

SENATE BILL 115

J1, P1

(PRE-FILED)

5lr0259
CF HB 290

By: **Chair, Finance Committee (By Request – Departmental – Health)**

Requested: October 9, 2024

Introduced and read first time: January 8, 2025

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Office of the Chief Medical Examiner – Disclosure of Autopsy Information and**
3 **Maintenance of Investigative Database**

4 FOR the purpose of altering the autopsy information in a public record with respect to
5 which a custodian is required to deny inspection; requiring the Office of the Chief
6 Medical Examiner to maintain an investigative database; providing that certain data
7 and records maintained in the database are not public records and not subject to the
8 Maryland Public Information Act; and generally relating to the Office of the Chief
9 Medical Examiner.

10 BY repealing and reenacting, with amendments,
11 Article – General Provisions
12 Section 4–329
13 Annotated Code of Maryland
14 (2019 Replacement Volume and 2024 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Health – General
17 Section 5–301 and 5–310
18 Annotated Code of Maryland
19 (2023 Replacement Volume and 2024 Supplement)

20 Preamble

21 WHEREAS, The safeguarding of personal information pertaining to decedents is a
22 matter of pressing concern, as these details are presently susceptible to exposure under the
23 current parameters of the Maryland Public Information Act; and

24 WHEREAS, The Office of the Chief Medical Examiner’s duty to protect sensitive
25 personal information highlighted an essential requirement to curb the undue and extensive

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



release of sensitive personal information from postmortem examinations; and

WHEREAS, There is uncertainty concerning the definition of an autopsy report and the determination of which Office of the Chief Medical Examiner records should be accessible by the public; and

WHEREAS, It is unclear whether records stored in the Chief Medical Examiner electronic database qualify as public records subject to the Maryland Public Information Act; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – General Provisions

4–329.

(A) IN THIS SECTION, “FINAL AUTOPSY DIAGNOSIS” MEANS THE INTERPRETATIONS AND CONCLUSIONS OF A MEDICAL EXAMINER OR FORENSIC PATHOLOGIST THAT ARE PART OF AN AUTOPSY REPORT.

[(a)] (B) Except for subsection **[(b)(3)] (C)(3)** of this section, this section does not apply to:

(1) a nursing home as defined in § 19–1401 of the Health – General Article;
or

(2) an assisted living program as defined in § 19–1801 of the Health – General Article.

[(b)] (C) Subject to subsection **[(c)] (D)** of this section, a custodian shall deny inspection of the part of a public record that contains:

(1) medical or psychological information about an individual, other than **[an autopsy report of a medical examiner] A FINAL AUTOPSY DIAGNOSIS;**

(2) personal information about an individual with, or perceived to have, a disability as defined in § 20–701 of the State Government Article; or

(3) any report on human immunodeficiency virus or acquired immunodeficiency syndrome submitted in accordance with Title 18 of the Health – General Article.

[(c)] (D) A custodian shall allow the person in interest to inspect the public record to the extent allowed under § 4–304(a) of the Health – General Article.

Article – Health – General

5–301.

(a) In this subtitle the following words have the meanings indicated.

(B) “AUTOPSY REPORT” MEANS A DOCUMENT DETAILING THE MEDICAL FINDINGS, INTERPRETATIONS, AND CONCLUSIONS OF A POSTMORTEM EXAMINATION PERFORMED BY A MEDICAL EXAMINER OR FORENSIC PATHOLOGIST.

[(b)] (C) “Committee” means the Postmortem Examiners Advisory Committee.

(D) “FINAL AUTOPSY DIAGNOSIS” MEANS THE INTERPRETATIONS AND CONCLUSIONS OF A MEDICAL EXAMINER OR FORENSIC PATHOLOGIST THAT ARE PART OF AN AUTOPSY REPORT.

[(c)] (E) “Medical examiner’s case” means a death that a medical examiner is required by law to investigate.

[(d)] (F) “Office” means the Office of the Chief Medical Examiner.

5–310.

(a) (1) The Office of the Chief Medical Examiner shall keep complete records on each medical examiner’s case.

(2) The records shall be indexed properly and include:

(i) The name, if known, of the deceased;

(ii) The place where the body was found;

(iii) The date, cause, and manner of death; and

(iv) All other available information about the death.

(3) (I) THE OFFICE OF THE CHIEF MEDICAL EXAMINER SHALL MAINTAIN A CHIEF MEDICAL EXAMINER INVESTIGATIVE DATABASE THAT INCLUDES RECORDS ON EACH MEDICAL EXAMINER’S OR FORENSIC PATHOLOGIST’S CASE.

(II) EXCEPT FOR A FINAL AUTOPSY DIAGNOSIS, ELECTRONIC DATA OR A RECORD STORED IN THE CHIEF MEDICAL EXAMINER INVESTIGATIVE DATABASE, OR A COMPARABLE DATABASE MANAGED BY THE OFFICE FOR USE IN ANY MEDICAL EXAMINER’S CASE, IS NOT CONSIDERED A PUBLIC RECORD AND SHALL BE EXEMPT FROM INSPECTION UNDER THE MARYLAND PUBLIC INFORMATION ACT.

1 (b) The original report of the medical examiner who investigates a medical
2 examiner's case and the findings and conclusions of any autopsy shall be attached to the
3 record of the medical examiner's case.

4 (c) The Chief Medical Examiner or, if the Chief Medical Examiner is absent or
5 cannot act, the Deputy Chief Medical Examiner or an assistant medical examiner, and each
6 deputy medical examiner promptly shall deliver to the State's Attorney for the county
7 where the body was found a copy of each record that relates to a death for which the medical
8 examiner considers further investigation advisable. A State's Attorney may obtain from the
9 office of a medical examiner a copy of any record or other information that the State's
10 Attorney considers necessary.

11 (d) (1) In this subsection, "record":

12 (i) Means the result of an external examination of or an autopsy on
13 a body; and

14 (ii) Does not include a statement of a witness or other individual.

15 (2) A record of the Office of the Chief Medical Examiner or any deputy
16 medical examiner, if made by the medical examiner or by anyone under the medical
17 examiner's direct supervision or control, or a certified transcript of that record, is competent
18 evidence in any court in this State of the matters and facts contained in it.

19 (e) (1) The Office of the Chief Medical Examiner shall charge a reasonable fee
20 for reports as specified in a schedule of fees defined in the regulations of the Office of the
21 Chief Medical Examiner.

22 (2) A deputy medical examiner may keep any fee collected by the deputy
23 medical examiner.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2025.