

Regular Session, 2010

# ACT No. 849

HOUSE BILL NO. 1301

BY REPRESENTATIVE PEARSON

1 AN ACT

2 To amend and reenact R.S. 44:19, relative to records in the custody of a coroner; to exempt  
3 certain medical records in the custody of a coroner from public records provisions;  
4 and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 44:19 is hereby amended and reenacted to read as follows:

7 §19. ~~Autopsy~~ Records of a coroner; autopsy photographs, video, and other visual  
8 images

9 A.(1) Notwithstanding any provision of this Chapter to the contrary, any  
10 medical record or personal medical history of a deceased person in the custody of a  
11 coroner shall be confidential and shall not be subject to examination, inspection, or  
12 copying pursuant to R.S. 44:31, 32, or 33.

13 (2) For purposes of this Subsection, the phrase "medical record or personal  
14 medical history of a deceased person" shall mean information regarding the physical,  
15 mental, or behavioral health or condition of a deceased person prior to death.

16 (3) The provisions of Paragraph (1) of this Subsection shall not apply to a  
17 death certificate, final report of a coroner, or autopsy report.

18 ~~A.~~ B. Notwithstanding any other provision of law to the contrary,  
19 photographs, video, or other visual images, in whatever form, of or relating to an  
20 autopsy conducted under the authority of the office of the coroner shall be  
21 confidential, are deemed not to be public records, and shall not be released by the  
22 office of the coroner or any officer, employee, or agent thereof except as otherwise  
23 provided in this Section.

1            ~~B.C.~~ Nothing in this Section shall prevent the release of information in the  
2            custody of a coroner, including autopsy photographs, video, or other visual images,  
3            in whatever form, of or relating to an autopsy conducted under the authority of the  
4            office of the coroner as follows:

- 5            (1) To a family member of the deceased or his designee;
- 6            (2) To the succession representative of the deceased's estate or his designee;
- 7            (3) To a law enforcement agency, for official use only; ~~or~~
- 8            (4) To a qualified dentist, forensic anthropologist, or forensic pathologist as  
9            necessary to establish the identity of the deceased.
- 10            ~~(5)~~ As directed by a court order or subpoena.

11            ~~C. D.~~ Nothing in this Section shall prevent the inspection of photographs,  
12            video, or other visual images, in whatever form, of or relating to an autopsy.

13            Section 2. This Act shall become effective upon signature by the governor or, if not  
14            signed by the governor, upon expiration of the time for bills to become law without signature  
15            by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
16            vetoed by the governor and subsequently approved by the legislature, this Act shall become  
17            effective on the day following such approval.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_