

HB71 INTRODUCED



1 HB71
2 I3PISZ6-1
3 By Representative England
4 RFD: Judiciary
5 First Read: 13-Jan-26
6 PFD: 02-Dec-25



SYNOPSIS:

Under existing law, a medical examiner is required to notify the next of kin if he or she retains the organ or organs of a deceased individual to determine identification or the cause or manner of death.

Under existing law, a medical examiner may not retain a deceased individual's organ or organs for any reason other than to determine identification or cause or manner of death without notification and approval by the next of kin.

This bill would provide that a medical examiner commits a Class C felony if he or she retains a deceased individual's organ or organs without the notification and consent of the next of kin in certain circumstances.

A BILL
TO BE ENTITLED
AN ACT

Relating to crimes and offenses; to amend Section 22-19-85, Code of Alabama 1975; to provide criminal penalties if a medical examiner retains a deceased individual's organ or



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organs without proper notice and consent from the next of kin in certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 22-19-85, Code of Alabama 1975, is amended to read as follows:

"§22-19-85

(a) Unless directed otherwise by the Governor, the Attorney General, a district attorney, or an order of a circuit court judge, a medical examiner performing his or her duties in any county in this state ~~as provided under existing law~~, including a medical examiner employed by the Department of Forensic Sciences, shall notify the next of kin, through the appropriate law enforcement agency, when retaining a deceased ~~person's~~ individual's entire organ or organs for additional testing that is required to determine identification or the cause or manner of death.

(b) A medical examiner performing his or her duties in any county in this state ~~as provided under existing law~~, including a medical examiner employed by the Department of Forensic Sciences, ~~is prohibited from retaining~~ shall not retain a deceased ~~person's~~ individual's entire organ or organs for research or any other purpose not in conjunction with a determination of identification or cause or manner of death without notification to, and approval by, the appropriate next of kin.

(c) A violation of this section is a Class C felony."

Section 2. This act shall become effective on October 1, 2026.