

1 AN ACT relating to coroners.

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

3 ➔Section 1. KRS 72.410 is amended to read as follows:

- 4 (1) The coroner of each county shall investigate the cause and manner of all deaths that
5 are defined by KRS 72.405 as a coroner's case.
- 6 (2) The coroner may, in his ***or her*** sound discretion, when investigating a coroner's
7 case, request the assistance of the district medical examiner and the Office of the
8 Kentucky State Medical Examiner, order an autopsy, and hold an inquest.
- 9 (3) (a) Upon notification of the death of a child under the age of eighteen (18) years
10 which meets the criteria for a coroner's case as defined in KRS 72.405 and
11 72.025, the coroner shall as soon as practicable contact the local office of the
12 Department for Community Based Services, law enforcement agencies with
13 local jurisdiction, and the local health department to determine the existence
14 of relevant information concerning the case.
- 15 (b) Any agency of the state or any other agency, institution, or facility providing
16 services to the child or the child's family, shall provide to the coroner upon his
17 or her request the cooperation, assistance, and information to enable the
18 coroner to comply with the provisions of this chapter. This section shall not be
19 deemed to abrogate the attorney-client nor the clergy-penitent privilege or the
20 confidentiality of records provided by KRS 311.377(2). If other privileged or
21 confidential records are disclosed to the coroner pursuant to this section, the
22 records shall remain confidential or privileged and shall not be disclosed
23 except as authorized by this section, to the state or local child fatality response
24 team, or as otherwise required by law.
- 25 **(4) (a) *The coroner shall, when investigating a coroner's case in a residential***
26 ***home, collect and secure any prescription medication of the decedent that is***
27 ***in plain view.***

1 (b) Within twenty-four (24) hours of the initial death investigation, a record of
2 the collected prescription medications detailing the place where the drugs
3 were collected, the names and quantities of drugs, and the planned manner
4 of destruction shall be kept. The record shall be signed by the coroner and
5 witnessed by a second party.

6 (c) Within thirty (30) days of the initial death investigation, the collected
7 prescription medications that are not directly related to the cause and
8 manner of death shall be disposed of at a disposal location that is approved
9 by the United States Drug Enforcement Agency. After the disposal of the
10 prescription medications, the time, place, manner of destruction, and name
11 and signature of the person facilitating the destruction shall be noted in the
12 record established under paragraph (b) of this subsection.

13 (d) Collected prescription medications and records required by this subsection
14 shall be open for inspection only to federal, state, county, and municipal
15 officers whose duty it is to enforce the laws of this state or of the United
16 States relating to prescription medications.

17 (e) This subsection shall not apply to any prescription medication in the
18 custody or possession of an institutional health care practitioner or
19 attending hospice practitioner that is subject to other laws and regulations
20 governing the destruction or disposition of patient or resident medication.

21 ➔Section 2. KRS 72.992 is amended to read as follows:

- 22 (1) Any person who violates KRS 72.020(1) or who interferes with the coroner in the
23 lawful performance of his duties shall be fined not less than two hundred fifty
24 dollars (\$250), or be confined in jail for not more than ninety (90) days, or both.
- 25 (2) Any coroner or deputy coroner who violates KRS 72.025 or 72.020 shall be guilty
26 of willful neglect of official duties and shall be fined no more than one thousand
27 dollars (\$1,000) or forfeiture of office or both.

1 (3) Any law enforcement officer who violates KRS 72.020 shall be guilty of willful
2 neglect of official duties and shall be fined no more than one thousand dollars
3 (\$1,000) or forfeiture of office or both.

4 (4) (a) 1. Except as provided in subparagraph 2. of this paragraph, any violation of
5 KRS 72.031 by an individual other than the surviving spouse, children,
6 parents, or personal representative of the decedent shall result in a fine
7 of not more than five hundred dollars (\$500) for the first violation and
8 not more than one thousand dollars (\$1,000) for each subsequent
9 violation.

10 2. Any violation of KRS 72.031(3) shall result in a fine which equals the
11 greater of the appropriate fine provided for in subparagraph 1. of this
12 paragraph or three (3) times any profits derived from violating KRS
13 72.031(3).

14 (b) Any fine collected under paragraph (a) of this subsection shall be paid into the
15 crime victims' compensation fund created under KRS 49.480.

16 **(5) Any coroner who violates subsection (4) of Section 1 of this Act shall be guilty of**
17 **willful neglect of official duties and shall be fined fifty dollars (\$50) for the first**
18 **violation and two hundred fifty dollars (\$250) for each subsequent violation.**