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1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**  
4 **By: Senators Scott and Keet**

# A Bill

**ACT 311 OF 1995**  
**SENATE BILL 90**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 20-18-601 PERTAINING TO THE  
9 REGISTRATION OF DEATH CERTIFICATES; TO AMEND ARKANSAS CODE  
10 12-12-315 RELATING TO NOTIFICATION OF THE COUNTY CORONER  
11 AND CHIEF LAW ENFORCEMENT OFFICER OF CERTAIN DEATHS; AND  
12 FOR OTHER PURPOSES."

### Subtitle

14 "CERTIFICATES AND ARKANSAS CODE 12-12-  
15 315 RELATING TO NOTIFICATION OF CORONER  
16 AND CHIEF LAW ENFORCEMENT OFFICER OF  
17 CERTAIN DEATHS."

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21 SECTION 1. Arkansas Code 20-18-601 is amended to read as follows:

22 "20-18-601. Registration generally.

23 (a) A death certificate for each death which occurs in this state shall  
24 be filed with the Division of Vital Records or as otherwise directed by the  
25 state registrar within ten (10) days after death or as prescribed by  
26 regulations of the board. It shall be registered if it has been completed and  
27 filed in accordance with this section.

28 (1) If the place of death is unknown but the body is found in this  
29 state, the death certificate shall be completed and filed in accordance with  
30 this section. The place where the body is found shall be shown as the place of  
31 death. If the date of death is unknown, it shall be determined by  
32 approximation.

33 (2) When death occurs in a moving conveyance in the United States and  
34 the body is first removed from the conveyance in this state, the death shall  
35 be registered in this state and the place where it is first removed shall be  
36 considered the place of death. When a death occurs on a moving conveyance

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1 while in international waters or air space or in a foreign country and the  
2 body is first removed from the conveyance in this state, the death shall be  
3 registered in this state but the certificate shall show the actual place of  
4 death insofar as can be determined.

5 (b) The funeral director or person acting as such who first assumes  
6 custody of the dead body shall file the death certificate. He shall obtain the  
7 personal data from the next of kin or the best qualified person or source  
8 available and shall obtain the medical certification from the person  
9 responsible therefor, as set forth below.

10 (c) The medical certification shall be completed, signed, and returned  
11 to the funeral director within two (2) business days after receipt of the  
12 death certificate by the physician in charge of the patient's care for the  
13 illness or condition which resulted in death, except when inquiry is required  
14 by § 12-12-315 or § 12-12-318.

15 (1) In the absence of the physician, or with his approval, the  
16 certificate may be completed and signed by his associate physician, the chief  
17 medical officer of the institution in which death occurred, by the pathologist  
18 who performed an autopsy upon the decedent, or by a registered nurse as  
19 provided in subdivision (c) (2), provided the individual has access to the  
20 medical history of the case, views the deceased at or after death, and death  
21 is due to natural causes.

22 (2) A registered nurse employed by the attending hospice may  
23 complete and sign the medical certification of death for a patient who is  
24 terminally ill, whose death is anticipated, who is receiving services from a  
25 hospice program certified under Arkansas Code § 20-7-117 and who dies in a  
26 hospice inpatient program or as a hospice patient in a nursing home.

27 (3) In the event the hospice patient dies in the home, the  
28 registered nurse may make pronouncement of death, however the county coroner  
29 and the chief law enforcement official of the county or municipality where  
30 death occurred must be immediately notified in accordance with Ark. Code  
31 Annotated, 12-12-315.

32 (4) The Arkansas Department of Health shall provide hospitals,  
33 nursing homes and hospices with the appropriate death certificate forms which  
34 will be made available to the attending physicians, coroners or other  
35 certifiers of death. When death occurs outside these health facilities, the

1 funeral home will provide the death certificate to the certifier.

2 (d) If the cause of death appears to be other than the illness or  
3 condition for which the deceased was being treated or if inquiry is required  
4 by either of the laws referred to in subsection (c) above, the case shall be  
5 referred to the Office of State Medical Examiner or county coroner for  
6 investigation to determine and certify the cause of death. If the state  
7 medical examiner or county coroner determines that the case does not fall  
8 within his jurisdiction, he shall within twenty-four (24) hours refer the case  
9 back to the physician for completion of the medical certification.

10 (e) When inquiry is required by either of the laws referred to in  
11 subsection (c) above, the state medical examiner or county coroner shall  
12 determine the cause of death and shall complete and sign the medical  
13 certification within forty-eight (48) hours after taking charge of the case.

14 (f) If the cause of death cannot be determined within forty-eight (48)  
15 hours after death, the medical certification shall be completed as provided by  
16 regulation. The attending physician or state medical examiner or county  
17 coroner shall give the funeral director, or person acting as such, notice of  
18 the reason for the delay, and final disposition of the body shall not be made  
19 until authorized by the attending physician or state medical examiner or  
20 county coroner.

21 (g) When a death is presumed to have occurred within this state but the  
22 body cannot be located, a death certificate may be prepared by the state  
23 registrar upon receipt of an order of a court of competent jurisdiction, which  
24 shall include the finding of facts required to complete the death certificate.  
25 Such a death certificate shall be marked Presumptive and shall show on its  
26 face the date of registration and shall identify the court and the date of the  
27 decree."

28 *SECTION 2. Arkansas Code 12-12-315 is amended to read as follows:*

29 *"12-12-315. Notification of certain deaths.*

30 (a) (1) *The county coroner and the chief law enforcement official of the*  
31 *county and municipality in which the death of a human being occurs shall be*  
32 *promptly notified by any physician, law enforcement officer, undertaker or*  
33 *embalmer, jailer or correction officer, or coroner, or by any other person*  
34 *present or with knowledge of the death, if:*

35 (A) *The death appears to be caused by violence or appears to be the*

1 result of a homicide or a suicide or to be accidental;

2 (B) The death appears to be the result of the presence of drugs or  
3 poisons in the body;

4 (C) The death appears to be a result of a motor vehicle accident, or  
5 the body was found in or near a roadway or railroad;

6 (D) The death appears to be a result of a motor vehicle accident and  
7 there is no obvious trauma to the body;

8 (E) The death occurs while the person is in a state mental institution  
9 or hospital and there is no previous medical history to explain the death, or  
10 while the person is in police custody, a jail, or penal institution;

11 (F) The death appears to be the result of a fire or explosion;

12 (G) The death of a minor child appears to indicate child abuse prior to  
13 death;

14 (H) Human skeletal remains are recovered;

15 (I) Postmortem decomposition exists to the extent that an external  
16 examination of the corpse cannot rule out injury, or where the circumstances  
17 of death cannot rule out the commission of a crime;

18 (J) The death appears to be the result of drowning;

19 (K) The death is of an infant or minor child in cases where there is no  
20 previous medical history to explain the death;

21 (L) The manner of death appears to be other than natural;

22 (M) The death is sudden and unexplained;

23 (N) The death occurs at a work site;

24 (O) The death is due to a criminal abortion;

25 (P) The death is of a person where a physician was not in attendance  
26 within thirty-six (36) hours preceding death, or, in prediagnosed terminal or  
27 bedfast cases, within thirty (30) days;

28 (Q) A person is admitted to a hospital emergency room unconscious and  
29 is unresponsive, with cardiopulmonary resuscitative measures being performed,  
30 and dies within twenty-four (24) hours of admission without regaining  
31 consciousness or responsiveness, unless a physician was in attendance within  
32 thirty-six (36) hours preceding presentation to the hospital, or, in cases in  
33 which the decedent had a prediagnosed terminal or bedfast condition, unless a  
34 physician was in attendance within thirty (30) days preceding presentation to  
35 the hospital; or



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