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Agency of Human Services

Testimony To: Senate Committee on Health and Welfare

Testimony Provided By: Lauren Layman, General Counsel

Subject: S.210, An Act Relating to Access of Autopsy Reports

Date: January 28, 2026

The Vermont Department of Health has no concerns with S. 210. The bill reflects the current practices of the Office of the Chief Medical Examiner (OCME) and the Department's understanding of the law.

As an office within the Agency of Human Services, Department of Health, the OCME is a [HIPAA-covered entity](#), and its autopsy reports and other records that contain individually-identifiable health information are [Protected Health Information](#). As required by HIPAA, the OCME discloses autopsy reports upon request to the personal representative of the decedent, which is (1) the court-appointed executor or administrator of the decedent's estate; and (2) the decedent's heir(s) at law, as determined by Chapter 42 of Title 14. Section (b)(1) of S. 210 requires the disclosure of autopsy reports consistent with this current practice.

That said, the OCME is restricted from disclosing an autopsy report upon request if there is a pending prosecution or investigation into a crime. When this occurs, state and federal laws (HIPAA and the VT Public Records Act) may delay the disclosure of an autopsy report pending approval of the State's Attorney or Attorney General's Office or a conclusion of the prosecution or investigation. The Department assumes S. 210 will not conflict with these requirements.

Section (b)(2) of S. 210 provides additional options for individuals to obtain a court order for an autopsy report. Currently, individuals who aren't the decedent's personal representative can obtain a court order for an autopsy report through the Probate Division (through an existing estate or by opening an estate) or through the Civil Division (through Civil Rule 74 or 75 or other injunctive relief). S. 210 will allow individuals to petition the probate court without opening an estate though will require the petitioning party to demonstrate a "legitimate reason" to obtain the autopsy report. As under current law and practice, the OCME will continue to disclose autopsy reports in response to court orders.

Thank you for this opportunity to submit testimony on S. 210. We look forward to additional discussions.

