

CHAPTER 162

(SB 40)

AN ACT relating to deceased persons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 72.405 is amended to read as follows:

As used in *this chapter* ~~[KRS 72.410 to 72.470]~~, unless the context clearly indicates otherwise:

- (1) "Coroner ordered autopsy" means an autopsy ordered by the coroner having jurisdiction and performed by a pathologist pursuant to such authorization in order to ascertain the cause and manner of death in a coroner's case. In the event the pathologist deems it necessary, he or she may submit the appropriate specimen to a qualified chemist or toxicologist for analysis to assist him or her in ascertaining the cause of death in a coroner's case;
- (2) "Coroner's case" means a case in which the coroner has reasonable cause for believing that the death of a human being within his or her county was caused by any of the conditions set forth in KRS 72.025;
- (3) *"Genetic tests" means testing for genetic markers for cardiac arrhythmogenic syndromes;*
- (4) "Inquest" means an examination ordered by the coroner, or in his or her absence, ordered by a deputy coroner, into the causes and circumstances of any death which is a coroner's case by a jury of six (6) residents of the county impaneled and selected by the coroner to assist him or her in ascertaining the cause and manner of death;
- ~~(5)~~~~(4)~~ "Post-mortem examination" means a physical examination of the body by a medical examiner or by a coroner or deputy coroner who has been certified by the Justice and Public Safety Cabinet and may include an autopsy performed by a pathologist;~~;~~ other appropriate scientific tests administered to determine cause of death, *including but not limited to genetic tests*; or collection of tissue samples collected pursuant to KRS 213.161(3); and
- ~~(6)~~~~(5)~~ "Certified coroner" or "certified deputy coroner" means a coroner or deputy coroner who has been certified by the Justice and Public Safety Cabinet to have successfully completed both the basic training course and annual *in-service* ~~[in-service]~~ training course required by KRS 72.415, except that a deputy coroner shall be certified without completion of training courses required by KRS 72.415 if he or she is a licensed physician. ~~The secretary of justice and public safety may waive the requirement for basic training and certify a coroner during the eighteen (18) month period after July 15, 1982, if the advisory commission set forth in KRS 72.225 certifies to the secretary after a thorough review that the experience and knowledge of the specific coroner is such that he or she is qualified to be a certified coroner without taking the basic training.]~~

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 72 IS CREATED TO READ AS FOLLOWS:

- (1) *Except in skeletal and decomposing human remains, in the case of a deceased person under forty (40) years of age where a post-mortem examination is performed by the Office of the Kentucky State Medical Examiner under the authority of the county coroner and the state medical examiner does not determine a cause of death, the Office of the Kentucky State Medical Examiner shall conduct genetic tests on the deceased person.*
- (2) *If the Office of the Kentucky State Medical Examiner determines the cause of death of the deceased person based on the results of genetic tests, the coroner shall enter the information on the deceased person's death certificate for the signature of the state registrar of vital statistics.*
- (3) *The Justice and Public Safety Cabinet, in consultation with the Office of the Kentucky State Medical Examiner, shall promulgate administrative regulations pursuant to KRS Chapter 13A necessary to administer this section.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 2 IS CREATED TO READ AS FOLLOWS:

The fourth Thursday in March of each year is designated as Tuskegee Airmen Commemoration Day.

➔Section 4. Sections 1 and 2 of this Act may be cited as the Micah Shantell Fletcher Law.

Signed by Governor March 31, 2023.

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