

Stephanie Pitcher proposes the following substitute bill:

Autopsy Photo Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

House Sponsor:

LONG TITLE

General Description:

This bill addresses the sharing of autopsy photographs or videos.

Highlighted Provisions:

This bill:

- defines a term; and
- with exceptions, criminalizes the sharing of non-public photographs or videos of a decedent that are part of the medical examiners record.

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) For purposes of this section, "deidentify" means to remove personally identifying information about a decedent or the decedent's family and any other information that may be used to identify a decedent.
- (2) 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)]~~ (3)(a) Upon written request from an individual described in Subsections ~~[(2)(a)(i)]~~ (3)(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)]~~ (3)(c), upon written request from the director or a designee of the director of an entity described in Subsections ~~[(2)(b)(i)]~~ (3)(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)]~~ (3)(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)]~~ (3)(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)]~~ (4) Reports provided under Subsection ~~[(2)]~~ (3) may not include records that the medical examiner obtains from a third party in the course of investigating the decedent's

64 death.

65 [(4)] (5)(a) The medical examiner may provide a medical examiner record to a researcher
66 who:

67 [(a)] (i) has an advanced degree;

68 [(b)] (ii)[(i)] (A) is affiliated with an accredited college or university, a hospital, or
69 another system of care, including an emergency medical response or a local
70 health agency; or

71 [(ii)] (B) is part of a research firm contracted with an accredited college or
72 university, a hospital, or another system of care;

73 [(c)] (iii) requests a medical examiner record for a research project or a quality
74 improvement initiative that will have a public health benefit, as determined by the
75 department; and

76 [(d)] (iv) provides to the medical examiner an approval from:

77 [(i)] (A) the researcher's sponsoring organization; and

78 [(ii)] (B) the Utah Department of Health and Human Services Institutional Review
79 Board.

80 [(5)] (b) Records provided under Subsection [(4)] (5)(a) may not include a third party
81 record, unless:

82 [(a)] (i) a court has ordered disclosure of the third party record; and

83 [(b)] (ii) disclosure is conducted in compliance with state and federal law.

84 [(6)] (c)(i) A person who obtains a medical examiner record under Subsection [(4)]
85 (5)(a) shall:

86 [(a)] (A) maintain the confidentiality of the medical examiner record [~~by removing~~
87 ~~personally identifying information about a decedent or the decedent's family~~
88 ~~and any other information that may be used to identify a decedent]~~ and
89 deidentify the medical examiner record before using the medical examiner
90 record in research;

91 [(b)] (B) conduct any research within and under the supervision of the Office of
92 the Medical Examiner, if the medical examiner record contains a third party
93 record with personally identifiable information;

94 [(c)] (C) limit the use of a medical examiner record to the purpose for which the
95 person requested the medical examiner record;

96 [(d)] (D) destroy a medical examiner record and the data abstracted from the
97 medical examiner record at the conclusion of the research for which the person

requested the medical examiner record;

~~[(e)]~~ (E) reimburse the medical examiner, as provided in Section 26B-1-209, for any costs incurred by the medical examiner in providing a medical examiner record;

~~[(f)]~~ (F) allow the medical examiner to review, before public release, a publication in which data from a medical examiner record is referenced or analyzed; and

~~[(g)]~~ (G) provide the medical examiner access to the researcher's database containing data from a medical examiner record, until the day on which the researcher permanently destroys the medical examiner record and all data obtained from the medical examiner record.

(ii) A person who fails to comply with the requirements of Subsections (5)(c)(i)(A) through (D) is guilty of a class B misdemeanor.

(6)(a) Except as provided in Subsections (6)(b) and (c), it is a class B misdemeanor ~~§~~→

for a person who receives a photograph or video of a decedent under Subsection (3) of this section ~~←§ to~~

knowingly share, publish, or otherwise distribute or make available to another person a photograph or video of a decedent ~~§~~→ **[that] if the photograph or**

video ~~←§ :~~

(i) is part of the medical examiner's record; and

(ii) is not in the public domain at the time that the person shared, published, distributed, or otherwise made the photograph or video available.

(b) Subsection (6) does not apply to an employee or contractor of the Office of the Medical Examiner who, in the course of performing or assisting with the duties of the Office of the Medical Examiner, and in accordance with any applicable department rules, shares, publishes, distributes, or makes available:

(i) a photograph or video of a decedent for consultation with other professionals in determining cause and manner of the decedent's death; or

(ii) a deidentified photograph or video of a decedent for:

(A) training and services authorized under Section 26B-8-222;

(B) research;

(C) presentations and publication for academic or educational purposes; or

(D) other purposes provided by law.

(c) Subsection (6) does not apply to:

(i) a member, a contractor, or an employee of a law enforcement agency or

129 prosecutorial agency who, in the course of performing or assisting with the duties
130 of the agency, shares, publishes, distributes, or makes available a deidentified
131 photograph or video of a decedent for the purposes of training;

132 (ii) an individual who shares or makes available a photograph or video of a decedent
133 for the purposes of adjudicating a claim in an administrative or judicial
134 proceeding; or

135 (iii) an individual who shares, publishes, distributes, or makes available a photograph
136 or video of a decedent for the pursuant to lawful subpoena, court order, or the
137 Government Records Access and Management Act.

138 (7) The department may make rules, in accordance with Title 63G, Chapter 3, Utah
139 Administrative Rulemaking Act, and in consideration of applicable state and federal
140 law, to establish permissible uses and disclosures of a medical examiner record or other
141 record obtained under this section.

142 (8) Except as provided in this chapter or ordered by a court, the medical examiner may not
143 disclose any part of a medical examiner record.

144 (9) ~~[A person who obtains a medical examiner record under Subsection (4) is guilty of a~~
145 ~~class B misdemeanor, if the person fails to comply with the requirements of Subsections~~
146 ~~(6)(a) through (d).]~~

147 Section 2. **Effective date.**

148 This bill takes effect on May 7, 2025.