

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

HOUSE BILL NO. 1042
(Human Services Committee)
(At the request of the Department of Health and Human Services)

AN ACT to amend and reenact sections 11-19.1-11, 11-19.1-13, and 11-19.1-16 of the North Dakota Century Code, relating to autopsies, determination of cause of death, and certification of coroner fees in situations involving the unexplained sudden death in infant or child with or without intrinsic or extrinsic factors, or both.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 11-19.1-11 of the North Dakota Century Code is amended and reenacted as follows:

11-19.1-11. Autopsies - Notice of results.

1. The coroner or the coroner's medical deputy, if the coroner deems it necessary, may take custody of the deceased human body for the purpose of autopsy. When the coroner does not deem an autopsy necessary, the sheriff or state's attorney may direct an autopsy be performed.
2. The autopsy must be performed by the state forensic examiner or by the state forensic examiner's authorized pathologist at a facility approved by the state forensic examiner.
3. Upon the death of a minor whose cause of death is suspected by the minor's parent or guardian or the coroner or the coroner's medical deputy to have been the unexplained sudden infant death syndrome in infant or child with or without intrinsic or extrinsic factors, or both, the coroner or the coroner's medical deputy, after consultation with the parent or guardian, shall take custody of the body and shall arrange for the performance of the autopsy by the state forensic examiner or a pathologist designated by the state forensic examiner, unless the county coroner, sheriff, state's attorney, and the parent or guardian all agree that an autopsy is unnecessary. The parents or guardian and the state health officer must be promptly notified of the results of that autopsy.
4. A report of death, an autopsy report, and any working papers, notes, images, pictures, photographs, or recordings in any form are confidential but the coroner may use or disclose these materials for purposes of an investigation, inquest, or prosecution. The coroner may disclose a copy of the report of death in accordance with the authority of the state forensic examiner under section 23-01-05.5 and may disclose an autopsy photograph or other visual image or video or audio recording subject to limitations in section 44-04-18.18. The coroner shall disclose a copy of the autopsy report to the state forensic examiner.

SECTION 2. AMENDMENT. Section 11-19.1-13 of the North Dakota Century Code is amended and reenacted as follows:

11-19.1-13. Cause of death - Determination.

The cause of death, the manner of death, and the mode in which the death occurred must be incorporated in the death certificate filed with the registrar of vital statistics of this state. The term "unexplained sudden infant death syndrome in infant or child with or without intrinsic or extrinsic factors, or both" may be entered on the death certificate as the principal cause of death only if the child is under the age of one year and the death remains unexplained after a case investigation that includes a complete autopsy of the infant at the state's expense, examination of the death scene, and a review of the clinical history of the infant.

SECTION 3. AMENDMENT. Section 11-19.1-16 of the North Dakota Century Code is amended and reenacted as follows:

11-19.1-16. Coroner's fees paid out of county treasury - Fees to be charged by coroner - Duty of county auditor - Certain expenses paid by the state.

1. The fees and mileage as provided by section 11-10-15 allowed to the coroner shall be paid out of the county treasury of the county of residence of the deceased person and the coroner's bill shall be presented to the county auditor and shall be paid upon approval and order of the board of county commissioners.
2. The department of health and human services shall audit, and if found correct, certify for payment by the state treasurer duly itemized and verified claims of the coroner, the coroner's medical deputy, and pathologist for the necessary expenses incurred or paid in the performance of an autopsy of a child whose cause of death was suspected to have been the unexplained sudden infant death syndrome in infant or child with or without intrinsic or extrinsic factors, or both.

Dennis E. Snare
Speaker of the House

Tammy Miller
President of the Senate

Buell T. Reeb
Chief Clerk of the House

Sharon Meyer
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1042.

House Vote: Yeas 88 Nays 2 Absent 4

Senate Vote: Yeas 47 Nays 0 Absent 0

Buell T. Reeb
Chief Clerk of the House

Received by the Governor at 10:55 AM on March 14, 2023.

Approved at 4:05 P M. on March 14, 2023.

Doug Burgum
Governor

Filed in this office this 15th day of March, 2023,
at 2:58 o'clock P. M.

Michael Howe
Secretary of State