



State of Tennessee

PUBLIC CHAPTER NO. 944

SENATE BILL NO. 1497

By Green, Ford

Substituted for: House Bill No. 2230

By Calfee

AN ACT to amend Tennessee Code Annotated, Title 38, Chapter 7, Part 1, relative to post-mortem examinations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 38-7-110(e), is amended by deleting the subsection in its entirety and by substituting instead the following:

(e)(1) If it is necessary to prepare a post-mortem examination report, then an authorized post-mortem official may obtain, in the manner prescribed in § 38-7-117, a needed medical, mental health or hospital record pertaining to a case under investigation pursuant to § 38-7-106.

(2) As used in this subsection (e), "authorized post-mortem official" means:

- (A) The chief medical examiner;
- (B) A county medical examiner;
- (C) A medical investigator;
- (D) A coroner;
- (E) A deputy or assistant state medical examiner or forensic pathologist under the control or direction of the chief medical examiner; or
- (F) A deputy or assistant county medical examiner or forensic pathologist under the control or direction of a county medical examiner.

SECTION 2. Tennessee Code Annotated, Section 38-7-117, is amended by deleting the section in its entirety and by substituting instead the following:

(a) An authorized post-mortem official acting under the control or direction of the chief medical examiner or a county medical examiner or performing an investigation pursuant to a court order or an order of a district attorney general is authorized to obtain, upon written request, or may subpoena through the appropriate district attorney general, all medical or hospital records maintained by individuals licensed under title 63 or by facilities licensed under title 68 that pertain to a case under investigation.

(b) An authorized post-mortem official acting under the control or direction of the chief medical examiner or a county medical examiner or performing an investigation pursuant to a court order or an order of a district attorney general is authorized, through the appropriate district attorney general, to obtain, by judicial subpoena or through a court order in accordance with § 33-3-105, all records maintained by facilities licensed under title 33 that pertain to a case under investigation.

(c) As used in this section:

(1) "Authorized post-mortem official" means:

- (A) The chief medical examiner;
- (B) A county medical examiner;

(C) A medical investigator;

(D) A coroner;

(E) A deputy or assistant state medical examiner or forensic pathologist under the control or direction of the chief medical examiner; or

(F) A deputy or assistant county medical examiner or forensic pathologist under the control or direction of a county medical examiner; and

(2) "Case under investigation" means any time during which an authorized post-mortem official conducts an investigation into a case of death.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 1497

PASSED: April 15, 2014



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 19th day of May 2014



BILL HASLAM, GOVERNOR