

1 S.210

2 Introduced by Senators Hardy, Gulick and Lyons

3 Referred to Committee on

4 Date:

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 Division
11 of the Superior Court for a copy of the autopsy report. The petition shall
12 contain an affidavit attesting to the petitioner's relationship to the decedent and
13 the reason the petitioner is seeking the autopsy report. The petitioner shall
14 notify the Office of the Chief Medical Examiner within five business days after
15 filing the petition. If the Superior Court finds that the petitioner has
16 demonstrated a legitimate reason for the petitioner to obtain the autopsy report,
17 it shall order the Office of the Chief Medical Examiner to provide a copy to the
18 petitioner.

19 Sec. 2. EFFECTIVE DATE

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