

## Chapter 788

**(House Bill 934)**

AN ACT concerning

**Public Health – Chief Medical Examiner – Autopsy Findings and Conclusions**

FOR the purpose of clarifying the circumstances under which a person in interest may appeal to the Secretary of Health the denial by the Chief Medical Examiner to correct certain findings and conclusions recorded on a certificate of death; clarifying the issues to be considered in a certain contested case hearing; requiring the Maryland Department of Health to report to certain committees of the General Assembly on or before a certain date; making stylistic changes; and generally relating to autopsy findings and conclusions of the Chief Medical Examiner.

BY repealing and reenacting, with amendments,  
 Article – Health – General  
 Section 5–310(d)(1) and (2)(ii)  
 Annotated Code of Maryland  
 (2019 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, without amendments,  
 Article – Health – General  
 Section 5–310(d)(2)(i)  
 Annotated Code of Maryland  
 (2019 Replacement Volume and 2020 Supplement)

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

**Article – Health – General**

5–310.

(d) (1) **(I)** The individual who performs the autopsy shall prepare detailed written findings during the progress of the autopsy.

**(II)** [These] **THE** findings **PREPARED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH** and the conclusions drawn from them shall be filed in the office of the medical examiner for the county where the death occurred.

**(III)** The original copy of the findings and conclusions shall be filed in the office of the Chief Medical Examiner.

(2) (i) Except in a case of a finding of homicide, a person in interest as defined in § 4–101(e) of the General Provisions Article may request the medical examiner to correct findings and conclusions on the cause and manner of death recorded on a certificate of death under § 4–502 of the General Provisions Article within 60 days after the medical examiner files those findings and conclusions.

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

2. A contested case hearing under this [paragraph] **SUBPARAGRAPH** shall be a hearing both on the denial and on the establishment of the findings and conclusions on the cause **AND MANNER** of death.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2024, the Maryland Department of Health shall report to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2–1257 of the State Government Article, on the number of appeals made to the Secretary of Health when the Chief Medical Examiner denied the request of a person in interest to correct findings and conclusions on the cause and manner of death after October 1, 2021.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 30, 2021.**