

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 290 (Chair, Health and Government Operations
Committee)(By Request - Departmental - Health)

Health and Government Operations

**Office of the Chief Medical Examiner - Disclosure of Autopsy Information and
Maintenance of Investigative Database**

This departmental bill requires the Office of the Chief Medical Examiner (OCME) to maintain a chief medical examiner investigative database that includes records on each medical examiner’s or forensic pathologist’s case. Except for a “final autopsy diagnosis,” electronic data or records stored in the database, or a comparable database managed by OCME for use in any medical examiner’s case, is not considered a public record and is exempt from inspection under the Maryland Public Information Act (PIA). A custodian must deny inspection of the part of a public record that contains medical or psychological information about an individual, other than a *final autopsy diagnosis* (rather than an autopsy report of a medical examiner).

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances.

Local Effect: None.

Small Business Effect: The Maryland Department of Health (MDH) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Bill Summary: “Autopsy report” means a document detailing the medical findings, interpretations, and conclusions of a postmortem examination performed by a medical examiner or forensic pathologist.

“Final autopsy diagnosis” means the interpretations and conclusions of a medical examiner or forensic pathologist that are part of an autopsy report.

Current Law: OCME must keep complete records on each medical examiner’s case. Records must be indexed properly and include (1) the name, if known, of the deceased; (2) the place where the body was found; (3) the date, cause, and manner of death; and (4) all other available information about the death. The original report of the medical examiner who investigates a medical examiner’s case and the findings and conclusions of any autopsy must be attached to the record of the medical examiner’s case.

The Chief Medical Examiner (or if absent, specified individuals) and each deputy medical examiner must promptly deliver to the State’s Attorney for the county where the body was found, a copy of each record that relates to the death for which the medical examiner considers further investigation is advisable. A State’s Attorney may obtain a copy of any record or other information that the State’s Attorney considers necessary. In this instance, “record” means the result of an external examination of or an autopsy on a body and does not include a statement of a witness or other individual.

A record of OCME or any medical examiner, if made by the medical examiner or by anyone under the medical examiner’s direct supervision or control, or a certified transcript of that record, is competent evidence in any court in the State of the matters and facts contained in it.

Maryland’s Public Information Act

PIA establishes that all persons are entitled to have access to information about the affairs of government and the official acts of public officials and employees. Each governmental unit that maintains public records must identify a representative whom a member of the public may contact to request a public record. The Office of the Attorney General (OAG) must post all such contact information on its website and in any *Public Information Act Manual* published by OAG.

Under PIA, “public record” means the original (or any copy) of any documentary material that (1) is made by a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business and (2) is in any form, as further specified.

“Custodian” means the official custodian or any other authorized individual who has physical custody and control of a public record. “Official custodian” means an officer or employee of the State or of a political subdivision who is responsible for keeping a public record, whether or not the officer or employee has physical custody or control of the public record.

Generally, a custodian of a public record must permit inspection of any public record at any reasonable time. However, a custodian must deny inspection of the part of a public record that contains (1) medical or psychological information about an individual, other than an autopsy report of a medical examiner; (2) personal information about an individual with, or perceived to have, a disability; or (3) any report of HIV or acquired human immunodeficiency syndrome.

Background: MDH advises that the bill is intended to safeguard the privacy of decedents by enhancing the protection of OCME records and maintain the accuracy of publicly released autopsy information by clearly defining specified medical examiner records. MDH further advises that only the final diagnosis and interpretations of a medical examiner should be subject to public inspection, since the database and other postmortem examination records contain highly sensitive information, including witness information, next of kin addresses, medical records, and other investigative materials.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 115 (Chair, Finance Committee)(By Request - Departmental - Health) - Finance.

Information Source(s): Maryland State’s Attorneys’ Association; Maryland Department of Health; Department of Legislative Services

Fiscal Note History: First Reader - January 14, 2025
js/jc

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Office of the Chief Medical Examiner - Disclosure of Autopsy Information and Maintenance of Investigative Database

BILL NUMBER: HB 290

PREPARED BY: The Office of the Chief Medical Examiner

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

 x WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON
MARYLAND SMALL BUSINESS

OR

 WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation offers significant economic advantages by improving operational efficiency without necessitating additional expenditures. It aligns with fiscal prudence while enhancing service delivery, thereby supporting OCME's mission without imposing financial burdens on the entity or taxpayers.