

1 S.210

2 An act relating to access to autopsy reports

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

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

5 § 505. AUTOPSIES; AUTOPSY REPORTS

6 (a) When a Superior judge or the Attorney General orders an autopsy on
7 the body of a person, as provided in section 504 of this title, the Superior judge
8 or the Attorney General shall direct that such autopsy shall be made by the
9 Chief Medical Examiner, or under the Chief Medical Examiner's direction,
10 unless, for good cause shown, such judge or the Attorney General otherwise
11 directs.

12 (b)(1) The Office of the Chief Medical Examiner shall disclose a
13 decedent's autopsy report to the decedent's personal representative in
14 compliance with the Health Insurance Portability and Accountability Act of
15 1996, Pub. L. 104-191, and its associated regulations, including to the court-
16 appointed executor or administrator of the decedent's estate and the decedent's
17 heir at law, as determined by 14 V.S.A. chapter 42. Nothing in this
18 subdivision is intended to preclude disclosure of a decedent's autopsy report to
19 other individuals as authorized by federal law.

20 (2)(A) An individual who is not authorized to receive the autopsy report
21 pursuant to subdivision (1) of this subsection (b) may petition the Probate
22 Division of the Superior Court for a copy of the autopsy report. The petition

1 shall contain an affidavit attesting to the petitioner's relationship to the
2 decedent and the reason the petitioner is seeking the autopsy report. The
3 petitioner shall notify the Office of the Chief Medical Examiner and the State's
4 Attorney of the county in which the death occurred within five days after filing
5 the petition. The Office and the State's Attorney shall have an opportunity to
6 respond within 14 days after notice. If the Superior Court finds that the
7 petitioner has demonstrated good cause for the petitioner to obtain the autopsy
8 report, it shall order the Office of the Chief Medical Examiner to provide a
9 copy to the petitioner, in whole or in part, and may place restrictions on the
10 petitioner's dissemination of the copy provided.

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

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

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

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

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

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

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

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

8 Sec. 2. EFFECTIVE DATE

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