

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 327 Session of 2021

INTRODUCED BY J. WARD, ARGALL, BARTOLOTTA, PHILLIPS-HILL, REGAN, K. WARD, STEFANO, MARTIN, YAW, GORDNER, BROOKS, MENSCH, AUMENT, BAKER, MASTRIANO, HUTCHINSON, SCHWANK, PITTMAN AND BROWNE, MARCH 10, 2021

SENATOR DUSH, LOCAL GOVERNMENT, AS AMENDED, JUNE 15, 2021

AN ACT

1 Amending the act of August 9, 1955 (P.L.323, No.130), entitled
2 "An act relating to counties of the first, second class A,
3 third, fourth, fifth, sixth, seventh and eighth classes;
4 amending, revising, consolidating and changing the laws
5 relating thereto; relating to imposition of excise taxes by
6 counties, including authorizing imposition of an excise tax
7 on the rental of motor vehicles by counties of the first
8 class; and providing for regional renaissance initiatives,"
9 in coroner, further providing for coroner's investigation.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Section 1218-B of the act of August 9, 1955
13 (P.L.323, No.130), known as The County Code, is amended to read:
14 Section 1218-B. Coroner's investigation.

15 (a) Duty.--The [coroner having a view of the body] following
16 are circumstances of death which shall be reported to the
17 coroner by persons having actual knowledge of the death,
18 including, but not limited to, a health care facility, nursing
19 home, personal care home or physician, and the coroner shall
20 investigate the facts and circumstances concerning a death that

1 appears to have happened within the county, notwithstanding
2 where the cause of the death may have occurred, for the purpose
3 of determining whether or not an autopsy or inquest should be
4 conducted in the following cases:

5 (1) A sudden death not caused by a readily recognizable
6 disease or, if the cause of death cannot be properly
7 certified, by a physician on the basis of prior recent
8 medical attendance.

9 (2) A death occurring under suspicious circumstances,
10 including if alcohol, a drug or another toxic substance may
11 have had a direct bearing on the outcome.

12 (3) A death occurring as a result of violence or trauma,
13 whether apparently homicidal, suicidal or accidental,
14 including, but not limited to, a death due to mechanical,
15 thermal, chemical, electrical or radiational injury,
16 drowning, cave-in or subsidence.

17 (4) A death in which trauma, chemical injury, drug
18 overdose or reaction to a drug or medication or medical
19 treatment was a primary or secondary, direct or indirect,
20 contributory, aggravating or precipitating cause of death.

21 (5) A perioperative death in which the death is not
22 readily explainable on the basis of prior disease.

23 (6) A death in which the body is unidentified or
24 unclaimed.

25 (7) A death known or suspected to be due to contagious
26 disease, including any disease constituting a health disaster
27 emergency or pandemic, and constituting a public hazard.

28 (8) A death occurring in prison or a penal institution
29 or while in the custody of the police.

30 (9) A death of an individual whose body is to be

1 cremated, buried at sea or otherwise disposed of so as to be
2 unavailable for examination thereafter.

3 (10) A sudden and unexplained infant death.

4 (11) A stillbirth.

5 (b) Purpose.--The purpose of an investigation under
6 subsection (a) shall be to determine:

7 (1) The cause and manner of the death.

8 (2) Whether or not there is sufficient reason for the
9 coroner to believe that the death may have resulted from a
10 criminal act or criminal neglect of a person other than the
11 deceased.

12 (c) Requirements.--As part of an investigation under
13 subsection (a), the coroner shall determine the identity of the
14 deceased and notify the next of kin of the deceased.

15 (d) Data.--

16 (1) Where it is determined by the coroner to be
17 necessary to fulfill the statutory responsibilities of the
18 coroner's office, the Department of Health shall provide
19 electronic access to appropriate databases to the coroner
20 for:

21 (i) Information reportable under the act of April
22 23, 1956 (1955 P.L.1510, No.500), known as the Disease
23 Prevention and Control Law of 1955, for deaths known or
24 suspected to be due to a contagious disease constituting
25 a public health emergency or pandemic.

26 (ii) Death registry or death certificates.

27 (2) The Department of Health may not charge a fee to the
28 coroner for electronic access to data under this subsection
29 and may not require the coroner to obtain a subpoena.

30 (3) The coroner may not disclose, except in aggregate

1 form, a personally identifiable record of an individual's
2 medical, psychiatric or psychological history or disability
3 status, including:

4 (i) an evaluation, consultation, prescription,
5 diagnosis or treatment;

6 (ii) results of tests, including drug tests;

7 (iii) enrollment in a health care program or program
8 designed for participation by persons with disabilities,
9 including vocation rehabilitation, workers' compensation
10 and unemployment compensation; or

11 (iv) related information that would disclose
12 individually identifiable health information.

13 ~~(4) Paragraph (3) shall not apply to the disclosure of~~ <--
14 ~~necessary information:~~

15 ~~(i) to law enforcement, a probation office, the~~
16 ~~judiciary, and a governmental entity with a demonstrated~~
17 ~~need for the information; or~~

18 ~~(ii) if the next of kin of an individual has~~
19 ~~provided written authorization for disclosure of the~~
20 ~~information.~~

21 (4) PARAGRAPH (3) SHALL NOT APPLY TO: <--

22 (I) THE DISCLOSURE OF NECESSARY INFORMATION:

23 (A) TO LAW ENFORCEMENT, A PROBATION OFFICE, THE
24 JUDICIARY AND A GOVERNMENTAL ENTITY WITH A
25 DEMONSTRATED NEED FOR THE INFORMATION; OR

26 (B) IF THE NEXT OF KIN OF AN INDIVIDUAL HAS
27 PROVIDED WRITTEN AUTHORIZATION FOR DISCLOSURE OF THE
28 INFORMATION;

29 (II) THE NAME, CAUSE AND MANNER OF DEATH PURSUANT TO
30 THE ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS THE

1 RIGHT-TO-KNOW LAW; OR

2 (III) SECTION 1236-B.

3 Section 2. This act shall take effect immediately.