

HOUSE BILL ANALYSIS

HB 1893

Title: An act relating to an autopsy of a minor.

Brief Description: Allowing a parent or guardian time to seek a court order to forbid an autopsy of a minor child.

Sponsors: Representatives Kessler and Ballasiotes.

HOUSE COMMITTEE ON LAW & JUSTICE

Staff: Edie Adams (786-7180).

Background: Generally, persons in the following order of priority may give consent to the performance of an autopsy on the remains of a deceased person: a spouse; an adult child; a parent; an adult brother or sister; a guardian; or a person or agency authorized or obligated to dispose of the remains.

The county coroner may order the autopsy of a deceased person, regardless of whether consent of a family member has been provided, if the coroner has "jurisdiction" over the remains of the deceased person. The county coroner has jurisdiction over the remains of a deceased person under a number of circumstances, including when the person died:

- suddenly, when in apparent good health;
- by apparently unnatural or unlawful means;
- under suspicious circumstances, or unknown or obscure causes;
- by violence or from a known or suspected abortion;
- from drowning, hanging, burns, electrocution, gunshot wounds, stabs or cuts, starvation, alcoholism, exposure, drugs, suffocation, or smothering; or
- from a contagious disease that may be a public health hazard.

Summary of Bill: A coroner or medical examiner may not perform an autopsy on a minor child if the parent or guardian of the child requests that the autopsy temporarily be staid to allow the parent or guardian time to seek a court order to permanently stay the autopsy. The coroner may immediately perform the autopsy if the court refuses to issue an order permanently staying the autopsy.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Office of Program Research