

BILL NUMBER: AB 777 CHAPTERED BILL TEXT

CHAPTER 309
FILED WITH SECRETARY OF STATE SEPTEMBER 5, 2003
APPROVED BY GOVERNOR SEPTEMBER 4, 2003
PASSED THE ASSEMBLY AUGUST 21, 2003
PASSED THE SENATE JULY 21, 2003
AMENDED IN SENATE JULY 15, 2003
AMENDED IN ASSEMBLY MAY 23, 2003
AMENDED IN ASSEMBLY MAY 14, 2003
AMENDED IN ASSEMBLY APRIL 10, 2003

INTRODUCED BY Assembly Member Dutton
(Coauthors: Assembly Members Bates, Benoit, Cox, Houston, Koretz,
Maddox, Maze, Nakanishi, Pacheco, Runner, and Spitzer)

FEBRUARY 19, 2003

An act to add and repeal Section 7155.7 of the Health and Safety Code, relating to dead bodies.

LEGISLATIVE COUNSEL'S DIGEST

AB 777, Dutton. Anatomical gifts: organs: inquests.

The Uniform Anatomical Gift Act establishes general requirements and procedures for the donation of all or part of a human body.

Existing law authorizes a coroner or medical examiner to, among other things, assist the people of the state in the implementation of the Uniform Anatomical Gift Act, cooperate in the authorized removal and timely disposition of human organs and tissue from the bodies of deceased persons in accordance with law and accepted medical practice, and enter into agreements with one or more procurement organizations to coordinate organ recovery procedures within that coroner's or medical examiner's jurisdiction or in cooperation with other coroners or medical examiners throughout the state.

This bill would authorize the county medical examiner or coroner to permit or deny removal of organs that constitute an anatomical gift from a decedent who died under circumstances requiring an inquest, on request from a qualified procurement organization, if certain conditions are met depending upon whether an autopsy is or is not required.

This bill would require, if the medical examiner or coroner is considering withholding organs of a potential donor for any reason, the medical examiner or coroner to be present during the procedure to remove those organs, with certain exceptions. The bill would require, upon the request of the medical examiner or coroner, the qualified procurement organization requesting the removal of the organ to reimburse the medical examiner or coroner for the actual costs incurred in being present during the procedure to remove the organs.

This bill would require the health care professional removing organs from a decedent who died under circumstances requiring an inquest to file a specified report with the county medical examiner or coroner.

This bill would repeal these provisions on January 1, 2006.

The imposition of these new duties on county medical examiners and coroners would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 7155.7 is added to the Health and Safety Code, to read:

7155.7. (a) On request from a qualified procurement organization, the county medical examiner or coroner may permit the removal of organs that constitute an anatomical gift from a decedent who died under circumstances requiring an inquest by the medical examiner or coroner.

(b) If no autopsy is required, the organs to be removed may be released to the qualified procurement organization.

(c) If an autopsy is required and the county medical examiner or coroner determines that the removal of the organs will not interfere with the subsequent course of an investigation or autopsy, the organs may be released for removal. The autopsy shall be performed following the removal of the organs.

(d) Except in cases where there is no known next of kin or when a person dies in the custody of a law enforcement agency, if the medical examiner or coroner is considering withholding one or more organs of a potential donor for any reason, the medical examiner or coroner, or his or her designee, upon request from a qualified organ procurement organization, shall be present during the procedure to remove the organs. The medical examiner or coroner, or his or her designee, may request a biopsy of those organs or deny removal of the organs if necessary. If the county medical examiner or coroner, or his or her designee, denies removal of the organs, the county medical examiner or coroner may do both of the following:

(1) In the investigative report, explain in writing the reasons for the denial.

(2) Provide the explanation to the qualified organ procurement organization.

(e) If the county medical examiner or coroner, or his or her designee, is present during the removal of the organs, the qualified procurement organization requesting the removal of the organ shall reimburse the county of the medical examiner or coroner, or his or her designee, for the actual costs incurred in performing the duty specified in subdivision (d), if reimbursement is requested by the county medical examiner or coroner. The payment shall be applied to the additional costs incurred by the county medical examiner's or coroner's office in performing the duty specified in subdivision (d).

(f) The health care professional removing organs from a decedent who died under circumstances requiring an inquest shall file with the county medical examiner or coroner a report detailing the condition

of the organs removed and their relationship, if any, to the cause of death.

(g) This section shall remain in effect only until January 1, 2006, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2006, deletes or extends that date.

SEC. 2. Neither Section 7155.7 of the Health and Safety Code nor the repeal of Section 7155.7 of the Health and Safety Code shall preclude a coroner or medical examiner from permitting the removal of organs that constitute an anatomical gift under any other provision of law.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.