

BILL ANALYSIS

Senate Research Center
76R10359 MCK-D

H.B. 1387
By: Van de Putte (Madla)
Health Services
5/13/1999
Engrossed

DIGEST

In 1977, the Texas Legislature passed a law which required the Texas Department of Health (TDH) to pay for the reasonable cost of an autopsy performed on a child who dies of sudden infant death syndrome (SIDS). Later, in 1995, the legislature enacted an unrelated measure in an effort to collect information on the causes of deaths of children younger than six years old by requiring an autopsy to be performed on children in that age group who die suddenly and unexpectedly. TDH interpreted the 1995 legislation as a relief from the requirement to pay for an autopsy for a child who dies of SIDS. H.B. 1387 requires the state to pay for an autopsy of a child younger than 12 months old if the cause of death is unknown and sets forth the occasion for which a justice of the peace must conduct an inquest into the death of a child.

PURPOSE

As proposed, H.B. 1387 requires the state to pay for an autopsy of a child younger than 12 months old if the cause of death is unknown and sets forth the occasion for which a justice of the peace must conduct an inquest into the death of a child.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Department of Health in SECTION 1 (Section 673.002(b), Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 673.002, Health and Safety Code, to require the death in this state of a child younger than 12 months old, rather than two years old, to be immediately reported to the justice of the peace, medical examiner, or other proper official as prescribed by law if the child dies suddenly or is found dead and the cause of death is unknown. Deletes coroner from the list of officials requiring notification. Requires the justice of the peace or medical examiner to inform the child's legal guardian or parents that an autopsy shall be performed, rather than that an autopsy may be performed on request. Requires the state to reimburse a county \$500 for the cost of the autopsy if the primary cause of the child's death is sudden infant death syndrome (SIDS). Requires the Texas Department of Health to adopt rules that define SIDS and describe the method for obtaining the reimbursement. Makes conforming and nonsubstantive changes.

SECTION 2. Amends Article 49.04(a), Code of Criminal Procedure, to require a justice of the peace to conduct an inquest into the death of a person who dies in the county served by the justice if the person is a child younger than six years of age and an inquest is required by Chapter 264, Family Code (Child Welfare Services). Makes a conforming change.

SECTION 3. Amends Section 264.514(b), Family Code, to require the medical examiner or justice of the peace to immediately notify an appropriate local law enforcement agency if the medical examiner or justice of the peace determines that the death is the result of abuse or neglect.

SECTION 4. Effective date: September 1, 1999.
Makes application of this Act prospective.

SECTION 5. Emergency clause.