

52:17B-86; 52:17B-88

LEGISLATIVE HISTORY CHECKLIST

NJSA 52:17B-86; 52:17B-88 (Sudden infant death--investigate to determine cause)

LAWS 1980 CHAPTER 167

Bill No. S954

Sponsor(s) Scardino and others

Date Introduced Jan. 29, 1980

Committee: Assembly Health, Institutions and Welfare

Senate Health, Institutions

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly Oct. 6, 1980

Senate April 21, 1980

Date of approval Dec. 11, 1980

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note Yes No

Veto Message Yes No

Message on signing Yes ~~No~~

Following were printed:

Reports Yes No

Hearings Yes No

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SENATE, No. 954

STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1980

By Senators SCARDINO, HERBERT, SKEVIN and HAMILTON

Referred to Committee on Institutions, Health and Welfare

AN ACT to amend the "State Medical Examiner Act," approved November 20, 1967 (P. L. 1967, c. 234).

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

1 1. Section 9 of P. L. 1967, c. 234 (C. 52:17B-86) is amended to
2 read as follows:

3 9. An investigation shall be conducted in the manner hereinafter
4 described in the case of all human deaths from the following causes:

5 a. Violent deaths, whether apparently homicidal, suicidal or
6 accidental, including but not limited to death due to thermal,
7 chemical, electrical or radiation injury and deaths due to criminal
8 abortion, whether apparently self-induced or not;

9 b. Deaths not caused by readily recognizable disease, disability
10 or infirmity;

11 c. Deaths under suspicious or unusual circumstances;

12 d. Deaths within 24 hours after admission to a hospital or
13 institution;

14 e. Deaths of inmates of prisons;

15 f. Deaths of inmates of institutions maintained in whole or in
16 part at the expense of the State or county, where the inmate was
17 not hospitalized therein for organic disease;

18 g. Deaths from causes which might constitute a threat to public
19 health; **[and]**

20 h. Deaths related to disease resulting from employment or to
21 accident while employed; *and*

22 i. ***[Deaths of children under 3 years of age where the suspected**
23 **cause is sudden infant death syndrome.]*** **Sudden or unexpected*
24 *deaths of infants and children under 3 years of age and fetal deaths*
25 *occurring without medical attendance.**

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

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

3 11. If the cause of such death shall be established beyond a
4 reasonable doubt, the county medical examiner shall reduce his
5 findings to writing and promptly make a full report thereof to the
6 State Medical Examiner and to the county prosecutor on forms to
7 be prescribed by the State Medical Examiner for such purpose.
8 If, however, in the opinion of the county medical examiner, the
9 State Medical Examiner, an assignment judge of the Superior
10 Court, the county prosecutor or the Attorney General, an autopsy
11 is necessary, *or if, in cases where the suspected cause of death*
12 *is sudden infant death syndrome and an investigation has been*
13 *conducted under the provisions of section 9 of this act, the parent,*
14 *parents or legal guardian of the child request an autopsy, the*
14A *same shall be performed by (1) the State Medical Examiner*
14B *or an assistant designated by him or by (2) the county medical*
14C *examiner or a deputy or assistant county medical examiner*
14D *provided either has the recognized training or experience in*
15 *forensic pathology or by (3) such competent forensic pathologists*
16 *as may be authorized by the State Medical Examiner. A detailed*
17 *description of the findings written during the progress of such*
18 *autopsy, and the conclusions drawn therefrom shall thereupon*
19 *be filed in the offices of the State Medical Examiner, the county*
20 *medical examiner and the county prosecutor, and where the*
21 *suspected cause of death of a child under 3 years of age is sudden*
22 *infant death syndrome, *~~[a copy of such findings and conclusions~~*
23 *shall be made available to the parents or legal guardian of the in-*
24 *fant]* *the findings and conclusions shall be reported to the State*
25 *Department of Health within 48 hours after the death of the child.*
26 *A copy of the findings and conclusions shall be made available to*
27 *the parents or legal guardian of the child, upon request*. It shall*
28 *be the duty of any county medical examiner to call upon the State*
29 *Medical Examiner or an assistant State medical examiner, or*
30 *other person authorized and designated by the State Medical*
31 *Examiner, to make an examination or perform an autopsy whenever*
32 *he deems it necessary or desirable, and it shall be the duty of the*
33 *State Medical Examiner or assistant State medical examiner to*
34 *perform such examination, except in such cases as a competent*
35 *pathologist is so authorized by the State Medical Examiner to*
36 *perform such autopsy. The necessary expenses for transportation*
37 *of a body for autopsy by the State Medical Examiner or an assist-*
38 *ant State medical examiner or an authorized pathologist and such*
39 *reasonable fee payable to the authorized pathologist as has been*
40 *approved by the State Medical Examiner for each autopsy such*
41 *authorized pathologist may perform shall be paid by the State.**

1 3. This act shall take effect immediately.

STATEMENT

Sudden infant death syndrome is a baffling medical problem in that the cause of crib deaths is unknown. About ten to fifteen thousand times a year a healthy baby is put to bed and is found lifeless the next morning. Parents are understandably confused and searching for answers. The usual and expected reaction is that they blame themselves, and they will continue to blame themselves until someone knowledgeable tells them differently. Innocent parents are at times the victims of unjust police accusation and prosecution.

This bill amends the State Medical Examiner Act to provide for an investigation into the death of children where the suspected cause is sudden infant death syndrome, and provides parents and guardians of such children with the findings and conclusions of the investigation.

5954 (1980)

ASSEMBLY INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO
SENATE, No. 954

STATE OF NEW JERSEY

DATED: OCTOBER 6, 1980

This bill amends the "State Medical Examiner Act" to provide for an investigation into the sudden or unexpected death of children under 3 years of age and fetal deaths occurring without medical attendance. It further provides that when sudden infant death syndrome (SIDS) is the suspected cause of death, the parents of the child may request an autopsy. The findings of the autopsy shall be reported to the Department of Health, which conducts a SIDS program, within 48 hours and, upon request, shall also be made available to the parents.

The committee agreed with the sponsor's intent and released the bill without amendment.

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO

SENATE, No. 954

with Senate committee amendments

STATE OF NEW JERSEY

DATED: APRIL 14, 1980

This bill amends the State Medical Examiner Act to provide for an investigation into the sudden or unexpected death of children under 3 years of age. The bill provides that the parents or legal guardian may request that an autopsy be performed when the suspected cause of death is sudden infant death syndrome (SIDS), and that upon request, a copy of the findings and conclusions drawn from the autopsy be made available to them. The bill also requires that in cases when the suspected cause of death is SIDS, the autopsy information shall be reported to the Department of Health within 48 hours of the death of the child.

The committee amended the bill to expand the category of deaths for which an investigation shall be required and to require that in cases of SIDS when an autopsy is performed, the findings and conclusions be reported to the Department of Health, which administers a SIDS program.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

DECEMBER 12, 1980

KATHRYN FORSYTH

Governor Brendan Byrne has signed S-954, sponsored by Anthony Scardino (D-Bergen).

This bill will amend the provisions of the "State Medical Examiner Act" to provide for an investigation into the sudden or unexpected death of an infant or child under three years of age and fetal deaths occurring without medical attendance. In addition, the bill provides that if the suspected cause of death is sudden infant death syndrome and an investigation has been completed, the parents or guardian of the child may request an autopsy. Further, the bill mandates that the findings and conclusions of the autopsy be reported to the State Department of Health within 48 hours after the death of the child and made available to the parents or guardian, upon request.

This change in the law will enable the Department of Health to further its study into the sudden infant death syndrome allowing them to refer the family for counseling services and research into the causes and ways to prevent sudden infant death syndrome.

In addition, it will allow clear determination of the cause of death allowing the correct distinction between cases of child abuse and deaths due to other causes.

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