

ASSEMBLY, No. 1492

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1996

By Assemblywomen WRIGHT and Bark

1 AN ACT concerning sudden infant death syndrome, amending and
2 supplementing P.L.1987, c.331 and P.L.1967, c.234, and
3 amending P.L.1993, c.276.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

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8 1. (New section) The Legislature finds and declares that:

9 a. Sudden Infant Death Syndrome (SIDS), the sudden death of an
10 infant which remains unexplained after a thorough case investigation,
11 including performance of a complete autopsy, examination of the
12 death scene and review of the clinical history, is the major cause of
13 death among infants, claiming the lives of 4,000 to 5,000 infants
14 annually in the United States and the lives of approximately 100
15 infants annually in the State. Despite extensive research efforts, a
16 cause has not been uncovered, and thus SIDS has accounted for over
17 700 deaths in the State since 1988.

18 b. Because of the lack of a discernible cause and the suddenness
19 of the tragedy as well as the involvement of the legal system, a SIDS
20 death is especially difficult for families. The great sense of loss and
21 the need for understanding demand that families receive direct help
22 through information and supportive counseling services which can
23 alleviate guilt and aid in understanding this devastating syndrome.

24 c. In order to determine the cause of SIDS, it is essential that
25 sophisticated laboratory diagnosis take place as part of a centralized
26 autopsy system where autopsies will be performed by experienced
27 pediatric pathologists who can provide rigorous and uniform protocol
28 and diagnostic criteria. Because experience and approach to a SIDS
29 death vary across the State, a centralized system with uniform
30 standards is necessary to discovering the cause of SIDS.

31 d. Since the number of SIDS deaths in the State has been
32 decreasing each year, the number of infant autopsies performed by
33 county medical examiners also has been decreasing, making it
34 difficult for these pathologists to maintain the skill level necessary to
35 make a SIDS diagnosis. Thus, as a threshold requirement to learning
36 the cause of SIDS, it is necessary that autopsies of infants suspected
37 to have died from SIDS be regionalized to a center which is staffed by

1 a pediatric pathologist who has developed an expertise in pediatric
2 autopsies.

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4 2. Section 4 of P.L.1987, c.331 (C.26:5D-4) is amended to read as
5 follows:

6 4. The Commissioner of the Department of Health shall establish
7 a "SIDS Resource Center" within a State medical school. The SIDS
8 Resource Center shall, in coordination with the Department of Health,
9 serve as a technical advisory center and may offer diagnostic
10 procedures, medical treatment and counseling, as well as any other
11 services that may be necessary to assist potential SIDS victims and
12 their families.

13 In addition, the SIDS Resource Center shall maintain the
14 confidentiality of medical information reported to the center, and
15 maintain a Statewide SIDS data base.

16 (cf: P.L.1987, c.331, s.4)

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

20 11. If the cause of such death shall be established beyond a
21 reasonable doubt, the county medical examiner shall reduce his
22 findings to writing and promptly make a full report thereof to the State
23 Medical Examiner and to the county prosecutor on forms to be
24 prescribed by the State Medical Examiner for such purpose. If,
25 however, in the opinion of the county medical examiner, the State
26 Medical Examiner, an assignment judge of the Superior Court, the
27 county prosecutor or the Attorney General, an autopsy is necessary,
28 [or if, in cases where the suspected cause of death is sudden infant
29 death syndrome and an investigation has been conducted under the
30 provisions of section 9 of this act, and the parent, parents or legal
31 guardian of the child request an autopsy,] the same shall be performed
32 by (1) the State Medical Examiner, or an assistant designated by him
33 or by (2) the county medical examiner or a deputy or assistant county
34 medical examiner provided either has the recognized training or
35 experience in forensic pathology or by (3) such competent forensic
36 pathologists as may be authorized by the State Medical Examiner. A
37 detailed description of the findings written during the progress of such
38 autopsy, and the conclusions drawn therefrom shall thereupon be filed
39 in the offices of the State Medical Examiner, the county medical
40 examiner and the county prosecutor. The county medical examiner
41 shall make available a copy of these findings and conclusions to the
42 closest surviving relative of the decedent within 90 days of the receipt
43 of a request therefor, unless the death is under active investigation by
44 a law enforcement agency. [Where the suspected cause of death of a
45 child under three years of age is sudden infant death syndrome, the
46 findings and conclusions shall be reported to the State Department of

1 Health within 48 hours after the death of the child.] It shall be the
2 duty of any county medical examiner to call upon the State Medical
3 Examiner or an assistant State medical examiner, or other person
4 authorized and designated by the State Medical Examiner, to make an
5 examination or perform an autopsy whenever he deems it necessary or
6 desirable, and it shall be the duty of the State Medical Examiner or
7 assistant State medical examiner to perform such examination, except
8 in such cases as a competent pathologist is so authorized by the State
9 Medical Examiner to perform such autopsy. The necessary expenses
10 for transportation of a body for autopsy by the State Medical
11 Examiner or an assistant State medical examiner or an authorized
12 pathologist and such reasonable fee payable to the authorized
13 pathologist as has been approved by the State Medical Examiner for
14 each autopsy such authorized pathologist may perform shall be paid by
15 the State.

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

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18 4. Section 1 of P.L.1993, c.276 (C.52:17B-88.7) is amended to
19 read as follows:

20 1. Notwithstanding any provision of law to the contrary, if a
21 deceased person whose death is under investigation pursuant to
22 section 9 of P.L.1967, c.234 (C.52:17B-86) is a donor of all or part of
23 his body as evidenced by an advance directive, will, card or other
24 document, or as otherwise provided in the "Uniform Anatomical Gift
25 Act," P.L.1969, c.161 (C.26:6-57 et seq.), the State Medical
26 Examiner or the county medical examiner, or his designee, or pediatric
27 pathologist, as appropriate, who has notice of the donation shall
28 perform an examination, autopsy or analysis of tissues or organs only
29 in a manner and within a time period compatible with their
30 preservation for the purposes of transplantation.

31 (cf: P.L.1993, c.276, s.1)

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34 5. Section 2 of P.L.1993, c.276 (C.52:17B-88.8) is amended to
35 read as follows:

36 2. A health care professional authorized to remove an anatomical
37 gift from a donor whose death is under investigation pursuant to
38 section 9 of P.L.1967, c.234 (C.52:17B-86), may remove the donated
39 part from the donor's body for acceptance by a person authorized to
40 become a donee, after giving notice to the State Medical Examiner or
41 the county medical examiner, or his designee, or pediatric pathologist,
42 as appropriate, if the examination, autopsy or analysis has not been
43 undertaken in the manner and within the time provided in section 1 of
44 this act. The State Medical Examiner or the county medical examiner,
45 or his designee, or pediatric pathologist, as appropriate, shall be
46 present during removal of the anatomical gift if in his judgment those

1 tissues or organs may be involved in the cause of death. In that case,
2 the State Medical Examiner or the county medical examiner, or his
3 designee, or pediatric pathologist, as appropriate, may request a
4 biopsy of those tissues or organs or deny removal of the anatomical
5 gift. The State Medical Examiner or the county medical examiner, or
6 his designee, or pediatric pathologist, as appropriate, shall explain in
7 writing his reasons for determining that those tissues or organs may be
8 involved in the cause of death and shall include the explanation in the
9 records maintained pursuant to section 15 of P.L.1967, c.234
10 (C.52:17B-92), or in the case of a suspected SIDS death, in the data
11 maintained by the SIDS Resource Center pursuant to section 4 of
12 P.L.1987, c.331 (C.26:5D-4).
13 (cf: P.L.1993, c.276, s.2)
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15 6. Section 3 of P.L.1993, c.276 (C.52:17B-88.9) is amended to
16 read as follows:

17 3. The health care professional performing a transplant from a
18 donor whose death is under investigation pursuant to section 9 of
19 P.L.1967, c.234 (C.52:17B-86) shall file with the State Medical
20 Examiner, or SIDS Resource Center established pursuant to section 4
21 of P.L.1987, c.331 (C.26:5D-4), as appropriate, a report detailing the
22 condition of the part of the body that is the anatomical gift and its
23 relationship to the cause of death. If appropriate, the report shall
24 include a biopsy or medically approved sample from the anatomical
25 gift. The report shall become part of the Medical Examiner's report,
26 or the data maintained by the SIDS Resource Center, as appropriate.
27 (cf: P.L.1993, c.276, s.3)
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29 7. (New section) In a case under investigation pursuant to section
30 9 of P.L.1967, c.234 (C.52:17B-86) where the suspected cause of
31 death is sudden infant death syndrome, the county medical examiner,
32 or a deputy or assistant county medical examiner, the State Medical
33 Examiner or an assistant State medical examiner or other person
34 authorized and designated by the State Medical Examiner shall notify
35 the SIDS Resource Center established pursuant to section 4 of
36 P.L.1987, c.331 (C.26:5D-4) of the name, address and telephone
37 number of the family of the deceased and the clinical history of the
38 deceased and the family, within 48 hours of learning of the suspected
39 SIDS death. The county medical examiner or a deputy or assistant
40 county medical examiner shall transport the body of the deceased to
41 the SIDS Autopsy Center established pursuant to section 8 of P.L. ,
42 c. (C.)(pending before the Legislature as this bill) within 48 hours
43 of learning of the suspected SIDS death for performance of an autopsy
44 by an experienced pediatric pathologist. The necessary expenses for
45 transportation of the body for autopsy shall be paid by the State.

1 8. (New section) The Commissioner of Health shall establish a
2 "SIDS Autopsy Center" for Sudden Infant Death Syndrome victims
3 within a medical school or affiliate of a medical school in the State.
4 The center shall be staffed with an experienced pathologist who has
5 developed an expertise in performing pediatric autopsies. The
6 pathologist shall perform an autopsy at the center on an infant up to
7 two years of age whose death is sudden, unexpected and non-
8 accidental, shall provide rigorous and uniform protocol and diagnostic
9 criteria for a SIDS diagnosis, and shall act as a consultant to the SIDS
10 Resource Center established pursuant to section 4 of P.L.1987, c.331
11 (C.26:5D-4).

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13 9. (New section) When a body is transported to the SIDS Autopsy
14 Center, the SIDS Autopsy Center shall notify the SIDS Resource
15 Center of the name, address and telephone number of the family of
16 the deceased and the clinical history of the deceased and the family
17 within 48 hours. The pediatric pathologist at the SIDS Autopsy
18 Center shall determine the anatomical diagnosis based on information
19 obtained from the autopsy, death scene investigation and clinical
20 history.

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22 10. This act shall take effect immediately.

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STATEMENT

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27 This bill requires the Commissioner of Health to establish a Sudden
28 Infant Death Syndrome (SIDS) Autopsy Center within a medical
29 school or affiliate of a medical school in the State. The center shall be
30 staffed with an experienced pathologist who has developed an
31 expertise in performing pediatric autopsies. The pathologist shall
32 perform autopsies at the center on infants up to two years of age
33 whose deaths are sudden, unexpected and non-accidental, shall provide
34 rigorous and uniform protocol and diagnostic criteria for a SIDS
35 diagnosis, and shall act as a consultant to the already existing SIDS
36 Resource Center established pursuant to section 4 of P.L.1987, c.331
37 (C.26:5D-4).

38 In a case under investigation pursuant to section 9 of P.L.1967,
39 c.234 (C.52:17B-86) where the suspected cause of death is SIDS, the
40 county medical examiner, or a deputy or assistant county medical
41 examiner, the State Medical Examiner or an assistant State medical
42 examiner or other person authorized and designated by the State
43 Medical Examiner shall notify the SIDS Resource Center of the name,
44 address and telephone number of the family of the deceased and the
45 clinical history of the deceased and the family, within 48 hours of
46 learning of the suspected SIDS death. The county medical examiner

1 or a deputy or assistant county medical examiner shall transport the
2 body of the deceased to the SIDS Autopsy Center within 48 hours of
3 learning of the suspected SIDS death, for performance of an autopsy
4 by an experienced pediatric pathologist. The necessary expenses for
5 transportation of the body shall be paid by the State.

6 When a body is transported to the SIDS Autopsy Center, the SIDS
7 Autopsy Center shall notify the SIDS Resource Center of the name,
8 address and telephone number of the family of the deceased and the
9 clinical history of the deceased and the family within 48 hours. The
10 pediatric pathologist at the SIDS Autopsy Center shall determine the
11 anatomical diagnosis based on information obtained from the autopsy,
12 death scene investigation and clinical history.

13 In addition, the bill amends P.L.1993, c.276 (C.52:17B-88.7 et
14 seq.) so that the current law concerning the autopsy of a deceased
15 person who is a donor for organ and tissue transplantation, applies
16 to an autopsy performed by a pediatric pathologist.

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21 Establishes SIDS Autopsy Center.

WITHDRAWN