The General Assembly of the Commonwealth of Pennsylvania hereby enact
s as follows:

Section 1. Title 20 of the Pennsylvania Consolidated Statutes is amended by adding a chapter to read:

CHAPTER 89

AUTOPSIES

Sec.

§ 8901. Definitions.

§ 8902. Preparation of autopsy audiovisual material.

§ 8903. Confidentiality.

§ 8904. Penalties.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the
context clearly indicates otherwise:

"Autopsy." An examination of a body after death to determine:

1. cause of death; or
2. character and extent of changes produced by disease or injury.

"Autopsy audiovisual material." Any of the following:

1. A photograph of the body of the decedent taken during the autopsy.
2. A video recording of the autopsy.
3. An audio recording of the autopsy.

"Law enforcement officer." The term includes an investigative and a prosecutorial officer.

"INVESTIGATIVE OR LAW ENFORCEMENT OFFICER." ANY OFFICER OF THE UNITED STATES, OF ANOTHER STATE OR SUBDIVISION THEREOF, OR OF THE COMMONWEALTH OR POLITICAL SUBDIVISION THEREOF, WHO IS EMPOWERED BY LAW TO CONDUCT INVESTIGATIONS OF OR TO MAKE ARRESTS FOR OFFENSES ENUMERATED IN 18 PA.C.S. (RELATING TO CRIMES AND OFFENSES) OR AN EQUIVALENT CRIME IN ANOTHER JURISDICTION AND ANY ATTORNEY AUTHORIZED BY LAW TO PROSECUTE OR PARTICIPATE IN THE PROSECUTION OF SUCH OFFENSE.

§ 8902. Preparation of autopsy audiovisual material.

(A) GENERAL RULE.--Autopsy audiovisual material may not be prepared by an individual unless the individual has the written consent of:

1. the physician performing the autopsy; or
2. the coroner or medical examiner authorized by law to perform or order the autopsy.

(B) CONSTRUCTION.--NOTHING IN THIS SECTION SHALL BE CONSTRUED TO APPLY TO AN INVESTIGATIVE OR LAW ENFORCEMENT OFFICER.
OFFICER WHO PREPARES AUTOPSY AUDIOVISUAL MATERIAL IN THE COURSE
OF THE OFFICER'S DUTY OR TO ADMINISTRATIVE AND MANAGERIAL
PERSONNEL, CONSULTANTS AND CONTRACTORS WORKING AT THE DIRECTION
OF AN INVESTIGATIVE OR LAW ENFORCEMENT OFFICER WHO PREPARES
AUTOPSY AUDIOVISUAL MATERIAL IN THE COURSE OF THE OFFICER'S
DUTY.

§ 8903. Confidentiality.

(a) General rule.--

(1) Except as set forth under subsection (b), autopsy audiovisual material is confidential. Autopsy audiovisual material may not be released by any of the following:

(i) The physician, coroner or medical examiner who performed or ordered the autopsy.

(ii) An individual who assisted the physician, coroner or medical examiner under subparagraph (i).

(iii) An individual who participated in the preparation of autopsy audiovisual material.

(iv) The facility where the autopsy was performed.

(2) Autopsy audiovisual material shall not be deemed official records and papers of the coroner and shall not be subject to section 1251 of the act of August 9, 1955 (P.L.323, No.130), known as The County Code.

(b) Exception.--Subsection (a) does not apply to a release of autopsy audiovisual material in any of the following circumstances:

(1) Pursuant to consent of the decedent or a personal representative, except that during an investigation by law enforcement or a coroner, the information shall only be released in accordance with paragraph 5(ii) and (iii).

(2) To a Federal, State or local law enforcement officer...
in the performance of official duties.

(2) TO AN INVESTIGATIVE OR LAW ENFORCEMENT OFFICER FOR USE IN THE COURSE OF THE OFFICER'S DUTY.

(3) To the coroner or medical examiner for use in the performance of official duties or training, including conferral with medical or scientific experts, for teaching and training.

(4) When an autopsy is conducted pursuant to consent of the decedent or personal representative, to a physician who uses the materials for teaching, training or publication in a medical or scientific journal or textbook, provided the identity of the decedent is redacted so as to reasonably render the decedent anonymous.

(5) To a person pursuant to a court order of public necessity or, during litigation, pursuant to a court order. For an order under this paragraph, the following apply:

(i) There must be notice to the personal representative of the subject decedent.

(ii) There must be a hearing.

(iii) The court must determine, based upon clear and convincing evidence, all of the following:

(A) Release of the autopsy audiovisual material is necessary to protect public health or safety or is material and relevant to the litigation.

(B) The necessity under clause (A) overrides the privacy interest of the decedent and the family of the decedent.

§ 8904. Penalties.

(a) Preparation.--An individual who violates section 8902 (relating to preparation of autopsy audiovisual material)
(b) Confidentiality. -- A person that violates section 8903 (relating to confidentiality) commits a misdemeanor of the first degree.

Section 2. This act shall take effect in 60 days.