

HOUSE BILL 1143

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By: **Delegates Lopez, Alston, Behler, Crutchfield, Feldmark, D. Jones, Lehman, Martinez, Palakovich Carr, Patterson, Shetty, Spiegel, Terrasa, White Holland, Wilkins, Wims, Wolek, and Woorman**

Introduced and read first time: February 11, 2026

Assigned to: Health

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Office of the Chief Medical Examiner – Perinatal Autopsies**
3 **(Lung Float Test Ban)**

4 FOR the purpose of prohibiting the Chief Medical Examiner, deputy chief medical
5 examiners, assistant medical examiners, and pathologists authorized by the Chief
6 Medical Examiner from using a hydrostatic lung test, also known as a lung float test,
7 if performing a certain perinatal autopsy; authorizing a parent, guardian, or legal
8 representative to bring a civil action for a violation of certain provisions of this Act;
9 altering the grounds for discipline of a physician to include a violation of certain
10 provisions of this Act; and generally relating to the Office of the Chief Medical
11 Examiner and perinatal autopsies.

12 BY repealing and reenacting, with amendments,
13 Article – Criminal Procedure
14 Section 11–1010(b)
15 Annotated Code of Maryland
16 (2025 Replacement Volume)

17 BY repealing and reenacting, with amendments,
18 Article – Health – General
19 Section 5–309
20 Annotated Code of Maryland
21 (2023 Replacement Volume and 2025 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Health Occupations
24 Section 14–404(a)(46) and (47)
25 Annotated Code of Maryland
26 (2021 Replacement Volume and 2025 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Health Occupations
3 Section 14–404(a)(48)
4 Annotated Code of Maryland
5 (2021 Replacement Volume and 2025 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article – Public Safety
8 Section 3–533(b)
9 Annotated Code of Maryland
10 (2022 Replacement Volume and 2025 Supplement)

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

13 **Article – Criminal Procedure**

14 11–1010.

15 (b) This section applies only with respect to a victim whose initial determination
16 of cause or manner of death recorded on the victim’s death certificate under § 4–212 of the
17 Health – General Article was amended or corrected to be undetermined or homicide under
18 [§ 5–309(d)(2)] **§ 5–309(E)(2)** of the Health – General Article.

19 **Article – Health – General**

20 5–309.

21 (a) If the cause of death is established to a reasonable degree of medical certainty,
22 the medical examiner who investigates the case shall file in the medical examiner’s office
23 a report on the cause of death within 30 days after notification of the case.

24 (b) (1) If the medical examiner who investigates a medical examiner’s case
25 considers an autopsy necessary, the Chief Medical Examiner, a deputy chief medical
26 examiner, an assistant medical examiner, or a pathologist authorized by the Chief Medical
27 Examiner shall perform the autopsy.

28 (2) If the family of the deceased objects to an autopsy on religious grounds,
29 the autopsy may not be performed unless authorized by the Chief Medical Examiner or by
30 the Chief Medical Examiner’s designee.

31 (3) (i) In accordance with normal standards of medical practice, the
32 medical examiner performing the autopsy may retain any medical evidence, tissue, or organ
33 needed to carry out the duties of this subtitle.

1 (ii) The medical examiner shall dispose of any medical evidence,
2 tissue, or organ under subparagraph (i) of this paragraph in accordance with normal
3 standards of medical practice.

4 **(C) (1) IF PERFORMING A PERINATAL AUTOPSY TO DETERMINE**
5 **WHETHER THE DEATH RESULTED IN A STILLBIRTH OR OCCURRED AFTER A LIVE**
6 **BIRTH, THE CHIEF MEDICAL EXAMINER, A DEPUTY CHIEF MEDICAL EXAMINER, AN**
7 **ASSISTANT MEDICAL EXAMINER, OR A PATHOLOGIST AUTHORIZED BY THE CHIEF**
8 **MEDICAL EXAMINER MAY NOT USE A HYDROSTATIC LUNG TEST, ALSO KNOWN AS A**
9 **LUNG FLOAT TEST.**

10 **(2) A PARENT, GUARDIAN, OR LEGAL REPRESENTATIVE OF THE**
11 **SUBJECT OF A PERINATAL AUTOPSY MAY BRING A CIVIL ACTION AGAINST THE CHIEF**
12 **MEDICAL EXAMINER, A DEPUTY CHIEF MEDICAL EXAMINER, AN ASSISTANT**
13 **MEDICAL EXAMINER, OR A PATHOLOGIST AUTHORIZED BY THE CHIEF MEDICAL**
14 **EXAMINER WHO VIOLATES PARAGRAPH (1) OF THIS SUBSECTION.**

15 **[(c)] (D) (1)** A medical examiner shall conduct an autopsy of any fire fighter
16 and any sworn personnel of the State Fire Marshal's Office who dies in the line of duty or
17 as a result of injuries sustained in the line of duty.

18 (2) The autopsy shall include:

19 (i) A toxicological analysis for toxic fumes;

20 (ii) Gross and microscopic studies of heart, lung, and any other
21 tissue involved;

22 (iii) Appropriate studies of blood and urine; and

23 (iv) Appropriate studies of body fluids and body tissues.

24 (3) If the medical examiner determines toxic fumes were the cause of death,
25 the medical examiner shall:

26 (i) Investigate to the extent possible the source of the fumes; and

27 (ii) Prepare a written report on the specific effects of the fumes on
28 human tissue.

29 (4) The autopsy and analysis shall be sufficient to determine eligibility for
30 benefits under the federal Public Safety Officers' Benefits Act of 1976.

31 **[(d)] (E) (1) (i)** The individual who performs the autopsy shall prepare
32 detailed written findings during the progress of the autopsy.

1 (ii) The findings prepared under subparagraph (i) of this paragraph
2 and the conclusions drawn from them shall be filed in the office of the medical examiner for
3 the county where the death occurred.

4 (iii) The original copy of the findings and conclusions shall be filed in
5 the Office.

6 (iv) The Department and the Committee may not interfere with the
7 clinical findings or conclusions prepared under subparagraphs (i) and (ii) of this paragraph.

8 (2) (i) Except in a case of a finding of homicide, a person in interest as
9 defined in § 4–101 of the General Provisions Article may request the medical examiner to
10 correct findings and conclusions on the cause and manner of death recorded on a certificate
11 of death under § 4–502 of the General Provisions Article within 180 days after the medical
12 examiner files those findings and conclusions.

13 (ii) 1. If the Chief Medical Examiner denies the request of a
14 person in interest to correct findings and conclusions on the cause and manner of death,
15 the person in interest may appeal the denial to the Secretary, who shall refer the matter to
16 the Office of Administrative Hearings.

17 2. A contested case hearing under this subparagraph shall be
18 a hearing both on the denial and on the establishment of the findings and conclusions on
19 the cause and manner of death.

20 (iii) The administrative law judge shall submit findings of fact to the
21 Secretary.

22 (iv) After reviewing the findings of the administrative law judge, the
23 Secretary, or the Secretary's designee, shall issue an order to:

24 1. Adopt the findings of the administrative law judge; or

25 2. Reject the findings of the administrative law judge, and
26 affirm the findings of the medical examiner.

27 (v) The appellant may appeal a rejection under subparagraph (iv)
28 of this paragraph to a circuit court of competent jurisdiction.

29 (vi) If the final decision of the Secretary, or of the Secretary's
30 designee, or of a court of competent jurisdiction on appeal, establishes a different finding
31 or conclusion on the cause or manner of death of a deceased than that recorded on the
32 certificate of death, the medical examiner shall:

33 1. Amend the certificate to reflect the different finding or
34 conclusion under §§ 4–212 and 4–214 of this article and § 4–502 of the General Provisions
35 Article; and

1 (b) If a law enforcement agency is notified by a medical examiner under [§
2 5–309(d)] **§ 5–309(E)** of the Health – General Article, the law enforcement agency:

3 (1) shall reopen or reinvestigate an investigation involving the death of a
4 victim whose cause or manner of death was amended or corrected to be undetermined or
5 homicide; and

6 (2) may not close a case that was reopened or reinvestigated under item (1)
7 of this subsection until at least 20 years after the law enforcement agency was notified.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2026.