

1 AN ACT relating to 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 blood or tissue typing tests, including but not limited to**
16 **tests of red cell antigens, red cell isoenzymes, human leukocyte antigens, serum**
17 **proteins, electrofloresis, or deoxyribonucleic acid;**

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

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

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

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

14 (1) In cases where a post-mortem examination is performed in accordance with the
 15 requirements of KRS 72.025, the coroner or medical examiner shall conduct
 16 genetic tests on a deceased person.

17 (2) If a coroner or medical examiner determines the cause of death of the deceased
 18 based on the results of genetic tests, he or she shall provide notice of the death to
 19 the state registrar of vital statistics and the state registrar of vital statistics shall
 20 enter the information on the deceased person's death certificate.

21 (3) Information about a deceased person or results of a deceased person's genetic
 22 tests performed pursuant to this section shall not be released to any organization
 23 or person without the explicit written consent, signed and acknowledged by:

24 (a) The deceased person's spouse;

25 (b) In the absence of a spouse of the deceased, the deceased person's next of
 26 kin; or

27 (c) In the absence of a spouse or next of kin of the deceased, the person who

1 assumes the responsibility to dispose of the body.

2 (4) The Justice and Public Safety Cabinet, in consultation with the Kentucky State
3 Medical Examiners Office, shall promulgate administrative regulations necessary
4 to administer this section.

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