SENATE, No. 661

STATE OF NEW JERSEY

209th LEGISLATURE

INTRODUCED JANUARY 24, 2000

Sponsored by:
Senator RICHARD J. CODEY
District 27 (Essex)

Senator JACK SINAGRA
District 18 (Middlesex)

Co-Sponsored by:
Senator Vitale

SYNOPSIS
Provides for standardized protocol for autopsies performed in cases where suspected cause of death is SIDS.

CURRENT VERSION OF TEXT
As introduced.

(Sponsorship Updated As Of: 2/14/2000)
AN ACT concerning autopsies in suspected cases of sudden infant
death syndrome, amending P.L.1967, c.234 and supplementing Title
52 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State
of New Jersey:

1. Section 11 of P.L.1967, c.234 (C.52:17B-88) is amended to
read as follows:

11. If the cause of such death shall be established beyond a
reasonable doubt, the county medical examiner shall reduce his
findings to writing and promptly make a full report thereof to the State
Medical Examiner and to the county prosecutor on forms to be
prescribed by the State Medical Examiner for such purpose. If,
however, in the opinion of the county medical examiner, the State
Medical Examiner, an assignment judge of the Superior Court, the
county prosecutor or the Attorney General, an autopsy is necessary,
or if, in cases where the suspected cause of death is sudden infant
death syndrome and an investigation has been conducted under the
provisions of section 9 of this act P.L.1967, c.234 (C.52:17B-86),
and the parent, parents or legal guardian of the child request an
autopsy, the same shall be performed, by (1) the State Medical
Examiner, or an assistant designated by him or by (2) the county
medical examiner or a deputy or assistant county medical examiner
provided either has the recognized training or experience in forensic
pathology or by (3) such competent forensic pathologists as may be
authorized by the State Medical Examiner. A detailed description of
the findings written during the progress of such autopsy and the
conclusions drawn therefrom shall thereupon be filed in the offices of
the State Medical Examiner, the county medical examiner and the
county prosecutor. The county medical examiner shall make available
a copy of these findings and conclusions to the closest surviving
relative of the decedent within 90 days of the receipt of a request
therefor, unless the death is under active investigation by a law
enforcement agency. If the suspected cause of death of a
child under three years of age is sudden infant death syndrome, the
findings and conclusions shall be reported to the child's parent or legal
guardian and the State Department of Health and Senior Services
within 48 hours after the death of the child. In a case where the
suspected cause of death is sudden infant death syndrome, the parent,
parents or legal guardian may request that a pediatric pathologist
review the findings of the autopsy.

It shall be the duty of any county medical examiner to call upon the

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not
enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
State Medical Examiner or an assistant State medical examiner, or other person authorized and designated by the State Medical Examiner, to make an examination or perform an autopsy whenever he deems it necessary or desirable, and it shall be the duty of the State Medical Examiner or assistant State medical examiner to perform such examination, except in such cases as a competent pathologist is so authorized by the State Medical Examiner to perform such autopsy. The necessary expenses for transportation of a body for autopsy by the State Medical Examiner or an assistant State medical examiner or an authorized pathologist and such reasonable fee payable to the authorized pathologist as has been approved by the State Medical Examiner for each autopsy such authorized pathologist may perform shall be paid by the State.

(cf: P.L.1989, c.323, s.1)

2. (New section) a. The State Medical Examiner, in consultation with the Commissioner of Health and Senior Services, shall develop standardized protocols for autopsies performed in cases where the suspected cause of death of a child under one year of age is sudden infant death syndrome and where the child is between one and three years of age and the death is sudden and unexplained.

b. The State Medical Examiner shall establish a Sudden Child Death Autopsy Protocol Committee to assist in developing and reviewing the protocol. The committee shall include, but shall not be limited to, the State Medical Examiner or his designee, the Assistant Commissioner of the Division of Family Health Services in the Department of Health and Senior Services or his designee, the Director of the Division of Youth and Family Services in the Department of Human Services or his designee, the director of the SIDS Resource Center established pursuant to P.L.1987, c.331 (C.26:5D-4), an epidemiologist, a forensic pathologist, a pediatric pathologist, a county medical examiner, a pediatrician who is knowledgeable about sudden infant death syndrome and child abuse, a family member of a sudden infant death syndrome victim and a family member of a sudden unexplained death victim who was between one and three years of age at the time of death.

The committee shall annually review the protocol and make recommendations to the State Medical Examiner to revise the protocol, as appropriate.

c. The protocols shall include requirements and standards for scene investigation, criteria for ascertaining the cause of death based on autopsy, criteria for specific tissue sampling, and such other requirements as the committee deems appropriate. The protocols shall take into account nationally recognized standards for pediatric autopsies.

The State Medical Examiner shall be responsible for ensuring that
the protocols are followed by all medical examiners and other persons
authorized to conduct autopsies in cases where the suspected cause of
death is sudden infant death syndrome or where the child is between
one and three years of age and the death is sudden and unexplained.
d. The protocols shall authorize the medical examiner or other
authorized person to take tissue samples for research purposes if the
parent or legal guardian of the deceased child provides written consent
for the taking of tissue samples for research purposes.
e. The sudden infant death syndrome autopsy protocol shall provide
that if the findings in the autopsy are consistent with the definition of
sudden infant death syndrome specified in the protocol, the person
who conducts the autopsy shall state on the death certificate that
sudden infant death syndrome is the cause of death.

3. This act shall take effect immediately.

STATEMENT

This bill requires the State Medical Examiner, in consultation with
the Commissioner of Health and Senior Services, to develop
standardized protocols for autopsies performed in cases where the
suspected cause of death of a child under one year of age is sudden
infant death syndrome (SIDS) and where the child is between one and
three years of age and the death is sudden and unexplained.
SIDS is the sudden and unexpected death of apparently healthy
babies under the age of one year, and is the major cause of death of
infants between the ages of one month and one year.
The bill directs the State Medical Examiner to establish a Sudden
Child Death Autopsy Protocol Committee to assist in developing and
reviewing the protocol. The committee shall include, but shall not be
limited to: the State Medical Examiner, the Assistant Commissioner of
the Division of Family Health Services in the Department of Health
and Senior Services, the Director of the Division of Youth and Family
Services in the Department of Human Services, the director of the
SIDS Resource Center established pursuant to N.J.S.A.26:5D-4, an
epidemiologist, a forensic pathologist, a pediatric pathologist, a county
medical examiner, a pediatrician who is knowledgeable about SIDS
and child abuse and a family member of a SIDS victim and a family
member of a sudden unexplained death victim who was between one
and three years of age at the time of death.
The bill provides that the State Medical Examiner shall be
responsible for ensuring that the protocols are followed by all medical
examiners and other persons authorized to conduct autopsies in cases
where the suspected cause of death is SIDS or where the child is
between one and three years of age and the death is sudden and
unexplained. The protocols shall include requirements and standards
for scene investigation, criteria for ascertaining the cause of death
based on autopsy, criteria for specific tissue sampling and such other
requirements as appropriate, and shall take into account nationally
recognized standards for pediatric autopsies.

The bill also provides that the protocols shall authorize the medical
examiner or other authorized person to take tissue samples for
research purposes if the parent or legal guardian of the deceased child
provides written consent for the taking of tissue samples for this
purpose.

The SIDS protocol shall provide that if the findings in the autopsy
are consistent with the definition of SIDS specified in the protocol, the
person who conducts the autopsy shall state on the death certificate
that SIDS is the cause of death. The bill also requires that where the
suspected cause of death of a child is SIDS, the findings and
conclusions shall be reported to the child's parent or legal guardian as
well as to the Department of Health and Senior Services (as the law
currently requires) within 48 hours after the death of the child.

Further, the bill provides that in a case where the suspected cause of
death is SIDS, the parent, parents or legal guardian may request that
a pediatric pathologist review the findings of the autopsy.