

Senate Bill 582

By: Senators Williams of the 25th and Albers of the 56th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 16 of Title 45 of the Official Code of Georgia Annotated, relating to  
2 coroners, so as to authorize the pronouncement of death by paramedics and emergency  
3 medical technicians; to amend Code Section 31-10-16 of the Official Code of Georgia  
4 Annotated, relating to criteria for pronouncing death and immunity from liability, so as to  
5 make a conforming change; to provide for related matters; to repeal conflicting laws; and for  
6 other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 16 of Title 45 of the Official Code of Georgia Annotated, relating to coroners, is  
10 amended by revising subsection (a) of Code Section 45-16-23, relating to delegation of  
11 power by coroner or county medical examiner and qualifications of those authorized to  
12 perform examinations, as follows:

13 "(a)(1) Notwithstanding any other provision of this chapter, any coroner or county  
14 medical examiner may delegate to a local medical examiner, forensic consultant, or  
15 medical examiner's investigator the power to perform those duties of such coroner or  
16 medical examiner specified in this article if the person to whom such power is thus  
17 delegated meets the applicable requirements of this Code section for the performance of

18 such duties, but the performance of those delegated duties shall not in any manner  
19 infringe upon or diminish the authority of the peace officer in charge at the scene of the  
20 crime.

21 (2) Notwithstanding any other provision of this chapter, in cases of death resulting from  
22 an accident upon an interstate highway or limited-access road as such terms are defined  
23 in Code Section 32-1-3, any coroner or county medical examiner may delegate to medical  
24 personnel otherwise qualified to meet the requirements of this article the power to  
25 perform those duties of such coroner or county medical examiner specified in this article.  
26 The delegation provided for in this paragraph shall occur only when the accident results  
27 in a significant disruption to the flow of traffic upon the interstate highway or  
28 limited-access road.

29 (3) A paramedic or emergency medical technician, as such terms are defined in Code  
30 Section 31-11-2, shall be authorized to make a pronouncement of death only in cases  
31 when authorization to make such pronouncement of death has been delegated by a  
32 coroner or medical examiner.

33 (4) A person who acts in good faith in accordance with the provisions of this subsection  
34 shall not be liable for damages in any civil action or subject to prosecution in any  
35 criminal proceeding for such act."

36 **SECTION 2.**

37 Code Section 31-10-16 of the Official Code of Georgia Annotated, relating to criteria for  
38 pronouncing death and immunity from liability, is amended as follows:

39 "31-10-16.

40 (a) A person may be pronounced dead by a qualified physician, by a registered  
41 professional nurse or nurse practitioner authorized to make a pronouncement of death  
42 under Code Section 31-7-16 or 31-7-176.1, by an advanced practice registered nurse  
43 authorized to make a pronouncement of death under subsection (o) of Code

44 Section 43-34-25, ~~or~~ by a physician assistant authorized to make a pronouncement of death  
45 under Code Section 31-7-16 or 31-7-176.1 or subsection (j) of Code Section 43-34-103,  
46 or by a paramedic or emergency medical technician authorized to make a pronouncement  
47 of death under Code Section 45-16-23 if it is determined that the individual has sustained  
48 ~~either (1) irreversible cessation of circulatory and respiratory function or (2) irreversible~~  
49 ~~cessation of all functions of the entire brain, including the brain stem.~~

50 (b) A person who acts in good faith in accordance with the provisions of subsection (a) of  
51 this Code section shall not be liable for damages in any civil action or subject to  
52 prosecution in any criminal proceeding for such act.

53 (c) The criteria for determining death authorized in subsection (a) of this Code section  
54 shall be cumulative to and shall not prohibit the use of other medically recognized criteria  
55 for determining death."

56

### SECTION 3.

57 All laws and parts of laws in conflict with this Act are repealed.