

AMENDED IN SENATE APRIL 13, 2016
AMENDED IN SENATE MARCH 28, 2016

SENATE BILL

No. 1189

Introduced by ~~Senator~~ *Senators Pan and Jackson*

February 18, 2016

An act to add Section 27522 to the Government Code, relating to autopsies.

LEGISLATIVE COUNSEL'S DIGEST

SB 1189, as amended, Pan. Postmortem examinations or autopsies: forensic pathologists.

Existing law requires a county coroner to inquire into and determine the circumstances, manner, and cause of certain deaths. Existing law either requires or authorizes a county coroner, under certain circumstances, to perform, or cause to be performed, an autopsy on a decedent. Existing law imposes certain requirements on a postmortem examination or autopsy conducted at the discretion of a coroner, medical examiner, or other agency upon an unidentified body or human remains.

Existing law authorizes the board of supervisors of a county to consolidate the duties of certain county offices in one or more of specified combinations, including, but not limited to, sheriff and coroner, district attorney and coroner, and public administrator and coroner. Existing law authorizes the board of supervisors of a county to abolish the office of coroner and provide instead for the office of medical examiner, as specified, and requires the medical examiner to be a licensed physician and surgeon duly qualified as a specialist in pathology.

This bill would require that the results of a postmortem examination or autopsy, as specified, and the cause and manner of death be

determined by a licensed physician and surgeon who is a forensic pathologist, preferably a diplomat of the American Board of Pathology.

This bill would also require blood and urine specimens collected from a patient at the time of admission to a hospital, if the patient is admitted under specified circumstances, to be retained until the patient is discharged from the hospital. The bill would require the specimens to be released to the coroner if the patient dies prior to discharge.

This bill would require, for health and safety purposes, that all persons in the autopsy suite have current bloodborne pathogen training and personal protective equipment, as specified. The bill would provide that police and other law enforcement personnel who have completed the specified training may be allowed into the autopsy suite at the discretion of the forensic pathologist, but would prohibit law enforcement personnel directly involved with the care and custody of an individual who died incident to law enforcement activity from being inside the autopsy suite during the performance of the autopsy.

This bill would require specified materials that are in the possession of law enforcement and are related to a death that is incident to law enforcement activity to be made available to the forensic pathologist prior to the completion of the investigation of the death.

By imposing additional duties upon local officials and law enforcement agencies, 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: yes.
State-mandated local program: yes.

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

- 1 SECTION 1. Section 27522 is added to the Government Code,
- 2 to read:
- 3 27522. (a) The results of a postmortem examination or autopsy
- 4 and the cause and manner of death shall be determined by a

1 licensed physician and surgeon who is a forensic pathologist,
2 preferably a diplomat of the American Board of Pathology.

3 (b) For the purposes of this section, a postmortem examination
4 or autopsy includes, but is not limited to, the following items, if
5 physically feasible:

6 (1) Procedures described in subdivision (b) of Section 27521.

7 (2) An analysis of the blood, vitreous fluid, urine, bile, stomach
8 contents, other tissues or bodily fluids, or organs of the body.

9 (3) The examination or removal, or both, of the internal organs
10 of the body.

11 (4) The retention of any organs or tissues of the body as part of
12 the investigation of the death.

13 (5) Any laboratory analysis, chemical testing, or imaging
14 performed as part of the investigation of the death.

15 (c) If a patient is admitted to a hospital with a life-threatening
16 injury, or is under the influence of an intoxicating substance, as
17 determined by the attending physician at the hospital, or was in
18 the custody of a law enforcement agency within 24 hours of
19 admission to the hospital, blood and urine specimens collected
20 from the patient at the time of admission shall be retained until the
21 patient is discharged from the hospital. If the patient dies prior to
22 discharge, the specimens shall be released to the coroner.

23 (d) For health and safety purposes, all persons in the autopsy
24 suite shall have current bloodborne pathogen training and personal
25 protective equipment in accordance with the requirements described
26 in Section 5193 of Title 8 of the California Code of Regulations
27 or its successor.

28 (e) (1) Police and other law enforcement personnel who have
29 completed training as described in subdivision (d) may be allowed
30 into the autopsy suite at the discretion of the forensic pathologist.

31 (2) Notwithstanding paragraph (1), if an individual dies incident
32 to law enforcement activity, law enforcement personnel directly
33 involved with the care and custody of that individual shall not be
34 inside the autopsy suite during the performance of the autopsy.

35 (f) Any police reports, crime scene or other information, videos,
36 or laboratory tests that are in the possession of law enforcement
37 and are related to a death that is incident to law enforcement
38 activity shall be made available to the forensic pathologist prior
39 to the completion of the investigation of the death.

1 SEC. 2. If the Commission on State Mandates determines that
2 this act contains costs mandated by the state, reimbursement to
3 local agencies and school districts for those costs shall be made
4 pursuant to Part 7 (commencing with Section 17500) of Division
5 4 of Title 2 of the Government Code.

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