

2018 Regular Session

SENATE BILL NO. 81

BY SENATOR CLAITOR

CORONERS. Authorizes the coroner to obtain blood, urine, or other biological fluids or samples relevant to an investigation. (8/1/18)

1 AN ACT

2 To enact R.S. 13:3734(H), relative to coroners; to provide relative to coroners'
3 investigations; to provide relative to certain biological fluids or samples; to provide
4 relative to the release of biological fluids or samples to coroners; to provide relative
5 to custodians of records; to provide relative to liability; to provide for exceptions;
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:3734(H) is hereby enacted to read as follows:

9 §3734. Privileged communication between health care provider and patient

10 * * *

11 **H. Notwithstanding any provision of law to the contrary, when**
12 **conducting any investigation, the coroner or his authorized agents or employees**
13 **may obtain any blood, urine, or other biological fluids or samples which he**
14 **deems relevant to the investigation. Such blood, urine, or other biological fluids**
15 **or samples may be made available to him by the custodian thereof without the**
16 **necessity of authorization, subpoena, or court order. No health care provider,**
17 **custodian of records, or officer, employee, or agent thereof shall be held civilly**

1 **or criminally liable for the release of a patient's blood, urine, or other biological**
2 **fluids or samples, including any communication defined herein, when that**
3 **disclosure is made pursuant to a request by the coroner or his authorized agents**
4 **or employees.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Ashley E. Menou.

DIGEST

SB 81 Engrossed

2018 Regular Session

Claitor

Present law allows a coroner to review any medical or dental record relevant to an investigation without authorization, subpoena, or court order.

Proposed law retains present law.

Present law provides that no health care provider or custodian of records shall be held civilly or criminally liable for disclosing medical or dental records to a requesting coroner.

Proposed law retains present law.

Proposed law allows a coroner to obtain blood, urine, or other biological fluids or samples relevant to an investigation without authorization, subpoena, or court order.

Proposed law provides that no health care provider or custodian of records shall be held civilly or criminally liable for releasing blood, urine, or other biological fluids or samples to a requesting coroner.

Effective August 1, 2018.

(Adds R.S. 13:3734(H))