

SENATE BILL 2355

By Hensley

AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 7, Part 5; Title 38, Chapter 7; Title 50, Chapter 6; Title 63 and Title 68, relative to medical records.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

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

(c)

(1) Except as provided in subdivision (c)(2), and subject to subsection (d), the reports of the county medical examiners, toxicological reports, and autopsy reports are public documents. Medical records of deceased persons, law enforcement investigative reports, and photographs, video, and other images of deceased persons are not public records.

(2) Except when subject to a subpoena or court order to the contrary, a records custodian shall ensure that the public disclosure of any report of the county medical examiner, toxicological report, or autopsy report complies with the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) (42 U.S.C. § 1320d et seq.), in accordance with guidance developed by the department of health by rule. For purposes of this subdivision (c)(2), "records custodian" has the same meaning as defined in § 10-7-503.

SECTION 2. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2020, the public welfare requiring it, and applies to the public disclosure of any record occurring on or after that date.