



Maryland | Delaware | DC Press Association

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To: Finance Committee

From: Rebecca Snyder, Executive Director, MDDC Press Association

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Re: SB 115 - UNFAVORABLE

The Maryland-Delaware-District of Columbia Press Association represents a diverse membership of news media, from large metro dailies like the Washington Post and the Baltimore Sun, to hometown newspapers such as The Annapolis Capital and the Frederick News Post to publications such as The Daily Record, Baltimore Jewish Times, and online-only publications such as The Baltimore Banner, MarylandMatters.com and Baltimore Brew.

The Press Association has deep concerns regarding SB115, which creates a new definition of "final autopsy diagnosis," which is part of an autopsy report. Currently the public has a presumptive right to examine autopsy reports under the Public Information Act. This right of access was reaffirmed through a lawsuit filed by MDDC member, The Baltimore Banner, against the Maryland Office of the Chief Medical Examiner (MOCME) in December of 2022. From the Banner's [12/22/2022 reporting](#), "[f]or more than three months, reporters from The Banner have been seeking autopsy records for reporting about the opioid epidemic in Maryland. But the medical examiner's office has "frustrated the letter and the spirit of the law," the lawsuit asserts, by arbitrarily refusing to turn over critical portions of these documents — including pages that document toxicological findings and contain information about the age, race and gender of people who fatally overdosed, and the locations where they were found." In the PIA request, reporter Nick Thieme shared "The Banner could use these records to uncover racial and income disparities in the medical response to overdoses, to understand where overdoses are most common in the city and where resources could be used to save lives, to understand trends in what kinds of drugs are killing residents and to determine what other life events increase the risk of overdose."

Judge John S. Nugent agreed with the Banner and directed the Maryland Office of the Chief Medical Examiner to turn over the records, the Banner [reported in January of 2024](#), saying "The Banner is entitled to the same treatment as other requesters and the OCME has failed to offer a sufficient justification for not providing the electronic data to The Banner."

By narrowing the parameters of publicly available information to "final autopsy diagnosis" only, the MOCME is effectively working around the recent ruling. If only a bottom-line "conclusion" is available, the MOCME's work is effectively beyond public scrutiny. The findings underlying those "interpretations and conclusions" -- the "medical findings" part of the definition of "autopsy report" — appears to be absent from the definition of "final autopsy diagnosis." This matters in the type of reporting the Banner was doing on the opioid crisis and in matters such as the Brian Sicknick case in DC (the Capitol Hill police officer who died shortly after the Jan. 6 riots) where the medical officer's interpretations are controversial. We urge an unfavorable report.



**We believe a strong news media is
central to a strong and open society.**