



2023-2024 General Assembly

# HOUSE BILL 259: 2023 Appropriations Act, Sec. 9H.8: Autopsy Requirement in Suspected Death by Distribution Cases; Increased Autopsy Fees; Funding to Increase the Autopsy Capacity of the Medical Examiner System; Strategic Plan for Improving the Medical Examiner System; Annual Autopsy Centers Report

**Committee:**  
**Introduced by:**  
**Analysis of:** Sec. 9H.8 of S.L. 2023-134

**Date:** December 15, 2023  
**Prepared by:** Jessica Boney  
Staff Attorney

**OVERVIEW:** Section 9H.8(a) of S.L. 2023-134 repeals the autopsy law changes (G.S. 130A-389) enacted by Section 5 of S.L. 2023-123 (SB 189).

Section 9H.8(b) amends the autopsy law (G.S. 130A-389) to add a requirement for the Chief Medical Examiner, or designee, to perform an autopsy or other study in any case in which the district attorney of the county asserts there is a probable cause to believe a violation the death by distribution law (G.S.14-18.4) has occurred. This section became effective December 1, 2023, and applies to medical examiner cases arising on or after that date.

Section 9H.8(c) amends the law (G.S. 130A-389) to increase the autopsy fees from \$2,800 to \$5,800, with the county where the deceased resided to pay \$3,625, and the State paying the remaining \$2,175, unless the death occurred outside the deceased's county, in which case the State pays the entire fee of \$5,800. This section became effective July 1, 2024.

Section 9H.8(d) allocates \$2 million in recurring funds for the 2023-2024 fiscal year and \$2 million in recurring funds for the 2024-2025 fiscal from the funds appropriated to the Office of the Chief Medical Examiner (OCME), Division of Public Health (DPH), Department of Health and Human Services (DHHS), to be used to increase the capacity of the medical examiner system to perform autopsies.

Section 9H.8(e)-(f) requires OCME to develop and submit a strategic plan for improving the operation and efficiency of the State's medical examiner system. The report must be submitted by March 1, 2024, to the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal Research Division. The strategic plan must include an evaluation and recommendations for any proposed reorganization of the medical examiner system, necessary legislative changes, an explanation of obstacles, a long-term plan for the establishment of additional regional autopsy centers, and recruitment strategies. OCME must collaborate with industry representatives in developing the strategic plan.

Section 9H.8(g) directs OCME to submit an annual report with specified information beginning February 1, 2024, to the Joint Legislative Oversight Committee on Health and Human Services and the

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*Fiscal Research Division on the autopsy centers and regional autopsy centers within the North Carolina medical examiner system. The report must include:*

- *The total number of death investigation toxicology screenings and autopsies, by center.*
- *The number of death investigation toxicology screening and autopsies performed by the center as a result of a district attorney request.*
- *The total number of outstanding autopsies to be completed by the center on the report date.*
- *Beginning with the February 1, 2025, report, an analysis of the newly established autopsy fee.*

*Except as otherwise provided, this section became effective July 1, 2023.*