

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 this chapter~~[KRS 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 any fatal or potentially fatal**
16 **disease or medical condition;**

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
20 selected by the coroner to assist him or her in ascertaining the cause and manner of
21 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~~
 7 ~~safety 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) Except in skeletal and decomposing human remains, in the case of a deceased*
 15 *person under forty (40) years of age where a post-mortem examination is*
 16 *performed by the Office of the Kentucky State Medical Examiner under the*
 17 *authority of the county coroner and the state medical examiner does not*
 18 *determine a cause of death, the Office of the Kentucky State Medical Examiner*
 19 *shall conduct genetic tests on the deceased person.*

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

24 *(3) The Justice and Public Safety Cabinet, in consultation with the Office of the*
 25 *Kentucky State Medical Examiner, shall promulgate administrative regulations*
 26 *pursuant to KRS Chapter 13A necessary to administer this section.*

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