

ASSEMBLY BILL

No. 2029

Introduced by Assembly Member Cooley

February 20, 2014

An act to amend Section 27491.41 of the Government Code, relating to inquests.

LEGISLATIVE COUNSEL'S DIGEST

AB 2029, as introduced, Cooley. Inquests: sudden infant death syndrome.

Existing law states that the Legislature finds and declares that sudden infant death syndrome (SIDS), as defined, is the leading cause of death for children under age one. The coroner is required to, among other things, perform an autopsy, within 24 hours or as soon thereafter as feasible, in any case where an infant has died suddenly and unexpectedly.

This bill would make technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 27491.41 of the Government Code is
2 amended to read:
3 27491.41. (a) For purposes of this section, “sudden infant
4 death syndrome” means the sudden death of any infant that is
5 unexpected by the history of the infant and where a thorough

1 postmortem examination fails to demonstrate an adequate cause
2 of death.

3 (b) The Legislature finds and declares that sudden infant death
4 syndrome (SIDS) is the leading cause of death for children under
5 age one, striking one out of every 500 children. The Legislature
6 finds and declares that sudden infant death syndrome is a serious
7 problem within the State of California, and that public interest is
8 served by research and study of sudden infant death syndrome,
9 and its potential causes and indications.

10 (c) (1) To facilitate these purposes, the coroner shall, within
11 24 hours; or as soon thereafter as feasible, perform an autopsy in
12 any case where an infant has died suddenly and unexpectedly.

13 (2) However, if the attending physician desires to certify that
14 the cause of death is sudden infant death syndrome, an autopsy
15 may be performed at the discretion of the coroner. If the coroner
16 performs an autopsy pursuant to this section, he or she shall also
17 certify the cause of death.

18 (d) The autopsy shall be conducted pursuant to a standardized
19 protocol developed by the State Department of *Public Health*
20 ~~Services~~. The protocol is exempt from the procedural requirements
21 pertaining to the adoption of administrative rules and regulations
22 pursuant to Article 5 (commencing with Section 11346) of Chapter
23 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. The
24 protocol shall be developed and approved by July 1, 1990.

25 (e) The protocol shall be followed by all coroners throughout
26 the state when conducting the autopsies required by this section.
27 The coroner shall state on the certificate of death that sudden infant
28 death syndrome was the cause of death when the coroner's findings
29 are consistent with the definition of sudden infant death syndrome
30 specified in the standardized autopsy protocol. The protocol may
31 include requirements and standards for scene investigations,
32 requirements for specific data, criteria for ascertaining cause of
33 death based on the autopsy, and criteria for any specific tissue
34 sampling, and any other requirements. The protocol may also
35 require that specific tissue samples ~~must~~ *shall* be provided to a
36 central tissue repository designated by the State Department of
37 *Public Health* ~~Services~~.

38 (f) The State Department of *Public Health* ~~Services~~ shall
39 establish procedures and protocols for access by researchers to
40 any tissues, or other materials or data authorized by this section.

1 Research may be conducted by ~~any~~ *an* individual with a valid
2 scientific interest and prior approval from the State Committee for
3 the Protection of Human Subjects. The tissue samples, the
4 materials, and all data shall be subject to the confidentiality
5 requirements of Section 103850 of the Health and Safety Code.

6 (g) The coroner may take tissue samples for research purposes
7 from infants who have died suddenly and unexpectedly without
8 consent of the responsible adult if the tissue removal is not likely
9 to result in any visible disfigurement.

10 (h) A coroner shall not be liable for damages in a civil action
11 for any act or omission done in compliance with this section.

12 (i) ~~No~~ *The* consent of ~~any~~ *a* person is *not* required prior to
13 undertaking the autopsy required by this section.