

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 447**  
**100TH GENERAL ASSEMBLY**

0489S.03T

2019

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**AN ACT**

To repeal sections 58.095, 58.451, 58.720, 192.067, 193.145, 193.265, 194.119, 210.192, 210.194, 210.195, and 333.011, RSMo, and to enact in lieu thereof fifteen new sections relating to the deceased.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 58.095, 58.451, 58.720, 192.067, 193.145, 193.265, 194.119,  
2 210.192, 210.194, 210.195, and 333.011, RSMo, are repealed and fifteen new sections enacted  
3 in lieu thereof, to be known as sections 58.035, 58.095, 58.208, 58.451, 58.720, 192.067,  
4 192.990, 193.145, 193.265, 194.119, 210.192, 210.194, 210.195, 333.011, and 333.072, to read  
5 as follows:

- 58.035. 1. There is hereby established within the department of health and senior  
2 services a "Coroner Standards and Training Commission" which shall be composed of  
3 eight members, appointed by the governor, with the advice and consent of the senate. The  
4 governor shall take into account the diversity of the state when making the appointments  
5 to this commission. The commission shall consist of:**
- 6 **(1) Two coroners elected from counties of the third classification;**
  - 7 **(2) One coroner elected from a county of the first, second, or fourth classification;**
  - 8 **(3) One currently appointed medical examiner;**
  - 9 **(4) One child death pathologist;**
  - 10 **(5) One elected prosecuting attorney;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

11           **(6) One elected sheriff;**

12           **(7) The director of the department of health and senior services, or his or her**  
13 **designee, who shall serve as a nonvoting member of the commission.**

14 **Each member of the coroner standards and training commission shall have been at the**  
15 **time of his appointment a citizen of the United States and a resident of this state for a**  
16 **period of at least one year, and members who are coroners shall be qualified as established**  
17 **by chapter 58.**

18           **2. The members of the commission shall serve for the following terms:**

19           **(1) Every member of the commission who holds elected office shall serve an initial**  
20 **term of two years;**

21           **(2) Every member of the commission who does not hold elected office shall serve**  
22 **an initial term of four years;**

23           **(3) Every member of the commission shall serve for a term of four years after the**  
24 **initial term has been served.**

25           **3. Annually the commission shall elect one of the members as chairperson. The**  
26 **coroner standards and training commission shall meet at least twice each year as**  
27 **determined by the director of the department of health and senior services, the**  
28 **chairperson, or a majority of the members to perform its duties. A majority of the**  
29 **members of the coroner standards and training commission shall constitute a quorum.**

30           **4. No member of the coroner standards and training commission shall receive any**  
31 **compensation for the performance of his or her official duties.**

32           **5. The coroner standards and training commission shall establish training**  
33 **standards, by rule, relating to the office of county coroner. These standards shall relate**  
34 **to the operation of the office, the legal responsibilities of the office, and the technical skills**  
35 **and knowledge required of the office.**

36           **6. Any rule or portion of a rule, as that term is defined in section 536.010, that is**  
37 **created under the authority delegated in this section shall become effective only if it**  
38 **complies with and is subject to all of the provisions of chapter 536, and, if applicable,**  
39 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**  
40 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**  
41 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**  
42 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2019,**  
43 **shall be invalid and void.**

44           **7. Once the commission has developed standards, the commission shall issue a**  
45 **report detailing the standards. This report shall be submitted to the speaker of the house**

46 **of representatives and the president pro tempore of the senate, and shall be published on**  
 47 **the website of the department of health and senior services.**

58.095. 1. The county coroner in any county~~], other than in a first classification~~  
 2 ~~chartered county,~~ **not having a charter form of government** shall receive an annual salary  
 3 computed on a basis as set forth in the following schedule. The provisions of this section shall  
 4 not permit or require a reduction in the amount of compensation being paid for the office of  
 5 coroner on January 1, 1997:

Assessed Valuation		Salary
\$ 18,000,000	to 40,999,999	\$ 8,000
41,000,000	to 53,999,999	8,500
54,000,000	to 65,999,999	9,000
66,000,000	to 85,999,999	9,500
86,000,000	to 99,999,999	10,000
100,000,000	to 130,999,999	11,000
131,000,000	to 159,999,999	12,000
160,000,000	to 189,999,999	13,000
190,000,000	to 249,999,999	14,000
250,000,000	to 299,999,999	15,000
300,000,000	or more	16,000

18 2. One thousand dollars of the salary authorized in this section shall be payable to the  
 19 coroner only if the coroner has completed at least twenty hours of classroom instruction each  
 20 calendar year ~~[relating to the operations of the coroner's office when approved by a professional~~  
 21 ~~association of the county coroners of Missouri]~~ **as established by the coroner standards and**  
 22 **training commission** unless exempted from the training by the ~~[professional association]~~  
 23 **Missouri Coroners' and Medical Examiners' Association for good cause.** The ~~[professional~~  
 24 ~~association approving the program]~~ **Missouri Coroners' and Medical Examiners' Association**  
 25 shall provide a certificate of completion to each coroner who completes the training program and  
 26 shall send a list of certified coroners to the treasurer of each county **and the department of**  
 27 **health and senior services.** **The coroner standards and training commission may certify**  
 28 **training programs that satisfy the requirements of this section in lieu of the training**  
 29 **provided by the Missouri Coroners' and Medical Examiners' Association. Certified**  
 30 **training completion shall be submitted to the Missouri Coroners' and Medical Examiners'**  
 31 **Association, which, upon validating the certified training, shall submit the individual's**  
 32 **name to the county treasurer and department of health and senior services indicating the**  
 33 **individual is compliant with the training requirements.** Expenses incurred for attending the  
 34 training session may be reimbursed to the county coroner in the same manner as other expenses

35 as may be appropriated for that purpose. All elected or appointed coroners, deputy coroners, and  
36 assistants to the coroner shall complete the annual training described in this subsection within  
37 six months of election or appointment.

38 3. The county coroner in any county, other than a first classification charter county, shall  
39 not, except upon two-thirds vote of all the members of the salary commission, receive an annual  
40 compensation in an amount less than the total compensation being received for the office of  
41 county coroner in the particular county for services rendered or performed on the date the salary  
42 commission votes.

43 4. For the term beginning in 1997, the compensation of the coroner, in counties in which  
44 the salary commission has not voted to pay one hundred percent of the maximum allowable  
45 salary, shall be a percentage of the maximum allowable salary established by this section. The  
46 percentage applied shall be the same percentage of the maximum allowable salary received or  
47 allowed, whichever is greater, to the presiding commissioner or sheriff, whichever is greater, of  
48 that county for the year beginning January 1, 1997. In those counties in which the salary  
49 commission has voted to pay one hundred percent of the maximum allowable salary, the  
50 compensation of the coroner shall be based on the maximum allowable salary in effect at each  
51 time a coroner's term of office commences following the vote to pay one hundred percent of the  
52 maximum allowable compensation. Subsequent compensation shall be determined as provided  
53 in section 50.333.

54 5. Effective January 1, 1997, the county coroner in any county~~], other than a county of~~  
55 ~~the first classification with a charter form of government,~~ **not having a charter form of**  
56 **government** may, upon the approval of the county commission, receive additional compensation  
57 for any month during which investigations or other services are performed for three or more  
58 decedents in the same incident during such month. The additional compensation shall be an  
59 amount that when added to the regular compensation the sum shall equal the monthly  
60 compensation of the county sheriff.

**58.208. 1. One dollar of the fee collected for any death certificate issued under**  
2 **section 193.265 shall be deposited into the Missouri state coroners' training fund**  
3 **established under subsection 2 of this section. Moneys in such fund shall be used by the**  
4 **Missouri Coroners' and Medical Examiners' Association:**

5 (1) **For in-state training, equipment, and necessary supplies; and**

6 (2) **To provide aid to training programs approved by the Missouri Coroners' and**  
7 **Medical Examiners' Association.**

8 2. (1) **There is hereby created in the state treasury the "Missouri State Coroners'**  
9 **Training Fund", which shall consist of moneys collected under subsection 1 of this section.**  
10 **The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and**

11 **30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund**  
12 **and, upon appropriation, moneys in the fund shall be used solely for the administration of**  
13 **subsection 1 of this section.**

14 (2) **Notwithstanding the provisions of section 33.080 to the contrary, any moneys**  
15 **remaining in the fund over the amount of five hundred thousand dollars shall revert to the**  
16 **credit of the general revenue fund.**

17 (3) **The state treasurer shall invest moneys in the fund in the same manner as other**  
18 **funds are invested. Any interest and moneys earned on such investments shall be credited**  
19 **to the fund.**

20 **3. Local registrars may, during states of emergency or disaster, request**  
21 **reimbursement from the fund for copies of death certificates issued to individuals who are**  
22 **unable to afford the associated fees.**

58.451. 1. When any person, in any county in which a coroner is required by section  
2 58.010, dies and there is reasonable ground to believe that such person died as a result of:

3 (1) Violence by homicide, suicide, or accident;

4 (2) Criminal abortions, including those self-induced;

5 (3) Some unforeseen sudden occurrence and the deceased had not been attended by a  
6 physician during the thirty-six-hour period preceding the death;

7 (4) In any unusual or suspicious manner;

8 (5) Any injury or illness while in the custody of the law or while an inmate in a public  
9 institution;

10 the police, sheriff, law enforcement officer or official, or any person having knowledge of such  
11 a death shall immediately notify the coroner of the known facts concerning the time, place,  
12 manner and circumstances of the death. Immediately upon receipt of notification, the coroner  
13 or deputy coroner shall take charge of the dead body and fully investigate the essential facts  
14 concerning the medical causes of death, including whether by the act of man, and the manner of  
15 death. The coroner or deputy coroner may take the names and addresses of witnesses to the  
16 death and shall file this information in the coroner's office. The coroner or deputy coroner shall  
17 take possession of all property of value found on the body, making exact inventory of such  
18 property on the report and shall direct the return of such property to the person entitled to its  
19 custody or possession. The coroner or deputy coroner shall take possession of any object or  
20 article which, in the coroner's or the deputy coroner's opinion, may be useful in establishing the  
21 cause of death, and deliver it to the prosecuting attorney of the county.

22 2. When a death occurs outside a licensed health care facility, the first licensed medical  
23 professional or law enforcement official learning of such death shall immediately contact the  
24 county coroner. Immediately upon receipt of such notification, the coroner or the coroner's

25 deputy shall make the determination if further investigation is necessary, based on information  
26 provided by the individual contacting the coroner, and immediately advise such individual of the  
27 coroner's intentions.

28         **3. Notwithstanding the provisions of subsection 2 of this section to the contrary,**  
29 **when a death occurs under the care of a hospice, no investigation shall be required if the**  
30 **death is certified by the treating physician of the deceased or the medical director of the**  
31 **hospice as a natural death due to disease or diagnosed illness. The hospice shall provide**  
32 **written notice to the coroner within twenty-four hours of the death.**

33         **4.** Upon taking charge of the dead body and before moving the body the coroner shall  
34 notify the police department of any city in which the dead body is found, or if the dead body is  
35 found in the unincorporated area of a county governed by the provisions of sections 58.451 to  
36 58.457, the coroner shall notify the county sheriff or the highway patrol and cause the body to  
37 remain unmoved until the police department, sheriff or the highway patrol has inspected the body  
38 and the surrounding circumstances and carefully noted the appearance, the condition and position  
39 of the body and recorded every fact and circumstance tending to show the cause and manner of  
40 death, with the names and addresses of all known witnesses, and shall subscribe the same and  
41 make such record a part of the coroner's report.

42         ~~[4-]~~ **5.** In any case of sudden, violent or suspicious death after which the body was  
43 buried without any investigation or autopsy, the coroner, upon being advised of such facts, may  
44 at the coroner's own discretion request that the prosecuting attorney apply for a court order  
45 requiring the body to be exhumed.

46         ~~[5-]~~ **6.** The coroner may certify the cause of death in any case where death occurred  
47 without medical attendance or where an attending physician refuses to sign a certificate of death  
48 or when a physician is unavailable to sign a certificate of death.

49         ~~[6-]~~ **7.** When the cause of death is established by the coroner, the coroner shall file a  
50 copy of the findings in the coroner's office within thirty days.

51         ~~[7-]~~ **8.** If on view of the dead body and after personal inquiry into the cause and manner  
52 of death, the coroner determines that a further examination is necessary in the public interest, the  
53 coroner on the coroner's own authority may make or cause to be made an autopsy on the body.  
54 The coroner may on the coroner's own authority employ the services of a pathologist, chemist,  
55 or other expert to aid in the examination of the body or of substances supposed to have caused  
56 or contributed to death, and if the pathologist, chemist, or other expert is not already employed  
57 by the city or county for the discharge of such services, the pathologist, chemist, or other expert  
58 shall, upon written authorization of the coroner, be allowed reasonable compensation, payable  
59 by the city or county, in the manner provided in section 58.530. The coroner shall, at the time

60 of the autopsy, record or cause to be recorded each fact and circumstance tending to show the  
61 condition of the body and the cause and manner of death.

62 ~~[8.]~~ **9.** If on view of the dead body and after personal inquiry into the cause and manner  
63 of death, the coroner considers a further inquiry and examination necessary in the public interest,  
64 the coroner shall make out the coroner's warrant directed to the sheriff of the city or county  
65 requiring the sheriff forthwith to summon six good and lawful citizens of the county to appear  
66 before the coroner, at the time and place expressed in the warrant, and to inquire how and by  
67 whom the deceased died.

68 ~~[9.]~~ **10.** (1) When a person is being transferred from one county to another county for  
69 medical treatment and such person dies while being transferred, or dies while being treated in  
70 the emergency room of the receiving facility the place which the person is determined to be dead  
71 shall be considered the place of death and the county coroner or medical examiner of the county  
72 from which the person was originally being transferred shall be responsible for determining the  
73 cause and manner of death for the Missouri certificate of death.

74 (2) The coroner or medical examiner in the county in which the person is determined to  
75 be dead may with authorization of the coroner or medical examiner from the original transferring  
76 county, investigate and conduct postmortem examinations at the expense of the coroner or  
77 medical examiner from the original transferring county. The coroner or medical examiner from  
78 the original transferring county shall be responsible for investigating the circumstances of such  
79 and completing the Missouri certificate of death. The certificate of death shall be filed in the  
80 county where the deceased was pronounced dead.

81 (3) Such coroner or medical examiner of the county where a person is determined to be  
82 dead shall immediately notify the coroner or medical examiner of the county from which the  
83 person was originally being transferred of the death of such person, and shall make available  
84 information and records obtained for investigation of the death.

85 (4) If a person does not die while being transferred and is institutionalized as a regularly  
86 admitted patient after such transfer and subsequently dies while in such institution, the coroner  
87 or medical examiner of the county in which the person is determined to be dead shall  
88 immediately notify the coroner or medical examiner of the county from which such person was  
89 originally transferred of the death of such person. In such cases, the county in which the  
90 deceased was institutionalized shall be considered the place of death. If the manner of death is  
91 by homicide, suicide, accident, criminal abortion including those that are self-induced, child  
92 fatality, or any unusual or suspicious manner, the investigation of the cause and manner of death  
93 shall revert to the county of origin, and this coroner or medical examiner shall be responsible for  
94 the Missouri certificate of death. The certificate of death shall be filed in the county where the  
95 deceased was pronounced dead.

96           ~~[10.]~~ **11.** There shall not be any statute of limitations or time limits on the cause of death  
97 when death is the final result or determined to be caused by homicide, suicide, accident, child  
98 fatality, criminal abortion including those self-induced, or any unusual or suspicious manner.  
99 The place of death shall be the place in which the person is determined to be dead. The final  
100 investigation of death in determining the cause and matter of death shall revert to the county of  
101 origin, and the coroner or medical examiner of such county shall be responsible for the Missouri  
102 certificate of death. The certificate of death shall be filed in the county where the deceased was  
103 pronounced dead.

104           ~~[11.]~~ **12.** Except as provided in subsection ~~[9]~~ **10** of this section, if a person dies in one  
105 county and the body is subsequently transferred to another county, for burial or other reasons,  
106 the county coroner or medical examiner where the death occurred shall be responsible for the  
107 certificate of death and for investigating the cause and manner of the death.

108           ~~[12.]~~ **13.** In performing the duties, the coroner or medical examiner shall comply with  
109 sections 58.775 to 58.785 with respect to organ donation.

58.720. 1. When any person dies within a county having a medical examiner as a result

2 of:

3           (1) Violence by homicide, suicide, or accident;

4           (2) Thermal, chemical, electrical, or radiation injury;

5           (3) Criminal abortions, including those self-induced;

6           (4) Disease thought to be of a hazardous and contagious nature or which might constitute  
7 a threat to public health; or when any person dies:

8           (a) Suddenly when in apparent good health;

9           (b) When unattended by a physician, chiropractor, or an accredited Christian Science  
10 practitioner, during the period of thirty-six hours immediately preceding his death;

11           (c) While in the custody of the law, or while an inmate in a public institution;

12           (d) In any unusual or suspicious manner;

13 the police, sheriff, law enforcement officer or official, or any person having knowledge of such  
14 a death shall immediately notify the office of the medical examiner of the known facts  
15 concerning the time, place, manner and circumstances of the death. Immediately upon receipt  
16 of notification, the medical examiner or his designated assistant shall take charge of the dead  
17 body and fully investigate the essential facts concerning the medical causes of death. He may  
18 take the names and addresses of witnesses to the death and shall file this information in his  
19 office. The medical examiner or his designated assistant shall take possession of all property of  
20 value found on the body, making exact inventory thereof on his report and shall direct the return  
21 of such property to the person entitled to its custody or possession. The medical examiner or his  
22 designated assistant examiner shall take possession of any object or article which, in his opinion,



23 may be useful in establishing the cause of death, and deliver it to the prosecuting attorney of the  
24 county.

25         2. When a death occurs outside a licensed health care facility, the first licensed medical  
26 professional or law enforcement official learning of such death shall contact the county medical  
27 examiner. Immediately upon receipt of such notification, the medical examiner or the medical  
28 examiner's deputy shall make a determination if further investigation is necessary, based on  
29 information provided by the individual contacting the medical examiner, and immediately advise  
30 such individual of the medical examiner's intentions.

31         3. **Notwithstanding the provisions of subsection 2 of this section to the contrary,**  
32 **when a death occurs under the care of a hospice, no investigation shall be required if the**  
33 **death is certified by the treating physician of the deceased or the medical director of the**  
34 **hospice as a natural death due to disease or diagnosed illness. The hospice shall provide**  
35 **written notice to the medical examiner within twenty-four hours of the death.**

36         4. In any case of sudden, violent or suspicious death after which the body was buried  
37 without any investigation or autopsy, the medical examiner, upon being advised of such facts,  
38 may at his own discretion request that the prosecuting attorney apply for a court order requiring  
39 the body to be exhumed.

40         ~~[4.]~~ 5. The medical examiner shall certify the cause of death in any case where death  
41 occurred without medical attendance or where an attending physician refuses to sign a certificate  
42 of death, and may sign a certificate of death in the case of any death.

43         ~~[5.]~~ 6. When the cause of death is established by the medical examiner, he shall file a  
44 copy of his findings in his office within thirty days after notification of the death.

45         ~~[6.]~~ 7. (1) When a person is being transferred from one county to another county for  
46 medical treatment and such person dies while being transferred, or dies while being treated in  
47 the emergency room of the receiving facility, the place which the person is determined to be dead  
48 shall be considered the place of death and the county coroner or the medical examiner of the  
49 county from which the person was originally being transferred shall be responsible for  
50 determining the cause and manner of death for the Missouri certificate of death.

51         (2) The coroner or medical examiner in the county in which the person is determined to  
52 be dead may, with authorization of the coroner or medical examiner from the transferring county,  
53 investigate and conduct postmortem examinations at the expense of the coroner or medical  
54 examiner from the transferring county. The coroner or medical examiner from the transferring  
55 county shall be responsible for investigating the circumstances of such and completing the  
56 Missouri certificate of death. The certificate of death shall be filed in the county where the  
57 deceased was pronounced dead.

58 (3) Such coroner or medical examiner, or the county where a person is determined to be  
59 dead, shall immediately notify the coroner or medical examiner of the county from which the  
60 person was originally being transferred of the death of such person and shall make available  
61 information and records obtained for investigation of death.

62 (4) If a person does not die while being transferred and is institutionalized as a regularly  
63 admitted patient after such transfer and subsequently dies while in such institution, the coroner  
64 or medical examiner of the county in which the person is determined to be dead shall  
65 immediately notify the coroner or medical examiner of the county from which such person was  
66 originally transferred of the death of such person. In such cases, the county in which the  
67 deceased was institutionalized shall be considered the place of death. If the manner of death is  
68 by homicide, suicide, accident, criminal abortion including those that are self-induced, child  
69 fatality, or any unusual or suspicious manner, the investigation of the cause and manner of death  
70 shall revert to the county of origin, and this coroner or medical examiner shall be responsible for  
71 the Missouri certificate of death. The certificate of death shall be filed in the county where the  
72 deceased was pronounced dead.

73 ~~[7-]~~ **8.** There shall not be any statute of limitations or time limits on cause of death when  
74 death is the final result or determined to be caused by homicide, suicide, accident, criminal  
75 abortion including those self-induced, child fatality, or any unusual or suspicious manner. The  
76 place of death shall be the place in which the person is determined to be dead, but the final  
77 investigation of death determining the cause and manner of death shall revert to the county of  
78 origin, and this coroner or medical examiner shall be responsible for the Missouri certificate of  
79 death. The certificate of death shall be filed in the county where the deceased was pronounced  
80 dead.

81 ~~[8-]~~ **9.** Except as provided in subsection ~~[6]~~ **7** of this section, if a person dies in one  
82 county and the body is subsequently transferred to another county, for burial or other reasons,  
83 the county coroner or medical examiner where the death occurred shall be responsible for the  
84 certificate of death and for investigating the cause and manner of the death.

85 ~~[9-]~~ **10.** In performing the duties, the coroner or medical examiner shall comply with  
86 sections 58.775 to 58.785 with respect to organ donation.

192.067. 1. The department of health and senior services, for purposes of conducting  
2 epidemiological studies to be used in promoting and safeguarding the health of the citizens of  
3 Missouri under the authority of this chapter is authorized to receive information from patient  
4 medical records. The provisions of this section shall also apply to the collection, analysis, and  
5 disclosure of nosocomial infection data from patient records collected pursuant to section  
6 192.667 **and to the collection of data under section 192.990.**

7           2. The department shall maintain the confidentiality of all medical record information  
8 abstracted by or reported to the department. Medical information secured pursuant to the  
9 provisions of subsection 1 of this section may be released by the department only in a statistical  
10 aggregate form that precludes and prevents the identification of patient, physician, or medical  
11 facility except that medical information may be shared with other public health authorities and  
12 coinvestigators of a health study if they abide by the same confidentiality restrictions required  
13 of the department of health and senior services and except as otherwise authorized by the  
14 provisions of sections 192.665 to 192.667, **or section 192.990**. The department of health and  
15 senior services, public health authorities and coinvestigators shall use the information collected  
16 only for the purposes provided for in this section ~~and~~, section 192.667, **or section 192.990**.

17           3. No individual or organization providing information to the department in accordance  
18 with this section shall be deemed to be or be held liable, either civilly or criminally, for divulging  
19 confidential information unless such individual organization acted in bad faith or with malicious  
20 purpose.

21           4. The department of health and senior services is authorized to reimburse medical care  
22 facilities, within the limits of appropriations made for that purpose, for the costs associated with  
23 abstracting data for special studies.

24           5. Any department of health and senior services employee, public health authority or  
25 coinvestigator of a study who knowingly releases information which violates the provisions of  
26 this section shall be guilty of a class A misdemeanor and, upon conviction, shall be punished as  
27 provided by law.

**192.990. 1. There is hereby established within the department of health and senior  
2 services the "Pregnancy-Associated Mortality Review Board" to improve data collection  
3 and reporting with respect to maternal deaths. The department may collaborate with  
4 localities and with other states to meet the goals of the initiative.**

**5           2. For purposes of this section, the following terms shall mean:**

**6           (1) "Department", the Missouri department of health and senior services;**

**7           (2) "Maternal death", the death of a woman while pregnant or during the one-year  
8 period following the date of the end of pregnancy, regardless of the cause of death and  
9 regardless of whether a delivery, miscarriage, or death occurs inside or outside of a  
10 hospital.**

**11           3. The board shall be composed of no more than eighteen members, with a chair  
12 elected from among its membership. The board shall meet at least twice per year and shall  
13 approve the strategic priorities, funding allocations, work processes, and products of the  
14 board. Members of the board shall be appointed by the director of the department.**

15 **Members shall serve four-year terms, except that the initial terms shall be staggered so that**  
16 **approximately one-third serve three, four, and five-year terms.**

17 **4. The board shall have a multidisciplinary and diverse membership that represents**  
18 **a variety of medical and nursing specialties, including, but not limited to, obstetrics and**  
19 **maternal-fetal care, as well as state or local public health officials, epidemiologists,**  
20 **statisticians, community organizations, geographic regions, and other individuals or**  
21 **organizations that are most affected by maternal deaths and lack of access to maternal**  
22 **health care services.**

23 **5. The duties of the board shall include, but not be limited to:**

24 **(1) Conducting ongoing comprehensive, multidisciplinary reviews of all maternal**  
25 **deaths;**

26 **(2) Identifying factors associated with maternal deaths;**

27 **(3) Reviewing medical records and other relevant data, which shall include, to the**  
28 **extent available:**

29 **(a) A description of the maternal deaths determined by matching each death record**  
30 **of a maternal death to a birth certificate of an infant or fetal death record, as applicable,**  
31 **and an indication of whether the delivery, miscarriage, or death occurred inside or outside**  
32 **of a hospital;**

33 **(b) Data collected from medical examiner and coroner reports, as appropriate; and**

34 **(c) Using other appropriate methods or information to identify maternal deaths,**  
35 **including deaths from pregnancy outcomes not identified under paragraph (a) of this**  
36 **subdivision;**

37 **(4) Consulting with relevant experts, as needed;**

38 **(5) Analyzing cases to produce recommendations for reducing maternal mortality;**

39 **(6) Disseminating recommendations to policy makers, health care providers and**  
40 **facilities, and the general public;**

41 **(7) Recommending and promoting preventative strategies and making**  
42 **recommendations for systems changes;**

43 **(8) Protecting the confidentiality of the hospitals and individuals involved in any**  
44 **maternal deaths;**

45 **(9) Examining racial and social disparities in maternal deaths;**

46 **(10) Subject to appropriation, providing for voluntary and confidential case**  
47 **reporting of maternal deaths to the appropriate state health agency by family members of**  
48 **the deceased, and other appropriate individuals, for purposes of review by the board;**

49 **(11) Making publicly available the contact information of the board for use in such**  
50 **reporting;**

51           **(12) Conducting outreach to local professional organizations, community**  
52 **organizations, and social services agencies regarding the availability of the review board;**  
53 **and**

54           **(13) Ensuring that data collected under this section is made available, as**  
55 **appropriate and practicable, for research purposes, in a manner that protects individually**  
56 **identifiable or potentially identifiable information and that is consistent with state and**  
57 **federal privacy laws.**

58           **6. The board may contract with other entities consistent with the duties of the**  
59 **board.**

60           **7. (1) Before June 30, 2020, and annually thereafter, the board shall submit to the**  
61 **Director of the Centers for Disease Control and Prevention, the director of the department,**  
62 **the governor, and the general assembly a report on maternal mortality in the state based**  
63 **on data collected through ongoing comprehensive, multidisciplinary reviews of all maternal**  
64 **deaths, and any other projects or efforts funded by the board. The data shall be collected**  
65 **using best practices to reliably determine and include all maternal deaths, regardless of the**  
66 **outcome of the pregnancy and shall include data, findings, and recommendations of the**  
67 **committee, and, as applicable, information on the implementation during such year of any**  
68 **recommendations submitted by the board in a previous year.**

69           **(2) The report shall be made available to the public on the department's website**  
70 **and the director shall disseminate the report to all health care providers and facilities that**  
71 **provide women's health services in the state.**

72           **8. The director of the department, or his or her designee, shall provide the board**  
73 **with the copy of the death certificate and any linked birth or fetal death certificate for any**  
74 **maternal death occurring within the state.**

75           **9. Upon request by the department, health care providers, health care facilities,**  
76 **clinics, laboratories, medical examiners, coroners, law enforcement agencies, driver's**  
77 **license bureaus, other state agencies, and facilities licensed by the department shall provide**  
78 **to the department data related to maternal deaths from sources such as medical records,**  
79 **autopsy reports, medical examiner's reports, coroner's reports, law enforcement reports,**  
80 **motor vehicle records, social services records, and other sources as appropriate. Such data**  
81 **requests shall be limited to maternal deaths which have occurred within the previous**  
82 **twenty-four months. No entity shall be held liable for civil damages or be subject to any**  
83 **criminal or disciplinary action when complying in good faith with a request from the**  
84 **department for information under the provisions of this subsection.**

85           **10. (1) The board shall protect the privacy and confidentiality of all patients,**  
86 **decedents, providers, hospitals, or any other participants involved in any maternal deaths.**

87 In no case shall any individually identifiable health information be provided to the public  
88 or submitted to an information clearinghouse.

89 (2) Nothing in this subsection shall prohibit the board or department from  
90 publishing statistical compilations and research reports that:

91 (a) Are based on confidential information relating to mortality reviews under this  
92 section; and

93 (b) Do not contain identifying information or any other information that could be  
94 used to ultimately identify the individuals concerned.

95 (3) Information, records, reports, statements, notes, memoranda, or other data  
96 collected under this section shall not be admissible as evidence in any action of any kind  
97 in any court or before any other tribunal, board, agency, or person. Such information,  
98 records, reports, notes, memoranda, data obtained by the department or any other person,  
99 statements, notes, memoranda, or other data shall not be exhibited nor their contents  
100 disclosed in any way, in whole or in part, by any officer or representative of the  
101 department or any other person. No person participating in such review shall disclose, in  
102 any manner, the information so obtained except in strict conformity with such review  
103 project. Such information shall not be subject to disclosure under chapter 610.

104 (4) All information, records of interviews, written reports, statements, notes,  
105 memoranda, or other data obtained by the department, the board, and other persons,  
106 agencies, or organizations so authorized by the department under this section shall be  
107 confidential.

108 (5) All proceedings and activities of the board, opinions of members of such board  
109 formed as a result of such proceedings and activities, and records obtained, created, or  
110 maintained under this section, including records of interviews, written reports, statements,  
111 notes, memoranda, or other data obtained by the department or any other person, agency,  
112 or organization acting jointly or under contract with the department in connection with  
113 the requirements of this section, shall be confidential and shall not be subject to subpoena,  
114 discovery, or introduction into evidence in any civil or criminal proceeding; provided,  
115 however, that nothing in this section shall be construed to limit or restrict the right to  
116 discover or use in any civil or criminal proceeding anything that is available from another  
117 source and entirely independent of the board's proceedings.

118 (6) Members of the board shall not be questioned in any civil or criminal  
119 proceeding regarding the information presented in or opinions formed as a result of a  
120 meeting or communication of the board; provided, however, that nothing in this section  
121 shall be construed to prevent a member of the board from testifying to information  
122 obtained independently of the board or which is public information.

123           **11. The department may use grant program funds to support the efforts of the**  
124 **board and may apply for additional federal government and private foundation grants as**  
125 **needed. The department may also accept private, foundation, city, county, or federal**  
126 **moneys to implement the provisions of this section.**

193.145. 1. A certificate of death for each death which occurs in this state shall be filed  
2 with the local registrar, or as otherwise directed by the state registrar, within five days after death  
3 and shall be registered if such certificate has been completed and filed pursuant to this section.  
4 All data providers in the death registration process, including, but not limited to, the state  
5 registrar, local registrars, the state medical examiner, county medical examiners, coroners,  
6 funeral directors or persons acting as such, embalmers, sheriffs, attending physicians and resident  
7 physicians, physician assistants, assistant physicians, advanced practice registered nurses, and  
8 the chief medical officers of licensed health care facilities, and other public or private institutions  
9 providing medical care, treatment, or confinement to persons, shall be required to use and utilize  
10 any electronic death registration system required and adopted under subsection 1 of section  
11 193.265 within six months of the system being certified by the director of the department of  
12 health and senior services, or the director's designee, to be operational and available to all data  
13 providers in the death registration process. However, should the person or entity that certifies  
14 the cause of death not be part of, or does not use, the electronic death registration system, the  
15 funeral director or person acting as such may enter the required personal data into the electronic  
16 death registration system and then complete the filing by presenting the signed cause of death  
17 certification to the local registrar, in which case the local registrar shall issue death certificates  
18 as set out in subsection 2 of section 193.265. ~~[Nothing in this section shall prevent the state~~  
19 ~~registrar from adopting pilot programs or voluntary electronic death registration programs until~~  
20 ~~such time as the system can be certified; however, no such pilot or voluntary electronic death~~  
21 ~~registration program shall prevent the filing of a death certificate with the local registrar or the~~  
22 ~~ability to obtain certified copies of death certificates under subsection 2 of section 193.265 until~~  
23 ~~six months after such certification that the system is operational.]~~

24           2. If the place of death is unknown but the dead body is found in this state, the certificate  
25 of death shall be completed and filed pursuant to the provisions of this section. The place where  
26 the body is found shall be shown as the place of death. The date of death shall be the date on  
27 which the remains were found.

28           3. When death occurs in a moving conveyance in the United States and the body is first  
29 removed from the conveyance in this state, the death shall be registered in this state and the place  
30 where the body is first removed shall be considered the place of death. When a death occurs on  
31 a moving conveyance while in international waters or air space or in a foreign country or its air  
32 space and the body is first removed from the conveyance in this state, the death shall be

33 registered in this state but the certificate shall show the actual place of death if such place may  
34 be determined.

35 4. The funeral director or person in charge of final disposition of the dead body shall file  
36 the certificate of death. The funeral director or person in charge of the final disposition of the  
37 dead body shall obtain or verify and enter into the electronic death registration system:

38 (1) The personal data from the next of kin or the best qualified person or source  
39 available;

40 (2) The medical certification **and attestation** from the person responsible for such  
41 certification **and attestation** if designated to do so under subsection 5 of this section; and

42 (3) Any other information or data that may be required to be placed on a death certificate  
43 or entered into the electronic death certificate system including, but not limited to, the name and  
44 license number of the embalmer.

45 5. The medical certification shall be completed, attested to its accuracy either by  
46 signature or an electronic process approved by the department, and returned to the funeral  
47 director or person in charge of final disposition within seventy-two hours after death by the  
48 physician, physician assistant, assistant physician, **or** advanced practice registered nurse in  
49 charge of the patient's care for the illness or condition which resulted in death. In the absence  
50 of the physician, physician assistant, assistant physician, advanced practice registered nurse or  
51 with the physician's, physician assistant's, assistant physician's, or advanced practice registered  
52 nurse's approval the certificate may be completed and attested to its accuracy either by signature  
53 or an approved electronic process by the physician's associate physician, the chief medical officer  
54 of the institution in which death occurred, or the physician who performed an autopsy upon the  
55 decedent, provided such individual has access to the medical history of the case, views the  
56 deceased at or after death and death is due to natural causes. The person authorized to complete  
57 the medical certification may, in writing, designate any other person to enter the medical  
58 certification information **and attestation** into the electronic death registration system if the  
59 person authorized to complete the medical certificate has physically or by electronic process  
60 signed a statement stating the cause of death. Any persons completing the medical certification  
61 or entering data **and attestation** into the electronic death registration system shall be immune  
62 from civil liability for such certification **and attestation** completion, data entry, or determination  
63 of the cause of death, absent gross negligence or willful misconduct. The state registrar may  
64 approve alternate methods of obtaining and processing the medical certification and filing the  
65 death certificate. The Social Security number of any individual who has died shall be placed in  
66 the records relating to the death and recorded on the death certificate.

67 6. When death occurs from natural causes more than thirty-six hours after the decedent  
68 was last treated by a physician, physician assistant, assistant physician, advanced practice



69 registered nurse, the case shall be referred to the county medical examiner or coroner or  
70 physician or local registrar for investigation to determine and certify the cause of death. If the  
71 death is determined to be of a natural cause, the medical examiner or coroner or local registrar  
72 shall refer the certificate of death to the attending physician, physician assistant, assistant  
73 physician, **or** advanced practice registered nurse for such certification. If the attending physician,  
74 physician assistant, assistant physician, advanced practice registered nurse refuses or is otherwise  
75 unavailable, the medical examiner or coroner or local registrar shall attest to the accuracy of the  
76 certificate of death either by signature or an approved electronic process within thirty-six hours.

77 7. If the circumstances suggest that the death was caused by other than natural causes,  
78 the medical examiner or coroner shall determine the cause of death and shall ~~[complete and attest~~  
79 ~~to the accuracy]~~, either by signature or an approved electronic process, **complete and attest to**  
80 **the accuracy of** the medical certification within seventy-two hours after taking charge of the  
81 case.

82 8. If the cause of death cannot be determined within seventy-two hours after death, the  
83 attending medical examiner, coroner, attending physician, physician assistant, assistant  
84 physician, advanced practice registered nurse, or local registrar shall give the funeral director,  
85 or person in charge of final disposition of the dead body, notice of the reason for the delay, and  
86 final disposition of the body shall not be made until authorized by the medical examiner, coroner,  
87 attending physician, physician assistant, assistant physician, advanced practice registered nurse,  
88 or local registrar.

89 9. When a death is presumed to have occurred within this state but the body cannot be  
90 located, a death certificate may be prepared by the state registrar upon receipt of an order of a  
91 court of competent jurisdiction which shall include the finding of facts required to complete the  
92 death certificate. Such a death certificate shall be marked "Presumptive", show on its face the  
93 date of registration, and identify the court and the date of decree.

94 10. ~~[(1)]~~ The department of health and senior services shall notify all physicians,  
95 physician assistants, assistant physicians, and advanced practice registered nurses licensed under  
96 chapters 334 and 335 of the requirements regarding the use of the electronic vital records system  
97 provided for in this section.

98 ~~[(2) On or before August 30, 2015, the department of health and senior services, division~~  
99 ~~of community and public health shall create a working group comprised of representation from~~  
100 ~~the Missouri electronic vital records system users and recipients of death certificates used for~~  
101 ~~professional purposes to evaluate the Missouri electronic vital records system, develop~~  
102 ~~recommendations to improve the efficiency and usability of the system, and to report such~~  
103 ~~findings and recommendations to the general assembly no later than January 1, 2016.]~~

104           **11. Notwithstanding any provision of law to the contrary, if a coroner or deputy**  
105 **coroner is not current with or is without the approved training under chapter 58, the**  
106 **department of health and senior services shall prohibit such coroner from attesting to the**  
107 **accuracy of a certificate of death. No person elected or appointed to the office of coroner**  
108 **can assume such elected office until the training, as established by the coroner standards**  
109 **and training commission under the provisions of section 58.035, has been completed and**  
110 **a certificate of completion has been issued. In the event a coroner cannot fulfill his or her**  
111 **duties or is no longer qualified to attest to the accuracy of a death certificate, the sheriff of**  
112 **the county shall appoint a medical professional to attest death certificates until such time**  
113 **as the coroner can resume his or her duties or another coroner is appointed or elected to**  
114 **the office.**

193.265. 1. For the issuance of a certification or copy of a death record, the applicant  
2 shall pay a fee of [~~thirteen~~] **fourteen** dollars for the first certification or copy and a fee of [~~ten~~]  
3 **eleven** dollars for each additional copy ordered at that time. For the issuance of a certification  
4 or copy of a birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen  
5 dollars. No fee shall be required or collected for a certification of birth, death, or marriage if the  
6 request for certification is made by the children's division, the division of youth services, a  
7 guardian ad litem, or a juvenile officer on behalf of a child or person under twenty-one years of  
8 age who has come under the jurisdiction of the juvenile court under section 211.031. All fees  
9 **collected under this subsection** shall be deposited to the state department of revenue.  
10 Beginning August 28, 2004, for each vital records fee collected, the director of revenue shall  
11 credit four dollars to the general revenue fund, five dollars to the children's trust fund, one dollar  
12 shall be credited to the endowed care cemetery audit fund, **one dollar for each certification or**  
13 **copy of death records to the Missouri state coroners' training fund established in section**  
14 **58.208**, and three dollars for the first copy of death records and five dollars for birth, marriage,  
15 divorce, and fetal death records shall be credited to the Missouri public services health fund  
16 established in section 192.900. Money in the endowed care cemetery audit fund shall be  
17 available by appropriation to the division of professional registration to pay its expenses in  
18 administering sections 214.270 to 214.410. All interest earned on money deposited in the  
19 endowed care cemetery audit fund shall be credited to the endowed care cemetery fund.  
20 Notwithstanding the provisions of section 33.080 to the contrary, money placed in the endowed  
21 care cemetery audit fund shall not be transferred and placed to the credit of general revenue until  
22 the amount in the fund at the end of the biennium exceeds three times the amount of the  
23 appropriation from the endowed care cemetery audit fund for the preceding fiscal year. The  
24 money deposited in the public health services fund under this section shall be deposited in a  
25 separate account in the fund, and moneys in such account, upon appropriation, shall be used to

26 automate and improve the state vital records system, and develop and maintain an electronic  
27 birth and death registration system. For any search of the files and records, when no record is  
28 found, the state shall be entitled to a fee equal to the amount for a certification of a vital record  
29 for a five-year search to be paid by the applicant. For the processing of each legitimation,  
30 adoption, court order or recording after the registrant's twelfth birthday, the state shall be entitled  
31 to a fee equal to the amount for a certification of a vital record. Except whenever a certified copy  
32 or copies of a vital record is required to perfect any claim of any person on relief, or any  
33 dependent of any person who was on relief for any claim upon the government of the state or  
34 United States, the state registrar shall, upon request, furnish a certified copy or so many certified  
35 copies as are necessary, without any fee or compensation therefor.

36         2. For the issuance of a certification of a death record by the local registrar, the applicant  
37 shall pay a fee of [~~thirteen~~] **fourteen** dollars for the first certification or copy and a fee of [~~ten~~]  
38 **eleven** dollars for each additional copy ordered at that time. **For each fee collected under this**  
39 **subsection, one dollar shall be deposited to the state department of revenue and the**  
40 **remainder shall be deposited to the official city or county health agency. The director of**  
41 **revenue shall credit all fees deposited to the state department of revenue under this**  
42 **subsection to the Missouri state coroners' training fund established in section 58.208.**

43         3. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death  
44 record, the applicant shall pay a fee of fifteen dollars; except that, in any county with a charter  
45 form of government and with more than six hundred thousand but fewer than seven hundred  
46 thousand inhabitants, a donation of one dollar may be collected by the local registrar over and  
47 above any fees required by law when a certification or copy of any marriage license or birth  
48 certificate is provided, with such donations collected to be forwarded monthly by the local  
49 registrar to the county treasurer of such county and the donations so forwarded to be deposited  
50 by the county treasurer into the housing resource commission fund to assist homeless families  
51 and provide financial assistance to organizations addressing homelessness in such county. The  
52 local registrar shall include a check-off box on the application form for such copies. All fees  
53 **collected under this subsection**, other than the donations collected in any county with a charter  
54 form of government and with more than six hundred thousand but fewer than seven hundred  
55 thousand inhabitants for marriage licenses and birth certificates, shall be deposited to the official  
56 city or county health agency.

57         4. A certified copy of a death record by the local registrar can only be issued within  
58 twenty-four hours of receipt of the record by the local registrar. Computer-generated  
59 certifications of death records may be issued by the local registrar after twenty-four hours of  
60 receipt of the records. **In the event that it is determined by the state registrar that any**  
61 **required information from any data provider was missing or incomplete on records or**

62 **documentation that were filed with or submitted to the local registrar and then sent to the**  
63 **state registrar, the state registrar shall return the records or documentation to the local**  
64 **registrar so that the data provider, funeral director, or person in charge of the final**  
65 **disposition, can provide the missing or incomplete information. Nothing in this subsection**  
66 **removes any requirement in any statute or regulation as to when an affidavit or court**  
67 **order is necessary to amend a death certificate that has been issued.** The fees paid to the  
68 official county health agency shall be retained by the local agency for local public health  
69 purposes.

194.119. 1. As used in this section, the term "right of sepulcher" means the right to  
2 choose and control the burial, cremation, or other final disposition of a dead human body.

3 2. For purposes of this chapter and chapters 193, 333, and 436, and in all cases relating  
4 to the custody, control, and disposition of deceased human remains, including the common law  
5 right of sepulcher, where not otherwise defined, the term "next-of-kin" means the following  
6 persons in the priority listed if such person is eighteen years of age or older, is mentally  
7 competent, and is willing to assume responsibility for the costs of disposition:

8 (1) An attorney in fact designated in a durable power of attorney wherein the deceased  
9 specifically granted the right of sepulcher over his or her body to such attorney in fact;

10 (2) For a decedent who was on active duty in the United States military at the time of  
11 death, the person designated by such decedent in the written instrument known as the United  
12 States Department of Defense Form 93, Record of Emergency Data, in accordance with ~~[P.L.~~  
13 ~~109-163, Section 564,]~~ 10 U.S.C. Section 1482;

14 (3) The surviving spouse, **unless an action for the dissolution of the marriage has**  
15 **been filed and is pending in a court of competent jurisdiction;**

16 (4) Any surviving child of the deceased. If a surviving child is less than eighteen years  
17 of age and has a legal or natural guardian, such child shall not be disqualified on the basis of the  
18 child's age and such child's legal or natural guardian, if any, shall be entitled to serve in the place  
19 of the child unless such child's legal or natural guardian was subject to an action in dissolution  
20 from the deceased. In such event the person or persons who may serve as next-of-kin shall serve  
21 in the order provided in subdivisions (5) to (9) of this subsection;

22 (5) (a) Any surviving parent of the deceased; or

23 (b) If the deceased is a minor, a surviving parent who has custody of the minor; or

24 (c) If the deceased is a minor and the deceased's parents have joint custody, the parent  
25 whose residence is the minor child's residence for purposes of mailing and education;

26 (6) Any surviving sibling of the deceased;

27 (7) The next nearest surviving relative of the deceased by consanguinity or affinity;

28 (8) Any person or friend who assumes financial responsibility for the disposition of the  
29 deceased's remains if no next-of-kin assumes such responsibility;

30 (9) The county coroner or medical examiner; provided however that such assumption  
31 of responsibility shall not make the coroner, medical examiner, the county, or the state  
32 financially responsible for the cost of disposition.

33 3. The next-of-kin of the deceased shall be entitled to control the final disposition of the  
34 remains of any dead human being consistent with all applicable laws, including all applicable  
35 health codes. **The next-of-kin may delegate the control of the final disposition of the**  
36 **remains of any dead human being to an agent through either a specific or general grant of**  
37 **power in accordance with section 404.710 if, at the time of delegation, the next-of-kin was**  
38 **eighteen years of age or older and mentally competent and the principal or agent is taking**  
39 **financial responsibility for the disposition.**

40 4. A funeral director or establishment is entitled to rely on and act according to the  
41 lawful instructions of any person claiming to be the next-of-kin of the deceased; provided  
42 however, in any civil cause of action against a funeral director or establishment licensed pursuant  
43 to this chapter for actions taken regarding the funeral arrangements for a deceased person in the  
44 director's or establishment's care, the relative fault, if any, of such funeral director or  
45 establishment may be reduced if such actions are taken in reliance upon a person's claim to be  
46 the deceased person's next-of-kin.

47 5. Any person who desires to exercise the right of sepulcher and who has knowledge of  
48 an individual or individuals with a superior right to control disposition shall notify such  
49 individual or individuals prior to making final arrangements.

50 6. If an individual with a superior claim is ~~[personally served with written notice from]~~  
51 **notified in person or by written notice with delivery confirmation to such person's last**  
52 **known address** by a person with an inferior claim that such person desires to exercise the right  
53 of sepulcher and the individual so served does not object within forty-eight hours of ~~[receipt]~~  
54 **such notice**, such individual shall be deemed to have waived such right. An individual with a  
55 superior right may also waive such right at any time if such waiver is in writing and dated.

56 7. If there is more than one person in a class who are equal in priority and the funeral  
57 director has no knowledge of any objection by other members of such class, the funeral director  
58 or establishment shall be entitled to rely on and act according to the instructions of the first such  
59 person in the class to make arrangements; provided that such person assumes responsibility for  
60 the costs of disposition and no other person in such class provides written notice of his or her  
61 objection. If the funeral director has knowledge that there is more than one person in a class who  
62 are equal in priority and who do not agree on the disposition, the decision of the majority of the  
63 members of such class shall control the disposition.

64 8. For purposes of conducting a majority vote under subsection 7 of this section, the  
65 funeral director shall allow voting by proxy using a written authorization or instrument.

210.192. 1. The prosecuting attorney or the circuit attorney shall impanel a child fatality  
2 review panel for the county or city not within a county in which he or she serves to investigate  
3 the deaths of children under the age of eighteen years, who are eligible to receive a certificate of  
4 live birth. The panel shall be formed and shall operate according to the rules, guidelines and  
5 protocols provided by the department of social services.

6 2. The panel shall include, but shall not be limited to, the following:

- 7 (1) The prosecuting or circuit attorney;
- 8 (2) The coroner or medical examiner for the county or city not within a county;
- 9 (3) Law enforcement personnel in the county or city not within a county;
- 10 (4) A representative from the children's division;
- 11 (5) A provider of public health care services;
- 12 (6) A representative of the juvenile court;
- 13 (7) A provider of emergency medical services.

14 3. The prosecuting or circuit attorney shall organize the panel and shall call the first  
15 organizational meeting of the panel. The panel shall elect a chairman who shall convene the  
16 panel to meet to review all deaths of children under the age of eighteen years, who are eligible  
17 to receive a certificate of live birth, which meet guidelines for review as set forth by the  
18 department of social services. In addition, the panel may review at its own discretion any child  
19 death reported to it by the medical examiner or coroner, even if it does not meet criteria for  
20 review as set forth by the department. The panel shall issue a final report, which shall be a  
21 public record, of each investigation to the department of social services, state technical assistance  
22 team and to the director of the department of health and senior services. The final report shall  
23 include a completed summary report form. The form shall be developed by the director of the  
24 department of social services in consultation with the director of the department of health and  
25 senior services. ~~[The department of health and senior services shall analyze the child fatality  
26 review panel reports and periodically prepare epidemiological reports which describe the  
27 incidence, causes, location and other factors pertaining to childhood deaths.]~~ The department  
28 of health and senior services and department of social services shall make recommendations and  
29 develop programs to prevent childhood injuries and deaths.

30 4. The child fatality review panel shall enjoy such official immunity as exists at common  
31 law.

210.194. 1. The director of the department of social services, in consultation with the  
2 director of the department of health and senior services, shall promulgate rules, guidelines and

3 protocols for child fatality review panels established pursuant to section 210.192 and for state  
4 child fatality review panels.

5         2. The director shall promulgate guidelines and protocols for coroner and medical  
6 examiners to use to help them to identify suspicious deaths of children under the age of eighteen  
7 years, who are eligible to receive a certificate of live birth.

8         3. No rule or portion of a rule promulgated under the authority of sections 210.192 to  
9 210.196 shall become effective unless it has been promulgated pursuant to the provisions of  
10 section 536.024.

11         4. All meetings conducted~~[, all reports and records]~~ **and work product, including**  
12 **internal memoranda, summaries or minutes of meetings, and written, audio, or electronic**  
13 **records and communications**, made and maintained pursuant to sections 210.192 to 210.196  
14 by the department of social services and department of health and senior services and its  
15 divisions, including the state technical assistance team, or other appropriate persons, officials,  
16 or state child fatality review panel and local child fatality review panel shall be confidential ~~and~~  
17 ~~shall not be open to the general public except for the annual report pursuant to section 210.195]~~  
18 **, unless otherwise provided in this subsection, section 210.150, section 210.195, or section**  
19 **660.520. The state technical assistance team shall make nonidentifiable, aggregate data on**  
20 **child fatalities publicly available. Identifiable data shall be released at the discretion of the**  
21 **director of the department of social services, except for any data that was obtained only**  
22 **from birth or death certificate records provided by the department of health and senior**  
23 **services. In those cases, the release of identifiable data shall be at the discretion of the state**  
24 **registrar.**

210.195. 1. The director of the department of social services shall establish a special  
2 team which shall:

3         (1) Develop and implement protocols for the evaluation and review of child fatalities;

4         (2) Provide training, expertise and assistance to county child fatality review panels for  
5 the review of child fatalities;

6         (3) When required and unanimously requested by the county fatality review panel, assist  
7 in the review and prosecution of specific child fatalities; and

8         (4) The special team may be known as the department of social services, state technical  
9 assistance team.

10         2. The director of the department of social services shall appoint regional coordinators  
11 to serve as resources to child fatality review panels established pursuant to section 210.192.

12         3. The director of the department of social services shall appoint a state child fatality  
13 review panel which shall meet at least biannually to provide oversight and make  
14 recommendations to the department of social services, state technical assistance team. The

15 department of social services, state technical assistance team shall gather data from local child  
16 fatality review panels to identify systemic problems and shall submit findings and  
17 recommendations to the director of the department of social services, the governor, the speaker  
18 of the house of representatives, the president pro tempore of the senate, the children's services  
19 commission, juvenile officers, and the chairman of the local child fatality review panel, at least  
20 once a year, on ways to prevent further child abuse and injury deaths. **The report shall include**  
21 **a summary of compliance with the provisions of sections 210.192 to 210.196 for each county**  
22 **or city not within a county.**

333.011. 1. As used in this chapter, unless the context requires otherwise, the following  
2 terms have the meanings indicated:

3 (1) "Board", the state board of embalmers and funeral directors created by this chapter;

4 (2) "Embalmer", any individual licensed to engage in the practice of embalming;

5 (3) "Funeral director", any individual licensed to engage in the practice of funeral  
6 directing;

7 (4) "Funeral establishment", a building, place, crematory, or premises devoted to or used  
8 in the care and preparation for burial or transportation of the human dead and includes every  
9 building, place or premises maintained for that purpose or held out to the public by advertising  
10 or otherwise to be used for that purpose;

11 (5) "Funeral merchandise", caskets, grave vaults, receptacles, and other personal property  
12 incidental to the final disposition of a dead human body, including grave markers, monuments,  
13 tombstones, and urns;

14 (6) **"Outdoor cremation", the cremation of a dead human body that occurs**  
15 **outdoors in a licensed or permitted outdoor human cremation facility;**

16 (7) **"Outdoor human cremation facility", a licensed or permitted location that**  
17 **includes an outdoor funeral pyre with the ability to utilize a heating process to reduce a**  
18 **dead human body to bone fragments through heat and evaporation;**

19 (8) "Person", any individual, partnership, corporation, cooperative, association, or other  
20 entity;

21 ~~[(7)]~~ (9) "Practice of embalming", the work of preserving, disinfecting and preparing by  
22 arterial embalming, including the chemical preparation of a dead human body for disposition.  
23 Practice of embalming includes all activities leading up to and including arterial and cavity  
24 embalming, including but not limited to raising of vessels and suturing of incisions of dead  
25 human bodies for funeral services, transportation, burial or cremation, or the holding of oneself  
26 out as being engaged in such work;

27 ~~[(8)]~~ (10) "Practice of funeral directing", engaging by an individual in the business of  
28 preparing, otherwise than by embalming, for the burial, disposal or transportation out of this state



29 of, and the directing and supervising of the burial or disposal of, dead human bodies or engaging  
30 in the general control, supervision or management of the operations of a funeral establishment;

31 ~~[(9)]~~ (11) "Preneed agent", any person authorized to sell a preneed contract for or on  
32 behalf of a seller;

33 ~~[(10)]~~ (12) "Provider", the person designated or obligated to provide the final disposition,  
34 funeral, or burial services or facilities, or funeral merchandise described in a preneed contract;

35 ~~[(11)]~~ (13) "Seller", the person who executes a preneed contract with a purchaser and  
36 who is obligated under such preneed contract to remit payment to the provider.

37 2. All terms defined in sections 436.400 to 436.520 shall be deemed to have the same  
38 meaning when used in this chapter.

**333.072. 1. An outdoor cremation facility shall comply with all local, state, and  
2 federal laws to ensure public health and safety.**

3 **2. Any licensed funeral establishment may include an outdoor cremation facility  
4 provided such facility complies with the provisions of this chapter and any regulations  
5 related to funeral establishments.**

6 **3. For each outdoor cremation, the funeral establishment shall apply to the board  
7 for a permit to perform an outdoor cremation at an outdoor human cremation facility.  
8 The board shall create an application form, which shall include:**

9 **(1) The name and address of the licensed funeral establishment;**

10 **(2) The name, license number, and signature of the funeral director that will be  
11 conducting the cremation;**

12 **(3) The name of the deceased;**

13 **(4) The date of death of the deceased;**

14 **(5) The name, address, and signature of the person exercising the right of sepulcher  
15 over the body of the deceased consenting to the outdoor cremation, or a written and signed  
16 authorization for outdoor cremation signed by the deceased prior to death;**

17 **(6) The address and written consent of the property owner or the person with the  
18 right of possession of the property where the outdoor cremation is to be performed;**

19 **(7) The date range, not to exceed one week, in which the outdoor cremation will  
20 take place;**

21 **(8) Evidence that the intended outdoor human cremation facility has the capacity  
22 to complete the cremation of a dead human body;**

23 **(9) A fee established by the board by rule; and**

24 **(10) Evidence of compliance with local, state, and federal laws related to public  
25 health and safety for the location of the facility.**

26           **4. The application for a permit shall be completed and filed at least three days prior**  
27 **to the date of the outdoor cremation.**

28           **5. The funeral establishment shall provide written notice to the applicable local law**  
29 **enforcement agency at least twenty-four hours in advance of any outdoor cremation. Such**  
30 **notice shall include the date, location, and approximate time of the outdoor cremation, the**  
31 **name and contact information of the funeral director performing the outdoor cremation,**  
32 **and a copy of the permit from the board to perform the outdoor cremation. The funeral**  
33 **establishment must maintain a copy of such written notice in its records.**

34           **6. The board may inspect any location proposed for an outdoor cremation facility**  
35 **to ensure compliance with the provisions of chapters 333 and 436 and their accompanying**  
36 **regulations.**

37           **7. A licensed funeral director, or his or her designee, shall be present to supervise**  
38 **any cremation conducted at an outdoor cremation facility.**

39           **8. The board is hereby authorized to promulgate rules and regulations for**  
40 **establishing and regulating outdoor human cremation facilities. Any rule or portion of a**  
41 **rule, as that term is defined in section 536.010 that is created under the authority delegated**  
42 **in this section shall become effective only if it complies with and is subject to all of the**  
43 **provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536**  
44 **are nonseverable and if any of the powers vested with the general assembly pursuant to**  
45 **chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are**  
46 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**  
47 **proposed or adopted after August 28, 2019, shall be invalid and void.**

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