

NORTH CAROLINA GENERAL ASSEMBLY
1967 SESSION

CHAPTER 1154
SENATE BILL 153

1 AN ACT TO CREATE THE OFFICE OF CHIEF MEDICAL EXAMINER AND TO
2 PROVIDE FOR A STATEWIDE SYSTEM FOR POSTMORTEM MEDICOLEGAL
3 EXAMINATIONS.
4

5 The General Assembly of North Carolina do enact:
6

7 **Section 1.** Chapter 130 of the General Statutes of North Carolina is hereby
8 amended by rewriting all of Article 21 thereof, to read as follows:
9

"ARTICLE 21

10 Chief Medical Examiner; Post-Mortem Medicolegal Examinations.

11 "**§ 130-192. Chief Medical Examiner; Appointment; Vacancy.** There is hereby created,
12 under the State Board of Health, the office of Chief Medical Examiner. The State Board of
13 Health is authorized and directed to appoint a Chief Medical Examiner who shall serve for a
14 term of four years and until his successor has been appointed and qualified. The Chief Medical
15 Examiner shall take an oath and enter into bond in the sum of five thousand dollars (\$5,000.00)
16 before entering upon the duties of his office.

17 "Any vacancy in the office of Chief Medical Examiner shall be filled by the State Board of
18 Health for the unexpired term. The Board may remove the Chief Medical Examiner from office
19 for cause.

20 "The Chief Medical Examiner shall be a skilled pathologist and eligible to be licensed as a
21 doctor of medicine. His salary shall be fixed by the Governor and the Advisory Budget
22 Commission, and he shall receive such travel expenses as allowed other State employees by
23 law.

24 "**§ 130-193. Central and District Offices and Laboratories.** The State Board of Health shall
25 establish and maintain, under the supervision of the Chief Medical Examiner, a central office
26 and a laboratory in the City of Raleigh or Chapel Hill, North Carolina, and with the approval of
27 the Governor first obtained, such district offices and laboratories in such localities in the State
28 as are deemed necessary, having adequate professional and technical personnel and physical
29 facilities for the conduct of postmortem examinations and of such pathological, bacteriological
30 and toxicological investigations as may be necessary or proper. The State Board of Health shall
31 provide the Chief Medical Examiner with such furniture, equipment, records and supplies as
32 may be required in the conduct of this office. The State Board of Health may, if deemed
33 advisable to do so, contract with the Medical School of the University of North Carolina for the
34 use of certain of its laboratories, its morgue and other technical facilities, and space in one of its
35 buildings as a central office and laboratory for the Chief Medical Examiner and his staff.

36 "**§ 130-194. Assistants and Employees.** The Chief Medical Examiner, with the approval of
37 the State Board of Health, may employ such clerical and other assistants as are necessary for
38 the performance of the duties of his office. All persons appointed by the Chief Medical
39 Examiner shall be responsible to him and may be removed by him for any reasonable cause.

40 "**§ 130-195. Certain Salaries and Expenses Paid by the State.** The salaries of the Chief
41 Medical Examiner, and the technical and clerical personnel in the central office and laboratory,
42 the expenses of maintaining the central office and laboratory, the cost of pathological,
43 bacteriological and toxicological services rendered by others than the Chief Medical Examiner

1 and his assistants, and the traveling and other expenses of the personnel of the central and
2 district offices and laboratories, shall be paid by the State out of funds appropriated for the
3 purpose.

4 **"§ 130-196. Additional Services and Facilities.** In order to provide proper facilities for
5 investigating the causes of deaths as authorized in this Article the State Board of Health may
6 employ and pay qualified pathologists and toxicologists to make autopsies and such other
7 pathological and chemical studies and investigations as may be deemed necessary or advisable
8 by the Chief Medical Examiner, and may arrange for the use of existing public or private
9 laboratory facilities for such purposes wherever these are available.

10 **"§ 130-197. County Medical Examiners; Appointment; Term of Office and Vacancies.**
11 The Chief Medical Examiner shall appoint for each county in the State one or more medical
12 examiners to serve for terms of three years and until their successors are appointed by the Chief
13 Medical Examiner and have qualified. All vacancies in the office of Medical Examiner shall be
14 filled by the Chief Medical Examiner for the unexpired terms. Each medical examiner shall be
15 appointed from a list of two or more licensed doctors of medicine submitted by the component
16 medical society of the county in which the appointment is to be made, or of the district in
17 which the county is located. If no list of names is submitted by the society, the Chief Medical
18 Examiner shall appoint a medical examiner or medical examiners from a list of licensed
19 medical doctors of such county. In the event a licensed doctor will not accept an appointment
20 as medical examiner in a county, the Chief Medical Examiner is authorized to appoint the
21 coroner as acting medical examiner to serve until such time as the vacancy can be filled. In the
22 event the medical examiner of any county, on account of illness or enforced absence or
23 personal interest is unable to serve in any particular case or for a temporary period of time, the
24 Chief Medical Examiner shall then designate some other qualified doctor of medicine in such
25 county, or the coroner, to serve in the place of the regular medical examiner in making any
26 examination or report required.

27 **"§ 130-198. Medical Examiners to be Notified of Certain Deaths.** Upon the death of any
28 person, apparently by criminal act or default, or apparently by suicide, or while an inmate of
29 any penal or correctional institution, or under any suspicious, unusual or unnatural
30 circumstances, the medical examiner of the county in which the body of the deceased is found
31 shall be notified by the physician in attendance, by any law enforcement officer having
32 knowledge of such death, by the funeral director, by a member of the family of the deceased,
33 by any person present, or by any person having knowledge of such death. No person shall
34 disturb the body at the scene of death until authorized by the county medical examiner.

35 "A similar procedure shall be followed upon discovery of anatomical material suspected of
36 being or determined to be a part or parts of a human body.

37 **"§ 130-199. Duties of Medical Examiners Upon Receipt of Notice; Reports; Fees.** Upon
38 receipt of such notice the medical examiner shall take charge of the dead body, make inquiries
39 regarding the cause and manner of death, reduce his findings to writing, and promptly make a
40 full report thereof to the Chief Medical Examiner on forms prescribed for such purpose,
41 retaining one copy of such report for his own; delivering copies to the District Solicitor of the
42 Superior Court, and upon request to a defendant in a criminal action, or any party in a civil
43 action. Full directions as to the nature, character and extent of the investigation to be made in
44 such cases shall be furnished the medical examiner by the Chief Medical Examiner, together
45 with appropriate forms for the required reports and instructions for their use. For each
46 investigation under this Article, including the making of the required reports, the medical
47 examiner shall receive a fee of twenty-five dollars (\$25.00), to be paid by the State unless the
48 deceased is a legal resident of the county in which his death occurred, in which event such
49 county shall be responsible for the fee. The medical examiner is authorized to issue subpoenas
50 for any person or persons to appear during the investigation.

1 **"§ 130-200. When Autopsies and Other Pathological Examinations to be Performed.** If, in
2 the opinion of the Chief Medical Examiner or the medical examiner of the county wherein the
3 body or anatomical material is first found under any of the circumstances set forth in
4 G.S. 130-198, it is advisable and in the public interest that an autopsy or other pathologic study
5 be made, or if an autopsy or other pathologic study is requested by the Superior Court Solicitor
6 or by any Superior Court Judge on his own motion, or on a motion of any party, such autopsy
7 or pathological study shall be made by the Chief Medical Examiner or by a competent
8 pathologist designated by him, and a copy of the autopsy report shall be furnished the solicitor,
9 judge, and requesting party.

10 "In any case of death under circumstances set forth in § 130-198 where a body shall be
11 buried without a medical examination being made as specified in § 130-199, or in any case
12 where a body shall be cremated except in compliance with the provisions of this Article, it shall
13 be the duty of the medical examiner of the county in which the body is buried or was cremated,
14 upon being advised of such facts, to notify the Superior Court Solicitor who shall communicate
15 the same to any resident special, or assigned Judge of the Superior Court, and such Judge may
16 order that the body or the remains be exhumed and an examination or autopsy performed
17 thereon by the Chief Medical Examiner or a competent pathologist or toxicologist appointed by
18 the Chief Medical Examiner. The pertinent facts disclosed by the examination or autopsy shall
19 be communicated to the Solicitor of the Superior Court and the Judge who ordered it, for such
20 action thereon as he, or the court of which he is Judge, deems proper. A copy of the report of
21 the examination or autopsy findings and interpretations shall be filed with the Superior Court
22 Solicitor: Provided, that a copy of said report shall be furnished to any other interested person
23 upon order of a court of record after need therefor has been shown. If the deceased is a resident
24 of the county where death occurred, the cost of the autopsy or pathological study shall be paid
25 by the county; otherwise, the State Board of Health shall pay the expense of the autopsy or
26 pathological study.

27 **"§ 130-201. Rules and Regulations.** The Chief Medical Examiner, subject to the approval of
28 the State Board of Health, shall make, amend, repeal and promulgate the necessary rules and
29 regulations and procedures to carry out the intent and purposes of this Article. The facilities of
30 the central laboratory and the services of its professional staff shall be made available to the
31 county medical examiners in their investigations.

32 **"§ 130-202. Reports and Records Received as Evidence.** Reports of investigations made by
33 the Chief Medical Examiner or his assistants or by medical examiners, and the records and
34 reports of autopsies made under the authority of this Article, may be received as corroborative
35 evidence, if admissible, in any court or other proceeding and copies of records, photographs,
36 laboratory findings and records in the office of the Chief Medical Examiner or any medical
37 examiner, when duly attested by the Chief Medical Examiner, or one of his assistant chief
38 medical examiners, or the medical examiner in whose office the same are, shall be received as
39 evidence in any court or other proceeding for any purpose for which the original could be
40 received without any proof of the official character of the person whose name is signed thereto.

41 **"§ 130-202.1. When Medical Examiner's Permission Necessary Before Embalming,
42 Burial and Cremation.** (a) In any case where it is the duty of the county medical examiner to
43 view the body and investigate the death of a deceased person as herein provided, it shall be
44 unlawful to embalm the said body until the written permission of the county medical examiner
45 has first been obtained, and such county medical examiner shall make the certificate of death
46 required for a burial-transit permit, stating thereon the name of the disease causing death; or, if
47 from external causes,

- 48 (1) the means of death, and
- 49 (2) whether (probably) accidental, suicidal, homicidal; and shall, in any case,
50 furnish such information as may be required by the State Registrar of Vital
51 Statistics in order properly to classify the death.

1 (b) It shall be unlawful to embalm or to bury a dead body, or to issue a burial-transit
2 permit, when any fact within the knowledge of, or brought to the attention of, the embalmer,
3 the funeral director, or the local registrar of vital statistics charged with the issuance of burial-
4 transit permits, is sufficient to arouse suspicion of crime in connection with the death of the
5 deceased, until the written permission of the county medical examiner has first been obtained.

6 (c) No burial-transit permit, for cremation of a body shall be issued by the local
7 registrar charged therewith and no cremation of a body shall be carried out until the county
8 medical examiner shall have certified in writing that he has made inquiry into the cause and
9 manner of death and is of the opinion that no further examination concerning the same is
10 necessary.

11 "**§ 130-202.2. Coroner to Hold Inquests.** In every case requiring the medical examiner to be
12 notified, as provided by § 130-198, the coroner shall be notified by the medical examiner, and
13 the coroner shall hold an inquest and preliminary hearing in those instances as required in §
14 152-7. The coroner shall file a written report of his investigation with the Solicitor of the
15 Superior Court and the county medical examiner. The body shall remain in the custody and
16 control of the medical examiner."

17 **Sec. 2.** § 90-210.7, appearing in the 1965 Replacement Volume 2C of the General
18 Statutes, is hereby amended by deleting the word "coroner" in line six and inserting in lieu
19 thereof the words "medical examiner".

20 **Sec. 3.** § 90-213, appearing in the 1965 Replacement Volume 2C of the General
21 Statutes, is hereby amended by rewriting the last sentence to read as follows: "Provided, that
22 nothing in this Article shall restrict or limit the provisions of Article 21 of the General Statutes,
23 entitled "Chief Medical Examiner; Post-Mortem Medicolegal Examinations."

24 **Sec. 4.** § 90-217, appearing in the 1965 Replacement Volume 2C of the General
25 Statutes, is hereby amended by placing a comma after the word "deceased" in line 3, and by
26 deleting from lines 3, 4 and 5 the following words: "cases where a coroner or the majority of a
27 coroner's jury deem it necessary upon an inquest to have such an autopsy".

28 **Sec. 5.** § 130-47, appearing in the 1964 Replacement Volume 3B of the General
29 Statutes, is hereby rewritten to read as follows:

30 "**§ 130-47. Death Without Medical Attendance; Duty of Funeral Directors and Officials;**
31 **Approval Required Before Cremation.** In case of death without medical attendance, it shall
32 be the duty of the funeral director or person acting as such, and any other person having
33 knowledge of such death, to notify the local medical examiner and local registrar of such death.
34 No burial-transit permit shall be issued until the medical examiner has completed his
35 investigation and certification. If there is no local medical examiner, the registrar shall refer the
36 case to the Chief Medical Examiner for investigation and certification of death. The certificate
37 of death, required for a burial-transit permit, shall state therein the name of deceased, the
38 disease causing death, or, if from external causes, the means of death, whether probably
39 accidental, suicidal, or homicidal, and such other information as may be required by the State
40 Registrar in order to properly classify the death.

41 "No cremation of a dead body, in case of death without medical attendance, shall take place
42 until the medical examiner has made inquiry into the cause and manner of death and has
43 certified in writing that the inquiry has been made and in his opinion no further examination is
44 necessary."

45 **Sec. 6.** § 152-5, appearing in the 1964 Replacement Volume 3C of the General
46 Statutes, is hereby amended by deleting all of the last sentence thereof.

47 § 152-7(1) is hereby amended by rewriting the last sentence of said subsection to
48 read as follows: "A written report of said investigation shall be filed by the coroner with the
49 medical examiner and the Solicitor of the Superior Court."

50 § 152-7(6) is hereby amended by rewriting said subsection to read as follows:
51 "Immediately upon information of the death of a person within his county, under such

1 circumstances as call for an investigation as provided in § 130-198, the coroner shall notify the
2 Solicitor of the Superior Court and the medical examiner."

3 § 152-7(7) is amended by rewriting said subsection to read as follows: "(7) If an
4 inquest or preliminary hearing be ordered, to arrange for the examination of any and all
5 witnesses including those who may be offered by the county medical examiner."

6 § 152-7(9) is hereby rewritten to read as follows: "(9) To hold his inquiry where the
7 body of the deceased shall be or at any other place in the county, and the body of the deceased
8 need not be present at such hearing. The hearing may be adjourned to other times and places."

9 § 152-7(10) is hereby amended by rewriting the last sentence thereof to read as
10 follows: "The coroner shall file a copy of all written testimony given at the hearing with the
11 county medical examiner and with the Solicitor of the Superior Court."

12 **Sec. 7.** To effectuate the purposes of this Article, there is hereby appropriated to the
13 State Board of Health, from the General Fund of the State, the sum of forty-two thousand five
14 hundred dollars (\$42,500.00) for the fiscal year commencing July 1, 1967, and ending June 30,
15 1968, and the sum of forty-two thousand five hundred dollars (\$42,500.00) for the fiscal year
16 commencing July 1, 1968, and ending June 30, 1969.

17 **Sec. 8.** Chapter 152A, as the same appears in the 1965 Supplement to the 1964
18 Replacement Volume 3C of the General Statutes, and all laws and clauses of laws, including
19 local or special Acts, in conflict with this Act are hereby repealed on July 1, 1969.

20 **Sec. 9.** This Act shall become effective on January 1, 1968; provided, however, that
21 the appropriation provided for herein, for the purpose of employing personnel and making the
22 necessary preparation to effectuate the purposes of this Act by January 1, 1968, shall be
23 effective July 1, 1967.

24 In the General Assembly read three times and ratified, this the 6th day of July, 1967.