



2021 SENATE BILL 145

February 24, 2021 - Introduced by Senators BEWLEY, AGARD, CARPENTER, ERPENBACH, JOHNSON, LARSON, PFAFF, RINGHAND, ROYS, SMITH and WIRCH, cosponsored by Representatives HINTZ, ANDERSON, ANDRACA, BALDEH, BILLINGS, BOWEN, BROSTOFF, CABRERA, CONLEY, CONSIDINE, DOYLE, DRAKE, EMERSON, GOYKE, HAYWOOD, HEBL, HESSELBEIN, HONG, MCGUIRE, B. MEYERS, MILROY, MOORE OMOKUNDE, L. MYERS, NEUBAUER, OHNSTAD, ORTIZ-VELEZ, POPE, RIEMER, S. RODRIGUEZ, SHANKLAND, SHELTON, SINICKI, SNODGRASS, SPREITZER, STUBBS, SUBECK, VINING and VRUWINK. Referred to Committee on Government Operations, Legal Review and Consumer Protection.

1 **AN ACT relating to:** autopsies and cremation of bodies of persons who died of
2 COVID-19.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

Death of an inmate

Under current law, if an individual dies while he or she is in the legal custody of the Department of Corrections and confined to a correctional facility located in this state, an autopsy on the deceased individual must be performed. Under this bill, until the conclusion of a national emergency declared by the U.S. president under 50 USC 1621 in response to the 2019 novel coronavirus, if an individual who has been diagnosed with COVID-19 dies, the coroner or medical examiner may perform a limited examination of the deceased individual instead of a full autopsy, which may include an external examination of the body of the deceased individual, a review of the deceased individual's medical records, or a review of the deceased individual's radiographs. These changes were enacted in 2019 Wisconsin Act 185 but applied only during the state of emergency related to public health declared on March 12, 2020.

HEALTH AND HUMAN SERVICES

Cremation permits and electronic signature of death certificates

Under current law, a coroner or medical examiner must view the corpse of a deceased person before issuing a cremation permit, and the corpse may not be cremated within 48 hours after the death unless the death was caused by a

SENATE BILL 145

contagious or infectious disease. Under this bill, until the conclusion of a national emergency declared by the U.S. president under 50 USC 1621 in response to the 2019 novel coronavirus, if a physician, coroner, or medical examiner has signed the death certificate of a deceased person and listed COVID-19 as the cause of death, a coroner or medical examiner must issue a cremation permit without viewing the corpse of a deceased person and a coroner or medical examiner must issue the permit within 48 hours after the time of death. The bill also requires that if the underlying cause of a death is determined to be COVID-19, the person required to sign the death certificate shall provide an electronic signature on the death certificate within 48 hours after the death occurs. These changes to the requirements were enacted in 2019 Wisconsin Act 185, but applied only during the state of emergency related to public health declared on March 12, 2020.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1. Nonstatutory provisions.**

2 (1) AUTOPSIES AND CREMATION OF BODIES OF PERSONS WHO DIED OF COVID-19.

3 (a) *Definition.* In this subsection, "COVID-19" means an infection caused by
4 the SARS-CoV-2 coronavirus.

5 (b) *Viewing of a corpse to be cremated following death from COVID-19.*

6 Notwithstanding s. 979.10 (1) (b), until the conclusion of a national emergency
7 declared by the U.S. president under 50 USC 1621 in response to the 2019 novel
8 coronavirus, if any physician, coroner, or medical examiner has signed the death
9 certificate of a deceased person and listed COVID-19 as the underlying cause of
10 death, a coroner or medical examiner shall issue a cremation permit to cremate the
11 corpse of that deceased person without viewing the corpse.

12 (c) *Time for cremation of a person who has died of COVID-19.* Notwithstanding
13 s. 979.10 (1) (a) (intro.), until the conclusion of a national emergency declared by the
14 U.S. president under 50 USC 1621 in response to the 2019 novel coronavirus, a

SENATE BILL 145

1 coroner or medical examiner shall issue, within 48 hours after the time of death, a
2 cremation permit for the cremation of a corpse of a deceased person.

3 (d) *Examination of the body of an inmate who has died of COVID-19.*
4 Notwithstanding s. 979.025, until the conclusion of a national emergency declared
5 by the U.S. president under 50 USC 1621 in response to the 2019 novel coronavirus,
6 if an individual who has been diagnosed with COVID-19 dies while he or she is in
7 the legal custody of the department of corrections and confined to a correctional
8 facility located in this state, the coroner or medical examiner may perform a limited
9 examination of the deceased individual instead of a full autopsy, which may include
10 an external examination of the body of the deceased individual, a review of the
11 deceased individual's medical records, or a review of the deceased individual's
12 radiographs.

13 (e) *Requiring electronic signature on death certificates with 48 hours if death*
14 *is caused by COVID-19.* Notwithstanding s. 69.18 or any other requirements to the
15 contrary, until the conclusion of a national emergency declared by the U.S. president
16 under 50 USC 1621 in response to the 2019 novel coronavirus, if the underlying cause
17 of a death is determined to be COVID-19, the person required to sign the death
18 certificate shall provide an electronic signature on the death certificate within 48
19 hours after the death occurs.

20 (END)