

LEGISLATIVE BILL 605

Approved by the Governor March 31, 1978

Introduced by Stoney, 4; Simon, 31

AN ACT to amend section 71-605, Reissue Revised Statutes of Nebraska, 1943, relating to public health and welfare; to provide for an autopsy in certain cases; to provide for notice to the community mental health center in sudden infant death syndrome cases; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 71-605, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-605. (1) The funeral director, in charge of the funeral of any person dying in the State of Nebraska, shall cause a certificate of death to be filled out with all the particulars contained in the standard blank adopted by the Department of Health, and conforming to all of the requirements of the United States Public Health Service. Such standard blank shall include a space for certificate of veteran status and the period of service in the armed forces of the United States as defined in section 80-401.01 and a statement of the cause of death made by a person holding a valid license as a physician, who last attended the deceased. Death and fetal death certificates are to be completed by the funeral directors and physicians only for the purpose of filing with the Bureau of Vital Statistics.

(2) The physician shall have the responsibility and duty to complete and sign in his own handwriting, within twenty-four hours from the time of death, that part of the certificate of death entitled medical certificate of death. In the case of a death where no person licensed as a physician was in attendance, the funeral director shall refer the case to the county attorney for a death certificate, except that no cause of death shall be certified in the case of the sudden and unexpected death of a child between the ages of one week and three years unless an autopsy is performed at county expense by a qualified pathologist, unless the parent or guardian signs a written waiver of the right to autopsy. The parents or guardian shall be notified of the results of the autopsy by their physician, community health official, or county coroner within forty-eight hours.

The term sudden infant death syndrome shall be entered on the death certificate as the principle cause of death when the term is appropriately descriptive of the pathology findings and circumstances surrounding the death of a child. If the circumstances show it possible that death was caused by neglect, violence, or any unlawful means, the case shall be referred to the county attorney for investigation and certification. Such county attorney shall, within twenty-four hours after taking charge of the case, state the cause of death as ascertained, giving as far as possible the means or instrument which produced the death. All death certificates shall show clearly the cause, disease, or sequence of causes ending in death. If the cause of death cannot be determined within the period of time stated above, the death certificate shall be filed to establish the fact of death. As soon as possible thereafter, and not more than six weeks later, supplemental information as to the cause, disease, or sequence of causes ending in death shall be filed with the department to complete the record. For all certificates stated in terms that are indefinite, insufficient, or unsatisfactory for classification, inquiry shall be made to the person completing the certificate to secure the necessary information to correct or complete the record.

(3) A completed death certificate shall be filed with the registrar of the county in which the death occurred before the body is interred, deposited in a vault, or otherwise disposed of. If it is impossible to complete the certificate of death within the period of time prescribed above, the funeral director shall notify the coroner and registrar in the county where death occurred and obtain their written approval before any disposal of the remains can be made.

(4) Except as otherwise provided, the county registrar shall, upon receipt of a death certificate properly and completely filled out, issue a burial or transit permit. No sexton or other person in charge of a cemetery shall allow the interment of a body without first receiving such burial permit nor allow the disinterment of a body without first receiving from the Bureau of Vital Statistics, Department of Health, a disinterment permit properly completed. No agent of any railroad or other transportation company shall allow the shipment of any body without the county registrar's transit permit. All burial permits shall be countersigned and dated by the sexton or other person in charge of cemeteries. All transit permits shall be countersigned and dated by the agent of the transportation company when received. Each transit

permit shall be returned within ten days to the county registrar by whom it was issued. The interment, disinterment, or reinterment of a dead human body shall be performed under the direct supervision of a licensed funeral director except that hospital disposition may be made of the dead body of a stillborn infant with due respect for the same and in accordance with existing law when requested by the parents or legal guardian.

(5) All burial or transit permits, issued in accordance with the law of the place where the death occurred, may be accepted by the county registrar of the county where the body is to be interred or otherwise disposed of, as a basis upon which he shall issue a burial permit.

(6) Space for certification of veteran status and period of service in the armed forces of the United States shall be provided on all burial or transit permits referred to in this section. In the event death certificates, burial or transit permits of other states do not bear such information when they are forwarded to this state, such information shall be noted insofar as it is readily available in the margins or other available space on such certificate or permit.

Sec. 2. The county attorney or coroner shall, within two days of the issuance of the autopsy results showing death suspected due to the sudden infant death syndrome, notify the appropriate area community mental health center of the name of the parents of the sudden infant death syndrome victim.

Sec. 3. That original section 71-605, Reissue Revised Statutes of Nebraska, 1943, is repealed.