

SUBSTITUTE FOR
HOUSE BILL NO. 4249

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 2855a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2855a. (1) A person shall not publicly display an
2 autopsy photograph of a decedent that identifies the decedent by
3 name, face, or other identifying physical feature unless 1 of the
4 following conditions is met:

5 (a) One of the following individuals specifically provides
6 written authorization for the public display of the autopsy
7 photograph:

8 (i) The decedent's parent, surviving spouse, guardian,
9 personal representative, or next of kin.

10 (ii) If an individual described in subparagraph (i) cannot be
11 identified or located following a diligent and good faith effort

House Bill No. 4249 (H-3) as amended May 14, 2003

1 to identify or locate him or her, an individual charged by law
2 with the responsibility for burial or cremation of the decedent's
3 body.

4 (b) The public display of the autopsy photograph is 1 of the
5 following:

6 (i) Upon written authorization by the prosecuting attorney
7 having jurisdiction for a purpose directly related to the
8 investigation or prosecution of a criminal case.

9 (ii) Authorized by a court of competent jurisdiction for a
10 purpose directly related to the proceedings in a civil case.

11 (iii) Required for a health department to carry out its
12 lawful duties.

13 (iv) Necessary for legitimate research or teaching of only
14 medical, public health, or public safety personnel or students
15 enrolled at a postsecondary educational institution.

16 (2) A decedent's parent, surviving spouse, [and children who
17 are] injured as a result of a
18 violation of this section may bring an action in a court of
19 competent jurisdiction to recover \$1,000.00 or actual damages,
20 whichever is greater, plus costs and reasonable attorney fees.

21 (3) As used in this section:

22 (a) "Autopsy photograph" means an image of a decedent
23 obtained during an autopsy of that decedent in this state, and
24 includes an image on videotape, motion picture or other film, or
25 an image captured by digital means.

26 (b) "Decedent" means a deceased human being.