
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair
2019 - 2020 Regular

Bill No: AB 620 **Hearing Date:** June 11, 2019
Author: Cooley
Version: February 15, 2019
Urgency: No **Fiscal:** Yes
Consultant: MK

Subject: *Coroner: Sudden Unexplained Death in Childhood*

HISTORY

Source: Sonya Winchell (Constituent)

Prior Legislation: AB 1864 (Cooley) Vetoed 2016
AB 2029 (Cooley) Vetoed 2014

Support: Unknown

Opposition: California State Coroners' Association; California State Sheriffs' Association

Assembly Floor Vote: 70 - 1

PURPOSE

The purpose of this bill is to define "sudden unexplained death in childhood" (SUDC), and requires a coroner to notify the parents or responsible adult of a child that comes within the definition of the importance of taking tissue samples.

Existing law requires a coroner to investigate the circumstances, manner, and cause of specified types of deaths, including violent, sudden, or unusual deaths; unattended deaths; and deaths where the deceased has not been attended to by a physician within 20 days before the death occurred. Affords the coroner with the discretion to determine the extent of the inquiry into a death occurring under natural circumstances, and allows the coroner to authorize a physician to sign the certificate of death if the physician has sufficient knowledge to reasonably state the cause of a death occurring under natural circumstances. (Government Code, § 27491)

Existing law provides that a coroner shall within 24 hours, or as soon as feasible thereafter, where the suspected cause of death is sudden infant death syndrome, take possession of the body, and make or cause to be made a postmortem examination or autopsy thereon, and the detailed medical findings resulting from an examination of the body or autopsy by an examining physician must either be reduced to writing, or permanently preserved, as specified. (Government Code § 27491.4 (a))

Existing law defines "sudden infant death syndrome" to mean "the sudden death of an infant that is unexpected by the history of the infant and where a thorough postmortem fails to demonstrate an adequate cause of death." (Government Code § 27491.49 (a))

Existing law provides that an autopsy conducted where it is suspected that the cause of death is sudden infant death syndrome be conducted pursuant to a standardized protocol developed by the State Department of Public Health. The protocol shall be developed and approved by July 1, 1990. (Government Code § 27491.41 (d).)

Existing law requires that all coroners, throughout the state, follow the established protocol when conducting autopsies where the suspected cause of death is sudden infant death syndrome, and requires a coroner to state on the certificate of death that sudden infant death syndrome was the cause of death when the findings are consistent with the definition of sudden infant death syndrome. (Government Code § 27491.41 (e))

Existing law requires a coroner to perform or arrange for an autopsy on a decedent upon a written request of the surviving spouse, or in certain circumstances, a child, parent, or other legal next-of-kin; and requires the cost of the autopsy to be borne by the person requesting the autopsy. (Government Code § 27520)

This bill provides that a coroner shall notify the parent or responsible adult of a child who has suffered unexplained death in childhood, about the importance of taking tissue samples.

This bill provides the coroner shall not be liable for damages in a civil action for any act or omission in compliance with this section.

This bill defines “sudden unexplained death in childhood” as the sudden death of a child one year of age or older but under 18 years of age that is unexplained by the history of the child and where a thorough postmortem examination fails to demonstrate an adequate cause of death.

COMMENTS

1. Need for This Bill

According to the author:

While existing law allows a coroner to take tissue samples from an infant that is determined to have died from SIDS and required to inform parents on the importance of taking tissue samples for further investigation, similar laws do not exist to require rapid investigation or encourage the proper management of sudden unexplained deaths of children no longer in infancy.

As a result, parents whose children’s death is classified as Sudden Unexplained Death in Childhood (SUDC) are often left with little or no information on how to process the death of their children or how to address further investigation.

AB 620 aims to address this deficiency in existing law by requiring coroners to notify parents or guardians of the importance of taking tissue samples in cases

where a child is determined to have died as a result of SUDC for the purpose of further investigation.

2. Importance of taking samples

According to the Sudden Unexplained Death in Childhood Program's (SUDCP) website, SUDC is a rare condition that occurs in children over the age of 12 months. According to the SUDCP, SUDC is a diagnosis of exclusion that is given when all known and possible causes of death have been ruled out. The SUDCP states that the incidence of SUDC is approximately 1.3 deaths per 100,000 children, compared to 57 deaths per 100,000 live births for SIDS in 2002. (<http://sudc.org/About/FAQs>.) The website additionally, states, with regard to the collection of tissue:

If available to you, SUDC encourages the banking of your child's DNA to provide you with options to pursue more information about your child's death. As clinical testing advances and research options improve, you may want to access these opportunities. Securing a genetic specimen (DNA) from your child may provide:

- the opportunity for genetic testing to uncover specific cause of death and appropriate testing of family
- the opportunity for genetic testing to provide negative results - which may assist in decreasing some anxiety
- the opportunity for storing a genetic specimen - banking DNA
- Instill hope for cases that currently defy understanding
- Allow for participation in present or future research
- Allow families to benefit from potential benefit of future discoveries

(<http://sudc.org/Research/Securing-and-Banking-DNA-after-SUDC>.)

According to the author, "reasons to take samples in SUDC cases include observing tissues for abnormalities or damage, and banking DNA for further investigation." To this end, this legislation would require the coroner to notify the parents of the importance of taking tissue samples.

3. Veto Message

Governor Brown vetoed AB 1864 (Cooley) which was identical to this bill stating:

This bill would add a statutory definition of "sudden unexplained death in childhood" and requires coroners to notify parents or responsible parties about the importance of taking tissue samples when such an unexplained death occurs.

I vetoed AB 2029 because of my concern that creating a definition in law for an unidentified cause of death, which lacks the consensus of the scientific community, is premature. This concern remains. The Center for Disease Control and Prevention has developed a Sudden Death in the Young Case Registry, and is working with experts to study the causes and risk factors for sudden death in children.

California would benefit from having the final results from the national study before creating a state mandate on this issue.