

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~~ Woorman, Bagnall, Cullison, Guzzone, Hill, Hutchinson, S. Johnson, Kaufman, Kipke, M. Morgan, Reilly, Rosenberg, Ross, Szeliga, Taveras

Introduced and read first time: February 11, 2026

Assigned to: Health

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 6, 2026

CHAPTER _____

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, for a certain period of time, the Chief Medical Examiner,
5 deputy chief medical examiners, assistant medical examiners, and pathologists
6 authorized by the Chief Medical Examiner from using a hydrostatic lung test, also
7 known as a lung float test, if performing a certain perinatal autopsy; ~~authorizing a~~
8 ~~parent, guardian, or legal representative to bring a civil action for a violation of~~
9 ~~certain provisions of this Act; altering the grounds for discipline of a physician to~~
10 ~~include a violation of certain provisions of this Act~~ requiring the Maryland
11 Department of Health to submit a certain report on the usefulness and efficacy of
12 the test and recommendations as to whether it continues to be needed as an autopsy
13 tool; and generally relating to the Office of the Chief Medical Examiner and perinatal
14 autopsies.

15 BY repealing and reenacting, with amendments,
16 Article – Criminal Procedure
17 Section 11–1010(b)
18 Annotated Code of Maryland
19 (2025 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,
 2 Article – Health – General
 3 Section 5–309
 4 Annotated Code of Maryland
 5 (2023 Replacement Volume and 2025 Supplement)

6 ~~BY repealing and reenacting, with amendments,~~
 7 ~~Article – Health Occupations~~
 8 ~~Section 14–404(a)(16) and (17)~~
 9 ~~Annotated Code of Maryland~~
 10 ~~(2021 Replacement Volume and 2025 Supplement)~~

11 ~~BY adding to~~
 12 ~~Article – Health Occupations~~
 13 ~~Section 14–404(a)(18)~~
 14 ~~Annotated Code of Maryland~~
 15 ~~(2021 Replacement Volume and 2025 Supplement)~~

16 BY repealing and reenacting, with amendments,
 17 Article – Public Safety
 18 Section 3–533(b)
 19 Annotated Code of Maryland
 20 (2022 Replacement Volume and 2025 Supplement)

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

23 Article – Criminal Procedure

24 11–1010.

25 (b) This section applies only with respect to a victim whose initial determination
 26 of cause or manner of death recorded on the victim’s death certificate under § 4–212 of the
 27 Health – General Article was amended or corrected to be undetermined or homicide under
 28 [§ 5–309(d)(2)] **§ 5–309(E)(2)** of the Health – General Article.

29 Article – Health – General

30 5–309.

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

34 (b) (1) If the medical examiner who investigates a medical examiner’s case
 35 considers an autopsy necessary, the Chief Medical Examiner, a deputy chief medical

1 examiner, an assistant medical examiner, or a pathologist authorized by the Chief Medical
2 Examiner shall perform the autopsy.

3 (2) If the family of the deceased objects to an autopsy on religious grounds,
4 the autopsy may not be performed unless authorized by the Chief Medical Examiner or by
5 the Chief Medical Examiner's designee.

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

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

12 **(C) ~~(1)~~ IF PERFORMING A PERINATAL AUTOPSY TO DETERMINE**
13 **WHETHER THE DEATH RESULTED IN A STILLBIRTH OR OCCURRED AFTER A LIVE**
14 **BIRTH, THE CHIEF MEDICAL EXAMINER, A DEPUTY CHIEF MEDICAL EXAMINER, AN**
15 **ASSISTANT MEDICAL EXAMINER, OR A PATHOLOGIST AUTHORIZED BY THE CHIEF**
16 **MEDICAL EXAMINER MAY NOT USE A HYDROSTATIC LUNG TEST, ALSO KNOWN AS A**
17 **LUNG FLOAT TEST.**

18 ~~**(2) A PARENT, GUARDIAN, OR LEGAL REPRESENTATIVE OF THE**~~
19 ~~**SUBJECT OF A PERINATAL AUTOPSY MAY BRING A CIVIL ACTION AGAINST THE CHIEF**~~
20 ~~**MEDICAL EXAMINER, A DEPUTY CHIEF MEDICAL EXAMINER, AN ASSISTANT**~~
21 ~~**MEDICAL EXAMINER, OR A PATHOLOGIST AUTHORIZED BY THE CHIEF MEDICAL**~~
22 ~~**EXAMINER WHO VIOLATES PARAGRAPH (1) OF THIS SUBSECTION.**~~

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

26 (2) The autopsy shall include:

27 (i) A toxicological analysis for toxic fumes;

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

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

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

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

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

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

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

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

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

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

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

15 (2) (i) Except in a case of a finding of homicide, a person in interest as
16 defined in § 4-101 of the General Provisions Article may request the medical examiner to
17 correct findings and conclusions on the cause and manner of death recorded on a certificate
18 of death under § 4-502 of the General Provisions Article within 180 days after the medical
19 examiner files those findings and conclusions.

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

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

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

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

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

32 2. Reject the findings of the administrative law judge, and
33 affirm the findings of the medical examiner.

1 (v) The appellant may appeal a rejection under subparagraph (iv)2
2 of this paragraph to a circuit court of competent jurisdiction.

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

7 1. Amend the certificate to reflect the different finding or
8 conclusion under §§ 4-212 and 4-214 of this article and § 4-502 of the General Provisions
9 Article; and

10 2. If the cause or manner of death was amended or corrected
11 to be undetermined or homicide:

12 A. Provide notice to the State's Attorney and the local law
13 enforcement agency in the jurisdiction where the body was found of the different finding or
14 conclusion on the cause or manner of death of the deceased than that previously recorded
15 on the death certificate; and

16 B. Request that the Secretary send the person in interest a
17 certified death certificate with the cause or manner of death amended in accordance with
18 item 1 of this subparagraph at no cost to the person in interest.

19 (vii) The final decision of the Secretary, or the Secretary's designee,
20 or of a court under this paragraph may not give rise to any presumption concerning the
21 application of any provision of or the resolution of any claim concerning a policy of insurance
22 relating to the deceased.

23 (viii) If the findings of the medical examiner are upheld by the
24 Secretary, the appellant is responsible for the costs of the contested case hearing.
25 Otherwise, the Department is responsible for the costs of the hearing.

26 [(e)] (F) The Chief Medical Examiner shall set a reasonable fee for performing
27 an autopsy by an authorized pathologist.

28 ~~Article Health Occupations~~

29 ~~14-404.~~

30 (a) ~~Subject to the hearing provisions of § 14-405 of this subtitle, a disciplinary~~
31 ~~panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may~~
32 ~~reprimand any licensee, place any licensee on probation, or suspend or revoke a license if~~
33 ~~the licensee:~~

34 (46) ~~Fails to comply with the requirements of the Prescription Drug~~
35 ~~Monitoring Program under Title 21, Subtitle 2A of the Health General Article; [or]~~

