

HOUSE BILL No. 2666

AN ACT concerning autopsies; relating to payment; amending K.S.A. 22a-242 and 22a-245 and K.S.A. 2001 Supp. 65-2418 and repealing the existing sections; also repealing K.S.A. 2001 Supp. 65-2418a.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 22a-242 is hereby amended to read as follows: 22a-242. (a) When a child dies, any law enforcement officer, health care provider or other person having knowledge of the death shall immediately notify the coroner of the known facts concerning the time, place, manner and circumstances of the death. If the notice to the coroner identifies any suspicious circumstances or unknown cause, as described in the protocol developed by the state review board under K.S.A. 22a-243 and amendments thereto, the coroner shall immediately: (1) Investigate the death to determine whether the child's death included any such suspicious circumstance or unknown cause; and (2) direct a pathologist to perform an autopsy.

(b) If, after investigation and an autopsy, the coroner determines that the death of a child does not include any suspicious circumstances or unknown cause, as described in the protocol developed by the state review board under K.S.A. 22a-243 and amendments thereto, the coroner shall complete and sign a nonsuspicious child death form.

(c) If, after investigation and an autopsy, the coroner determines that the death of a child includes any suspicious circumstance or unknown cause, as described in the protocol developed by the state review board under K.S.A. 22a-243 and amendments thereto, the coroner shall notify, within 30 days, the chairperson of the state review board and shall notify, within 24 hours, the county or district attorney of the county where the death of the child occurred.

(d) The coroner shall attempt to notify any parent or legal guardian of the deceased child prior to the performance of an autopsy pursuant to this section and attempt to notify any such parent or legal guardian of the results of the autopsy.

(e) A coroner shall not make a determination that the death of a child less than one year of age was caused by sudden infant death syndrome unless an autopsy is performed.

(f) The fee for an autopsy performed under this section shall be the usual and reasonable fee and travel allowance authorized under K.S.A. 22a-233 and amendments thereto ~~and shall be paid from moneys available therefor from appropriations to the department of health and environment. The reasonableness of all claims for payment of a fee for an autopsy under this section shall be determined by the secretary of health and environment~~ and shall be paid from the district coroners fund.

Sec. 2. K.S.A. 22a-245 is hereby amended to read as follows: 22a-245. (a) There is hereby established in the state treasury the district coroners fund.

(b) Moneys in the district coroners fund *after the payment of fees for autopsies under subsection (f) of K.S.A. 22a-242 and amendments thereto* shall be allocated and distributed to each county on March 15 of each year based on the number of recorded deaths in the county during the previous calendar year as a ratio of the total number of deaths in this state during the previous calendar year. Such distributions shall be credited to the county general fund to assist in paying for the district coroner's expenses pursuant to chapter 2 of article 22a of the Kansas Statutes Annotated, and amendments thereto. Moneys in the district coroners fund shall not be ~~expended~~ *allocated and distributed* to the county general fund until such time as all outstanding death certificates for the previous calendar year are filed with the state registrar and such ~~certificate contains~~ *certificates contain* the final cause of death.

(c) ~~Payments~~ *Distributions* to counties under this act *and payments of fees for autopsies under subsection (f) of K.S.A. 22a-242 and amendments thereto from this fund* shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of health and environment or by a person or persons designated by the secretary of health and environment.

Sec. 3. K.S.A. 2001 Supp. 65-2418 is hereby amended to read as follows: 65-2418. (a) Except as otherwise provided in this section, the secretary shall fix and charge the fees, if any, to be paid for certified copies of certificates or for search of the files or records when no certified copy

is made. Fees for certified copies of certificates shall be fixed by rules and regulations of the secretary except that the fee for the first copy of a birth ~~or death~~ certificate shall include a \$3 surcharge and the fee for each additional copy of the same birth ~~or death~~ certificate requested at the same time shall include a \$1 surcharge, *and the fee for the first copy of a death certificate shall include a \$4 surcharge and the fee for each additional copy of the same death certificate requested at the same time shall include a \$2 surcharge.* The secretary shall not charge any fee for a certified copy of a certificate or for a search of the files or records if the certificate or search is requested by a person who exhibits correspondence from the United States veterans administration or the Kansas commission on veterans' affairs which indicates that the person is applying for benefits from the United States veterans administration and that such person needs the requested information to obtain such benefits, except that, for a second or subsequent certified copy of a certificate or search of the files requested by the person, the usual fee shall be charged. The secretary may provide by rules and regulations for exemptions from such fees.

(b) Subject to K.S.A. 65-2420, and amendments thereto, the national office of vital statistics may be furnished copies or data it requires for national statistics. The state shall be reimbursed for the cost of furnishing the data. The data shall not be used for other than statistical purposes by the national office of vital statistics unless so authorized by the state registrar of vital statistics.

(c) (1) The secretary shall remit all moneys received by or for the secretary from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, other than remittances for fees for birth certificates, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(2) Upon receipt of any such remittance of a fee for a birth certificate, \$3 of each such fee for the first copy of a birth certificate and \$1 of each such fee for each additional copy of the same birth certificate requested at the same time shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the permanent families account of the family and children investment fund created by K.S.A. 38-1808, and amendments thereto. Upon receipt of any such remittance of a fee for a death certificate, ~~\$3~~ \$4 of each such fee for the first copy of a death certificate and ~~\$1~~ \$2 of each such fee for each additional copy of the same death certificate requested at the same time shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the district coroners fund created by K.S.A. 22a-245, and amendments thereto. The balance of the money received for a fee for a birth certificate shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(d) *Upon receipt of any fee for a certified copy of a birth, death, fetal death, marriage or divorce certificate, \$1 of each such fee shall be remitted to the state treasurer who shall deposit the entire amount of each such remittance in the state treasury and credit it to the vital statistics maintenance fee fund created by K.S.A. 2001 Supp. 65-2814b, and amendments thereto. For the purposes of the vital statistics maintenance fee fund, the secretary of health and environment shall adopt rules and regulations providing for an increase of \$1 in fees charged by the state treasurer for providing a certified copy of a birth, death, fetal death, marriage or divorce certificate.*

Sec. 4. K.S.A. 22a-242 and 22a-245 and K.S.A. 2001 Supp. 65-2418 and 65-2418a are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

HOUSE concurred in
SENATE amendments _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.