

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1864

**Introduced by Assembly Member Cooley
(Coauthor: Assembly Member Cooper)**

February 10, 2016

An act to amend Section 27491.41 ~~of of~~, and to add Section 27491.42 to, the Government Code, relating to ~~coroners~~: *inquests*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1864, as amended, Cooley. ~~Coroners.—Inquests: sudden unexplained death in childhood.~~

Existing law states that the Legislature finds and declares that sudden infant death syndrome, as defined, is the leading cause of death for children under age one. Existing law requires the coroner 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 nonsubstantive changes to those provisions.~~

This bill would define “sudden unexplained death in childhood” as the sudden death of a child one year of age or older but under 18 years of age that is unexplained by the history of the child and for which a thorough postmortem examination fails to demonstrate an adequate cause of death. The bill would require the coroner to notify the parent or responsible adult of a child within that definition about the importance of taking tissue samples. The bill would also exempt the coroner from liability for damages in a civil action for any act or omission done in compliance with these provisions. The bill would make other, nonsubstantive, changes.

By expanding the duties of a local agency, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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
6 postmortem examination fails to demonstrate an adequate cause
7 of death.
8 (b) The Legislature finds and declares that sudden infant death
9 syndrome ~~(SIDS)~~ syndrome, also referred to as SIDS, is the leading
10 cause of death for children under age one, striking one out of every
11 500 children. The Legislature finds and declares that sudden infant
12 death syndrome is a serious problem within the State of California,
13 and that public interest is served by research and study of sudden
14 infant death syndrome and its potential causes and indications.
15 (c) (1) To facilitate these purposes, the coroner shall, within
16 24 hours or as soon thereafter as feasible, perform an autopsy in
17 any case where an infant has died suddenly and unexpectedly.
18 (2) However, if the attending physician desires to certify that
19 the cause of death is sudden infant death syndrome, an autopsy
20 may be performed at the discretion of the coroner. If the coroner
21 performs an autopsy pursuant to this section, he or she shall also
22 certify the cause of death.
23 (d) The autopsy shall be conducted pursuant to a standardized
24 protocol developed by the State Department of Public Health. The
25 protocol is exempt from the procedural requirements pertaining

1 to the adoption of administrative rules and regulations pursuant to
2 Article 5 (commencing with Section 11346) of Chapter 3.5 of Part
3 1 of Division 3 of Title 2 of the Government Code. The protocol
4 shall be developed and approved by July 1, 1990.

5 (e) The protocol shall be followed by all coroners throughout
6 the state when conducting the autopsies required by this section.
7 The coroner shall state on the certificate of death that sudden infant
8 death syndrome was the cause of death when the coroner's findings
9 are consistent with the definition of sudden infant death syndrome
10 specified in the standardized autopsy protocol. The protocol may
11 include requirements and standards for scene investigations,
12 requirements for specific data, criteria for ascertaining cause of
13 death based on the autopsy, and criteria for any specific tissue
14 sampling, and any other requirements. The protocol may also
15 require that specific tissue samples shall be provided to a central
16 tissue repository designated by the State Department of Public
17 Health.

18 (f) The State Department of Public Health shall establish
19 procedures and protocols for access by researchers to any tissues,
20 or other materials or data authorized by this section. Research may
21 be conducted by any individual with a valid scientific interest and
22 prior approval from the State Committee for the Protection of
23 Human Subjects. The tissue samples, the materials, and all data
24 shall be subject to the confidentiality requirements of Section
25 103850 of the Health and Safety Code.

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

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

32 (i) ~~No consent~~ *Consent* of any person is *not* required ~~prior to~~
33 *before* undertaking the autopsy required by this section.

34 *SEC. 2. Section 27491.42 is added to the Government Code,*
35 *to read:*

36 *27491.42. (a) For purposes of this article, "sudden*
37 *unexplained death in childhood" means the sudden death of a*
38 *child one year of age or older but under 18 years of age that is*
39 *unexplained by the history of the child and where a thorough*

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

3 *(b) The coroner shall notify the parent or responsible adult of*
4 *a child described in subdivision (a) about the importance of taking*
5 *tissue samples.*

6 *(c) A coroner shall not be liable for damages in a civil action*
7 *for any act or omission in compliance with this section.*

8 *SEC. 3. If the Commission on State Mandates determines that*
9 *this act contains costs mandated by the state, reimbursement to*
10 *local agencies and school districts for those costs shall be made*
11 *pursuant to Part 7 (commencing with Section 17500) of Division*
12 *4 of Title 2 of the Government Code.*

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