**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “ANN S. PERDUE INDEPENDENT AUTOPSY FAIRNESS ACT OF 2009”, BY ADDING SECTION 44‑43‑730 SO AS TO PROVIDE THAT IF A PERSON DIES IN A HOSPITAL, THE HOSPITAL SHALL OFFER IN WRITING TO THE PATIENT’S FAMILY THE RIGHT OF HAVING AN AUTOPSY PERFORMED; AND TO AMEND SECTION 17‑5‑530, RELATING TO CIRCUMSTANCES REQUIRING THE CORONER OR MEDICAL EXAMINER TO BE NOTIFIED OF CERTAIN DEATHS, SO AS TO REQUIRE SUCH NOTIFICATION WHEN A PERSON DIES IN A HEALTH CARE FACILITY WITHIN TWENTY FOUR HOURS OF ENTERING A HEALTH CARE FACILITY OR OF HAVING AN INVASIVE SURGICAL PROCEDURE PERFORMED.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act may be cited as the “Ann S. Perdue Independent Autopsy Fairness Act of 2009”.

SECTION 2. Article 9, Chapter 43, Title 44 of the 1976 Code is amended by adding:

“Section 44‑43‑730. If a patient dies in a hospital, the patient’s family, as determined in accordance with Section 44‑43‑710, has the right to have an autopsy performed. The hospital, in writing, shall inform the patient’s family of this right.”

SECTION 3. Section 17‑5‑530(A) of the 1976 Code, is amended to read:

“(A) If a person dies:

(1) as a result of violence;

(2) as a result of apparent suicide;

(3) when in apparent good health;

(4) when unattended by a physician;

(5) in any suspicious or unusual manner;

(6) while an inmate of a penal or correctional institution; ~~or~~

(7) as a result of stillbirth when unattended by a physician; or

(8) in a health care facility, as defined in Section 44‑7‑130, within twenty‑four hours of entering a health care facility or within twenty‑four hours after having undergone an invasive surgical procedure at the health care facility;

a person having knowledge of the death immediately ~~must~~ shall notify the county coroner’s or medical examiner’s office. This procedure also must be followed upon discovery of anatomical material suspected of being or determined to be a part of a human body.”

SECTION 4. This act takes effect July 1, 2009.

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