

STATE OF CALIFORNIA SUDDEN INFANT DEATH SYNDROME LEGISLATION

CHAPTERS 453, 1212, AND 1259

An act to amend Sections 27491 and 27491.4 of the Government Code, and to add Sections 218, 462, and 10253 to the Health and Safety Code, relating to deaths, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

(AB 409 approved by Governor July 11, 1974 and filed with Secretary of State July 11, 1974. SB 1733 and SB 2233 approved by Governor September 23, 1974 and filed with Secretary of State September 23, 1974).

LEGISLATIVE COUNSEL'S DIGEST

AB 409, Crown. Sudden infant death syndrome.

Makes it the duty of the coroner to inquire into and determine the circumstances, manner, and cause of death where the suspected cause of death is sudden infant death syndrome and, for purposes of inquiry, requires that the coroner, within 24 hours or as soon as feasible thereafter, where the suspected cause of death is sudden infant death syndrome, unless the infant's physician of record certifies sudden infant death syndrome as the cause of death and a parent objects to an autopsy, take possession of the body, order it removed to a convenient place, and make or cause to be made a post mortem examination or autopsy thereon.

Requires the State Department of Health to keep each county health officer advised of the most current knowledge relating to the nature and causes of sudden infant death syndrome. Requires the department to annually report to the Legislature the number of autopsies and post mortem examinations performed by the coroner pursuant to the act and the number of such cases in which the coroner determined sudden infant death syndrome to be the cause of death.

Requires the county health officer, upon being informed by the coroner of any case in which sudden infant death syndrome is the provisional cause of death, after consultation with the infant's physician of record, to inform all concerned if a determination is made that sudden infant death syndrome is the cause of death or probable cause of death.

Requires the coroner to notify, within 24 hours, the county health officer of any case involving an infant under 1 year of age where the gross autopsy results in a provisional diagnosis of sudden infant death syndrome.

Appropriates \$17,550 to the State Controller for allocation and disbursement to local agencies for costs incurred by them pursuant to this act during the 1974-75 and 1975-76 fiscal years.

SB 2233, Section 4. Sections 27491 and 27491.4 of the Government Code are amended to read:

Government Code, Title 3 (Government of Counties), Division 2 (Officers), Part 3 (Other Officers), Chapter 10 (Coroner), Article 2 (Inquests):

Section 27491. It shall be the duty of the coroner to inquire into and determine the circumstances, manner, and cause of all violent, sudden or unusual deaths; unattended deaths; deaths wherein the deceased has not been attended by a physician in the 20 days before death; deaths related to or following known or suspected self-induced or criminal abortion; known or suspected homicide, suicide, or accidental poisoning; deaths known or suspected as resulting in whole or in part from or related to accident or injury either old or recent; deaths due to drowning, fire, hanging, gunshot, stabbing, cutting, exposure, starvation, acute alcoholism, drug addiction, strangulation or aspiration, or where the suspected cause of death is sudden infant death syndrome; death in whole or in part occasioned by criminal means; deaths associated with a known or alleged rape or crime against nature; deaths in prison or while under sentence; deaths known or suspected as due to contagious disease and constituting a public hazard; deaths from occupational diseases or occupational hazards; deaths under such circumstances as to afford a reasonable ground to suspect that the death was caused by the criminal act of another, or any deaths reported by physicians or other persons having knowledge of death for inquiry by coroner. Inquiry in this section does not include those investigative functions usually performed by other law enforcement agencies.

In any case in which the coroner conducts an inquiry pursuant to this section, the coroner or a deputy shall personally sign the certificate of death.

The coroner shall have discretion to determine the extent of inquiry to be made into any death occurring under natural circumstances and falling within the provisions of this section, and if inquiry determines that the physician of record has sufficient knowledge to reasonably state the cause of a death occurring under natural circumstances, the coroner may authorize that physician to sign the certificate of death.

Section 27491.4. For purposes of inquiry the coroner shall, within 24 hours or as soon as feasible thereafter, where the suspected cause of death is sudden infant death syndrome unless the infant's physician of record certifies sudden infant death syndrome as the cause of death and a parent objects to an autopsy, and, in all other cases, the coroner may, in his discretion, take possession of the body, which shall include the authority to exhume such body, order it removed to a convenient place, and make or cause to be made a post mortem examination or autopsy thereon, and make or cause to be made an analysis of the stomach, stomach contents, blood, organs,

fluids, or tissues of the body. The detailed medical findings resulting from an inspection of the body or autopsy by an examining physician shall be either reduced to writing or permanently preserved on recording discs or other similar recording media, shall include all positive and negative findings pertinent to establishing the cause of death in accordance with medicolegal practice and this, along with the written opinions and conclusions of the examining physician, shall be included in the coroner's record of the death. He shall have the right to retain only such tissues of the body removed at the time of the autopsy as may, in his opinion, be necessary or advisable to the inquiry into the case, or for the verification of his findings. No person may be present during the performance of a coroner's autopsy without the express consent of the coroner.

AB 409, Section 6. Section 218 is added to the Health and Safety Code to read:

California Health and Safety Code, Division 1 (Administration of Public Health), Part 1 (State Department of Health), Chapter 2 (Powers and Duties), Article 1 (General Powers):

Section 218. The state department shall keep each county health officer advised of the most current knowledge relating to the nature and causes of sudden infant death syndrome. Annually, on or before April 1 of each year, the state department shall submit a report to the Legislature specifying the number of autopsies and post mortem examinations performed pursuant to Section 27491.4 of the Government Code during the prior year, where the suspected cause of death was sudden infant death syndrome. Such report shall also specify the number of such cases in which the cause of death was determined by the coroner to be sudden infant death syndrome.

AB 409, Section 7. Section 462 is added to the Health and Safety Code to read:

California Health and Safety Code, Division 1 (Administration of Public Health), Part 2 (Local Administration), Chapter 1 (Health Officers and Ordinances), Article 1 (County Health Ordinances and Officers):

Section 462. Upon being informed by the coroner pursuant to Section 10253 of any case in which sudden infant death syndrome is the provisional cause of death, the county health officer or his designated agent, after consultation with the infant's physician of record, shall immediately contact the person or persons who had custody and control of the infant and explain to such persons the nature and causes of

sudden infant death syndrome to the extent that current knowledge permits.

The county health officer shall perform the duties required by this section throughout the county, including such portion of the county which is within any city.

AB 409, Section 8. Section 10253 is added to the Health and Safety Code to read:

California Health and Safety Code, Division 9 (Vital Statistics), Chapter 5 (Death Registration), Article 3 (Responsibility of Coroner):

Section 10253. In any case involving an infant under the age of one year where the gross autopsy results in a provisional diagnosis of sudden infant death syndrome, the coroner shall, within 24 hours of the gross autopsy, notify the county health officer.

AB 409, Section 9. (a) The sum of seventeen thousand five hundred fifty dollars (\$17,550) is hereby appropriated from the General Fund to the State Controller for payments to local agencies pursuant to Section 2231 of the Revenue and Taxation Code to reimburse them for costs incurred pursuant to this act. This appropriation shall be available until June 30, 1976.

Each local agency desiring reimbursement for such costs shall submit to the State Controller, within 45 days after January 1, 1975, a claim for reimbursement based upon its estimate of the units of work to be performed during the 1974-75 fiscal year and a reasonable amount for nonrecurring administrative and other exceptional expenses for said fiscal year. For the 1975-76 fiscal year, each local agency shall submit its claim to the State Controller by October 31 and shall include a certification of the actual number of units of work performed during the 1974-75 fiscal year and an estimate of the number of units of work to be performed during the 1975-76 fiscal year.

Computation of amounts claimed for units of work shall be on the basis of a unit cost in the amount of thirteen dollars (\$13) per contact with the custodian of a sudden infant death syndrome victim, which shall be the unit of work. The State Controller shall pay each claimant as reimbursement for units of work an amount determined by multiplying such unit cost of work by the number of units of work estimated or certified as having been performed by the claimant. Any payment, adjustment, or audit of claims by the State Controller shall be on the basis of units of work, rounded to the nearest whole unit, and at the unit costs specified herein rather than actual costs.

The State Controller may reduce any claim which he determines is excessive or unreasonable and may audit the records of any local agency to verify the actual units of work performed. The State Controller shall make any adjustments necessary to correct for underpayments or overpayments which occurred in the 1974-75 fiscal year. Claims for reimbursement shall be prepared in the form, and payments made at the time, specified by the State Controller. No claim or amendment to a claim shall be accepted by the State Controller after the time prescribed herein for filing of claims. In the event that the amount appropriated for reimbursement purposes pursuant to this act is not sufficient to pay all claims filed timely, the State Controller shall pay such claims on a pro rata basis and notify the Director of Finance of the deficiency.

ADDENDUM To Sudden Infant Death Syndrome Legislation

Assemblyman Lockyer (author of A.B. 409, Statutes of 1974) has asked that the following interpretation and clarification be included with all information relating to SIDS legislation:

In all possible SIDS cases, an autopsy is mandated. The exception clause was added to allow a physician to certify SIDS without an autopsy if the physician believed that the known mental health advantages of an autopsy were not sufficient to outweigh the mental health disadvantages in a family with a pre-existing religious or ethical abhorrence of autopsy.

This clause can only take effect if the coroner agrees with the diagnosis of SIDS. If he suspects any other cause of death, he still has the power (and duty) to order an autopsy as part of his inquiry.