

**72.026 Testing for presence of controlled substances in post-mortem examination --
When required -- Reporting of drug overdose -- Administrative regulations.**

- (1) In cases requiring a post-mortem examination under KRS 72.025, the coroner or medical examiner shall take a biological sample and have it tested for the presence of any controlled substances which were in the body at the time of death and which at the scene may have contributed to the cause of death.
- (2) If a coroner or medical examiner determines that a drug overdose is the cause of death of a person, he or she shall provide notice of the death to:
 - (a) The state registrar of vital statistics and the Department of Kentucky State Police. The notice shall include any information relating to the drug that resulted in the overdose. The state registrar of vital statistics shall not enter the information on the deceased person's death certificate unless the information is already on the death certificate;
 - (b) The licensing board for the individual who prescribed or dispensed the medication, if known. The notice shall include any information relating to the drug that resulted in the overdose, including the individual authorized by law to prescribe or dispense drugs who dispensed or prescribed the drug to the decedent; and
 - (c) For coroners only, the Commonwealth's attorney and a local law enforcement agency in the circuit where the death occurred, if the death resulted from the use of a Schedule I controlled substance. The notice shall include all information as to the types and concentrations of Schedule I drugs detected.

This subsection shall not apply to reporting the name of a pharmacist who dispensed a drug based on a prescription.

- (3) The state registrar of vital statistics shall report, within five (5) business days of the receipt of a certified death certificate or amended death certificate, to the Division of Kentucky State Medical Examiners Office, any death which has resulted from the use of drugs or a drug overdose.
- (4) The Justice and Public Safety Cabinet in consultation with the Kentucky State Medical Examiners Office shall promulgate administrative regulations necessary to administer this section.

Effective: March 25, 2015

History: Amended 2015 Ky. Acts ch. 66, sec. 1, effective March 25, 2015. -- Created 2012 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 7, effective July 20, 2012.