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HOUSE BILL NO. 1548

Offered January 19, 2018

A *BILL to amend and reenact §§ 32.1-285 and 32.1-285.1 of the Code of Virginia, relating to Sudden Infant Death Syndrome.*

Patron—Freitas

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-285 and 32.1-285.1 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-285. Autopsies.

A. If, in the opinion of the Office of the Chief Medical Examiner, it is advisable and in the public interest that an autopsy be made as part of the investigation of the death, or if an autopsy is requested by the attorney for the Commonwealth or by a judge of the circuit court of the county or city wherein such body is or where death occurred or wherein any injury contributing to or causing death was sustained, an autopsy shall be performed by the Chief Medical Examiner, an Assistant Chief Medical Examiner, or a pathologist with whom the Commissioner has entered into an agreement in accordance with § 32.1-281. Upon petition of a member of the immediate family or the spouse of the deceased in a case of death by injury, such circuit court may, for good cause shown, order an autopsy, after providing notice and an opportunity to be heard to the attorney for the Commonwealth for the jurisdiction wherein the injury contributing to or causing death was sustained or where death occurred. Further, in all cases of *sudden and unexpected death suspected to be attributable to Sudden Infant Death Syndrome (SIDS) of an infant less than 18 months of age whose death is unexplained*, an autopsy shall be advisable and in the public interest and shall be performed as required by § 32.1-285.1. A full record and report of the facts developed by the autopsy and findings of the person making such autopsy shall be promptly made and filed with the Office of the Chief Medical Examiner and a copy furnished the judge or attorney for the Commonwealth requesting such autopsy. In the discretion of the Chief Medical Examiner or an Assistant Chief Medical Examiner, a copy of any autopsy report or findings may be furnished to any appropriate attorney for the Commonwealth and to the appropriate law-enforcement agency investigating the death.

B. In the case of a child death investigation that indicates child abuse or neglect contributed to the death, or that the child suffered from abuse and neglect, the case shall be immediately reported to the child protective services unit of the local ~~Department of Social Services~~ *department of social services* by the Chief Medical Examiner, an Assistant Chief Medical Examiner, or a medical examiner appointed pursuant to § 32.1-282.

§ 32.1-285.1. Death of infants under 18 months of age; autopsies required; Sudden Infant Death Syndrome.

An autopsy shall be performed in the case of any *sudden and unexpected death of an infant death which is suspected to be attributable to less than 18 months of age whose death is unexplained. The results of such autopsy shall not deem the cause of any such death as Sudden Infant Death Syndrome (SIDS).*

For the purposes of this section, "Sudden Infant Death Syndrome" (SIDS)," a diagnosis of exclusion, means the sudden and unexpected death of an infant less than ~~eighteen~~ 18 months of age whose death remains unexplained after a thorough postmortem examination ~~which that~~ includes an autopsy.

INTRODUCED

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