
A BILL FOR AN ACT

RELATING TO MEDICAL EXAMINERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 **"CHAPTER**

5 **MEDICAL EXAMINERS**

6 § -1 **County medical examiners.** (a) The mayor of each
7 county shall appoint a medical examiner to perform medical
8 investigation services to establish the cause of any unattended
9 death in the respective county.

10 (b) The medical examiner may appoint deputy medical
11 examiners to aid the medical examiner in the discharge of the
12 medical examiner's duties. The medical examiner and the deputy
13 medical examiners shall be exempt from chapter 76.

14 (c) The medical examiner may also appoint, subject to
15 chapter 76, necessary staff, including medicolegal investigators
16 to assist the medical examiner.



1 § -2 **Medical examiner, deputy medical examiner;**
2 **qualifications.** A medical examiner and any deputy medical
3 examiner shall be a physician who is licensed under chapter 453
4 and an anatomic or forensic pathologist who is certified by the
5 American Board of Pathology.

6 § -3 **Hours and days of operation.** The office of the
7 medical examiner in each county shall be kept open every day in
8 the year, including Sundays and legal holidays.

9 § -4 **Duties.** (a) As soon as a medical examiner has
10 notice of the death of any person in the county:

- 11 (1) As the result of violence;
- 12 (2) As the result of any accident;
- 13 (3) By suicide;
- 14 (4) Suddenly when in apparent health;
- 15 (5) When unattended by a physician;
- 16 (6) In prison;
- 17 (7) In a suspicious or unusual manner; or
- 18 (8) Within twenty-four hours after admission to a hospital
19 or institution,



1 the medical examiner shall forthwith inquire into, and make a
2 complete investigation of, the cause of the death as set forth
3 in subsection (b).

4 (b) Immediately upon receipt of the notification, the
5 medical examiner shall take charge of the body in order to make
6 a complete investigation concerning the medical cause of death.
7 The medical examiner shall also take possession of all property
8 of value found upon the body, make an exact inventory, and
9 surrender the property, except items as are necessary to
10 determine the cause of death, to the chief of police of the
11 county in which the death was discovered. All property, when no
12 longer needed for medical or police purposes, shall be returned
13 to the person entitled to its custody or possession.

14 (c) No person shall move the corpse or remains of any
15 deceased person appearing to have come to death under any of the
16 circumstances set forth in this chapter without the prior
17 approval of the medical examiner and the chief of police of the
18 county in which the death was discovered.

19 § -5 **Notification of death.** (a) Any person who becomes
20 aware of the death of any person under any of the circumstances
21 set forth in section -4 shall immediately notify the medical



1 examiner and the chief of police of the county in which the
2 death was discovered of the known facts concerning the time,
3 place, manner, and circumstances of the death.

4 (b) Any person who fails to report the death of a person
5 under the circumstances enumerated in section -4 shall be
6 subject to a fine of not more than \$100.

7 § -6 **Testimony under oath reduced to writing.** The
8 testimony of all witnesses examined by any medical examiner
9 pertaining to the death of any person for whom a medical
10 examiner's investigation is required, shall be taken under oath,
11 reduced to writing by the medical examiner and subscribed to by
12 witnesses.

13 § -7 **Oath; form of oath.** (a) Each medical examiner may
14 administer oaths and affirmations, take affidavits and make
15 examinations as to any matter within the jurisdiction of the
16 office.

17 (b) A medical examiner may administer an oath to the
18 witnesses.

19 § -8 **Subpoenas; penalty for failure to comply.** (a) A
20 medical examiner may issue subpoenas for the attendance of any
21 witnesses that the medical examiner may deem necessary to



1 interrogate in the death then under investigation, at a place
2 and time as the medical examiner shall direct.

3 (b) Any person who fails to comply with the requirements
4 of a subpoena upon conviction shall be fined not more than \$25.

5 § -9 Reports of investigation. (a) A medical examiner
6 shall reduce the medical examiner's findings to writing in the
7 following form:

8
9 STATE OF HAWAII

10 County (or City and County) of.....

11 MEDICAL EXAMINER'S INQUEST

12
13 An inquisition taken at..... county (or city and
14 county) of..... on the..... day of..... in
15 the year..... before..... medical examiner of the
16 county upon the body of..... there lying dead,
17 resulted as follows:

18 That the deceased was named.....; and a resident
19 of.....; was aged about.....; that the deceased came
20 to death, on the..... day of..... ,
21 from.....



1 IN WITNESS WHEREOF, the medical examiner has hereunto set
2 the medical examiner's hand on this..... day of
3 20..... .

4 (b) Upon receipt of a certificate of death from the person
5 in charge of the disposition of the body, the medical examiner
6 shall state:

7 (1) The name of the disease or condition directly leading
8 to the death;

9 (2) Other significant conditions contributing to the
10 death;

11 (3) The day on which death occurred; and

12 (4) Any other information as may be required on the
13 certificate of death by the director of health in
14 order to classify the death.

15 The local agent of the department of health shall be
16 notified in writing of the reason for the delay, if the cause of
17 death cannot be determined within three days.

18 **§ -10 Duty to forward copy of reports to any prosecuting**
19 **attorney and to person in charge of disposition of body. (a)**

20 Every medical examiner shall, without delay, forward to the



1 prosecuting attorney of the same county a true and correct copy
2 of the report of investigation.

3 (b) The medical examiner, in addition, shall make
4 available without delay the death certificate of the person
5 whose death was investigated to the person in charge of the
6 disposition of the body so that the person in charge may file
7 the death certificate with the local agent of the department of
8 health as required by section 338-9.

9 § -11 Fees. Upon the application by other than
10 governmental agencies for a certified copy of any medical
11 examiner's report and inquest, the medical examiner shall
12 collect the sum of \$2 as a governmental realization for the
13 preparation and issuance of the certified copy. All fees so
14 collected shall be a general fund realization and shall be
15 immediately deposited with the treasurer or director of finance
16 of the respective counties.

17 § -12 Decent burial. When any medical examiner takes an
18 inquest upon the dead body of a stranger or indigent person or,
19 being called for that purpose, does not think it necessary, on
20 view of the body, that any inquest should be taken, the medical
21 examiner shall cause the body to be decently buried or cremated.



1 A burial-transit permit authorizing a burial or cremation shall
2 be secured from the local agent of the department of health by
3 the person in charge of the burial or cremation.

4 § -13 **Witness fees and mileage; expenses.** Every witness
5 attending upon any medical examiner's inquest shall be paid \$1
6 for each day's actual attendance, and traveling expenses at the
7 rate of 10 cents a mile each way. The fees and mileage of
8 witnesses and all reasonable expenses of the inquisition shall
9 be paid by the county in which the inquest is held.

10 § -14 **Removal of corpse.** (a) No corpse or remains of
11 any dead human body appearing to have come to death under any of
12 the circumstances enumerated in section -4, shall be moved or
13 disturbed from its place of death or disposed of by any person
14 including the chief of police or any police officer without
15 first receiving the authority of the medical examiner, and of
16 the police officer in charge. The removal of the body or bodies
17 shall be the duty of the medical examiner.

18 (b) Any person who violates this section shall be subject
19 to a fine of not more than \$100.

20 § -15 **Disposition of personal effects.** The clothing and
21 personal property found on any human body appearing to have come



1 to death under any of the circumstances enumerated in
2 section -4 may be recovered and held as evidence by any
3 police officer, pending the investigation of the facts and the
4 final disposition of any trial that may arise out of the death.

5 § -16 **Autopsies and further investigations.** (a) If, in
6 the opinion of the medical examiner, the prosecuting attorney,
7 or the chief of police an autopsy of the remains of any human
8 body appearing to have come to death under any of the
9 circumstances enumerated in section -4 is necessary in the
10 interest of the public safety or welfare, the medical examiner,
11 the prosecuting attorney, or the chief of police shall cause to
12 have an autopsy performed. If, in the opinion of the medical
13 examiner, a further or additional investigation as to the cause
14 of death is necessary, the medical examiner may conduct the
15 investigation, and the expenses shall be paid by the county
16 concerned.

17 (b) Any law to the contrary notwithstanding, the medical
18 examiner of any county may cause to have performed an autopsy to
19 determine cause of death upon the remains of any human body that
20 is brought into, or found within, the State and that appears to
21 have come to death under any of the circumstances enumerated in



1 section -4, even though the circumstances may have occurred
2 outside the State. The medical examiner of any county shall
3 have the right to retain tissues, including fetal material, of
4 the body removed at the time of autopsy to be used for necessary
5 or advisable scientific investigation, including research,
6 teaching, and therapeutic purposes.

7 § -17 **Performance of autopsy by pathologist.** An autopsy
8 of a deceased person under this chapter shall be performed by a
9 medical examiner or a deputy medical examiner.

10 § -18 **Assistance among counties.** (a) When a medical
11 examiner of a county with a population of less than two hundred
12 thousand requires assistance in conducting an autopsy, the
13 medical examiner may request the assistance of the medical
14 examiner of a county with a population of two hundred thousand
15 or more. The medical examiner of the county with a population
16 of two hundred thousand or more, if agreeable, may provide the
17 assistance.

18 (b) The county of the medical examiner requesting the
19 autopsy shall pay for the expenses incurred by the medical
20 examiner who provides assistance to another medical examiner
21 under subsection (a). Expenses for which the requesting county



1 shall pay include traveling expenses incurred by a pathologist
2 to the county requesting the assistance, and expenses for
3 transportation of, and the conduct of tests on, body tissues and
4 organs sent to the medical examiner for analysis.

5 § -19 **Notice to next of kin, expense.** A medical
6 examiner who is called to investigate the death of any person
7 shall notify the next of kin, if known, of the death by
8 telephone, letter, cable, or radiogram, as each case may
9 necessitate. The director of finance of the county in which the
10 death occurs may make the disbursement necessary to defray the
11 expenses involved in the notification.

12 § -20 **Disposal of decomposed remains.** A medical
13 examiner may order forthwith the cremation of the remains of any
14 person appearing to have come to death under any of the
15 circumstances enumerated in section -4 if, in the medical
16 examiner's opinion, the remains constitute an immediate menace
17 to the public health. The cremation shall be supervised by the
18 medical examiner and shall take place only after a reasonable
19 investigation has taken place in an effort to establish the
20 identity of the remains and the cause of death. The cremation
21 shall take place after a burial-transit permit authorizing



1 cremation has been secured from the local agent of the
2 department of health.

3 § -21 **Hospital records.** The chief of police and the
4 medical examiner of a county may examine the records of any
5 hospital in that county relating to any patient of the hospital
6 in connection with any investigation under this chapter. The
7 hospital may require written proof signed by the medical
8 examiner of the fact of the investigation and of the authority
9 of the person desiring to examine the records.

10 § -22 **Laboratory facilities.** The facilities of the
11 laboratories of the state department of health shall be made
12 available to a medical examiner.

13 § -23 **Notification of this chapter.** A copy of this
14 chapter shall be transmitted to all physicians, undertakers,
15 hospitals, and institutions established, licensed, or doing
16 business in the State."

17 SECTION 2. Section 6E-43.6, Hawaii Revised Statutes, is
18 amended by amending subsections (b) and (c) to read as follows:

19 "(b) The discovery shall be reported as soon as possible
20 to the department, the appropriate medical examiner [~~or~~
21 ~~or~~], and the appropriate police department. As soon as



1 practicable, the department shall notify the appropriate council
2 and the office of Hawaiian affairs.

3 (c) After notification of the discovery of multiple
4 skeletons, the following shall be done within two working days,
5 if on Oahu, and three working days, if in other council
6 jurisdictions:

7 (1) A representative of the medical [~~examiner or~~
8 ~~coroner's~~] examiner's office and a qualified
9 archaeologist shall examine the remains to determine
10 jurisdiction. If the remains are the responsibility
11 of the medical examiner [~~or coroner~~], the department's
12 involvement shall end. If the remains are historic or
13 prehistoric burials, then the remainder of this
14 section shall apply;

15 (2) The department shall gather sufficient information,
16 including oral tradition, to document the nature of
17 the burial context and determine appropriate treatment
18 of the remains. Members of the appropriate council
19 shall be allowed to oversee the on-site examination
20 and, if warranted, removal; and



1 (3) If removal of the remains is warranted, based on
2 criteria developed by the department, in consultation
3 with the councils, office of Hawaiian affairs,
4 representatives of development and large property
5 owner interests, and appropriate Hawaiian
6 organizations, such as Hui Malama I Na Kupuna O Hawai'i
7 Nei, through rules adopted pursuant to chapter 91, the
8 removal of the remains shall be overseen by a
9 qualified archaeologist and a mitigation plan shall be
10 prepared by the department or with the concurrence of
11 the department."

12 SECTION 3. Section 321-342, Hawaii Revised Statutes, is
13 amended by amending the definition of "child death review
14 information" to read as follows:

15 "Child death review information" means information
16 regarding the child and child's family, including but not
17 limited to:

- 18 (1) Social, medical, and legal histories;
- 19 (2) Death and birth certificates;
- 20 (3) Law enforcement investigative data;
- 21 (4) Medical examiner [~~or coroner~~] investigative data;



- 1 (5) Parole and probation information and records;
- 2 (6) Information and records of social service agencies;
- 3 (7) Educational records; and
- 4 (8) Health care institution information."

5 SECTION 4. Section 321-471, Hawaii Revised Statutes, is
6 amended by amending the definition of "domestic violence
7 fatality review information" to read as follows:

8 "Domestic violence fatality review information" means
9 information regarding a victim, including but not limited to:

- 10 (1) Social, medical, and legal history;
- 11 (2) Death and birth certificates;
- 12 (3) Law enforcement investigative information and data;
- 13 (4) Medical examiner [~~or coroner~~] investigative
14 information and data;
- 15 (5) Parole and probation information and records;
- 16 (6) Information and records of social services agencies;
- 17 (7) Educational records; and
- 18 (8) Health care institution information."

19 SECTION 5. Section 321-473, Hawaii Revised Statutes, is
20 amended by amending subsection (a) to read as follows:



1 "(a) Upon request of the director or a domestic violence
2 fatality review team, all medical examiners, physicians acting
3 under the direction of a [~~coroner,~~] medical examiner, providers
4 of medical care, state agencies, and county agencies shall
5 disclose to the department and the domestic violence fatality
6 review team all information and records regarding the
7 circumstances of a victim's death so that the department may
8 conduct a multidisciplinary and multiagency review of domestic
9 violence fatalities pursuant to this part."

10 SECTION 6. Section 321-502, Hawaii Revised Statutes, is
11 amended by amending the definition of "adult death review
12 information" to read as follows:

13 ""Adult death review information" means information
14 regarding the adult person and person's family, including:

- 15 (1) Social, medical, and legal histories;
- 16 (2) Death and birth certificates;
- 17 (3) Law enforcement investigative data;
- 18 (4) Medical examiner [~~or coroner~~] investigative data;
- 19 (5) Parole and probation information and records;
- 20 (6) Information and records of social service agencies;
- 21 (7) Educational records; and



1 (8) Health care institution information."

2 SECTION 7. Section 324-1, Hawaii Revised Statutes, is
3 amended by amending subsection (c) to read as follows:

4 "(c) The department of health may request information
5 regarding the deceased that is stored in electronic format or in
6 paper copies, or gathered through interviews, subject to certain
7 restrictions, which include but are not limited to:

- 8 (1) Social, medical, and legal histories;
- 9 (2) Death and birth certificates;
- 10 (3) Law enforcement investigative data;
- 11 (4) Medical examiner [~~or coroner~~] investigative data;
- 12 (5) Parole and probation information and records;
- 13 (6) Information and records of social service agencies;
- 14 (7) Educational records;
- 15 (8) Medical records; and
- 16 (9) Interviews with hospital employees that shall be
17 subject to approval from hospital management.

18 Furthermore, all requested disclosures shall comply with
19 state and federal privacy statutes and regulations, including
20 the Health Insurance Portability and Accountability Act, and the
21 department of health shall not request records of any hospital



1 review committee, peer review committee, or quality improvement
2 review process. The department may enter into a memorandum of
3 agreement with hospitals regarding requests for information to
4 be used for maternal mortality reviews.

5 No liability of any kind or character for damages or other
6 relief shall arise or be enforced against any person or
7 organization by reason of having provided the information or
8 material, or by reason of having released or published the
9 findings, conclusions, and summaries of the research or study
10 committees to advance medical research and medical education."

11 SECTION 8. Section 327-22, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "[+]§327-22[+] **Cooperation between medical examiner [~~or~~**
14 **~~coroner~~] and procurement organization.** (a) A medical examiner
15 [~~or coroner~~] shall cooperate with procurement organizations to
16 maximize the opportunity to recover anatomical gifts for
17 transplantation, therapy, research, or education.

18 (b) If a medical examiner [~~or coroner~~] receives notice
19 from a procurement organization that an anatomical gift might be
20 available or was made with respect to a decedent whose body is
21 under the jurisdiction of the medical examiner [~~or coroner~~] and



1 a post-mortem examination is going to be performed, unless the
2 medical examiner [~~or coroner~~] denies recovery in accordance with
3 section 327-23, the medical examiner [~~or coroner~~] or designee
4 shall make a reasonable attempt to conduct a post-mortem
5 examination of the body or the body part in a manner and within
6 a period compatible with its preservation for the purposes of
7 the gift.

8 (c) A body part may not be removed from the body of a
9 decedent under the jurisdiction of a medical examiner [~~or~~
10 ~~coroner~~] for transplantation, therapy, research, or education
11 unless the body part is the subject of an anatomical gift. The
12 body of a decedent under the jurisdiction of the medical
13 examiner [~~or coroner~~] may not be delivered to a person for
14 research or education unless the body is the subject of an
15 anatomical gift. This subsection shall not preclude a medical
16 examiner [~~or coroner~~] from performing the medicolegal
17 investigation upon the body or body parts of a decedent under
18 the jurisdiction of the medical examiner [~~or coroner~~]."

19 SECTION 9. Section 327-23, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "[\+]§327-23[\+] Facilitation of an anatomical gift from a
2 decedent whose body is under the jurisdiction of the medical
3 examiner [~~or coroner~~]. (a) Upon request of a procurement
4 organization, a medical examiner [~~or coroner~~] shall release to
5 the procurement organization the name, contact information, and
6 available medical and social history of a decedent whose body is
7 under the jurisdiction of the medical examiner [~~or coroner~~]. If
8 the decedent's body or body part is medically suitable for
9 transplantation, therapy, research, or education, the medical
10 examiner [~~or coroner~~] shall release post-mortem examination
11 results to the procurement organization. The procurement
12 organization may make a subsequent disclosure of the post-mortem
13 examination results or other information received from the
14 medical examiner [~~or coroner~~] only if relevant to
15 transplantation or therapy.

16 (b) The medical examiner [~~or coroner~~] may conduct a
17 medicolegal examination by reviewing all medical records,
18 laboratory test results, x-rays, other diagnostic results, and
19 other information that any person possesses about a donor or
20 prospective donor whose body is under the jurisdiction of the



1 medical examiner [~~or coroner~~], which the medical examiner [~~or~~
2 ~~coroner~~] determines may be relevant to the investigation.

3 (c) A person that has any information requested by a
4 medical examiner [~~or coroner~~] pursuant to subsection (b) shall
5 provide that information as expeditiously as possible to allow
6 the medical examiner [~~or coroner~~] to conduct the medicolegal
7 investigation within a period compatible with the preservation
8 of body parts for transplantation, therapy, research, or
9 education.

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

20 (e) If an anatomical gift of a body part from the decedent
21 under the jurisdiction of the medical examiner [~~or coroner~~] has



1 been or might be made, but the medical examiner [~~or coroner~~]
2 initially believes that the recovery of the body part could
3 interfere with the post-mortem investigation into the decedent's
4 cause or manner of death, the medical examiner [~~or coroner~~]
5 shall consult with the procurement organization or physician or
6 technician designated by the procurement organization about the
7 proposed recovery. The procurement organization shall provide
8 the medical examiner [~~or coroner~~] with all information it has
9 which could relate to the cause or manner of the decedent's
10 death. After consultation, the medical examiner [~~or coroner~~]
11 may allow the recovery.

12 (f) Following the consultation under subsection (e), in
13 the absence of mutually agreed-upon protocols to resolve
14 conflict between the medical examiner [~~or coroner~~] and the
15 procurement organization, if the medical examiner [~~or coroner~~]
16 intends to deny recovery of the body part, the medical examiner
17 [~~or coroner~~] or designee, at the request of the procurement
18 organization, shall make reasonable efforts to attend the
19 removal procedure for the body part before making a final
20 determination not to allow the procurement organization to
21 recover the body part. During the removal procedure, the



1 medical examiner [~~or coroner~~] or designee may allow recovery by
2 the procurement organization to proceed, or, if the medical
3 examiner [~~or coroner~~] or designee reasonably believes that the
4 body part may be involved in determining the decedent's cause or
5 manner of death, deny recovery by the procurement organization.

6 (g) If the medical examiner [~~or coroner~~] or designee
7 denies recovery under subsection (f), the medical examiner [~~or~~
8 ~~coroner~~] or designee shall include the reasons in the records of
9 the medical examiner [~~or coroner~~]; and make those reasons
10 available to the procurement organization upon request.

11 (h) If the medical examiner [~~or coroner~~] or designee
12 allows recovery of a body part, the procurement organization
13 shall cooperate with the medical examiner [~~or coroner~~] in any
14 documentation of injuries and the preservation and collection of
15 evidence prior to and during the recovery of the body part and,
16 upon request, shall cause the physician or technician who
17 removes the body part to provide the medical examiner [~~or~~
18 ~~coroner~~] with a record describing the condition of the body
19 part, a biopsy, a photograph, and any other information and
20 observations that would assist in the post-mortem examination."



1 SECTION 10. Section 327-32, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§327-32 Administration; duties of health officers.** Every
4 head officer of a hospital, nursing home, correctional facility,
5 funeral parlor, or mortuary and every county medical examiner
6 [~~or coroner~~] and every state or county officer, and every other
7 person who has possession, charge, or control of any unclaimed
8 dead human body that may be cremated at public expense pursuant
9 to section 346-15 shall:

- 10 (1) Exercise due diligence to notify the relatives,
11 friends of the decedent, any representative of a
12 fraternal society of which the deceased was a member,
13 and any legally responsible party;
- 14 (2) Submit in writing to the department of human services
15 a description of the efforts used in making the
16 determination that the dead human body is unclaimed in
17 accordance with section 346-15, if payment for
18 cremation is sought.

19 Nothing in this section shall be construed to affect the
20 requirements relating to the filing of a certificate of death
21 with the department of health pursuant to chapter 338."



1 SECTION 11. Section 338-9, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) In preparing a certificate of death or fetal death
4 the person in charge of the disposition of the body shall:

5 (1) Obtain and enter on the certificate the personal data
6 and other information pertaining to the deceased
7 person required by the department from the person best
8 qualified to supply them;

9 (2) Present the certificate of death to the physician or
10 advanced practice registered nurse last in attendance
11 upon the deceased, or to the ~~coroner's physician,~~
12 medical examiner, who shall thereupon certify the
13 cause of death to the physician's ~~or~~, advanced
14 practice registered nurse's, or medical examiner's
15 best knowledge and belief, or present the certificate
16 of fetal death to the physician, advanced practice
17 registered nurse, midwife, or other person in
18 attendance at the fetal death, who shall certify the
19 fetal death and ~~such~~ the medical data pertaining
20 thereto as can be furnished; provided that fetal
21 deaths of less than twenty-four weeks or intentional



1 terminations of pregnancy performed in accordance with
2 section 453-16 may be certified by a nurse or other
3 employee based upon the physician's records; and

- 4 (3) Notify immediately the appropriate local agent, if the
5 death occurred without medical attendance, or if the
6 physician or advanced practice registered nurse last
7 in attendance fails to sign the death certificate. In
8 such event, the local agent shall inform the local
9 health officer, and refer the case to the local health
10 officer for immediate investigation and certification
11 of the cause of death prior to issuing a permit for
12 burial, or other disposition of the body. When the
13 local health officer is not a physician or when there
14 is no such officer, the local agent may complete the
15 certificate on the basis of information received from
16 relatives of the deceased or others having knowledge
17 of the facts.

18 If the circumstances of the case suggest that the death or
19 fetal death was caused by other than natural causes, the local
20 agent shall refer the case to the [~~coroner~~] medical examiner for
21 investigation and certification."



1 SECTION 12. Section 350-1.5, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Any health professional or paraprofessional,
4 physician licensed or authorized to practice medicine in this
5 State, registered nurse or licensed practical nurse, hospital or
6 similar institution's personnel engaged in the admission,
7 examination, care, or treatment of patients, and any medical
8 examiner, [~~coroner~~] social worker, or police officer, who has
9 before the person a child the person reasonably believes has
10 been harmed, shall make every good faith effort to take or cause
11 to be taken color photographs of the areas of trauma visible on
12 the child. If medically indicated, such person may take or
13 cause to be taken x-rays of the child or cause a radiological or
14 other diagnostic examination to be performed on the child."

15 SECTION 13. Section 560:3-1212, Hawaii Revised Statutes,
16 is amended to read as follows:

17 "**§560:3-1212 Estates of persons leaving no known**
18 **relatives.** Every [~~coroner~~~~or~~] medical examiner who is called to
19 investigate the death of any person leaving no known spouse or
20 reciprocal beneficiary, issue, parent, grandparent, or issue of
21 grandparents over the age of majority in the State, shall take



1 immediate charge of the decedent's personal effects and if in
2 the discretion of the [~~coroner~~] medical examiner the value of
3 [~~such~~] the personal effects is in excess of \$2,500, forthwith
4 deliver them to the clerk of the court of the judicial circuit
5 in which [~~such~~] the decedent died.

6 If after ten days no person appears, competent to initiate
7 appropriate probate proceedings, the clerk shall administer the
8 estate pursuant to the provisions of this part; provided that if
9 the decedent's estate is of a value exceeding \$100,000, the
10 clerk shall notify the judge of the circuit having charge of the
11 probate calendar, and shall petition for the appointment of a
12 personal representative of [~~such~~] the estate other than the
13 clerk. In the meantime, the clerk may take [~~such~~] steps as may
14 be appropriate to preserve and conserve the real and personal
15 property of the decedent. All expenses in connection with the
16 taking possession, care, and conservation of the property and
17 with [~~such~~] the proceedings shall be proper charges against the
18 estate of the decedent. The corporation counsel or county
19 attorney of each county shall advise, assist, and represent as
20 far as necessary any of [~~such~~] the officers in the performance
21 of any act or the institution or prosecution of any proceeding



1 required by this section. If the decedent's estate is of a
2 value not exceeding \$2,500 and the decedent has no known
3 relatives or whose relatives have failed to indicate any means
4 of disposition of the estate, then the [~~coroner or~~] medical
5 examiner having custody of the property shall dispose of the
6 property in an appropriate manner, which may be any one of the
7 following or a combination thereof:

8 (1) Where the estate consists only of money and is not in
9 excess of \$2,500 and expenditures have been made in
10 connection with such death, to reimburse the
11 appropriate city and/or county office that made the
12 disbursement to defray [~~said~~] the expenses;

13 (2) Where the estate consists of cash or personal
14 belongings of monetary value, or both, not exceeding
15 \$2,500, to liquidate the personal belongings and apply
16 the proceeds, together with the cash, if the total
17 does not exceed \$2,500, in accordance with paragraph
18 (1);

19 (3) Where the assets in the estate are of no monetary
20 value (unsalable) and in the best judgment and
21 discretion of the [~~coroner or~~] medical examiner can be



1 used by some charitable institution, to donate the
2 assets to whatever charitable institution is willing
3 and able to pick up the assets in question;

4 (4) Where the assets have no value whatsoever or are in
5 such condition that, in the best judgment and
6 discretion of the [~~coroner or~~] medical examiner, a
7 charitable institution cannot use the properties, or
8 will not receive the properties, to destroy the same
9 in any manner the [~~coroner or~~] medical examiner sees
10 fit; and

11 (5) If under paragraphs (1) and (2), there are assets
12 remaining, then the [~~coroner or~~] medical examiner
13 shall forthwith forward the same to the state director
14 of finance for disposition as provided in chapter
15 523A."

16 SECTION 14. Section 52D-4, Hawaii Revised Statutes, is
17 repealed.

18 [~~§52D-4 Ex officio coroner. Where there is no other~~
19 ~~county medical examiner, the chief of police or any duly~~
20 ~~authorized subordinate shall be ex officio county coroner. An~~
21 ~~ex officio county coroner shall have all the powers and perform~~



1 ~~all the duties of coroner, within that county, as provided by~~
2 ~~law."]~~

3 SECTION 15. Chapter 841, Hawaii Revised Statutes, is
4 repealed.

5 SECTION 16. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$ or so
7 much thereof as may be necessary for fiscal year 2020-2021 to
8 assist the counties in implementing section 1 of this Act:

- 9 (1) City and county of Honolulu \$;
- 10 (2) County of Hawaii \$;
- 11 (3) County of Kauai \$; and
- 12 (4) County of Maui \$.

13 The sums appropriated shall constitute the State's share of
14 the cost of the mandated program under article VIII, section 5,
15 of the state constitution.

16 SECTION 17. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 18. This Act shall take effect on July 1, 2021.

19

INTRODUCED BY: RL Marshall

JAN 21 2020



Report Title:

Medical Examiners; Counties

Description:

Requires the counties to have medical examiners who are licensed physicians and certified anatomic or forensic pathologists.

Repeals section providing for coroners.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

