

No. 2004-141

## AN ACT

HB 2430

Amending the act of June 29, 1953 (P.L.304, No.66), entitled "An act providing for the administration of a statewide system of vital statistics; prescribing the functions of the State Department of Health, the State Advisory Health Board and local registrars; imposing duties upon coroners, prothonotaries, clerks of orphans' court, physicians, midwives and other persons; requiring reports and certificates for the registration of vital statistics; regulating the disposition of dead bodies; limiting the disclosure of records; prescribing the sufficiency of vital statistics records as evidence; prescribing fees and penalties; and revising and consolidating the laws relating thereto," providing for unidentified dead bodies and fetal remains.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, is amended by adding a section to read:

**Section 506.1. Death and Fetal Death Registration: Unidentified Dead Bodies and Fetal Remains.—(a) Notwithstanding any other provision of law to the contrary, no certificate of death or fetal death shall be issued in this Commonwealth if the body or fetal remains have not been positively identified unless the person issuing the certificate of death first obtains a DNA sample and submits the same to the Pennsylvania State Police for storage, for forensic DNA analysis, including nuclear and mitochondrial DNA typing, and for inclusion in any appropriate DNA database, in accordance with established Pennsylvania State Police policies and procedures. A person submitting a DNA sample to the Pennsylvania State Police pursuant to this section shall immediately notify the Pennsylvania State Police when any previously unidentified body or fetal remains are positively identified. The Pennsylvania State Police shall immediately notify the person submitting a DNA sample pursuant to this section when any identification is made following submission of the sample. The Pennsylvania State Police shall not charge any fees for receiving, storing or analyzing a DNA sample submitted pursuant to this section. The Pennsylvania State Police shall establish policies and procedures to implement the requirements of this section.**

**(b) This section does not:**

**(1) relieve a coroner or medical examiner of the requirements of 18 Pa.C.S. § 2908(a.1) (relating to missing children); or**

**(2) authorize a coroner or medical examiner to dispense with normal investigative procedures to determine the identity of a body or fetal remains.**

*(c) As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:*

*“DNA” means deoxyribonucleic acid. DNA is located in the cells and provides an individual’s personal genetic blueprint. DNA encodes genetic information that is the basis of human heredity and forensic identification.*

*“DNA sample” means a blood, skeletal or tissue sample obtained by a coroner or medical examiner from an unidentified dead body or from fetal remains as required by this section for analysis or storage, or both.*

Section 2. This act shall take effect in 60 days.

APPROVED—The 23rd day of November, A.D. 2004.

EDWARD G. RENDELL