

ASSEMBLY BILL

No. 3145

Introduced by Assembly Member Granlund

February 23, 1996

An act to add Section 27515 to the Government Code, relating to coroner's inquests.

LEGISLATIVE COUNSEL'S DIGEST

AB 3145, as introduced, Granlund. Coroner's inquests: anatomical gifts.

Existing law requires the coroner of each county to conduct an inquest of deaths that occur under specified circumstances. Existing law, known as the Uniform Anatomical Gift Act, permits persons, under specified conditions, to donate all or parts of their body for specified purposes after their death.

This bill would provide that when a deceased person whose death is subject to an inquest by the county coroner has donated all or part of his or her body pursuant to the Uniform Anatomical Gift Act or other legal means, the coroner, if he or she has notice of the donation, shall conduct any required examination or autopsy of the body in a manner that is compatible with the preservation of the tissues or organs for transplant.

This bill would permit any physician or other authorized health care professional who is authorized to remove an anatomical gift from a donor whose death is subject to an inquest by the county coroner to remove the anatomical gift after giving notice to the coroner, but would permit the

coroner to be present during the removal and take tissue samples, as specified.

This bill would impose a state-mandated local program by requiring the county coroner acting under these circumstances to compile and maintain specified records in connection with the removal.

This bill would also require the physician or other health care professional who is conducting an anatomical gift removal to compile and maintain specified records in connection with the removal.

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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund 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 27515 is added to the
 2 Government Code, to read:
 3 27515. Notwithstanding any provision of law to the
 4 contrary:
 5 (a) If a deceased person whose death is under
 6 investigation pursuant to this article is a donor of all or
 7 part of his or her body as evidenced by an advance
 8 directive, will, card or other document, or as otherwise
 9 provided in the “Uniform Anatomical Gift Act” (Chapter
 10 3.5 (commencing with Section 7150) of Part 1 of Division
 11 7), the coroner, or his or her designee, who has notice of
 12 the donation shall perform any examination, autopsy, or
 13 analysis of tissues or organs of the body required by law



1 in a manner and within a time period compatible with
2 their preservation for the purposes of transplantation.

3 (b) A physician or other health care professional
4 authorized to remove an anatomical gift from a donor
5 whose death is under investigation pursuant to this
6 article, may remove the donated part from the donor's
7 body for acceptance by a person authorized to become a
8 donee, after giving notice to the coroner, or his or her
9 designee, if the examination, autopsy, or analysis has not
10 been undertaken in the manner and within the time
11 provided in subdivision (a). The coroner, or his or her
12 designee, shall be present during removal of the
13 anatomical gift if, in his or her judgment, those tissues or
14 organs may be involved in the cause of death. In that case,
15 the coroner, or his or her designee, may request a biopsy
16 of those tissues or organs or deny removal of the
17 anatomical gift. The coroner, or his or her designee, shall
18 explain in writing his or her reasons for determining that
19 those tissues or organs may be involved in the cause of
20 death and shall include the explanation in any records he
21 or she is required to maintain by law.

22 (c) The physician or health care professional
23 performing a transplant subject to subdivision (b) shall
24 file with the coroner a report detailing the condition of
25 the part of the body that is the anatomical gift and its
26 relationship to the cause of death. If appropriate, the
27 report shall include a biopsy or medically approved
28 sample from the anatomical gift. The report shall become
29 part of the coroner's report and any records the coroner
30 is required to maintain by law.

31 SEC. 2. No reimbursement shall be made from the
32 State Mandates Claims Fund pursuant to Part 7
33 (commencing with Section 17500) of Division 4 of Title
34 2 of the Government Code for costs mandated by the
35 state pursuant to this act. It is recognized, however, that
36 a local agency or school district may pursue any remedies
37 to obtain reimbursement available to it under Part 7
38 (commencing with Section 17500) and any other
39 provisions of law.



1 Notwithstanding Section 17580 of the Government
2 Code, unless otherwise specified, the provisions of this act
3 shall become operative on the same date that the act
4 takes effect pursuant to the California Constitution.

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