Mr. Ross Flummerfelt, Chairman  
Indiana State Board of Embalmers & Funeral Directors  
406 South Harrison Street  
Shelbyville, Indiana

Dear Sir:

Your letter has been received and reads as follows:

"There has been much misunderstanding between funeral directors and coroner authority and relationship in Indiana, and the state board is in the middle on many instances. Please give the board an official opinion on the following questions:

"1. Does the county coroner have any authority to order or direct a funeral director or funeral firm to embalm any dead human body?

"2. How far does the authority of a county coroner extend in ordering dead human bodies taken to certain funeral directors or funeral firms?

"3. Has the county coroner any authority to hold an autopsy on a dead human body, death due to natural cause, when asked to do so by any hospital when the next of kin of the deceased has refused to give the hospital authority to perform such autopsy?"

In 1946 O. A. G., page 187, No. 55, the entire background of your question is fully considered. While the particular question then involved was the related duties between the county coroner and the health officer in determining the cause of death and who issued the death certificate, it was required to consider the official functions of the office of county coroner and to set out the relative statutes, as well as the duties of health officers and funeral directors. It is therein stated that in no case does the county coroner issue a death certificate for burial purposes as that is the function of the health officer. While the statutes governing the health officers have been codified, said statutes are identical with the codification and are found in the Acts of 1949, Ch. 157, as found in Burns' Indiana Statutes (1949 Repl.), Sections 35-1901 to 35-1911.
In the above Official Opinion it is determined that the county coroner has no jurisdiction to hold an autopsy except where he has reason to believe that death was caused by violence or casualty. The statutory authority is found in 2 R. S. 1852, Ch. 7, Sections 4, 10, 11, as amended, as found in Burns' Indiana Statutes (1951 Repl.), Sections 49-2904, 49-2908 and 49-2909 respectively.

Under the above statute the coroner is required to make an investigation of each death where he has reasonable cause to believe the same may have been caused by violence or casualty. In no other case does he have any jurisdiction in such matters. In such case he may require an autopsy where the factual circumstances and surroundings indicate to him that the same would materially assist him in his inquest, which inquest he is authorized to hold in such cases. He does not bury the body nor does he in any case issue the death certificate for burial purposes.

In connection with the foregoing it is only natural that should there be an automobile fatality on the highway that the coroner would be called and would have a right to the possession of said body for a limited reasonable time to ascertain the facts and circumstances surrounding such violent death. Any autopsy he would order in such a case must be for a reasonable cause in view of the situation. This would in my opinion entitle him to cause the body to be removed from the highway to some funeral director's establishment if for no other reason than to remove the body from the highway. It would also afford him a better opportunity to make his examination and determination.

In the foregoing respects the coroner acts entirely as an agency of the state in the enforcement of its criminal laws and as such he has no right, authority or power to dictate as to funeral arrangements, which would include embalming.

It is further to be observed that in the Acts of 1903, Ch. 31, Sec. 2, as found in Burns' Indiana Statutes (1951 Repl.), Section 63-602, neither the State Anatomical Board, nor any public officer or agent of the state, or any political subdivision, is entitled to interfere with the rights of the nearest relatives of the deceased as to the burial or interment of the dead body. This right of a relative would only be subject to the enforce-
ment of the health laws, as therein pointed out, in case of
dangerous communicable disease, or for such necessary period,
as pointed out in the coroner's statutes, for his determination
of the facts and surroundings causing death and where he has
reason to believe such death resulted from violence or cas-
ualty.

From the foregoing I am of the opinion your questions
should be answered as follows:

1. I do not believe the county coroner has any authority to
direct the embalming of any dead human body. This is pri-
marily the right of the nearest relative, or in case such relative
cannot be found, then it would be the duty of the health officer,
or if such person had no means, it then becomes the obligation
of the township trustee under the statutes relating to such
persons.

2. In answer to your second question, as above pointed out,
the coroner could order the body taken to some funeral direct-
ing establishment in order to remove the body from the high-
way and to afford him an opportunity for his investigation, or
if necessary an autopsy, but there his authority ends.

3. In answer to your third question, it is my opinion from
the foregoing authorities that a county coroner has no author-
ity to hold an autopsy on a dead human body where death is
due to natural causes if such coroner has no reasonable cause
to believe death was the result of violence or casualty.

It is my further opinion that the fact that a hospital asks
that such be done would not extend a coroner's jurisdiction or
authority.