

1 AN ACT relating to genetic testing in death investigations.

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

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

4 As used in KRS **Chapter 72**~~[72.410 to 72.470]~~, unless the context clearly indicates
5 otherwise:

6 (1) "Coroner ordered autopsy" means an autopsy ordered by the coroner having
7 jurisdiction and performed by a pathologist pursuant to such authorization in order
8 to ascertain the cause and manner of death in a coroner's case. In the event the
9 pathologist deems it necessary, he or she may submit the appropriate specimen to a
10 qualified chemist or toxicologist for analysis to assist him or her in ascertaining the
11 cause of death in a coroner's case;

12 (2) "Coroner's case" means a case in which the coroner has reasonable cause for
13 believing that the death of a human being within his or her county was caused by
14 any of the conditions set forth in KRS 72.025;

15 (3) **"Genetic tests" means testing for genetic markers for cardiac arrhythmogenic**
16 **syndromes;**

17 **(4)** "Inquest" means an examination ordered by the coroner, or in his or her absence,
18 ordered by a deputy coroner, into the causes and circumstances of any death which
19 is a coroner's case by a jury of six (6) residents of the county impaneled and selected
20 by the coroner to assist him or her in ascertaining the cause and manner of death;

21 ~~**(5)**~~~~**(4)**~~ "Post-mortem examination" means a physical examination of the body by a
22 medical examiner or by a coroner or deputy coroner who has been certified by the
23 Justice and Public Safety Cabinet and may include an autopsy performed by a
24 pathologist;~~;~~~~;~~ other appropriate scientific tests administered to determine cause of
25 death, **including but not limited to genetic tests;** or collection of tissue samples
26 collected pursuant to KRS 213.161(3); and

27 ~~**(6)**~~~~**(5)**~~ "Certified coroner" or "certified deputy coroner" means a coroner or deputy

1 coroner who has been certified by the Justice and Public Safety Cabinet to have
 2 successfully completed both the basic training course and annual in-
 3 service~~[inservice]~~ training course required by KRS 72.415, except that a deputy
 4 coroner shall be certified without completion of training courses required by KRS
 5 72.415 if he or she is a licensed physician.~~[The secretary of justice and public~~
 6 ~~safety may waive the requirement for basic training and certify a coroner during the~~
 7 ~~eighteen (18) month period after July 15, 1982, if the advisory commission set forth~~
 8 ~~in KRS 72.225 certifies to the secretary after a thorough review that the experience~~
 9 ~~and knowledge of the specific coroner is such that he or she is qualified to be a~~
 10 ~~certified coroner without taking the basic training.]~~

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

13 (1) As used in this section, "genetic tests" and "post-mortem examination" have the
 14 same meaning as in Section 1 of this Act.

15 (2) Except in skeletal and decomposing human remains, in cases of a deceased
 16 person under forty (40) years of age where a post-mortem examination is
 17 performed by the Office of the Kentucky State Medical Examiner under the
 18 authority of the county coroner and the state medical examiner does not
 19 determine a cause of death, the Office of the Kentucky State Medical Examiner
 20 shall conduct genetic tests on the deceased person.

21 (3) If the Office of the Kentucky State Medical Examiner determines the cause of
 22 death of the deceased person based on the results of genetic tests, the coroner
 23 shall enter the information on the deceased person's death certificate for the
 24 signature of the state registrar of vital statistics.

25 (4) The Justice and Public Safety Cabinet, in consultation with the Office of the
 26 Kentucky State Medical Examiner, shall promulgate administrative regulations
 27 necessary to administer this section.

1 ➔Section 3. This Act may be cited as the Micah Shantell Fletcher Law.