

1 S.210

2 Introduced by Senators Hardy, Gulick and Lyons

3 Referred to Committee on Health and Welfare

4 Date: January 7, 2026

5 Subject: Health; judiciary; Office of the Chief Medical Examiner; autopsy
6 report

7 Statement of purpose of bill as introduced: This bill proposes to enable the
8 Probate Division of the Superior Court to rule on a petition for access to an
9 autopsy report.

10 An act relating to access to autopsy reports

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 18 V.S.A. § 505 is amended to read:

13 § 505. AUTOPSIES; AUTOPSY REPORTS

14 (a) When a Superior judge or the Attorney General orders an autopsy on
15 the body of a person, as provided in section 504 of this title, the Superior judge
16 or the Attorney General shall direct that such autopsy shall be made by the
17 Chief Medical Examiner, or under the Chief Medical Examiner's direction,
18 unless, for good cause shown, such judge or the Attorney General otherwise
19 directs.

1 (b)(1) The Office of the Chief Medical Examiner shall disclose a
2 decedent's autopsy report to the decedent's personal representative in
3 compliance with the Health Insurance Portability and Accountability Act of
4 1996, Pub. L. 104-191, and its associated regulations, including to the court-
5 appointed executor or administrator of the decedent's estate and the decedent's
6 heir at law, as determined by 14 V.S.A. chapter 42. Nothing in this
7 subdivision is intended to preclude disclosure of a decedent's autopsy report to
8 other individuals as authorized by federal law.

9 ~~(2) An individual who is not authorized to receive the autopsy report~~
10 ~~pursuant to subdivision (1) of this subsection may petition the Probate~~
11 ~~Division of the Superior Court for a copy of the autopsy report. The petition~~
12 ~~shall contain an affidavit attesting to the petitioner's relationship to the~~
13 ~~decedent and the reason the petitioner is seeking the autopsy report. The~~
14 ~~petitioner shall notify the Office of the Chief Medical Examiner within five~~
15 ~~business days after filing the petition. If the Superior Court finds that the~~
16 ~~petitioner has demonstrated a legitimate reason for the petitioner to obtain the~~
17 ~~autopsy report, it shall order the Office of the Chief Medical Examiner to~~
18 ~~provide a copy to the petitioner.~~

~~(2)(1) An individual who is not authorized to receive the autopsy report~~
~~pursuant to subdivision (1) of this subsection (b) may petition the Probate~~
~~Division of the Superior Court for a copy of the autopsy report. The petition~~
~~shall contain an affidavit attesting to the petitioner's relationship to the~~
~~decedent and the reason the petitioner is seeking the autopsy report. The~~
~~petitioner shall notify the Office of the Chief Medical Examiner and the State's~~

~~attorney of the county in which the death occurred within five days after filing the petition. The Office and the State's Attorney shall have an opportunity to respond within 14 days after notice. If the Superior Court finds that the petitioner has demonstrated good cause for the petitioner to obtain the autopsy report, and the State's Attorney does not object, it shall order the Office of the Chief Medical Examiner to provide a copy to the petitioner, in whole or in part, and may place restrictions on the petitioner's dissemination of the copy provided.~~

~~(B) In determining good cause under subdivision (A) of this subdivision (b)(2), the Superior Court shall consider:~~

~~(i) the relationship of the petitioner to the decedent and decedent's family;~~

~~(ii) whether the disclosure is necessary for the public evaluation of governmental performance;~~

~~(iii) the seriousness of intrusion into the decedent and decedent family's privacy;~~

~~(iv) whether the disclosure is by the least intrusive means available, including whether and to what degree redaction of some portions of the autopsy report is appropriate; and~~

~~(v) the availability of similar information in other public records regardless of form.~~

~~(2)(A) An individual who is not authorized to receive the autopsy report pursuant to subdivision (1) of this subsection (b) may petition the Probate Division of the Superior Court for a copy of the autopsy report. The petition shall contain an affidavit attesting to the petitioner's relationship to the decedent and the reason the petitioner is seeking the autopsy report. The petitioner shall notify the Office of the Chief Medical Examiner and the State's Attorney of the county in which the death occurred within five days after filing the petition. The Office and the State's Attorney shall have an opportunity to respond within 14 days after notice. If the Superior Court finds that the petitioner has demonstrated good cause for the petitioner to obtain the autopsy report, it shall order the Office of the Chief Medical Examiner to provide a copy to the petitioner, in whole or in part, and may place restrictions on the petitioner's dissemination of the copy provided.~~

~~(B) In determining good cause under subdivision (A) of this subdivision (b)(2), the Superior Court shall consider:~~

~~(i) the relationship of the petitioner to the decedent and decedent's family;~~

(ii) whether the disclosure is necessary for the public evaluation of governmental performance;

(iii) the seriousness of intrusion into the decedent and decedent family's privacy;

(iv) whether the disclosure is by the least intrusive means available, including whether and to what degree redaction of some portions of the autopsy report is appropriate;

(v) the availability of similar information in other public records regardless of form; and

(vi) whether the disclosure interferes with an ongoing criminal investigation.

(C) Nothing in this subdivision (2) shall prohibit a petitioner from refiling a petition for a copy of an autopsy report upon a material change in information.

1 Sec. 2. EFFECTIVE DATE

2 This act shall take effect on July 1, 2026.