

A SUMMARY OF HOUSE BILL 4024 AS INTRODUCED 1-26-99

The bill would amend the Public Health Code to generally prohibit the release or publication of any autopsy photographs that identified the decedent by name, face, or other identifying physical feature. An autopsy photograph would include not only photos, but would also include videotape, film, digital images, or other images of a deceased made or obtained during an autopsy that was performed in Michigan. The release or publication of autopsy photos that identified the decedent would be allowed if the decedent's parent, surviving spouse, guardian, personal representative, or next of kin provided written authorization. If none of these individuals could be identified or located following a diligent and good faith effort, an individual charged by law with the responsibility for burial or cremation of the decedent's body could provide written permission for the release or publication of the photos. Furthermore, release or publication would be allowed for the following:

- 1) For purposes directly related to the investigation or prosecution of a criminal case upon the written authorization of a prosecuting attorney.
- 2) For purposes directly related to a civil case and authorized by the court.
- 3) Where required for the health department to carry out its lawful duties.
- 4) Where necessary for the purpose of providing legitimate teaching of only medical or public health officials.

A decedent's parent, surviving spouse, guardian, personal representative, or next of kin who was injured by a violation of the bill's provisions could bring an action to recover \$1,000 or actual damages, whichever was greater, along with costs and reasonable attorney fees.

MCL 333.2855a

Analyst: W. Flory

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.