

ACT 23

H.B. NO. 858

A Bill for an Act Relating to Autopsies.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 841, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

“§841- Performance of autopsy by pathologist. An autopsy of a deceased person under this chapter shall be performed by an anatomic or forensic pathologist certified as such by the American Board of Pathology.

§841- Assistance among counties. (a) When a coroner of a county with a population of less than 200,000 requires assistance in conducting an autopsy, the coroner may request the assistance of the medical examiner or coroner of a county with a population of 200,000 or more. The medical examiner or coroner of the county with a population of 200,000 or more, if agreeable, may provide the assistance.

(b) The county of the coroner requesting the autopsy shall pay for the expenses incurred by the medical examiner or coroner who provides assistance to another coroner under subsection (a). Expenses for which the requesting county shall pay include traveling expenses incurred by a pathologist to the county requesting the assistance, and expenses for transportation of and the conduct of tests on body tissues and organs sent to the medical examiner or coroner for analysis.”

SECTION 2. Section 841-14, Hawaii Revised Statutes, is amended to read as follows:

“§841-14 Autopsies and further investigations. If, in the opinion of the coroner, or of the coroner’s physician, or of the prosecuting attorney, or of the chief of police (in the city and county of Honolulu), an autopsy of the remains of any human body appearing to have come to death under any of the circumstances set forth in section 841-3 is necessary in the interest of the public safety or welfare, [he] that person shall [perform, or] cause to have performed, such an autopsy. If, in the opinion of the coroner’s physician, a further or additional investigation as to the cause of death is necessary, [he] the coroner’s physician may conduct the same or have the same made, and the expenses thereof shall be paid by the county concerned, and for this purpose, the coroner’s physician shall have the duties and powers conferred upon the coroner or deputy coroner by sections 841-4 to 841-8.

Any law to the contrary notwithstanding, the coroner’s physician or medical examiner of any county (including the city and county of Honolulu) may [perform, or] cause to have performed[,] an autopsy to determine cause of death upon the remains of any human body which is brought into or found

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within the State and which appears to have come to death under any of the circumstances set forth in section 841-3, even though such circumstances may have occurred without the State. The coroner's physician or medical examiner of any county (including the city and county of Honolulu) shall have the right to retain tissues, including fetal material, of the body removed at the time of autopsy to be used for necessary or advisable scientific investigation, including research, teaching, and therapeutic purposes."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 4. This Act shall take effect on July 1, 1987.

(Approved April 27, 1987.)

Note

1. Edited pursuant to HRS §23G-16.5.