

52:17B-88

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2000 **CHAPTER:** 24
NJSA: 52:17B-88 (SIDS -- develop Protocols)
BILL NO.: S661 (Substituted for A1982)

SPONSOR(S): Codey and Sinagra
DATE INTRODUCED: January 24, 2000
COMMITTEE: **ASSEMBLY:** Health
 SENATE: Health

AMENDED DURING PASSAGE: Yes
DATE OF PASSAGE: **ASSEMBLY:** March 16, 2000
 SENATE: March 23, 2000

DATE OF APPROVAL: May 11, 2000
FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: Second Reprint
(Amendments during passage denoted by superscript numbers)

S661

SPONSORS STATEMENT: (Begins on page 4 of original bill) Yes
COMMITTEE STATEMENT: **ASSEMBLY:** Yes
 SENATE: Yes
FLOOR AMENDMENT STATEMENTS: No
LEGISLATIVE FISCAL ESTIMATE: No

A1982

SPONSORS STATEMENT: (Begins on page 4 of original bill) Yes
COMMITTEE STATEMENT: **ASSEMBLY:** Yes
 Identical to Assembly Committee Statement for S661
 SENATE: No
FLOOR AMENDMENT STATEMENTS: No
LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No
GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>
REPORTS: No
HEARINGS: No
NEWSPAPER ARTICLES: Yes
"Creation of SID autopsy rules OK's," 5-12-200. Bergen Record, p.L9

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)

1 AN ACT concerning autopsies in suspected cases of sudden infant
2 death syndrome, amending P.L.1967, c.234 and supplementing Title
3 52 of the Revised Statutes.

4

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

7

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

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

43 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.

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

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

15

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

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

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

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

46 The State Medical Examiner shall be responsible for ensuring that

1 the protocols are followed by all medical examiners and other persons
2 authorized to conduct autopsies in cases where the suspected cause of
3 death is sudden infant death syndrome or where the child is between
4 one and three years of age and the death is sudden and unexplained.

5 d. The protocols shall authorize the medical examiner or other
6 authorized person to take tissue samples for research purposes if the
7 parent or legal guardian of the deceased child provides written consent
8 for the taking of tissue samples for research purposes.

9 e. The sudden infant death syndrome autopsy protocol shall provide
10 that if the findings in the autopsy are consistent with the definition of
11 sudden infant death syndrome specified in the protocol, the person
12 who conducts the autopsy shall state on the death certificate that
13 sudden infant death syndrome is the cause of death.

14
15 3. This act shall take effect immediately.

16
17
18 STATEMENT

19
20 This bill requires the State Medical Examiner, in consultation with
21 the Commissioner of Health and Senior Services, to develop
22 standardized protocols for autopsies performed in cases where the
23 suspected cause of death of a child under one year of age is sudden
24 infant death syndrome (SIDS) and where the child is between one and
25 three years of age and the death is sudden and unexplained.

26 SIDS is the sudden and unexpected death of apparently healthy
27 babies under the age of one year, and is the major cause of death of
28 infants between the ages of one month and one year.

29 The bill directs the State Medical Examiner to establish a Sudden
30 Child Death Autopsy Protocol Committee to assist in developing and
31 reviewing the protocol. The committee shall include, but shall not be
32 limited to: the State Medical Examiner, the Assistant Commissioner of
33 the Division of Family Health Services in the Department of Health
34 and Senior Services, the Director of the Division of Youth and Family
35 Services in the Department of Human Services, the director of the
36 SIDS Resource Center established pursuant to N.J.S.A.26:5D-4, an
37 epidemiologist, a forensic pathologist, a pediatric pathologist, a county
38 medical examiner, a pediatrician who is knowledgeable about SIDS
39 and child abuse and a family member of a SIDS victim and a family
40 member of a sudden unexplained death victim who was between one
41 and three years of age at the time of death.

42 The bill provides that the State Medical Examiner shall be
43 responsible for ensuring that the protocols are followed by all medical
44 examiners and other persons authorized to conduct autopsies in cases
45 where the suspected cause of death is SIDS or where the child is
46 between one and three years of age and the death is sudden and

1 unexplained. The protocols shall include requirements and standards
2 for scene investigation, criteria for ascertaining the cause of death
3 based on autopsy, criteria for specific tissue sampling and such other
4 requirements as appropriate, and shall take into account nationally
5 recognized standards for pediatric autopsies.

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

11 The SIDS protocol shall provide that if the findings in the autopsy
12 are consistent with the definition of SIDS specified in the protocol, the
13 person who conducts the autopsy shall state on the death certificate
14 that SIDS is the cause of death. The bill also requires that where the
15 suspected cause of death of a child is SIDS, the findings and
16 conclusions shall be reported to the child's parent or legal guardian as
17 well as to the Department of Health and Senior Services (as the law
18 currently requires) within 48 hours after the death of the child.
19 Further, the bill provides that in a case where the suspected cause of
20 death is SIDS, the parent, parents or legal guardian may request that
21 a pediatric pathologist review the findings of the autopsy.

[First Reprint]

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:

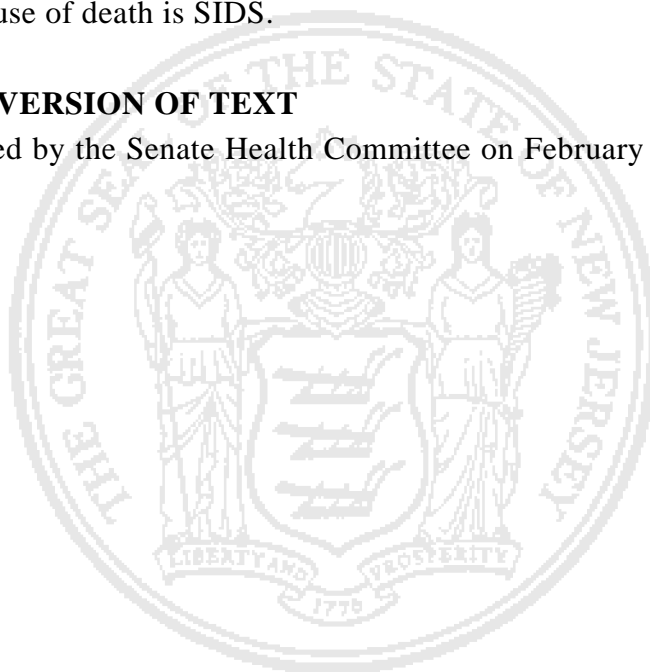
Senators Vitale and Matheussen

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Senate Health Committee on February 10, 2000, with amendments.



(Sponsorship Updated As Of: 2/29/2000)

1 AN ACT concerning autopsies in suspected cases of sudden infant
2 death syndrome, amending P.L.1967, c.234 and supplementing Title
3 52 of the Revised Statutes.

4

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

7

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

10 11. If the cause of such death shall be established beyond a
11 reasonable doubt, the county medical examiner shall reduce his
12 findings to writing and promptly make a full report thereof to the State
13 Medical Examiner and to the county prosecutor on forms to be
14 prescribed by the State Medical Examiner for such purpose. If,
15 however, in the opinion of the county medical examiner, the State
16 Medical Examiner, an assignment judge of the Superior Court, the
17 county prosecutor or the Attorney General, an autopsy is necessary,
18 or if, in cases where the suspected cause of death ¹of a child under one
19 year of age¹ is sudden infant death syndrome ¹or the child is between
20 one and three years of age and the death is sudden and unexpected.¹
21 and an investigation has been conducted under the provisions of
22 section 9 of [this act] P.L.1967, c.234 (C.52:17B-86), and the parent,
23 parents or legal guardian of the child request an autopsy, the same
24 shall be performed, by (1) the State Medical Examiner, or an assistant
25 designated by him or by (2) the county medical examiner or a deputy
26 or assistant county medical examiner provided either has the
27 recognized training or experience in forensic pathology or by (3) such
28 competent forensic pathologists as may be authorized by the State
29 Medical Examiner¹; except that when the suspected cause of death of
30 a child under one year of age is sudden infant death syndrome or the
31 child is between one and three years of age and the death is sudden
32 and unexpected, upon the request of the parent, parents or legal
33 guardian of the child, the autopsy shall be performed by a pediatric
34 pathologist, if such a pathologist is available. The county medical
35 examiner shall notify the parent, parents or legal guardian of the child
36 that they may request that a pediatric pathologist perform the
37 autopsy¹. A detailed description of the findings written during the
38 progress of such autopsy[,] and the conclusions drawn therefrom shall
39 thereupon be filed in the offices of the State Medical Examiner, the
40 county medical examiner and the county prosecutor. The county
41 medical examiner shall make available a copy of these findings and

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SHH committee amendments adopted February 10, 2000.

1 conclusions to the closest surviving relative of the decedent within 90
2 days of the receipt of a request therefor, unless the death is under
3 active investigation by a law enforcement agency. [Where] If the
4 suspected cause of death of a child under ¹[three years] one year¹ of
5 age is sudden infant death syndrome ¹or if the child is between one and
6 three years of age and the death is sudden and unexpected¹, the
7 findings and conclusions shall be reported to the child's parent, parents
8 or legal guardian and the State Department of Health and Senior
9 Services within 48 hours after the death of the child. ¹[In a case where
10 the suspected cause of death is sudden infant death syndrome, the
11 parent, parents or legal guardian may request that a pediatric
12 pathologist review the findings of the autopsy.]¹

13 It shall be the duty of any county medical examiner to call upon the
14 State Medical Examiner or an assistant State medical examiner, or
15 other person authorized and designated by the State Medical
16 Examiner, to make an examination or perform an autopsy whenever he
17 deems it necessary or desirable, and it shall be the duty of the State
18 Medical Examiner or assistant State medical examiner to perform such
19 examination, except in such cases as a competent pathologist is so
20 authorized by the State Medical Examiner to perform such autopsy.
21 The necessary expenses for transportation of a body for autopsy by the
22 State Medical Examiner or an assistant State medical examiner or an
23 authorized pathologist and such reasonable fee payable to the
24 authorized pathologist as has been approved by the State Medical
25 Examiner for each autopsy such authorized pathologist may perform
26 shall be paid by the State.

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

28

29 2. (New section) a. The State Medical Examiner, in consultation
30 with the Commissioner of Health and Senior Services, shall develop
31 standardized protocols for autopsies performed in ¹those¹
32 cases¹[where] in which¹ the suspected cause of death of a child under
33 one year of age is sudden infant death syndrome and ¹[where] in
34 which¹ the child is between one and three years of age and the death
35 is sudden and ¹[unexplained] unexpected¹.

36 b. The State Medical Examiner shall establish a Sudden Child
37 Death Autopsy Protocol Committee to assist in developing and
38 reviewing the protocol. The committee shall include, but shall not be
39 limited to, the State Medical Examiner or his designee, the Assistant
40 Commissioner of the Division of Family Health Services in the
41 Department of Health and Senior Services or his designee, the
42 Director of the Division of Youth and Family Services in the
43 Department of Human Services or his designee, the director of the
44 SIDS Resource Center established pursuant to P.L.1987, c.331
45 (C.26:5D-4), an epidemiologist, a forensic pathologist, a pediatric
46 pathologist, a county medical examiner, a pediatrician who is

1 knowledgeable about sudden infant death syndrome and child abuse,
2 ¹a law enforcement officer, an emergency medical technician or a
3 paramedic.¹ a family member of a sudden infant death syndrome victim
4 and a family member of a sudden ¹[unexplained] unexpected¹ death
5 victim who was between one and three years of age at the time of
6 death.

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

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

16 The State Medical Examiner shall be responsible for ensuring that
17 the protocols are followed by all medical examiners and other persons
18 authorized to conduct autopsies in ¹those¹ cases ¹[where] in which¹ the
19 suspected cause of death is sudden infant death syndrome or
20 ¹[where] in which¹ the child is between one and three years of age
21 and the death is sudden and ¹[unexplained] unexpected¹.

22 d. The protocols shall authorize the medical examiner or other
23 authorized person to take tissue samples for research purposes if the
24 parent¹, parents¹ or legal guardian of the deceased child provides
25 written consent for the taking of tissue samples for research purposes.

26 e. The sudden infant death syndrome autopsy protocol shall
27 provide that if the findings in the autopsy are consistent with the
28 definition of sudden infant death syndrome specified in the protocol,
29 the person who conducts the autopsy shall state on the death
30 certificate that sudden infant death syndrome is the cause of death.

31

32 3. This act shall take effect immediately.

ASSEMBLY HEALTH COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 661

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 2, 2000

The Assembly Health Committee reports favorably and with committee amendments Senate Bill No. 661 (1R).

As amended by the committee, 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 those cases in which the suspected cause of death of a child under one year of age is sudden infant death syndrome (SIDS) or in which the child is between one and three years of age and the death is sudden and unexpected.

The bill also provides that when the suspected cause of death is SIDS or, in the case of a child between one and three years of age, the death is sudden and unexpected, upon the request of the parent, parents or legal guardian of the child, a pediatric pathologist, if available, shall assist in the performance of the autopsy under the direction of a forensic pathologist. The county medical examiner is required to notify the parent, parents or legal guardian that they may request that a pediatric pathologist assist in the performance of the autopsy.

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, and the Director of the Division of Youth and Family Services in the Department of Human Services or their designees, 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, a law enforcement officer, an emergency medical technician or paramedic,

a family member of a SIDS victim and a family member of a sudden unexpected 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 in which the suspected cause of death is SIDS or in which the child is between one and three years of age and the death is sudden and unexpected. 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, parents 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 when the suspected cause of death of a child is SIDS, or, in the case of a child between one and three years of age, the death is sudden and unexpected, the findings and conclusions shall be reported to the child's parent, parents 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.

The committee amended the bill to provide that when the suspected cause of death is SIDS or, in the case of a child between one and three years of age, the death is sudden and unexpected, upon the request of the parent, parents or legal guardian of the child, a pediatric pathologist, if available, shall assist in the performance of the autopsy under the direction of a forensic pathologist, rather than the autopsy being performed by the pediatric pathologist.

This bill is identical to Assembly Bill No. 1982 Aca (Vandervalk/Thompson), which the committee also reported on this date.

SENATE HEALTH COMMITTEE

STATEMENT TO

SENATE, No. 661

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 10, 2000

The Senate Health Committee reports favorably and with committee amendments Senate Bill No. 661.

As amended by committee, 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 those cases in which the suspected cause of death of a child under one year of age is sudden infant death syndrome (SIDS) or in which the child is between one and three years of age and the death is sudden and unexpected.

The bill also provides that when the suspected cause of death is SIDS or, in the case of a child between one and three years of age, the death is sudden and unexpected, upon the request of the parent, parents or legal guardian of the child, the autopsy shall be performed by a pediatric pathologist, if such a pathologist is available. The county medical examiner is required to notify the parent, parents or legal guardian that they may request that a pediatric pathologist perform the autopsy.

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, and the Director of the Division of Youth and Family Services in the Department of Human Services or their designees, 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, a law enforcement officer, an emergency medical technician or paramedic, a family member of a SIDS victim and a family member of a sudden unexpected 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 in which the suspected cause of death is SIDS or in which the child is between one and three years of age and the death is sudden and unexpected. 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, parents 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 when the suspected cause of death of a child is SIDS, or, in the case of a child between one and three years of age, the death is sudden and unexpected, 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.

The committee amended the bill to:

- delete the provision that when SIDS is the suspected cause of death, the child's parent, parents or legal guardian may request that a pediatric pathologist review the findings of an autopsy, and to provide, instead, that the parent, parents or legal guardian may request that the autopsy be conducted by a pediatric pathologist, if one is available, and that the county medical examiner shall notify the parent, parents or legal guardian that they may make such a request;

- clarify that SIDS refers to the death of a child under one year of age and add language in N.J.S.A.52:17B-88 to include the sudden and unexpected death of a child between the ages of one and three years;

- substitute the term "unexpected" for "unexplained" to conform the terminology of this bill with the provisions of N.J.S.A.52:17B-86; and

- add a law enforcement officer and an emergency medical technician or paramedic to the committee that will assist the State Medical Examiner in developing a sudden child death autopsy protocol.

As amended by committee, this bill is similar to Assembly Bill No. 1982 (Vandervalk/Thompson), which is pending before the Assembly Health Committee. This bill is similar to Senate Bill No. 2151 of 1998, which this committee reported favorably during the prior legislative session.

[Second Reprint]

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:

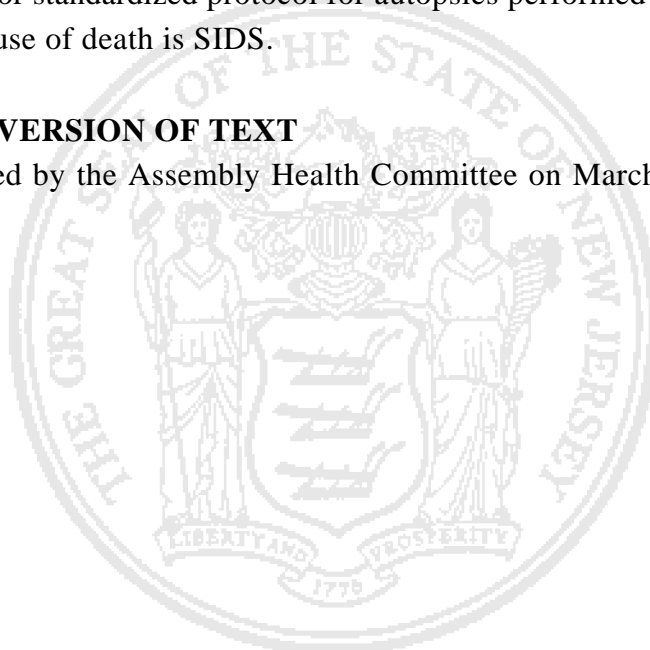
**Senators Vitale, Matheussen, Assemblywoman Vandervalk, Assemblymen
Thompson and Felice**

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Health Committee on March 2, 2000, with amendments.



(Sponsorship Updated As Of: 3/17/2000)

1 AN ACT concerning autopsies in suspected cases of sudden infant
2 death syndrome, amending P.L.1967, c.234 and supplementing Title
3 52 of the Revised Statutes.

4

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

7

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

10 11. If the cause of such death shall be established beyond a
11 reasonable doubt, the county medical examiner shall reduce his
12 findings to writing and promptly make a full report thereof to the State
13 Medical Examiner and to the county prosecutor on forms to be
14 prescribed by the State Medical Examiner for such purpose. If,
15 however, in the opinion of the county medical examiner, the State
16 Medical Examiner, an assignment judge of the Superior Court, the
17 county prosecutor or the Attorney General, an autopsy is necessary,
18 or if, in cases where the suspected cause of death ¹of a child under one
19 year of age¹ is sudden infant death syndrome ¹or the child is between
20 one and three years of age and the death is sudden and unexpected,¹
21 and an investigation has been conducted under the provisions of
22 section 9 of ~~[this act] P.L.1967, c.234 (C.52:17B-86)~~, and the parent,
23 parents or legal guardian of the child request an autopsy, the same
24 shall be performed, by (1) the State Medical Examiner, or an assistant
25 designated by him or by (2) the county medical examiner or a deputy
26 or assistant county medical examiner provided either has the
27 recognized training or experience in forensic pathology or by (3) such
28 competent forensic pathologists as may be authorized by the State
29 Medical Examiner¹; ~~except that when the suspected cause of death of~~
30 ~~a child under one year of age is sudden infant death syndrome or the~~
31 ~~child is between one and three years of age and the death is sudden~~
32 ~~and unexpected, upon the request of the parent, parents or legal~~
33 ~~guardian of the child,~~ ²[the autopsy shall be performed by]² a
34 pediatric pathologist, if ²[such a pathologist is]² available ², shall
35 assist in the performance of the autopsy under the direction of a
36 forensic pathologist². The county medical examiner shall notify the
37 parent, parents or legal guardian of the child that they may request that
38 a pediatric pathologist ²[perform] assist in the performance of² the
39 autopsy¹. A detailed description of the findings written during the
40 progress of such autopsy[,] and the conclusions drawn therefrom shall
41 thereupon be filed in the offices of the State Medical Examiner, 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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SHH committee amendments adopted February 10, 2000.

² Assembly AHL committee amendments adopted March 2, 2000.

1 county medical examiner and the county prosecutor. The county
2 medical examiner shall make available a copy of these findings and
3 conclusions to the closest surviving relative of the decedent within 90
4 days of the receipt of a request therefor, unless the death is under
5 active investigation by a law enforcement agency. [Where] If the
6 suspected cause of death of a child under ¹[three years] one year¹ of
7 age is sudden infant death syndrome ¹or if the child is between one and
8 three years of age and the death is sudden and unexpected¹, the
9 findings and conclusions shall be reported to the child's parent, parents
10 or legal guardian and the State Department of Health and Senior
11 Services within 48 hours after the death of the child. ¹[In a case where
12 the suspected cause of death is sudden infant death syndrome, the
13 parent, parents or legal guardian may request that a pediatric
14 pathologist review the findings of the autopsy.]¹

15 It shall be the duty of any county medical examiner to call upon the
16 State Medical Examiner or an assistant State medical examiner, or
17 other person authorized and designated by the State Medical
18 Examiner, to make an examination or perform an autopsy whenever he
19 deems it necessary or desirable, and it shall be the duty of the State
20 Medical Examiner or assistant State medical examiner to perform such
21 examination, except in such cases as a competent pathologist is so
22 authorized by the State Medical Examiner to perform such autopsy.
23 The necessary expenses for transportation of a body for autopsy by the
24 State Medical Examiner or an assistant State medical examiner or an
25 authorized pathologist and such reasonable fee payable to the
26 authorized pathologist as has been approved by the State Medical
27 Examiner for each autopsy such authorized pathologist may perform
28 shall be paid by the State.

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

30

31 2. (New section) a. The State Medical Examiner, in consultation
32 with the Commissioner of Health and Senior Services, shall develop
33 standardized protocols for autopsies performed in ¹those¹
34 cases¹[where] in which¹ the suspected cause of death of a child under
35 one year of age is sudden infant death syndrome and ¹[where] in
36 which¹ the child is between one and three years of age and the death
37 is sudden and ¹[unexplained] unexpected¹.

38 b. The State Medical Examiner shall establish a Sudden Child
39 Death Autopsy Protocol Committee to assist in developing and
40 reviewing the protocol. The committee shall include, but shall not be
41 limited to, the State Medical Examiner or his designee, the Assistant
42 Commissioner of the Division of Family Health Services in the
43 Department of Health and Senior Services or his designee, the
44 Director of the Division of Youth and Family Services in the
45 Department of Human Services or his designee, the director of the
46 SIDS Resource Center established pursuant to P.L.1987, c.331

1 (C.26:5D-4), an epidemiologist, a forensic pathologist, a pediatric
2 pathologist, a county medical examiner, a pediatrician who is
3 knowledgeable about sudden infant death syndrome and child abuse,
4 ¹a law enforcement officer, an emergency medical technician or a
5 paramedic,¹ a family member of a sudden infant death syndrome victim
6 and a family member of a sudden ¹[unexplained] unexpected¹ death
7 victim who was between one and three years of age at the time of
8 death.

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

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

18 The State Medical Examiner shall be responsible for ensuring that
19 the protocols are followed by all medical examiners and other persons
20 authorized to conduct autopsies in ¹those¹ cases ¹[where] in which¹ the
21 suspected cause of death is sudden infant death syndrome or
22 ¹[where] in which¹ the child is between one and three years of age
23 and the death is sudden and ¹[unexplained] unexpected¹.

24 d. The protocols shall authorize the medical examiner or other
25 authorized person to take tissue samples for research purposes if the
26 parent¹, parents¹ or legal guardian of the deceased child provides
27 written consent for the taking of tissue samples for research purposes.

28 e. The sudden infant death syndrome autopsy protocol shall
29 provide that if the findings in the autopsy are consistent with the
30 definition of sudden infant death syndrome specified in the protocol,
31 the person who conducts the autopsy shall state on the death
32 certificate that sudden infant death syndrome is the cause of death.

33

34 3. This act shall take effect immediately.

P.L. 2000, CHAPTER 24, *approved May 11, 2000*
Senate, No. 661 (*Second Reprint*)

1 AN ACT concerning autopsies in suspected cases of sudden infant
2 death syndrome, amending P.L.1967, c.234 and supplementing Title
3 52 of the Revised Statutes.

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

7
8 1. Section 11 of P.L.1967, c.234 (C.52:17B-88) is amended to
9 read as follows:

10 11. If the cause of such death shall be established beyond a
11 reasonable doubt, the county medical examiner shall reduce his
12 findings to writing and promptly make a full report thereof to the State
13 Medical Examiner and to the county prosecutor on forms to be
14 prescribed by the State Medical Examiner for such purpose. If,
15 however, in the opinion of the county medical examiner, the State
16 Medical Examiner, an assignment judge of the Superior Court, the
17 county prosecutor or the Attorney General, an autopsy is necessary,
18 or if, in cases where the suspected cause of death ¹of a child under one
19 year of age¹ is sudden infant death syndrome ¹or the child is between
20 one and three years of age and the death is sudden and unexpected,¹
21 and an investigation has been conducted under the provisions of
22 section 9 of [this act] P.L.1967, c.234 (C.52:17B-86), and the parent,
23 parents or legal guardian of the child request an autopsy, the same
24 shall be performed, by (1) the State Medical Examiner, or an assistant
25 designated by him or by (2) the county medical examiner or a deputy
26 or assistant county medical examiner provided either has the
27 recognized training or experience in forensic pathology or by (3) such
28 competent forensic pathologists as may be authorized by the State
29 Medical Examiner¹; except that when the suspected cause of death of
30 a child under one year of age is sudden infant death syndrome or the
31 child is between one and three years of age and the death is sudden
32 and unexpected, upon the request of the parent, parents or legal
33 guardian of the child, ²[the autopsy shall be performed by]² a
34 pediatric pathologist, if ²[such a pathologist is]² available ², shall
35 assist in the performance of the autopsy under the direction of a
36 forensic pathologist² . The county medical examiner shall notify the
37 parent, parents or legal guardian of the child that they may request that
38 a pediatric pathologist ²[perform] assist in the performance of² the
39 autopsy¹. A detailed description of the findings written during 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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SHH committee amendments adopted February 10, 2000.

² Assembly AHL committee amendments adopted March 2, 2000.

1 progress of such autopsy[,] and the conclusions drawn therefrom shall
2 thereupon be filed in the offices of the State Medical Examiner, the
3 county medical examiner and the county prosecutor. The county
4 medical examiner shall make available a copy of these findings and
5 conclusions to the closest surviving relative of the decedent within 90
6 days of the receipt of a request therefor, unless the death is under
7 active investigation by a law enforcement agency. ~~Where~~ If the
8 suspected cause of death of a child under ¹~~three years~~ one year¹ of
9 age is sudden infant death syndrome ¹or if the child is between one and
10 three years of age and the death is sudden and unexpected¹, the
11 findings and conclusions shall be reported to the child's parent, parents
12 or legal guardian and the State Department of Health and Senior
13 Services within 48 hours after the death of the child. ¹In a case where
14 the suspected cause of death is sudden infant death syndrome, the
15 parent, parents or legal guardian may request that a pediatric
16 pathologist review the findings of the autopsy.¹

17 It shall be the duty of any county medical examiner to call upon the
18 State Medical Examiner or an assistant State medical examiner, or
19 other person authorized and designated by the State Medical
20 Examiner, to make an examination or perform an autopsy whenever he
21 deems it necessary or desirable, and it shall be the duty of the State
22 Medical Examiner or assistant State medical examiner to perform such
23 examination, except in such cases as a competent pathologist is so
24 authorized by the State Medical Examiner to perform such autopsy.
25 The necessary expenses for transportation of a body for autopsy by the
26 State Medical Examiner or an assistant State medical examiner or an
27 authorized pathologist and such reasonable fee payable to the
28 authorized pathologist as has been approved by the State Medical
29 Examiner for each autopsy such authorized pathologist may perform
30 shall be paid by the State.

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

32

33 2. (New section) a. The State Medical Examiner, in consultation
34 with the Commissioner of Health and Senior Services, shall develop
35 standardized protocols for autopsies performed in ¹those¹
36 cases¹~~where~~ in which¹ the suspected cause of death of a child under
37 one year of age is sudden infant death syndrome and ¹~~where~~ in
38 which¹ the child is between one and three years of age and the death
39 is sudden and ¹~~unexplained~~ unexpected¹.

40 b. The State Medical Examiner shall establish a Sudden Child
41 Death Autopsy Protocol Committee to assist in developing and
42 reviewing the protocol. The committee shall include, but shall not be
43 limited to, the State Medical Examiner or his designee, the Assistant
44 Commissioner of the Division of Family Health Services in the
45 Department of Health and Senior Services or his designee, the
46 Director of the Division of Youth and Family Services in the

1 Department of Human Services or his designee, the director of the
2 SIDS Resource Center established pursuant to P.L.1987, c.331
3 (C.26:5D-4), an epidemiologist, a forensic pathologist, a pediatric
4 pathologist, a county medical examiner, a pediatrician who is
5 knowledgeable about sudden infant death syndrome and child abuse,
6 ¹a law enforcement officer, an emergency medical technician or a
7 paramedic,¹ a family member of a sudden infant death syndrome victim
8 and a family member of a sudden ¹[unexplained] unexpected¹ death
9 victim who was between one and three years of age at the time of
10 death.

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

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

20 The State Medical Examiner shall be responsible for ensuring that
21 the protocols are followed by all medical examiners and other persons
22 authorized to conduct autopsies in ¹those¹ cases ¹[where] in which¹ the
23 suspected cause of death is sudden infant death syndrome or
24 ¹[where] in which¹ the child is between one and three years of age
25 and the death is sudden and ¹[unexplained] unexpected¹.

26 d. The protocols shall authorize the medical examiner or other
27 authorized person to take tissue samples for research purposes if the
28 parent¹, parents¹ or legal guardian of the deceased child provides
29 written consent for the taking of tissue samples for research purposes.

30 e. The sudden infant death syndrome autopsy protocol shall
31 provide that if the findings in the autopsy are consistent with the
32 definition of sudden infant death syndrome specified in the protocol,
33 the person who conducts the autopsy shall state on the death
34 certificate that sudden infant death syndrome is the cause of death.

35

36 3. This act shall take effect immediately.

37

38

39

40

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

CHAPTER 24

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:

C.52:17B-88 Findings; report; autopsy; transportation of body.

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 of a child under one year of age is sudden infant death syndrome or the child is between one and three years of age and the death is sudden and unexpected, and an investigation has been conducted under the provisions of section 9 of 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; except that when the suspected cause of death of a child under one year of age is sudden infant death syndrome or the child is between one and three years of age and the death is sudden and unexpected, upon the request of the parent, parents or legal guardian of the child, a pediatric pathologist, if available, shall assist in the performance of the autopsy under the direction of a forensic pathologist. The county medical examiner shall notify the parent, parents or legal guardian of the child that they may request that a pediatric pathologist assist in the performance of the autopsy. 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 one year of age is sudden infant death syndrome or if the child is between one and three years of age and the death is sudden and unexpected, the findings and conclusions shall be reported to the child's parent, parents or legal guardian and the State Department of Health and Senior Services within 48 hours after the death of the child.

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

C.52:17B-88.10 Standardized protocols for autopsies of suspected SIDS victims.

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

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 law enforcement officer, an emergency medical technician or a paramedic, a family member of a sudden infant death syndrome victim and a family member of a sudden unexpected 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 those cases in which the suspected cause of death is sudden infant death syndrome or in which the child is between one and three years of age and the death is sudden and unexpected.

d. The protocols shall authorize the medical examiner or other authorized person to take tissue samples for research purposes if the parent, parents 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.

Approved May 11, 2000.

Office of the Governor
NEWS RELEASE

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RELEASE: May 11, 2000

**Governor Signs Bills Granting Municipalities Temporary Moratorium
on Garbage Collection for Apartments; Protocols for Autopsies in SIDS Cases**

Gov. Christie Whitman today signed legislation, which grants municipalities a temporary moratorium on having to comply with a court decision concerning the provision of garbage collection services for apartment complexes, and for the development of standardized protocol for autopsies performed in suspected Sudden Infant Death Syndrome (SIDS) cases.

"The court decision requiring municipalities to provide garbage collection services for apartment buildings and complexes no doubt will result in many municipalities facing a shortage of equipment or personnel or both," the Governor said. "The temporary moratorium will help provide a measure of protection from lawsuits while these municipalities are working to bring their collection services up to the level needed to meet the court mandate."

In *WHS Realty Co. v. Town of Morristown*, the Appellate Court mandated that municipalities that provide garbage collection services to residential homeowners and condominium developments must also provide those services to apartment buildings and apartment complexes.

The legislation, **A-1848**, provides that no municipality will be liable for payments relating to trash collection from any apartment building or apartment complex for any period prior to January 1, 2001. The immunity provision does not alter the court's requirement that municipalities provide garbage collection services to apartment buildings and complexes; rather, the legislation merely temporarily absolves municipalities from liability in the event a lawsuit is brought by an apartment owner. The legislation was sponsored by Assembly Members Richard A. Merkt (R-Morris) and Guy R. Gregg (R-Sussex/Hunterdon/Morris) and Senators Robert W. Singer (R-Burlington/Monmouth/Ocean) and Anthony R. Bucco (R-Morris).

S-661, which Gov. Whitman also signed today, provides for standardized protocol for autopsies performed in cases where the suspected cause of death was SIDS and directs the State Medical Examiner to establish a Sudden Death Autopsy Protocol Committee to assist in developing and reviewing the standardized protocols. The Committee is required to consist of at least 13 persons of various specified backgrounds. The bill also 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 SIDS cases.

The legislation was sponsored by Senators Richard J. Codey (D-Essex/Union) and Jack Sinagra (R-Middlesex) and Assembly Members Charlotte Vandervalk (R-Bergen) and Sam Thompson (R-Middlesex/Monmouth).