

Amendment No. 1 to HB2495

Helton
Signature of Sponsor

AMEND Senate Bill No. 2355*

House Bill No. 2495

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 38-7-110(c), is amended by deleting the subsection and substituting the following:

(c)

(1)

(A) Except as provided in subdivision (c)(1)(B), medical records of deceased persons, law enforcement investigative reports, and photographs, video, and other images of deceased persons are not public records.

(B) Notwithstanding any law to the contrary and for purposes of determining cause of death, a county medical examiner may obtain the mental health records of a deceased person who is suspected to have committed suicide.

(2) Except as provided in subdivision (c)(3) and (4), and subject to subsection (d), the reports of the county medical examiners, toxicological reports, and autopsy reports are not public records.

(3) A report of the county medical examiner, toxicological report, or autopsy report must not be released, except:

(A) Pursuant to a subpoena or court order;

(B) Upon a request by the decedent's next of kin or a legal representative of the next of kin; or

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(C) Upon request by an insurance company or its agent in relation to the investigation of an insurance claim.

(4) Notwithstanding any law to the contrary, an organ procurement organization, as defined in § 68-30-102, may obtain the autopsy report of a deceased person.

(5) A records custodian shall not release a report pursuant to subdivision (c)(3) until the applicant has provided sufficient information to allow the records custodian to locate the requested report and establish the applicant's identity as qualifying next of kin who is authorized to receive a report under this section. The records custodian may require proof of identification or a sworn statement as to the identity of the applicant and the applicant's relationship to the decedent.

(6) For purposes of this subsection (c):

(A) "Next of kin" means a decedent's spouse, child, sibling, parent, grandparent, or grandchild, and includes relationships of the whole or half-blood, or by marriage or adoption; and

(B) "Records custodian" has the same meaning as defined in § 10-7-503.

SECTION 2. Tennessee Code Annotated, Section 38-7-110(d)(1), is amended by deleting the language "a court of record may order that those portions shall not be subject to disclosure as a public document and shall remain confidential" and substituting instead the language "a court of record may order that those portions are not subject to disclosure pursuant to subsection (c) and remain confidential".

SECTION 3. Tennessee Code Annotated, Section 38-7-110(d)(3), is amended by deleting the language "shall remain confidential and not open for public inspection may petition the court" and substituting instead the language "remains confidential and not subject to disclosure under subsection (c) may petition the court".

SECTION 4. This act shall take effect July 1, 2020, the public welfare requiring it, and applies to the disclosure of records occurring on or after that date.