Senate Bill 546

By: Senators Williams of the 25th, Dolezal of the 27th, Anderson of the 24th, Harbin of the 16th and Strickland of the 42nd

A BILL TO BE ENTITLED

AN ACT

To amend Article 2 of Chapter 16 of Title 45 of the Official Code of Georgia Annotated, relating to death investigations, so as to require coroners and medical examiners to include microscopic and toxicology studies and immunization records in the investigation of a sudden and unexpected death of a child; to amend Code Section 31-12-3.1 of the Official Code of Georgia Annotated, relating to vaccination registry, reporting requirements, maintenance, and use of information, so as to allow coroners and medical examiners to access vaccination records; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 16 of Title 45 of the Official Code of Georgia Annotated, relating to death investigations, is amended by revising Code Section 45-16-32, relating to report of examination and investigation, maintenance of copies, verification of foul play by forensic laboratory, and transmittal of copies of reports to district attorneys, as follows:

15 ″45-16-32.
16 The medical examiner and coroner shall complete a report of each medical examiner's
17 inquiry and coroner's investigation and shall maintain permanent records of such reports.
18 The coroner or county medical examiner may file all original reports with the clerk of the
19 superior court of the county. In cases where such report indicates a suspicion of foul play,
20 the medical examiner and peace officer in charge shall transmit any specimens, samples,
21 or other evidence to a forensic laboratory for analysis. In cases where reports indicating
22 foul play are verified by the forensic laboratory, the laboratory shall provide a completed
23 lab report to the appropriate prosecuting attorney where the acts or events leading to the
24 death occurred. <u>In the case of an infant or child whose death is unexpected or unexplained,</u>
25 <u>the report of each medical examiner's inquiry and coroner's investigation shall include</u>
26 <u>microscopic and toxicology studies, a review of the child's immunization and medical</u>
27 <u>records, and any immunizations or emergency countermeasures administered to the child</u>
28 <u>within 90 days before the child's death.</u>″

29 **SECTION 2.**

30 Code Section 31-12-3.1 of the Official Code of Georgia Annotated, relating to vaccination
31 registry and reporting requirements, maintenance, and use of information, is amended by
32 revising subsection (e) as follows;
33 ″(e)(1) Unless such person has opted out pursuant to paragraph (2) of this subsection,
34 individually identifiable vaccination information regarding a person may be provided to
35 the department by, or released by the department to:
36 (A) A health department, hospital, physician, or other provider of medical services to
37 the person;
38 (B) A school or child care facility in which the person is enrolled if the person is 18
39 years of age or younger; ~~or~~

40 (C) The United States Department of Health and Human Services and its subsidiaries
41 through a data use agreement, for the limited purpose of reporting vaccines
42 administered in response to a public health emergency declared pursuant to Code
43 Section 38-3-51, for the purpose of averting a serious and imminent threat to life and
44 safety, so long as the United States Department of Health and Human Services and its
45 subsidiaries adhere to state and federal privacy laws and so long as a person's name is
46 not provided by the department; or
47 (D) A coroner or medical examiner conducting an inquiry or report pursuant to Code
48 Section 45-16-32
49 without the consent of the person or the person's parents or guardians.
50 (2) Any person or person's parent or guardian if the person is 18 years of age or younger
51 may request an exemption from enrollment in the state-wide vaccine registry. All
52 persons shall be enrolled unless a specific exemption is requested by the person or the
53 person's parent or guardian if the person is 18 years of age or younger. A parent or
54 guardian may obtain and upon request to the department shall be provided with all
55 individually identifiable vaccination registry information regarding his or her child or
56 ward. Except as provided otherwise by this Code section, individually identifiable
57 vaccination registry information shall be treated as confidential and shall not be released
58 to a third party without consent of the person or the person's parent or guardian if the
59 person is 18 years of age or younger."

60 **SECTION 3.**

61 All laws and parts of laws in conflict with this Act are repealed.