; provided that:

15 (1) if the place of death is unknown but the
16 dead body is found in this state, a death certificate shall be
17 filed with a local registrar within ten days after the
18 occurrence. The place where the body is found shall be shown
19 as the place of death. If the date of death is unknown, it
20 shall be approximated by the [~~state~~] office of the chief
21 medical [~~investigator~~] examiner; and

22 (2) if death occurs in a moving conveyance in
23 the United States and the body is first removed from the
24 conveyance in this state, the death shall be registered in this
25 state and the place where the body is first removed shall be

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1 considered the place of death. When a death occurs on a moving
2 conveyance while in international waters or air space or in a
3 foreign country or its air space and the body is first removed
4 from the conveyance in this state, the death shall be
5 registered in this state, but the certificate shall show the
6 actual place of death insofar as can be determined by the
7 ~~[state]~~ office of the chief medical ~~[investigator]~~ examiner.

8 B. The funeral service practitioner or person
9 acting as a funeral service practitioner who first assumes
10 custody of a dead body shall:

11 (1) file the death certificate; ~~[He shall]~~

12 (2) obtain the personal data from the next of
13 kin or the best qualified person or source available; ~~[He~~
14 ~~shall]~~ and

15 (3) obtain the medical certification of cause
16 of death.

17 C. The medical certification shall be completed and
18 signed within ~~[forty-eight hours]~~ five days after death by the
19 physician in charge of the patient's care for the illness or
20 condition that resulted in death, except when inquiry is
21 required by law. Except as provided in Subsection D of this
22 section, in the absence of the physician, or with ~~[his]~~ the
23 physician's approval, the medical certification may be
24 completed and signed by ~~[his]~~ the physician's associate
25 physician, the chief medical officer of the institution in

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1 which the death occurred or the physician who performed an
2 autopsy on the decedent, provided that individual has access to
3 the medical history of the case, views the deceased at or after
4 death and death is due to natural causes.

5 D. Unless there is reasonable cause to believe that
6 the death is not due to natural causes, a registered nurse
7 employed by a nursing home may pronounce the death of a
8 resident of the nursing home and a registered nurse employed by
9 a hospital may pronounce the death of a patient of the
10 hospital. The nurse shall have access to the medical history
11 of the case and view the deceased at or after death, and the
12 individual who completes the medical certification shall not be
13 required to view the deceased at or after death. The death
14 shall be pronounced pursuant to procedures or facility
15 protocols prescribed by the hospital for patients or by the
16 physician who is the medical director of the nursing home for
17 residents. The procedures or facility protocols shall ensure
18 that the medical certification of death is completed in
19 accordance with the provisions of Subsection C of this section.

20 E. For purposes of this section:

21 (1) "nursing home" means any nursing
22 institution or facility required to be licensed under state law
23 as a nursing facility by the public health division of the
24 department of health, whether proprietary or nonprofit,
25 including skilled nursing home facilities; and

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1 (2) "hospital" means a public hospital, profit
2 or nonprofit private hospital or a general or special hospital
3 that is licensed as a hospital by the department of health.

4 ~~[F. When death occurs without medical attendance as~~
5 ~~set forth in Subsection C or D of this section or when death~~
6 ~~occurs more than ten days after the decedent was last treated~~
7 ~~by a physician, the case shall be referred to the state medical~~
8 ~~investigator for investigation to determine and certify the~~
9 ~~cause of death.~~

10 G.] F. An amended death certificate based on an
11 anatomical observation shall be filed within thirty days of the
12 completion of an autopsy."

13 Section 26. Section 24-14-21 NMSA 1978 (being Laws 1961,
14 Chapter 44, Section 19, as amended) is amended to read:

15 "24-14-21. DELAYED REGISTRATION OF DEATH.--

16 A. When a death occurring in this state has not
17 been registered, a certificate of death may be filed in
18 accordance with ~~[regulations]~~ the rules of the board of medical
19 ~~[investigators]~~ examiners. The certificate shall be registered
20 subject to evidentiary requirements as prescribed by
21 ~~[regulation]~~ rule to substantiate the alleged facts of death.

22 B. Certificates of death registered one year or
23 more after the date of death shall be marked "delayed" and
24 shall show on their face the date of the delayed registration."

25 Section 27. Section 24-14-22 NMSA 1978 (being Laws 1961,
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1 Chapter 44, Section 20, as amended) is amended to read:

2 "24-14-22. REPORTS OF SPONTANEOUS FETAL DEATH.--

3 A. Each spontaneous fetal death, where the fetus
4 has a weight of five hundred grams or more, [~~which~~] that occurs
5 in this state shall be reported to the state registrar.

6 B. When a dead fetus is delivered in an
7 institution, the person in charge of the institution or [~~his~~]
8 the person's designated representative shall prepare and file
9 the report.

10 C. When the spontaneous fetal death occurs on a
11 moving conveyance and the fetus is first removed from the
12 conveyance in this state or when a dead fetus is found in this
13 state and the place of fetal death is unknown, the fetal death
14 shall be reported in this state. The place where the fetus was
15 first removed from the conveyance or the dead fetus was found
16 shall be considered the place of fetal death.

17 D. When a spontaneous fetal death required to be
18 reported by this section occurs without medical attendance at
19 or immediately after the delivery or when inquiry is required
20 by law, the [~~state~~] office of the chief medical [~~investigator~~]
21 examiner shall investigate the cause of fetal death and shall
22 prepare and file the report.

23 E. The names of the parents shall be entered on the
24 spontaneous fetal death report in accordance with the
25 provisions of Section 24-14-13 NMSA 1978.

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1 F. Except as otherwise provided in this section,
2 all spontaneous fetal death reports shall be completed and
3 filed with the state registrar within ten days following the
4 spontaneous fetal death."

5 Section 28. Section 24-14-23 NMSA 1978 (being Laws 1961,
6 Chapter 44, Section 21, as amended) is amended to read:

7 "24-14-23. PERMITS--AUTHORIZATION FOR FINAL
8 DISPOSITION.--

9 A. For deaths or spontaneous fetal deaths [~~which~~]
10 that have occurred in this state, no burial-transit permit
11 shall be required for final disposition of the remains if the
12 disposition occurs in this state and is performed by a funeral
13 service practitioner or direct disposer.

14 B. A burial-transit permit shall be issued by the
15 state registrar or a local registrar for those bodies [~~which~~]
16 that are to be transported out of the state for final
17 disposition or when final disposition is being made by a person
18 other than a funeral service practitioner or direct disposer.

19 C. A burial-transit permit issued under the law of
20 another state or country [~~which~~] that accompanies a [~~dead~~] body
21 or fetus brought into this state shall be authority for final
22 disposition of the body or fetus in this state.

23 D. A permit for disinterment and reinterment shall
24 be required prior to disinterment of a [~~dead~~] body or fetus
25 except as authorized by [~~regulation~~] rule or otherwise provided

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1 by law. The permit shall be issued by the state registrar or
2 the office of the chief medical [~~investigator~~] examiner to a
3 licensed funeral service practitioner or direct disposer.

4 E. A permit for cremation of a body shall be
5 required prior to the cremation. The permit shall be issued by
6 the [~~state registrar or state~~] office of the chief medical
7 [~~investigator~~] examiner to a licensed funeral service
8 practitioner, direct disposer or any other person who makes the
9 arrangements for final disposition."

10 Section 29. Section 61-32-20 NMSA 1978 (being Laws 1993,
11 Chapter 204, Section 20, as amended) is amended to read:

12 "61-32-20. EMBALMING.--

13 A. All dead human bodies not disposed of within
14 twenty-four hours after death or release or receipt by the
15 establishment or crematory shall be embalmed in accordance with
16 the Thanatopractice Act or stored under refrigeration as
17 determined by board rule, unless otherwise required by
18 [~~regulation~~] rule of the office of the [~~state~~] chief medical
19 [~~investigator~~] examiner or the secretary of health or by orders
20 of an authorized official of the office of the [~~state~~] chief
21 medical [~~investigator~~] examiner, a court of competent
22 jurisdiction or other authorized official.

23 B. A dead human body shall not be embalmed except
24 by a funeral service practitioner, an associate funeral service
25 practitioner or a funeral service intern under the supervision

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1 of a funeral service practitioner.

2 C. When embalming is not required under the
3 provisions of this section, a dead human body shall not be
4 embalmed without express authorization by the:

- 5 (1) surviving spouse or next of kin;
6 (2) legal agent or personal representative of
7 the deceased; or
8 (3) person assuming responsibility for final
9 disposition.

10 D. When embalming is not required, and prior to
11 obtaining authorization for the embalming, a dead human body
12 may be washed and other health procedures, including closing of
13 the orifices, may be performed without authorization.

14 E. When a dead human body is embalmed, the funeral
15 service practitioner or associate funeral service practitioner
16 who embalms the body or the funeral service intern who embalms
17 the body and the funeral service practitioner who supervises
18 the embalming shall, within twenty-four hours after the
19 embalming procedure, complete and sign an embalming case report
20 describing the elapsed time since death, the condition of the
21 remains before and after embalming and the embalming procedures
22 used. The embalming case report shall be kept on file at the
23 establishment for a period of not less than seven years
24 following the embalming.

25 F. Except as provided in Subsection A of this

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1 section, embalming is not required."

2 Section 30. Section 61-32-25 NMSA 1978 (being Laws 1993,
3 Chapter 204, Section 25) is amended to read:

4 "61-32-25. ADDITIONAL PROHIBITIONS.--

5 A. No person licensed [~~under~~] pursuant to the
6 provisions of the Thanatopractice Act shall advertise under any
7 name that tends to mislead the public or that sufficiently
8 resembles the professional or business name of another license
9 holder or that may cause confusion or misunderstanding.

10 B. No person licensed [~~under~~] pursuant to the
11 provisions of the Thanatopractice Act shall transport or cause
12 to be transported by common carrier any dead human body out of
13 this state when the licensee knows or [~~had~~] has reason to
14 believe that the dead human body carries any notifiable
15 communicable disease or when the transportation would take
16 place more than twenty-four hours after death, unless the body
17 has been prepared or embalmed as provided in the
18 Thanatopractice Act, unless approval for transportation has
19 been given by the office of the chief medical [~~investigator~~]
20 examiner, the secretary of health, a court of competent
21 jurisdiction or other authorized official or unless the body is
22 placed in a sealed container.

23 C. No person licensed [~~under~~] pursuant to the
24 provisions of the Thanatopractice Act shall remove, and no
25 authorized person shall embalm, a dead human body when the

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1 authorized person has information indicating crime or violence
2 of any sort in connection with the cause or manner of death,
3 unless in accordance with instructions [~~or regulations~~] of the
4 office of the chief medical [~~investigator~~] examiner or until
5 permission has been obtained from the office of the chief
6 medical [~~investigator~~] examiner or other authorized official."

7 Section 31. TEMPORARY PROVISION--TRANSFERS--STATUTORY
8 REFERENCES.--On July 1, 2009:

9 A. all appropriations, money, personnel, records,
10 files, furniture, equipment, supplies and other property of the
11 board of medical investigators and the office of the state
12 medical investigator are transferred to the office of the chief
13 medical examiner;

14 B. all contractual obligations of the office of the
15 state medical investigator shall be binding on the office of
16 the chief medical examiner; and

17 C. all references in law to the board of medical
18 investigators shall be deemed to be references to the board of
19 medical examiners. All references in law to the state medical
20 investigator shall be deemed to be references to the chief
21 medical examiner.

22 Section 32. REPEAL.--Sections 24-11-1 through 24-11-10
23 and 66-7-211 NMSA 1978 (being Laws 1971, Chapter 112, Sections
24 1 through 3 and 10, Laws 1961, Chapter 91, Sections 2 and 3,
25 Laws 2003, Chapter 191, Section 2, Laws 1961, Chapter 91,

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1 Sections 4 through 6 and 8 and Laws 1978, Chapter 35, Section
2 400, as amended) are repealed.

3 Section 33. EFFECTIVE DATE.--The effective date of the
4 provisions of this act is July 1, 2009.

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