



General Assembly

Substitute Bill No. 5426

January Session, 2001

**AN ACT CONCERNING STANDARDIZED INFORMED AUTOPSY
CONSENT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 19a-286 of the general statutes is repealed and the following
2 is substituted in lieu thereof:

3 (a) Whenever any person dies and no postmortem examination or
4 autopsy has been ordered pursuant to subsection (b) of section 19a-
5 406, no physician shall conduct or assist in conducting any
6 postmortem examination or autopsy upon the body of such deceased
7 person without first obtaining the consent of whichever one of the
8 following persons, eighteen years of age or older, assumes custody of
9 the body for the purposes of burial: Father, mother, husband, wife,
10 child, guardian, next of kin, [friend] a person designated by the
11 deceased person in accordance with section 45a-318 or any person
12 charged by law with the responsibility for burial. If two or more
13 persons assume custody of the body, consent of one of them shall be
14 deemed sufficient. [Any] Prior to January 1, 2002, any such consent
15 may be in writing or may be given by telegram, and any telegram
16 purporting to have been sent by a person authorized to give such
17 consent shall be conclusively presumed to have been sent by such
18 person, or may be given by telephone, provided a record of any such
19 consent by telephone shall be kept by such physician for not less than
20 three years. On and after January 1, 2002, such consent shall be made

21 pursuant to subsection (c) of this section, provided such consent may
22 be communicated in person, by telephone, electronically, by mail or by
23 courier. If the physician who is to conduct or assist in conducting any
24 postmortem examination or autopsy, after due inquiry and diligence,
25 is unable to find any person authorized to give consent as provided for
26 [herein] in this subsection, such postmortem examination or autopsy
27 may be made by such physician without such consent but only after a
28 reasonable time, which shall not be less than twelve hours nor more
29 than forty-eight hours, has elapsed. Any person violating any
30 provision of this subsection or subsection (b) of this section shall be
31 fined not more than five hundred dollars.

32 (b) Any person authorized to consent to an autopsy under
33 subsection (a) of this section may require that if an autopsy is
34 performed it be performed by, or attended by, a physician who is not
35 affiliated with the institution where the deceased person died. The
36 physician seeking consent to an autopsy shall inform the person
37 authorized to give consent of the right to request performance or
38 attendance by a nonaffiliated physician, provided the person
39 requesting such performance or attendance by a nonaffiliated
40 physician shall be responsible for any additional costs incurred by
41 reason of such performance or attendance. Such information shall be
42 given orally and shall be included in [any written consent form] the
43 documented and witnessed consent developed pursuant to
44 subdivision (3) of subsection (c) of this section.

45 (c) Not later than January 1, 2002, the Commissioner of Public
46 Health, in consultation with the Chief Medical Examiner, shall develop
47 criteria for informed autopsy consent that: (1) Includes clear
48 information naming the institution and department that will perform
49 the autopsy; (2) provides the family of the deceased person with an
50 opportunity to place any restrictions or limitations on the autopsy or to
51 express any concerns that they may have; and (3) provides for
52 documented and witnessed consent.

PH *Joint Favorable Subst.*

PS *Joint Favorable*