

Autopsy Photo Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

LONG TITLE**General Description:**

This bill amends provisions related to autopsy photographs.

Highlighted Provisions:

This bill:

- criminalizes the sharing of autopsy photographs.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

26B-8-217, as last amended by Laws of Utah 2024, Chapter 240

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **26B-8-217** is amended to read:

26B-8-217 . Records of medical examiner -- Confidentiality.

(1) The medical examiner shall maintain complete, original records for the medical examiner record, which shall:

- (a) be properly indexed, giving the name, if known, or otherwise identifying every individual whose death is investigated;
- (b) indicate the place where the body was found;
- (c) indicate the date of death;
- (d) indicate the cause and manner of death;
- (e) indicate the occupation of the decedent, if available;
- (f) include all other relevant information concerning the death; and
- (g) include a full report and detailed findings of the autopsy or report of the investigation.

(2)(a) Upon written request from an individual described in Subsections (2)(a)(i) through (iv), the medical examiner shall provide a copy of the autopsy report,

toxicology report, lab reports, investigative reports, documents generated by the medical examiner related to any report, and any other specifically requested portions of the medical examiner record, if any, to any of the following:

- (i) a decedent's immediate relative;
- (ii) a decedent's legal representative;
- (iii) a physician or physician assistant who attended the decedent during the year before the decedent's death; or
- (iv) a county attorney, a district attorney, a criminal defense attorney, or other law enforcement official with jurisdiction, as necessary for the performance of the attorney or official's professional duties.

(b) Subject to Subsection (2)(c), upon written request from the director or a designee of the director of an entity described in Subsections (2)(b)(i) through (iv), the medical examiner may provide a copy of any medical examiner report or other portions of the medical examiner's record described in Subsection (2)(a), to any of the following entities as necessary for performance of the entity's official purposes:

- (i) a local health department;
- (ii) a local mental health authority;
- (iii) a public health authority; or
- (iv) another state or federal governmental agency.

(c) The medical examiner may provide a copy of a report or portion of the medical examiner's record described in Subsection (2)(a), if the report or portion of the medical examiner's record relates to an issue of public health or safety, as further defined by rule made by the department in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(3) Reports provided under Subsection (2) may not include records that the medical examiner obtains from a third party in the course of investigating the decedent's death.

(4) The medical examiner may provide a medical examiner record to a researcher who:

- (a) has an advanced degree;
- (b)(i) is affiliated with an accredited college or university, a hospital, or another system of care, including an emergency medical response or a local health agency; or
- (ii) is part of a research firm contracted with an accredited college or university, a hospital, or another system of care;
- (c) requests a medical examiner record for a research project or a quality improvement

- 66 initiative that will have a public health benefit, as determined by the department; and
- 67 (d) provides to the medical examiner an approval from:
- 68 (i) the researcher's sponsoring organization; and
- 69 (ii) the Utah Department of Health and Human Services Institutional Review Board.
- 70 (5) Records provided under Subsection (4) may not include a third party record, unless:
- 71 (a) a court has ordered disclosure of the third party record; and
- 72 (b) disclosure is conducted in compliance with state and federal law.
- 73 (6) A person who obtains a medical examiner record under Subsection (4) shall:
- 74 (a) maintain the confidentiality of the medical examiner record by removing personally
- 75 identifying information about a decedent or the decedent's family and any other
- 76 information that may be used to identify a decedent before using the medical
- 77 examiner record in research;
- 78 (b) conduct any research within and under the supervision of the Office of the Medical
- 79 Examiner, if the medical examiner record contains a third party record with
- 80 personally identifiable information;
- 81 (c) limit the use of a medical examiner record to the purpose for which the person
- 82 requested the medical examiner record;
- 83 (d) destroy a medical examiner record and the data abstracted from the medical
- 84 examiner record at the conclusion of the research for which the person requested the
- 85 medical examiner record;
- 86 (e) reimburse the medical examiner, as provided in Section 26B-1-209, for any costs
- 87 incurred by the medical examiner in providing a medical examiner record;
- 88 (f) allow the medical examiner to review, before public release, a publication in which
- 89 data from a medical examiner record is referenced or analyzed; and
- 90 (g) provide the medical examiner access to the researcher's database containing data
- 91 from a medical examiner record, until the day on which the researcher permanently
- 92 destroys the medical examiner record and all data obtained from the medical
- 93 examiner record.
- 94 (7) The department may make rules, in accordance with Title 63G, Chapter 3, Utah
- 95 Administrative Rulemaking Act, and in consideration of applicable state and federal
- 96 law, to establish permissible uses and disclosures of a medical examiner record or other
- 97 record obtained under this section.
- 98 (8) Except as provided in this chapter or ordered by a court, the medical examiner may not
- 99 disclose any part of a medical examiner record.

100 (9) A person who obtains a medical examiner record under Subsection (4) is guilty of a
101 class B misdemeanor, if the person fails to comply with the requirements of Subsections
102 (6)(a) through (d).

103 (10) A person who knowingly shares, publishes, or otherwise distributes or makes available
104 to another person a photograph of a decedent that is part of the medical examiner's
105 record pertaining to the autopsy of the decedent is guilty of a class B misdemeanor,
106 unless the photograph is in the public domain at the time that the person shares,
107 publishes, or otherwise distributes or makes the photograph available.

108 Section 2. **Effective date.**

109 This bill takes effect on May 7, 2025.