

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

1 Division of the Superior Court for a copy of the autopsy report. The petition  
2 shall contain an affidavit attesting to the petitioner's relationship to the  
3 decedent and the reason the petitioner is seeking the autopsy report. The  
4 petitioner shall notify the Office of the Chief Medical Examiner and the State's  
5 Attorney of the county in which the death occurred within five days after filing  
6 the petition. The Office and the State's Attorney shall have an opportunity to  
7 respond within 14 days after notice. If the Superior Court finds that the  
8 petitioner has demonstrated good cause for the petitioner to obtain the autopsy  
9 report, and the State's Attorney does not object, it shall order the Office of the  
10 Chief Medical Examiner to provide a copy to the petitioner, in whole or in  
11 part, and may place restrictions on the petitioner's dissemination of the copy  
12 provided.

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

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

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

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

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

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

6                   Sec. 2. EFFECTIVE DATE

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