

House File 33
Budget
Cusack, chair
Norland
Den Herder

20 1977

HOUSE FILE 33

House File 33

Budget
Budget Subcommittee on
Human Resources

10/77 Do Pass 5/19 (p. 2667)

was Budget Do Pass 3/2

By RINAS and Lipsky (2/22)
Kearney 1/27

Passed House, Date 5-20-77 (p. 2579) Passed Senate, Date 3-7-78 (p. 470)

Vote: Ayes 77 Nays 14 Vote: Ayes 45 Nays 0

Approved _____

John W. P.

A BILL FOR

1 An Act to require autopsies of children under the age of two
2 years when the circumstances of death indicate that sudden
3 infant death syndrome may be the cause of death, to re-
4 quire that the results of such autopsies be transmitted
5 to a parent, to provide that the state shall pay for
6 these autopsies, and making an appropriation.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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Section 4 of the Code

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1 Section 1. Section three hundred thirty-nine point seven
2 (339.7), Code 1977, is amended by adding the following new
3 paragraph:

4 NEW PARAGRAPH. The county medical examiner, with con-
5 sent of a parent, guardian or custodian, shall order an autopsy
6 in each case of a death of a child under the age of two years
7 when death results from an unknown cause or when the
8 circumstances surrounding the death indicate that sudden
9 infant death syndrome may be the cause of death. The state
10 shall reimburse the county for expenses incurred for autopsies
11 required under the provisions of this paragraph.

12 Sec. 2. Section three hundred thirty-nine point eight
13 (339.8), Code 1977, is amended by adding the following new
14 paragraph:

15 NEW PARAGRAPH. Findings resulting from an autopsy of a
16 child under the age of two years whose death resulted from
17 an unknown cause or whose death was surrounded by circumstances
18 which indicate that sudden infant death syndrome may be the
19 cause of death shall be transmitted immediately to the parent,
20 guardian or custodian of the child who gave the consent by
21 the person performing the autopsy. A copy of the autopsy
22 report filed with the county attorney shall be available to
23 the parents, guardian or custodian upon request.

24 Sec. 3. There is appropriated from the general fund to
25 the department of health for the fiscal period beginning
26 January 1, 1978 and ending June 30, 1978, the sum of fifteen
27 thousand (15,000) dollars, or so much thereof as may be
28 necessary, for the purpose of reimbursing counties for expenses
29 resulting from autopsies of suspected victims of sudden infant
30 death syndrome.

31 EXPLANATION

32 This bill provides for autopsies of children who may be
33 victims of sudden infant death syndrome and provides that
34 the results of such autopsies be provided to parents
35 immediately. The bill also provides that the state shall

1 reimburse counties for autopsy expenses incurred under this
2 Act and appropriates a sum of money for that purpose.

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1 Amend House File 33 as follows:

2 1. Page 1, by striking lines 1 through 11 and
3 inserting in lieu thereof the following:

4 "Section 1. Section three hundred thirty-nine
5 point six (339.6), Code 1977, is amended by adding
6 the following new numbered paragraph:

7 NEW PARAGRAPH. 10. Death of a child under the
8 age of two years when death results from an unknown
9 cause or when the circumstances surrounding the death
10 indicate that sudden infant death syndrome may be
11 the cause of death."

12 "Section 2. Section three hundred thirty-nine
13 point seven (339.7) Code, 1977, is amended as
14 follows:

15 339.7 Investigation by county examiner. The
16 county medical examiner shall investigate each
17 death occurring in the manner specified in
18 Section 339.6, and report each case to the state
19 medical examiner. The county medical examiner
20 shall conduct such investigation as may be
21 required by the state medical examiner and shall
22 determine whether or not the public interest
23 requires an autopsy or other special investigation.
24 However, if the death occurred in the manner
25 specified in Section 339.6(10) the county medical
26 examiner shall order an autopsy and shall be
27 reimbursed for expenses incurred by the department
28 of health. In his determination of the need for
29 an autopsy, the county medical examiner may
30 consider the request for an autopsy made by private
31 persons or public officials, except that the state
32 medical examiner or the county attorney of the
33 county where the death occurred may require an
34 autopsy."

35 2. Page 1, line 12, by striking the figure
36 "2" and inserting in lieu thereof the following:
37 "~~2~~ 3".

38 3. Page 1, line 15, by striking the word
39 "Findings" and inserting in lieu thereof the words
40 "A summary of the findings".

41 4. Page 1, line 18, by striking the word "be"
42 and inserting in lieu thereof the words "have been".

43 5. Page 1, line 19, by striking the words
44 "to the parent," and inserting in lieu thereof
45 the following: "by the physician who performed
46 the autopsy to the county medical examiner for
47 forwarding to the parent, guardian or custodian of
48 the child via the infants' attending physician or
49 or the county examiner or his or her designee."
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6. Page 1, by striking line 20.

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Page 2

1 7. Page 1, line 21, by striking the words
2 "the person performing the autopsy".

3 8. By renumbering the remaining sections accord-
4 ingly.

H-4342 FILED *Adopted 5/20* BY RINAS of Linn
MAY 20, 1977 (*p. 2579*) LIPSKY of Linn
WEST of Marshall
KREWSON of Polk
MONROE of Des Moines



Office of the Governor

STATE CAPITOL
DES MOINES, IOWA 50319

ROBERT D. RAY
GOVERNOR

April 26, 1978

The Honorable Melvin D. Synhorst
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 33, an act to require autopsies of children under the age of two years when the circumstances of death indicate that Sudden Infant Death Syndrome may be the cause of death, to require that the results of such autopsies be transmitted to a parent, to provide that the State shall pay for these autopsies, and making an appropriation.

House File 33 is approved April 26, 1978, with the following exception which I hereby disapprove.

I am unable to approve the item designated as Section 4 which reads as follows:

Sec. 4. There is appropriated from the general fund to the department of health for the fiscal period beginning January 1, 1978 and ending June 30, 1978, the sum of fifteen thousand (15,000) dollars, or so much thereof as may be necessary, for the purpose of reimbursing counties for expenses resulting from autopsies of suspected victims of sudden infant death syndrome.

While the \$15,000 appropriation contained in this section is for a very appropriate purpose--that of reimbursing counties for the expenses they incur because of the bill--it will be of no practical benefit to anyone. That is because of a mix-up in the timing of the appropriation.

House File 33 was introduced in the 1977 session of the legislature in a form that presumed it would be passed in 1977 and become effective July 1, 1977. The authors of the bill made the appropriation available for the period beginning January 1, 1978, and ending June 30, 1978.

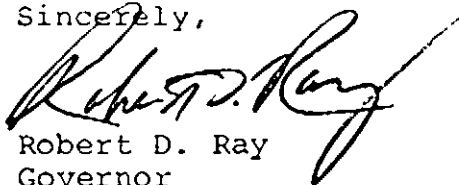
The Honorable Melvin D. Synhorst
Page 2
April 26, 1978

Since House File 33 did not receive final passage in 1977, it was held over and passed in the 1978 session. Unfortunately the appropriation was not updated to reflect the new effective date of the bill, July 1, 1978. Therefore, we end up with the ironic situation that the appropriation will expire the day before the bill becomes effective. Hence, none of the appropriation may be used for its intended purpose.

The legislature has taken quick action to make sure that this situation does not occur. Funds have been appropriated in Senate File 2241 and House File 2440 for reimbursement to counties for expenses resulting from autopsies of suspected victims of the Sudden Infant Death Syndrome during the fiscal year ending in 1979. We fully expect the bill to receive final passage and be sent to the Governor for approval. Once that is accomplished, we will have funding for this important program.

For the above reasons, I hereby disapprove this item in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of House File 33 are hereby approved this date.

Sincerely,



Robert D. Ray
Governor

RDR:cg

cc: Secretary of the Senate
Chief Clerk of the House

HOUSE FILE 33

AN ACT

TO REQUIRE AUTOPSIES OF CHILDREN UNDER THE AGE OF TWO YEARS WHEN THE CIRCUMSTANCES OF DEATH INDICATE THAT SUDDEN INFANT DEATH SYNDROME MAY BE THE CAUSE OF DEATH, TO REQUIRE THAT THE RESULTS OF SUCH AUTOPSIES BE TRANSMITTED TO A PARENT, TO PROVIDE THAT THE STATE SHALL PAY FOR THESE AUTOPSIES, AND MAKING AN APPROPRIATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section three hundred thirty-nine point six (339.6), Code 1977, is amended by adding the following new numbered subsection:

NEW SUBSECTION. 10. Death of a child under the age of two years when death results from an unknown cause or when the circumstances surrounding the death indicate that sudden infant death syndrome may be the cause of death.

Sec. 2. Section three hundred thirty-nine point seven (339.7), Code 1977, is amended as follows:

339.7 Investigation by county examiner. The county medical examiner shall investigate each death occurring in the manner specified in section 339.6, and report each case to the state medical examiner. The county medical examiner shall conduct such investigation as may be required by the state medical examiner and shall determine whether or not the public interest requires an autopsy or other special investigation. However, if the death occurred in the manner specified in section 339.6 (10) the county medical examiner shall order an autopsy and shall be reimbursed for expenses incurred by the department of health. In his determination of the need for an autopsy, the county medical examiner may consider the request for an autopsy made by private persons or public officials, except that the state medical examiner or the county attorney of the county where the death occurred may require an autopsy.

Sec. 3. Section three hundred thirty-nine point eight (339.8), Code 1977, is amended by adding the following new paragraph:

NEW PARAGRAPH. A summary of the findings resulting from an autopsy of a child under the age of two years whose death resulted from an unknown cause or whose death was surrounded by circumstances which indicate that sudden infant death syndrome may have been the cause of death shall be transmitted immediately by the physician who performed the autopsy to the county medical examiner for forwarding to the parent, guardian or custodian of the child via the infant's attending physician or the county examiner or his or her designee. A copy of the autopsy report filed with the county attorney shall be available to the parents, guardian or custodian upon request.

retained
Sec. 4. There is appropriated from the general fund to the department of health for the fiscal period beginning January 1, 1978 and ending June 30, 1978, the sum of fifteen

Veto

thousand (15,000) dollars, or so much thereof as may be necessary, for the purpose of reimbursing counties for expenses resulting from autopsies of suspected victims of sudden infant death syndrome.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 33, Sixty-seventh General Assembly.

Item Veto
Approved April 26, 1978

DAVID L. WRAY
Chief Clerk of the House

ROBERT D. RAY
Governor