

SENATE BILL NO. 118—SENATOR NOLAN

FEBRUARY 22, 2005

JOINT SPONSOR: ASSEMBLYMAN ATKINSON

Referred to Committee on Judiciary

SUMMARY—Makes various changes concerning county coroners.
(BDR 40-747)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to county coroners; increasing the fee to obtain a certified copy of a death certificate to provide financial support for the offices of the county coroners; authorizing county coroners to use the money generated by the fee; requiring a pharmacist to divulge certain prescription information to a county coroner, medical examiner or investigator employed by an office of the county coroner under certain circumstances; continuing the authority of juvenile courts to conduct programs of visitation of delinquent children to the offices of county coroners; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Registrar of Vital Statistics and Clark County and Washoe County District Health Officers may issue certified copies of death certificates. (NRS 440.650; NAC 440.070) Existing law establishes a fee of \$10 for certified copies issued by the State Registrar. (NRS 440.700)

This bill provides for an additional \$1 fee to be charged for a certified copy of a death certificate issued by a district health officer. In addition, this bill increases by \$1 the fee charged for a certified copy of a death certificate issued by the State Registrar. This bill further requires that the money collected from these fees be remitted to the county treasurer of the county in which the certificate originates for deposit to a separate account created in the county general fund. In a county in which the office of the county coroner is created by ordinance, the money in the account must be used by the county coroner to support youth programs, train staff and purchase equipment. In a county that constitutes a coroner's district, the money



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14 in the account must be transferred to a county in which the office of the county
15 coroner is created by ordinance and must be used to pay training expenses in the
16 county from which the money was transferred. Any money remaining in the
17 account at the end of each fiscal year does not revert to the county general fund and
18 must be carried forward to the next fiscal year.

19 Under existing law, a pharmacist may only divulge the contents or provide a
20 copy of a prescription under limited circumstances. (NRS 639.238)

21 This bill authorizes a pharmacist to release the contents of a prescription to a
22 county coroner, medical examiner or investigator employed by a county coroner in
23 order to identify a deceased person, determine cause of death or perform other
24 authorized duties.

25 Existing law authorizes a juvenile court to establish a county coroner visitation
26 program. The program must include a visit to the office of the county coroner and a
27 course that instructs the child on the consequences of his actions and creates an
28 awareness of his mortality. (NRS 62E.720) Under existing law, the program is set
29 to expire on October 1, 2005. (Section 384 of Chapter 206, Statutes of Nevada
30 2003, at page 1162)

31 This bill repeals the expiration of that provision thereby continuing the county
32 coroner visitation program.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 440 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. A district health officer who provides a certified copy of a*
4 *record of death shall charge and collect, in addition to any other*
5 *fee therefor, the sum of \$1 for the support of the office of the*
6 *county coroner created pursuant to NRS 244.163.*

7 *2. The district health officer shall remit the money collected*
8 *pursuant to this section to the county treasurer of the county in*
9 *which the certificate originates for credit to the account for the*
10 *support of the office of the county coroner created pursuant to*
11 *section 5 of this act.*

12 **Sec. 2.** NRS 440.690 is hereby amended to read as follows:

13 440.690 1. The State Registrar shall keep a true and correct
14 account of all fees received under this chapter.

15 2. The money collected pursuant to subsection 2 of NRS
16 440.700 must be remitted by the State Registrar to the State
17 Treasurer for credit to the Children's Trust Account. The money
18 collected pursuant to subsection 3 of NRS 440.700 must be remitted
19 by the State Registrar to the State Treasurer for credit to the Review
20 of Death of Children Account. *The money collected pursuant to*
21 *subsection 4 of NRS 440.700 must be remitted by the State*
22 *Registrar to the county treasurers of the various counties for credit*
23 *to accounts for the support of the offices of the county coroners*
24 *created pursuant to section 5 of this act.* Any other proceeds
25 accruing to the State of Nevada under the provisions of this chapter



1 must be forwarded to the State Treasurer for deposit in the State
2 General Fund.

3 3. Upon the approval of the State Board of Examiners and
4 pursuant to its regulations, the Health Division may maintain an
5 account in a bank or credit union for the purpose of refunding
6 overpayments of fees for vital statistics.

7 **Sec. 3.** NRS 440.700 is hereby amended to read as follows:

8 440.700 1. The State Registrar shall charge and collect the
9 following fees:

10		
11	For searching the files for one name, if no copy is	
12	made.....	\$8
13	For verifying a vital record	8
14	For establishing and filing a record of paternity	
15	(other than a hospital-based paternity), and	
16	providing a certified copy of the new record.....	20
17	For a certified copy of a record of birth.....	13
18	For a certified copy of a record of death.....	10 11
19	For correcting a record on file with the State	
20	Registrar and providing a certified copy of the	
21	corrected record	20
22	For replacing a record on file with the State	
23	Registrar and providing a certified copy of the	
24	new record.....	20
25	For filing a delayed certificate of birth and	
26	providing a certified copy of the certificate.....	20
27	For the services of a Notary Public, provided by the	
28	State Registrar.....	2
29	For an index of records of marriage provided on	
30	microfiche to a person other than a county	
31	recorder of a county of this State.....	200
32	For an index of records of divorce provided on	
33	microfiche to a person other than a county	
34	recorder of a county in this State	100
35	For compiling data files which require specific	
36	changes in computer programming.....	200
37		

38 2. The fee collected for furnishing a copy of a certificate of
39 birth or death includes the sum of \$3 for credit to the Children's
40 Trust Account.

41 3. The fee collected for furnishing a copy of a certificate of
42 death includes the sum of \$1 for credit to the Review of Death of
43 Children Account.

44 4. *The fee collected for furnishing a copy of a certificate of*
45 *death includes the sum of \$1 for credit to the account for the*



1 *support of the office of the county coroner of the county in which*
2 *the certificate originates.*

3 5. Upon the request of any parent or guardian, the State
4 Registrar shall supply, without the payment of a fee, a certificate
5 limited to a statement as to the date of birth of any child as disclosed
6 by the record of such birth when the certificate is necessary for
7 admission to school or for securing employment.

8 ~~5.1~~ 6. The United States Bureau of the Census may obtain,
9 without expense to the State, transcripts or certified copies of births
10 and deaths without payment of a fee.

11 **Sec. 4.** NRS 244.163 is hereby amended to read as follows:

12 244.163 1. The boards of county commissioners in their
13 respective counties may create by ordinance the office of *the* county
14 coroner, prescribe his qualifications and duties and make
15 appointments to the office.

16 2. Any coroner so appointed is governed by the ordinances
17 pertaining to such office which may be enacted by the board of
18 county commissioners, and the provisions of NRS 259.150 to
19 259.180, inclusive ~~H~~, *and section 5 of this act.*

20 3. The boards of county commissioners shall require that the
21 county coroner notify a decedent's next of kin without unreasonable
22 delay.

23 4. For any offense relating to the violation or willful disregard
24 of such duties or trusts of office as may be specified by the
25 respective boards of county commissioners, all coroners holding
26 office by appointment pursuant to this section are subject to such
27 fines and criminal penalties, including misdemeanor penalties and
28 removal from office by indictment, accusation or otherwise, as the
29 ordinance prescribes. This subsection applies to all deputies, agents,
30 employees and other persons employed by or exercising the powers
31 and functions of the coroner.

32 **Sec. 5.** Chapter 259 of NRS is hereby amended by adding
33 thereto a new section to read as follows:

34 1. *The board of county commissioners of each county shall*
35 *create in the county general fund an account for the support of the*
36 *office of the county coroner. The county treasurer shall deposit in*
37 *that account the money received from:*

38 (a) *The State Registrar of Vital Statistics pursuant to NRS*
39 *440.690; and*

40 (b) *A district health officer pursuant to section 1 of this act.*

41 2. *The money in the account must be accounted for*
42 *separately and not as a part of any other account.*

43 3. *The interest and income earned on the money in the*
44 *account, after deducting any applicable charges, must be credited*
45 *to the account.*



1 4. *Claims against the account must be paid as other claims*
2 *against the county are paid.*

3 5. *Except as otherwise provided in subsection 8, the county*
4 *coroner may use the money in the account to pay expenses*
5 *relating to:*

6 (a) *A youth program involving the office of the county*
7 *coroner, including, without limitation, a program of visitation*
8 *established pursuant to NRS 62E.720;*

9 (b) *Training for a member of the staff of the office of the*
10 *county coroner;*

11 (c) *Training an ex officio coroner and his deputies on the*
12 *investigation of deaths; and*

13 (d) *The purchase of specialized equipment for the office of the*
14 *county coroner.*

15 6. *Any money remaining in the account at the end of any*
16 *fiscal year does not revert to the county general fund and must be*
17 *carried forward to the next fiscal year.*

18 7. *Before the end of each fiscal year:*

19 (a) *The board of county commissioners of each county that*
20 *constitutes a coroner's district pursuant to NRS 259.010 shall*
21 *designate the office of a county coroner created pursuant to NRS*
22 *244.163 to receive the money in the account.*

23 (b) *The county treasurer of each county that constitutes a*
24 *coroner's district pursuant to NRS 259.010 shall transfer all*
25 *money in the account to the county treasurer of the county in*
26 *which the office of the county coroner designated pursuant to*
27 *paragraph (a) is established.*

28 (c) *The county treasurer of the county in which the office of*
29 *the county coroner designated pursuant to paragraph (a) is*
30 *established shall:*

31 (1) *Deposit all the money received pursuant to paragraph*
32 *(b) into the account created in that county pursuant to subsection*
33 *1; and*

34 (2) *Account for the money received from each county in*
35 *separate subaccounts.*

36 8. *The office of the county coroner designated to receive*
37 *money pursuant to subsection 7 may only use the money in each*
38 *subaccount and any interest attributable to that money to pay*
39 *expenses which are incurred in the county from which the money*
40 *was transferred and which relate to the training of an ex officio*
41 *coroner and his deputies on the investigation of deaths.*

42 **Sec. 6.** NRS 259.010 is hereby amended to read as follows:

43 259.010 1. Every county in this State constitutes a coroner's
44 district, except a county where a coroner is appointed pursuant to
45 the provisions of NRS 244.163.



2. The provisions of this chapter, except NRS 259.150 to 259.180, inclusive, *and section 5 of this act* do not apply to any county where a coroner is appointed pursuant to the provisions of NRS 244.163.

Sec. 7. NRS 639.238 is hereby amended to read as follows:

639.238 1. Prescriptions filled and on file in a pharmacy are not a public record. A pharmacist shall not divulge the contents of any prescription or provide a copy of any prescription, except to:

- (a) The patient for whom the original prescription was issued;
- (b) The practitioner who originally issued the prescription;
- (c) A practitioner who is then treating the patient;
- (d) A member, inspector or investigator of the Board or an inspector of the Food and Drug Administration or an agent of the Investigation Division of the Department of Public Safety;
- (e) An agency of state government charged with the responsibility of providing medical care for the patient;
- (f) An insurance carrier, on receipt of written authorization signed by the patient or his legal guardian, authorizing the release of such information;

(g) Any person authorized by an order of a district court;

(h) Any member, inspector or investigator of a professional licensing board which licenses a practitioner who orders prescriptions filled at the pharmacy;

(i) Other registered pharmacists for the limited purpose of and to the extent necessary for the exchange of information relating to persons who are suspected of:

(1) Misusing prescriptions to obtain excessive amounts of drugs; or

(2) Failing to use a drug in conformity with the directions for its use or taking a drug in combination with other drugs in a manner that could result in injury to that person; or

(j) A peace officer employed by a local government for the limited purpose of and to the extent necessary:

(1) For the investigation of an alleged crime reported by an employee of the pharmacy where the crime was committed; or

(2) To carry out a search warrant or subpoena issued pursuant to a court order.

(k) A county coroner, medical examiner or investigator employed by an office of a county coroner for the purpose of:

(1) Identifying a deceased person;

(2) Determining a cause of death; or

(3) Performing other duties authorized by law.

2. *Any copy of a prescription for a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is issued to a county coroner, medical examiner or investigator employed by*



1 *an office of a county coroner must be limited to a copy of the*
2 *prescription filled or on file for:*

3 (a) *The person whose name is on the container of the*
4 *controlled substance or dangerous drug that is found on or near*
5 *the body of a deceased person; or*

6 (b) *The deceased person whose cause of death is being*
7 *determined.*

8 3. Any copy of a prescription for a controlled substance or a
9 dangerous drug as defined in chapter 454 of NRS, issued to a person
10 authorized by this section to receive such a copy, must contain all of
11 the information appearing on the original prescription and be clearly
12 marked on its face "Copy, Not Refillable—For Reference Purposes
13 Only." The copy must bear the name or initials of the registered
14 pharmacist who prepared the copy.

15 ~~[3.]~~ 4. If a copy of a prescription for any controlled substance
16 or a dangerous drug as defined in chapter 454 of NRS is furnished to
17 the customer, the original prescription must be voided and notations
18 made thereon showing the date and the name of the person to whom
19 the copy was furnished.

20 ~~[4.]~~ 5. If, at the express request of a customer, a copy of a
21 prescription for any controlled substance or dangerous drug is
22 furnished to another pharmacist, the original prescription must be
23 voided and notations made thereon showing the date and the name
24 of the pharmacist to whom the copy was furnished. The pharmacist
25 receiving the copy shall call the prescribing practitioner for a new
26 prescription.

27 ~~[5.]~~ 6. As used in this section, "peace officer" does not include:

28 (a) A member of the Police Department of the University and
29 Community College System of Nevada.

30 (b) A school police officer who is appointed or employed
31 pursuant to NRS 391.100.

32 **Sec. 8.** Section 384 of chapter 206, Statutes of Nevada 2003,
33 at page 1162, is hereby amended to read as follows:

34 Sec. 384. 1. This section and sections 1 to 324,
35 inclusive, and 326 to 383, inclusive, of this act become
36 effective on January 1, 2004.

37 2. ~~[Section 164 of this act expires by limitation on~~
38 ~~October 1, 2005.]~~

39 ~~—3.]~~ Section 324 of this act expires by limitation on
40 June 30, 2009.

41 ~~[4.]~~ 3. Section 325 of this act becomes effective on
42 July 1, 2009.



