

HOUSE BILL 87

Unofficial Copy  
P3

2002 Regular Session  
2lr0012

(PRE-FILED)

---

By: **Chairman, Environmental Matters Committee (Departmental - Health  
and Mental Hygiene)**

Requested: October 26, 2001

Introduced and read first time: January 9, 2002

Assigned to: Environmental Matters

---

A BILL ENTITLED

1 AN ACT concerning

2 **Autopsy Reports and Related Records - Confidentiality**

3 FOR the purpose of requiring the custodian of a certain autopsy report or related  
4 record, except under certain circumstances, to deny inspection of the autopsy  
5 report or related record; specifying when the custodian of a certain autopsy  
6 report or related record is required to permit inspection of the report or record;  
7 and generally relating to autopsy reports and related records of medical  
8 examiners.

9 BY adding to  
10 Article - State Government  
11 Section 10-616(s)  
12 Annotated Code of Maryland  
13 (1999 Replacement Volume and 2001 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article - State Government  
16 Section 10-617  
17 Annotated Code of Maryland  
18 (1999 Replacement Volume and 2001 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article - State Government**

22 10-616.

23 (S) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A  
24 CUSTODIAN SHALL DENY INSPECTION OF AN AUTOPSY REPORT AND ANY RELATED  
25 RECORDS PREPARED IN ACCORDANCE WITH TITLE 5, SUBTITLE 3 OF THE HEALTH -  
26 GENERAL ARTICLE.

1 (2) A CUSTODIAN SHALL PERMIT INSPECTION OF AN AUTOPSY REPORT  
2 AND RELATED RECORDS SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION BY:

3 (I) A GOVERNMENTAL AGENCY PERFORMING ITS LAWFUL DUTIES  
4 AS AUTHORIZED BY AN ACT OF THE GENERAL ASSEMBLY OR THE UNITED STATES  
5 CONGRESS, INCLUDING THE STATE'S ATTORNEY FOR THE COUNTY WHERE THE BODY  
6 OF THE DECEASED WAS FOUND AS REQUIRED UNDER § 5-311(C) OF THE HEALTH -  
7 GENERAL ARTICLE;

8 (II) THE HEALTH CARE PROVIDER OF THE DECEASED FOR QUALITY  
9 ASSURANCE PURPOSES;

10 (III) EXCEPT DURING AN ONGOING INVESTIGATION OF THE DEATH,  
11 THE NEXT OF KIN OF THE DECEASED; OR

12 (IV) ANY OTHER PERSON AUTHORIZED BY REGULATIONS ADOPTED  
13 UNDER THIS SUBTITLE.

14 10-617.

15 (a) Unless otherwise provided by law, a custodian shall deny inspection of a  
16 part of a public record, as provided in this section.

17 (b) (1) Subject to paragraph (2) of this subsection, a custodian shall deny  
18 inspection of the part of a public record that contains medical or psychological  
19 information about an individual[, other than an autopsy report of a medical  
20 examiner].

21 (2) A custodian shall permit the person in interest to inspect the public  
22 record to the extent permitted under § 4-304(a) of the Health - General Article.

23 (c) If the official custodian has adopted rules or regulations that define  
24 sociological information for purposes of this subsection, a custodian shall deny  
25 inspection of the part of a public record that contains sociological information, in  
26 accordance with the rules or regulations.

27 (d) A custodian shall deny inspection of the part of a public record that  
28 contains any of the following information provided by or obtained from any person or  
29 governmental unit:

30 (1) a trade secret;

31 (2) confidential commercial information;

32 (3) confidential financial information; or

33 (4) confidential geological or geophysical information.

34 (e) Subject to § 21-504 of the State Personnel and Pensions Article, a  
35 custodian shall deny inspection of the part of a public record that contains the home

1 address or telephone number of an employee of a unit or instrumentality of the State  
2 or of a political subdivision unless:

3 (1) the employee gives permission for the inspection; or

4 (2) the unit or instrumentality that employs the individual determines  
5 that inspection is needed to protect the public interest.

6 (f) (1) This subsection does not apply to the salary of a public employee.

7 (2) Subject to paragraph (3) of this subsection, a custodian shall deny  
8 inspection of the part of a public record that contains information about the finances  
9 of an individual, including assets, income, liabilities, net worth, bank balances,  
10 financial history or activities, or creditworthiness.

11 (3) A custodian shall permit inspection by the person in interest.

12 (g) A custodian shall deny inspection of the part of a public record that  
13 contains information about the security of an information system.

14 (h) (1) Subject to paragraphs (2) through (4) of this subsection, a custodian  
15 shall deny inspection of the part of a public record that contains information about  
16 the licensing of an individual in an occupation or profession.

17 (2) A custodian shall permit inspection of the part of a public record that  
18 gives:

19 (i) the name of the licensee;

20 (ii) the business address of the licensee or, if the business address is  
21 not available, the home address;

22 (iii) the business telephone number of the licensee;

23 (iv) the educational and occupational background of the licensee;

24 (v) the professional qualifications of the licensee;

25 (vi) any orders and findings that result from formal disciplinary  
26 actions; and

27 (vii) any evidence that has been provided to the custodian to meet  
28 the requirements of a statute as to financial responsibility.

29 (3) A custodian may permit inspection of other information about a  
30 licensee if:

31 (i) the custodian finds a compelling public purpose; and

32 (ii) the rules or regulations of the official custodian permit the  
33 inspection.

1 (4) Except as otherwise provided by this subsection or other law, a  
2 custodian shall permit inspection by the person in interest.

3 (5) A custodian who sells lists of licensees shall omit from the lists the  
4 name of any licensee, on written request of the licensee.

5 (i) A custodian shall deny inspection of the part of a public record that  
6 contains information, generated by the bid analysis management system, concerning  
7 an investigation based on a transportation contractor's suspected collusive or  
8 anticompetitive activity submitted to the Department by:

9 (1) the United States Department of Transportation; or

10 (2) another state.

11 (j) (1) Subject to paragraphs (2) through (5) of this subsection, a custodian  
12 shall deny inspection of the part of a public record that contains information about  
13 the application and commission of a person as a notary public.

14 (2) A custodian shall permit inspection of the part of a public record that  
15 gives:

16 (i) the name of the notary public;

17 (ii) the home address of the notary public;

18 (iii) the home and business telephone numbers of the notary public;

19 (iv) the issue and expiration dates of the notary public's  
20 commission;

21 (v) the date the person took the oath of office as a notary public; or

22 (vi) the signature of the notary public.

23 (3) A custodian may permit inspection of other information about a  
24 notary public if the custodian finds a compelling public purpose.

25 (4) A custodian may deny inspection of a record by a notary public or any  
26 other person in interest only to the extent that the inspection could:

27 (i) interfere with a valid and proper law enforcement proceeding;

28 (ii) deprive another person of a right to a fair trial or an impartial  
29 adjudication;

30 (iii) constitute an unwarranted invasion of personal privacy;

31 (iv) disclose the identity of a confidential source;

32 (v) disclose an investigative technique or procedure;

- 1                   (vi)     prejudice an investigation; or
- 2                   (vii)    endanger the life or physical safety of an individual.
- 3                   (5)     A custodian who sells lists of notaries public shall omit from the lists
- 4 the name of any notary public, on written request of the notary public.

5     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take

6 effect October 1, 2002.