

AMENDED IN ASSEMBLY APRIL 10, 2013

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1297

Introduced by Assembly Member John A. Pérez

February 22, 2013

An act to amend Section 7151.15 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1297, as amended, John A. Pérez. Coroners: organ donation.

Existing law requires a coroner to cooperate with procurement organizations to maximize the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research, or education. Existing law requires a coroner or designee to conduct a post mortem examination of a body or part that is available for or has been donated to a procurement organization in a manner and within a period compatible with the body or part's preservation for the purposes of the gift.

This bill would ~~impose a state-mandated local program by requiring~~ *authorize a procurement organization, when specified circumstances are present, to notify a coroner, prior to the donor's death, that a donor has made or may make an anatomical gift, and would require a coroner to accept that notification, if such notification will facilitate the coroner's ability to conduct his or her duties in a manner and within a period compatible with the preservation of the body or part for the purposes of the gift. The bill would also require a coroner to conduct a post mortem investigation in a manner and time period compatible with*

the preservation of the body or part for the purposes of the ~~gift~~. *gift*,
thereby imposing 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 shall be made pursuant to these statutory provisions for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7151.15 of the Health and Safety Code
2 is amended to read:
3 7151.15. (a) A county coroner shall cooperate with
4 procurement organizations to maximize the opportunity to recover
5 anatomical gifts for the purpose of transplantation, therapy,
6 research, or education.
7 (b) If a county coroner receives notice from a procurement
8 organization that an anatomical gift might be available or was
9 made with respect to a decedent whose body is under the
10 jurisdiction of the coroner and a post mortem examination or
11 investigation is going to be performed, unless the coroner denies
12 recovery in accordance with Section 7151.20, the coroner or
13 designee shall conduct a post mortem examination or investigation
14 of the body or the part in a manner and within a period compatible
15 with its preservation for the purposes of the gift.
16 (c) A part shall not be removed from the body of a decedent
17 under the jurisdiction of a coroner for transplantation, therapy,
18 research, or education unless the part is the subject of an anatomical
19 gift. The body of a decedent under the jurisdiction of the coroner
20 shall not be delivered to a person for research or education unless
21 the body is the subject of an anatomical gift. This subdivision does
22 not preclude a coroner from performing the medico legal
23 investigation upon the body or parts of a decedent under the
24 jurisdiction of the coroner.

1 *(d) Notwithstanding any other law, when an anatomical gift*
2 *might be available or has been made by a person whose death is*
3 *imminent due to the lawful withdrawal of medical treatment and*
4 *if that person's body, post mortem, will be subject to the coroner's*
5 *jurisdiction pursuant to Section 27491 of the Government Code,*
6 *a procurement organization may notify a coroner of the anatomical*
7 *gift, and a coroner shall accept the notification, if such notification*
8 *will facilitate the coroner's ability to conduct a post mortem*
9 *examination or investigation of the body or the part in a manner*
10 *and within a period compatible with its preservation for the*
11 *purposes of the gift.*

12 SEC. 2. No reimbursement shall be made pursuant to Part 7
13 (commencing with Section 17500) of Division 4 of Title 2 of the
14 Government Code for costs mandated by the state pursuant to this
15 act. It is recognized, however, that a local agency or school district
16 may pursue any remedies to obtain reimbursement available to it
17 under Part 7 (commencing with Section 17500) and any other
18 provisions of law.

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