

February 27, 1975

OPINION LETTER NO. 89
Answer by letter-Wieler

Mr. Paul W. Collins, Director
Division of Highway Safety
Department of Public Safety
2634 Industrial Drive
Jefferson City, Missouri 65101



Dear Mr. Collins:

This letter is in response to your request for an opinion as to whether or not Sections 58.445 to 58.449, RSMo Supp. 1973, would allow a coroner or a county medical examiner to release blood alcohol information compiled in accordance with these sections to anyone other than the Missouri Division of Highway Safety.

Such sections were enacted by the legislature in Senate Bill No. 41, 77th General Assembly. Section 58.445, RSMo Supp. 1973, reads as follows:

"1. If any driver or pedestrian within his jurisdiction dies within four hours of and as a result of an accident involving a motor vehicle, the coroner shall report the death and circumstances of the accident to the Missouri division of highway safety in writing. The report shall be made within five days of the conclusion of the tests required in subsection 2.

"2. The coroner shall make or cause to be made such tests as are necessary to determine the presence and percentage concentration of alcohol, and drugs if feasible, in the blood of the driver or

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pedestrian. The results of these tests shall be included in the coroner's report to the division."

Section 58.449 states:

"The contents of the report and results of any test made pursuant to the requirements or authorizations of sections 58.445 to 58.449 shall be used only for statistical purposes which do not reveal the identity of the deceased."

Reading these two sections together, it seems obvious that the legislature intended that blood alcohol information be collected by the coroner from any driver or pedestrian dying within his jurisdiction as a result of a motor vehicle accident and reported to the Missouri Division of Highway Safety for the sole purpose of the collection and dissemination of statistical data which in no way reveals the identity of the deceased person. Accordingly, a coroner or county medical examiner who collects such blood alcohol information should not release it to anyone other than the Missouri Division of Highway Safety, as provided by Section 58.445, RSMo Supp. 1973.

Yours very truly,

JOHN C. DANFORTH
Attorney General