

2025 HOUSE HUMAN SERVICES

HB 1068

2025 HOUSE STANDING COMMITTEE MINUTES

HUMAN SERVICES COMMITTEE PIONEER ROOM, STATE CAPITOL

HB 1068
1/8/2025

Relating to autopsy reports, working papers, and photographs
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1:42 p.m. Chairman M. Ruby opened the hearing.

Members present: Chairman M. Ruby, Vice Chairman Frelich, Representatives Anderson, Beltz, Bolinske, Dobervich, Fegley, Hendrix, Holle, Kiefert, Rios, Rohr

Members absent: Representative Davis

Discussion Topics:

- Released records
- Language removal

1:45 p.m. Kirby Kruger, Director of Disease Control and Forensic Pathology, testified in favor and submitted testimony #28177.

1:49 Allison Hicks, Assistant Attorney General's Office, General Counsel for ND DHHS testified in favor.

Additional written testimony:

Mary Ann Sens - Forensic Pathologist with UNDSMHS, provided written testimony in opposition #28091.

1:54 p.m. Chairman M. Ruby closed the hearing.

Jackson Toman, Committee Clerk

January 6, 2025

To: Human Services Committee
ND House

From: Mary Ann Sens, MD, PhD; Coroner, Grand Forks County, Forensic Pathologist
Kriste Ross, BS, D-ABMDI Coroner, Cass County

Re: House Bill 1068 Autopsy Reports, working papers and photographs

Honorable Chairman Ruby, Vice Chairman Frelich, and Members of the House Human Services Committee:

I am submitting this testimony to request MODIFICATION of HB1068. I am requesting that the language be changed to restrict working papers to the material generated by the office performing the case and within the final file as the case is finished and signed out. This is STANDARD in every office I have worked in and allows each entity to be responsible for releasing their reports. The problem with the current language is:

- 1) Many records we use, such as medical records, EMS reports, psychiatric and substance use treatment records, school records, etc. are confidential and have restricted release. The proposed law as written tells us to release these, creating a conflict where we may be violating other laws. It also defeats the intent of the original restrictions of the records. Currently, when a complete file is requested, we do NOT release any record we did not generate or is not a part of our report, however, we do tell the requesting entity that we have records from "X", allowing them to request the records themselves.
- 2) It is critical from a simple practicality perspective to define when a "record", "Working notes" are defined. Again, in all previous offices where I worked, that is defined as when the case is being completed and filed – in the old days, the paper file went to a locked storage area because the case was done. In simply working, one may generate doodles, notes (sometimes mixed with personal business like a grocery list or request to make a call), and other temporary materials. In the extreme, if a person takes a note, such as a phone number, while busy and writes it on their arm, the arm does not become part of the case. Defining when you sign the case out and finish it is an excellent and understood point on when to file what is needed to support your position in an orderly, defined manner. This also would include material that may come in AFTER a case sign out, such as subpoenas, demonstrative materials generated at a party's request, and rarely new material for consideration. ALL of these should be available, with the recognition that getting to the sign out completed event may involve temporary materials, like notes on arms, preliminary doodles, etc. that are never part of the official file.
- 3) Forensic pathology services and Coroner investigations are complementary, but independent of law enforcement and judiciary. Our thinking and investigations are distinct and must remain neutral.
- 4) It is already the requirement of accredited facilities that you have complete enough files so the entire case can be reconstructed in case of computer failure and/or independent outside consultation. If file integrity is one of the goals, supporting accreditation of the facilities in ND lacking accreditation might be more productive.

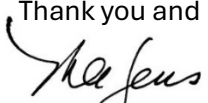
- 5) Finally, individuals argue that individuals and agencies, like States Attorneys, state that they need to know how we reached our conclusions. I agree wholeheartedly and ALWAYS welcome invested parties – States Attorneys, Defense bar, Law enforcement to speak directly to us. It is frankly surprising that we get subpoenas before a telephone call and occasionally show up for testimony, NEVER having spoken to the requesting attorney. Getting a complex file will NOT help understanding of a particularly nuanced case – human communication will. This aspect of the bill is NOT NECESSARY and reflects only poor preparation and a suboptimal approach to expert knowledge and potential testimony.
- 6) Contrary to popular belief, fewer than 3% of our autopsies (at least in the Grand Forks location) are homicides and a lower % end up in the court system. Most of our findings are within public health domain and action and require human discussion integral to understanding, defining risks, and prevention of future deaths. This is NOT done by passing along a file but by hard discussions on multidisciplinary panels, provision of cumulative statistics and knowledge, and other complex but needed communication efforts. Our reports are medical reports on how and why a person died. Although it would be convenient for the judicial and law enforcement if we could identify how, why, and who committed a crime, we cannot, nor can we implicate a particular person. We can identify scenarios that fit, scenarios that do not fit, and scenarios we cannot state anything about. The judiciary and law enforcement work WITH us to communicate those possibilities. All possibilities will never be in any file. Accreditation means that your thinking can be reconstructed by an expert – everything is there. It DOES NOT mean a person trained in a different area can understand all the nuances that are frequently present in an autopsy – essentially the final summary of a human life. The expectation that a file should have encapsulated the training of 12 years of formal education, continued affirmation by certification and licensure, and years of experience is impossible and should not be attempted in legislation.

I am available for discussion. Unfortunately, both professional responsibilities and a nasty cold prevent me from live testimony, however I could answer questions by Zoom if desired. Coroner Ross is representing ND at an important medicolegal meeting in North Carolina but could speak to people when she returns next week.

Again, in keeping in my lane, I am not suggesting specific language, your writers and legislators are better at that. However please effect these changes

- 1) Working papers are materials in the file needed and used for case completion by the entity. They do NOT include records obtained from other agencies which may have different release procedures and regulations. They do not include unofficial or temporary notes a person may use in case evaluation.
- 2) Working papers also include material formally received after completion, such as subpoenas, additional toxicology or other reports, updated historical information based on further case evaluation.
- 3) You cannot legislate professional communication, nor the need for such. Please do not try.

Thank you and respectfully submitted



Mary Ann Sens

Testimony
House Bill No. 1068
House Human Services Committee
Representative Matthew Ruby, Chairman
January 8, 2025

Chairman Ruby, and members of the House Human Services Committee, I am Kirby Kruger, Director of the Disease Control and Forensic Pathology with the Department of Health and Human Services (Department). I appear before you in support of House Bill No. 1068, which was introduced at the request of the Department.

Section 1 of this bill clarifies which records from the State Forensic Examiners Office or forensic examiner's designee, can be released and to whom and defines the conditions of release. In addition, the bill clarifies the release of autopsy photographs or visual images or video or audio recordings.

Section 2 of the bill removes the language from North Dakota Century Code (NDCC) § 44-04-18.18 that is covered in Section 1 of the bill. This consolidates statute pertaining to autopsy related records and materials to be all part of title 23 of the Century Code.

On Page 1, definitions for notes and working papers were added to clarify notes, dictations and working papers as separate from an autopsy report or report of death. The definition of working papers excludes autopsy photographs or other visual images or video or audio recordings.

On page 2, line 10, if the report of death is requested by the next of kin before that report becomes an open record, then next of kin would need

to provide satisfactory proof of the relationship to the decedent before the report of death would be released.

On page 2, lines 23-31, autopsies photos, and other visual images, video or audio recordings are moved to subsection 7 of N.D.C.C. § 23-01-05.5 on page 4 of the bill. The language also specifies that, unless specified in 23-01-05.5, the proper procedure for requesting working papers and the autopsy report is in N.D.C.C. § 44-04-18.11.

On Page 3 on lines 4 and 5, a definition for criminal justice agency, referring to N.D.C.C. § 44-04-18.7 was added. On line 15, subdivision e was added allowing the release of autopsy reports and working papers to the suicide fatality review commission if there is no active criminal investigation.

On page 3, lines 17 through 31, subsection 6 clarifies that a decedent's child needs to be eighteen years of age or older to request and receive a copy of the autopsy report. On page 4, line 3, subsection g was added to authorize the maternal mortality review committee to receive a copy of the autopsy report.

On pages 4 and 5, the bill clarifies the release of autopsy photographs, visual images, video or audio recordings, which includes the conditions in which these materials can be used for educational purposes and the advancement of training. All of the current authorized releases outlined in N.D.C.C. § 44-04-18.18 have been carried over to a singular statute.

Subsection 8 on page 5 also clarifies that photographs and visual images of the decedent taken by others and notes are confidential.

Section 2 of the bill is the deletion of the portion of the Century Code in N.D.C.C. § 44-04-18.18 dealing with autopsy photographs or other visual image or a video or audio recordings. This language, as part of this bill, is moved to NDCC 23-01-05.5. Section 2 of the bill adds language to N.D.C.C. § 44-04-18.18 referring members of the public or other users to N.D.C.C. § 23-01-05.5 for the release of these materials.

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you.

2025 HOUSE STANDING COMMITTEE MINUTES

HUMAN SERVICES COMMITTEE PIONEER ROOM, STATE CAPITOL

HB 1068
1/15/2025

Relating to autopsy reports, working papers, and photographs.

2:30 p.m. Chairman M. Ruby called the meeting to order.

Members present: Chairman M. Ruby, Vice Chairman Frelich, Representatives Anderson, Beltz, Bolinske, Davis, Dobervich, Fegley, Hendrix, Holle, Kiefert, Rios, Rohr

Discussion Topics:

- Committee action
- Proposed amendments to the status of photographs.

2:30 p.m. Annique Lockard, Assistant Attorney General, introduced amendment LC#25.8082.01000, #33945.

2:32 p.m. Chairman M. Ruby closed the meeting.

Jackson Toman, Committee Clerk

25.8082.01000

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
HOUSE BILL NO. 1068**

Introduced by

Human Services Committee

(At the request of the Department of Health and Human Services)

1 A BILL for an Act to amend and reenact sections 23-01-05.5 and 44-04-18.18 of the North
2 Dakota Century Code, relating to autopsy reports, working papers, and photographs.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 23-01-05.5 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **23-01-05.5. Autopsy reports, working papers, and images - Confidential - Exceptions.**

7 1. As used in this section:

- 8 a. "Autopsy report" means the report of the forensic examiner or the examiner's
9 designee on the post-mortem examination of a deceased individual to determine
10 the cause and manner of death, including any written analysis, diagram,
11 photograph, or toxicological test results.
- 12 b. "Notes" means the notes or dictations taken or created by the state forensic
13 examiner or the examiner's designee during the course of an investigation into
14 the cause and manner of death of a decedent.
- 15 c. "Report of death" means the official findings on the cause of death and manner of
16 death issued by the state forensic examiner, the examiner's designee, county
17 coroner, or pathologist performing an autopsy ordered by a county coroner or by
18 the state forensic examiner and which is the face page of the autopsy report
19 identifying the decedent and stating the cause of death and manner of death.
- 20 d. "Working papers" means the medical records, investigatory records, law
21 enforcement records, and other records or materials collected or compiled by the
22 state forensic examiner or the examiner's designee and the notes or dictations
23 created by the state forensic examiner or the examiner's designee during the
24 course of an investigation into the cause and manner of death of a decedent. The

term does not include autopsy photographs or other visual images or video or audio recordings of an autopsy taken by the state forensic examiner, the examiner's designee, prosecutor, criminal justice agency, any employee or agent of a criminal justice agency, or any other individual, or other photographs or visual images of the decedent which may have been taken by law enforcement or other individuals.

2. ~~An autopsy report and any working papers and notes relating to an autopsy report are confidential and may be disclosed only as permitted by this section.~~ The report of death is subject to disclosure as follows:

- a. ~~The~~ if requested before the report of death becomes a public record, the next of kin or authorized representative requesting the report of death is responsible for providing to the state forensic examiner or the examiner's designee satisfactory proof of relationship to the deceased and contact information for notification of the report of death.
- b. When in receipt of the information in subdivision a, the state forensic examiner, examiner's designee, county coroner, or pathologist who performed the autopsy shall make a good faith effort to immediately notify the decedent's next of kin or authorized representative of the availability of the report of death. The notification or attempts to notify the next of kin or authorized representative must be recorded and must precede any public disclosure of the report of death.
- c. The report of death becomes a public record eight days after the report of death is finalized.

3. ~~Subject to the limitations on the disclosure of an autopsy photograph or other visual image or video or audio recording of an autopsy required under section 44-04-18.18, any working~~ Working papers and notes relating to a final autopsy report may be disclosed pursuant to a court order in accordance with section 44-04-18.11 and as otherwise expressly provided by law subsection 5.

4. An autopsy report is confidential and may be disclosed in accordance with section 44-04-18.11 and subsections 5 and 6.

5. The state forensic examiner or the examiner's designee shall disclose a copy of the autopsy report and working papers to:

- 1 a. ~~To any~~A county coroner, including a coroner in any state or Canadian province,
2 with jurisdiction over the death, and the coroner may use or disclose these
3 records for purposes of an investigation, inquest, or prosecution.
- 4 b. ~~To any state's attorney~~A prosecutor or criminal justice agency, as defined by
5 section 44-04-18.7, including a prosecutor or criminal justice agency of the
6 United States, any state, or any Canadian province, with jurisdiction over an
7 investigation of the death and the ~~state's attorney~~prosecutor or criminal justice
8 agency may use or disclose these records for the purposes of an investigation or
9 prosecution.
- 10 c. ~~To workforce~~Workforce safety and insurance if the death is related to the
11 decedent's work, and to any other workers' compensation or other similar
12 program, established by law, that provides benefits for work-related injuries or
13 illness without regard to fault if there is no criminal investigation.
- 14 d. ~~To the~~The child fatality review panel if there is no active criminal investigation.
- 15 e. The suicide fatality review commission if there is no active criminal investigation.
- 16 f. In accordance with a court order.
- 17 ~~5-6.~~ If there is no active criminal investigation, the state forensic examiner or the
18 examiner's designee upon request shall disclose a copy of the autopsy report to:
- 19 a. The decedent's personal representative ~~and to the~~.
- 20 b. The decedent's spouse, child eighteen years of age or older, or parent, upon
21 proof of the relationship, ~~if there is no active criminal investigation.~~
- 22 ~~b-c.~~ A physician or hospital ~~who~~that treated the ~~deceased~~decedent immediately prior-
23 ~~to~~before death ~~if there is no active criminal investigation.~~
- 24 ~~c-d.~~ An insurance company upon proof ~~that~~ the decedent's life was covered by a
25 policy issued by the company ~~if there is no active criminal investigation.~~
- 26 ~~d-e.~~ The food and drug administration, the national transportation safety board, the
27 occupational health and safety administration, and any other federal or state
28 agency with authority to obtain an autopsy report to investigate a death resulting
29 from the decedent's type of injury or illness.
- 30 ~~e-f.~~ A professional or research organization collecting data to initiate or advance
31 death investigation standards, after the identifiers necessary to create a limited

data set under title 45, Code of Federal Regulations, part 164, section 514, subsection e have been removed from the report.

g. The maternal mortality review committee.

6.7. An autopsy photograph or other visual image or a video or audio recording of an autopsy taken by the state forensic examiner, the examiner's designee, prosecutor, criminal justice agency, any employee or agent of a criminal justice agency, or any other individual is confidential and may be disclosed in accordance with section 44-04-18.11 and as provided in this subsection:

a. The state forensic examiner or the examiner's designee shall, upon request, disclose a copy of autopsy photographs or other visual images or video or audio recordings of an autopsy to any prosecutor or criminal justice agency as defined by section 44-04-18.7, including a prosecutor or criminal justice agency of the United States, any state, or any Canadian province, with jurisdiction over an investigation of the death and the prosecutor or criminal justice agency may use or disclose these records for the purposes of an investigation or prosecution.

b. After redacting all information identifying the decedent, including name, address, and social security number, and anonymizing facial recognition, a medical examiner, coroner, or physician may use an autopsy photograph, image, or video or audio recording for:

(1) Medical or scientific teaching or training purposes;

(2) Teaching or training of law enforcement personnel;

(3) Teaching or training of attorneys or others with a bona fide professional need to use or understand forensic science;

(4) Conferring with medical or scientific experts;

(5) Publication in a scientific or medical journal or textbook; or

(6) Teaching or training of coroner personnel or other licensed or certified medical professionals.

c. The decedent's spouse, child eighteen years of age or older, or parent, upon proof of the relationship, may view an autopsy photograph, image, or recording in the business office of a medical examiner, coroner, or physician who has

possession of the materials, if there is not an active criminal investigation or prosecution.

d. Upon receipt by the requestor of a court order requiring disclosure and a court-issued protective order in accordance with section 44-04-18.11, the state forensic examiner or the examiner's designee shall disclose a copy of autopsy photographs or other visual images or video or audio recordings of an autopsy to the decedent's spouse, child eighteen years of age or older, or parent, upon proof of the relationship.

8. Other photographs or visual images of the decedent in the possession of the forensic examiner, the examiner's designee, or any county coroner which may have been taken by law enforcement or other persons are confidential.

9. Notes are confidential records.

10. The forensic examiner, the examiner's designee, any county coroner or county medical coroner, and any public employee who, in good faith, discloses autopsy findings, an autopsy report, working papers, autopsy photograph, notes, other photographs or visual images of a decedent, or a video or audio recording of an autopsy, or other information relating to an autopsy report or cause of death to a person who the public official or employee reasonably believes is entitled to that information under this section is immune from any liability, civil or criminal, for making that disclosure. For the purposes of any proceeding, the good faith of any public employee who makes a disclosure under this section is presumed.

SECTION 2. AMENDMENT. Section 44-04-18.18 of the North Dakota Century Code is amended and reenacted as follows:

44-04-18.18. Autopsy images - Confidential - Exceptions.

1. ~~An autopsy photograph or other visual image or a video or audio recording of an autopsy is confidential. However, a criminal justice agency may use or disclose these materials for purposes of an investigation or prosecution.~~
2. a. ~~After redacting all information identifying the decedent, including name, address, and social security number, and anonymizing facial recognition, a medical examiner, coroner, or physician may use an autopsy photograph, image, or recording for:~~
 - (1) ~~Medical or scientific teaching or training purposes;~~

- (2) ~~Teaching or training of law enforcement personnel;~~
- (3) ~~Teaching or training of attorneys or others with a bona fide professional need to use or understand forensic science;~~
- (4) ~~Conferring with medical or scientific experts;~~
- (5) ~~Publication in a scientific or medical journal or textbook; or~~
- (6) ~~Teaching or training of coroner personnel or other licensed or certified medical professionals.~~

b. ~~A medical examiner, coroner, or physician who has in good faith complied with this subsection is not subject to any penalty or liability for using an autopsy photograph, image, or recording.~~

3. ~~The decedent's spouse, child, parent, or sibling, upon proof of the relationship, may view an autopsy photograph, image, or recording in the business office of a medical examiner, coroner, or physician who has possession of the materials, if there is not an active criminal investigation or prosecution.~~

4. ~~Disclosure of an autopsy photograph, image, or recording may be obtained under section 44-04-18.11~~An autopsy photograph or other visual image or a video or audio recording of an autopsy taken by the state forensic examiner, the examiner's designee, prosecutor, criminal justice agency, any employee or agent of the criminal justice agency, or any other individual is confidential and may be disclosed in accordance with section 23-01-05.5.

2025 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

HB 1068
2/3/2025

Relating to autopsy reports, working papers, and photographs
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4:03 p.m. Chairman M. Ruby opened the meeting.

Members Present: Chairman M. Ruby, Vice-Chairman Frelich, Representatives K. Anderson, Beltz, Bolinske, Davis, Dobervich, Fegley, Kiefert, Rios, Rohr

Members Absent: Representatives Hendrix, Holle

Discussion Topics:

- Committee work

4:04 p.m. Representative Nathe proposed amendments relating to funeral practice, and submitted testimony, #34040.

4:10 p.m. Representative K. Anderson moved to adopt amendment LC 25.8082.01001.

4:10 p.m. Representative Rohr seconded the motion.

4:10 p.m. Voice Vote passed.

4:10 p.m. Representative Rohr moved to further amend by adding exception in bill title

4:10 p.m. Representative K. Anderson seconded the motion.

4:10 p.m. Voice Vote passed.

4:11 p.m. Representative Rohr moved a Do Pass as amended.

4:11 p.m. Representative Bolinske seconded the motion.

Representatives	Vote
Representative Matthew Ruby	Y
Representative Kathy Frelich	Y
Representative Karen Anderson	Y
Representative Mike Beltz	Y
Representative Macy Bolinske	Y
Representative Jayme Davis	Y
Representative Gretchen Dobervich	Y
Representative Cleyton Fegley	Y
Representative Jared Hendrix	AB
Representative Dawson Holle	AB
Representative Dwight Kiefert	Y
Representative Nico Rios	Y

Representative Karen Rohr	Y
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4:11 p.m. Motion passed 11-0-2.

Representative K. Anderson will carry the bill.

Chairman M. Ruby closed the meeting.

Jackson Toman, Committee Clerk

February 3, 2025

25 2/3/25
1 of 7

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1068

Introduced by

Human Services Committee

(At the request of the Department of Health and Human Services)

1 A BILL for an Act to amend and reenact sections 23-01-05.5, 43-10-10.1, and 44-04-18.18 of
2 the North Dakota Century Code, relating to autopsy reports, working papers, funeral practice
3 exceptions, and photographs.

4 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

5 **SECTION 1. AMENDMENT.** Section 23-01-05.5 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **23-01-05.5. Autopsy reports, working papers, and images - Confidential - Exceptions.**

8 1. As used in this section:

- 9 a. "Autopsy report" means the report of the forensic examiner or the examiner's
10 designee on the post-mortem examination of a deceased individual to determine
11 the cause and manner of death, including any written analysis, diagram,
12 photograph, or toxicological test results.
- 13 b. "Notes" means the notes or dictations taken or created by the state forensic
14 examiner or the examiner's designee during the course of an investigation into
15 the cause and manner of death of a decedent.
- 16 c. "Report of death" means the official findings on the cause of death and manner of
17 death issued by the state forensic examiner, the examiner's designee, county
18 coroner, or pathologist performing an autopsy ordered by a county coroner or by
19 the state forensic examiner and which is the face page of the autopsy report
20 identifying the decedent and stating the cause of death and manner of death.

- 1 d. "Working papers" means the medical records, investigatory records, law
2 enforcement records, and other records or materials collected or compiled by the
3 state forensic examiner or the examiner's designee and the notes or dictations
4 created by the state forensic examiner or the examiner's designee during the
5 course of an investigation into the cause and manner of death of a decedent. The
6 term does not include autopsy photographs or other visual images or video or
7 audio recordings of an autopsy taken by the state forensic examiner, the
8 examiner's designee, prosecutor, criminal justice agency, any employee or agent
9 of a criminal justice agency, or any other individual, or other photographs or
10 visual images of the decedent which may have been taken by law enforcement or
11 other individuals.
- 12 2. ~~An autopsy report and any working papers and notes relating to an autopsy report are~~
13 ~~confidential and may be disclosed only as permitted by this section. The report of~~
14 ~~death is subject to disclosure as follows:~~
- 15 a. ~~The~~ if requested before the report of death becomes a public record, the next of
16 kin or authorized representative requesting the report of death is responsible for
17 providing to the state forensic examiner or the examiner's designee satisfactory
18 proof of relationship to the deceased and contact information for notification of
19 the report of death.
- 20 b. When in receipt of the information in subdivision a, the state forensic examiner,
21 examiner's designee, county coroner, or pathologist who performed the autopsy
22 shall make a good faith effort to immediately notify the decedent's next of kin or
23 authorized representative of the availability of the report of death. The notification
24 or attempts to notify the next of kin or authorized representative must be
25 recorded and must precede any public disclosure of the report of death.
- 26 c. The report of death becomes a public record eight days after the report of death
27 is finalized.
- 28 3. ~~Subject to the limitations on the disclosure of an autopsy photograph or other visual~~
29 ~~image or video or audio recording of an autopsy required under section 44-04-18.18,~~
30 ~~any working~~ Working papers and notes relating to a final autopsy report may be

1 disclosed pursuant to a court order in accordance with section 44-04-18.11 and as
2 otherwise expressly provided by law subsection 5.

3 4. An autopsy report is confidential and may be disclosed in accordance with section
4 44-04-18.11 and subsections 5 and 6.

5 5. The state forensic examiner or the examiner's designee shall disclose a copy of the
6 autopsy report and working papers to:

7 a. ~~To any~~ A county coroner, including a coroner in any state or Canadian province,
8 with jurisdiction over the death, and the coroner may use or disclose these
9 records for purposes of an investigation, inquest, or prosecution.

10 b. ~~To any state's attorney~~ A prosecutor or criminal justice agency, as defined by
11 section 44-04-18.7, including a prosecutor or criminal justice agency of the
12 United States, any state, or any Canadian province, with jurisdiction over an
13 investigation of the death and the ~~state's attorney~~ prosecutor or criminal justice
14 agency may use or disclose these records for the purposes of an investigation or
15 prosecution.

16 c. ~~To work force~~ Workforce safety and insurance if the death is related to the
17 decedent's work, and to any other workers' compensation or other similar
18 program, established by law, that provides benefits for work-related injuries or
19 illness without regard to fault if there is no criminal investigation.

20 d. ~~To the~~ The child fatality review panel if there is no active criminal investigation.

21 e. The suicide fatality review commission if there is no active criminal investigation.

22 f. In accordance with a court order.

23 5-6. ~~Th~~ If there is no active criminal investigation, the state forensic examiner or the
24 examiner's designee upon request shall disclose a copy of the autopsy report to:

25 a. The decedent's personal representative and to the,

26 b. The decedent's spouse, child eighteen years of age or older, or parent, upon
27 proof of the relationship, if there is no active criminal investigation.

28 ~~b-c.~~ A physician or hospital ~~who that~~ treated the ~~deceased~~ decedent immediately prior
29 ~~to before~~ death if there is no active criminal investigation.

30 ~~e-d.~~ An insurance company upon proof that the decedent's life was covered by a
31 policy issued by the company if there is no active criminal investigation.

- 1 ~~d.e.~~ The food and drug administration, the national transportation safety board, the
2 occupational health and safety administration, and any other federal or state
3 agency with authority to obtain an autopsy report to investigate a death resulting
4 from the decedent's type of injury or illness.
- 5 ~~e.f.~~ A professional or research organization collecting data to initiate or advance
6 death investigation standards, after the identifiers necessary to create a limited
7 data set under title 45, Code of Federal Regulations, part 164, section 514,
8 subsection e have been removed from the report.
- 9 ~~g.~~ The maternal mortality review committee.
- 10 ~~6-7.~~ An autopsy photograph or other visual image or a video or audio recording of an
11 autopsy taken by the state forensic examiner, the examiner's designee, prosecutor,
12 criminal justice agency, any employee or agent of a criminal justice agency, or any
13 other individual is confidential and may be disclosed in accordance with section
14 44-04-18.11 and as provided in this subsection:
- 15 ~~a.~~ The state forensic examiner or the examiner's designee shall, upon request,
16 disclose a copy of autopsy photographs or other visual images or video or audio
17 recordings of an autopsy to any prosecutor or criminal justice agency as defined
18 by section 44-04-18.7, including a prosecutor or criminal justice agency of the
19 United States, any state, or any Canadian province, with jurisdiction over an
20 investigation of the death and the prosecutor or criminal justice agency may use
21 or disclose these records for the purposes of an investigation or prosecution.
- 22 ~~b.~~ After redacting all information identifying the decedent, including name, address,
23 and social security number, and anonymizing facial recognition, a medical
24 examiner, coroner, or physician may use an autopsy photograph, image, or video
25 or audio recording for:
- 26 (1) Medical or scientific teaching or training purposes;
27 (2) Teaching or training of law enforcement personnel;
28 (3) Teaching or training of attorneys or others with a bona fide professional
29 need to use or understand forensic science;
30 (4) Conferring with medical or scientific experts;
31 (5) Publication in a scientific or medical journal or textbook; or

- 1 (6) Teaching or training of coroner personnel or other licensed or certified
2 medical professionals.
- 3 c. The decedent's spouse, child eighteen years of age or older, or parent, upon
4 proof of the relationship, may view an autopsy photograph, image, or recording in
5 the business office of a medical examiner, coroner, or physician who has
6 possession of the materials, if there is not an active criminal investigation or
7 prosecution.
- 8 d. Upon receipt by the requestor of a court order requiring disclosure and a court-
9 issued protective order in accordance with section 44-04-18.11, the state forensic
10 examiner or the examiner's designee shall disclose a copy of autopsy
11 photographs or other visual images or video or audio recordings of an autopsy to
12 the decedent's spouse, child eighteen years of age or older, or parent, upon proof
13 of the relationship.
- 14 8. Other photographs or visual images of the decedent in the possession of the forensic
15 examiner, the examiner's designee, or any county coroner which may have been
16 taken by law enforcement or other persons are confidential.
- 17 9. Notes are confidential records.
- 18 10. The forensic examiner, the examiner's designee, any county coroner or county
19 medical coroner, and any public employee who, in good faith, discloses autopsy
20 findings, an autopsy report, working papers, autopsy photograph, notes, other
21 photographs or visual images of a decedent, or a video or audio recording of an
22 autopsy, or other information relating to an autopsy report or cause of death to a
23 person who the public official or employee reasonably believes is entitled to that
24 information under this section is immune from any liability, civil or criminal, for making
25 that disclosure. For the purposes of any proceeding, the good faith of any public
26 employee who makes a disclosure under this section is presumed.

27 **SECTION 2. AMENDMENT.** Section 43-10-10.1 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **43-10-10.1. Funeral practice - Exceptions.**

- 30 1. Nothing in this chapter may be construed to prevent a person from doing work within
31 the standards and ethics of that person's profession and calling, provided that the

- 1 person does not represent to the public that the person is engaging in the practice of
- 2 funeral service.
- 3 2. Nothing in this chapter may be construed to prevent embalming by commissioned
- 4 medical officers in the armed forces of the United States or under the United States
- 5 public health service while on active duty in a respective service.
- 6 3. This chapter does not prevent the transportation of a dead human body in accordance
- 7 with other applicable state and federal laws.
- 8 4. This chapter does not prohibit ambulance or other emergency transportation of a dead
- 9 human body.
- 10 5. This chapter does not prohibit members of the clergy from performing funeral and
- 11 gravesite or memorial services.
- 12 6. This chapter does not prohibit unlicensed individuals, employed by a funeral
- 13 establishment, from performing gravesite or memorial services for cremated remains.
- 14 7. This chapter does not prohibit individuals licensed in other states, as embalmers or
- 15 funeral directors, from assisting funeral practitioners.
- 16 7.8. This chapter does not prohibit individuals employed by a funeral establishment from
- 17 performing nonprofessional tasks or activities that do not require independent,
- 18 professional judgment under the supervision of an individual licensed to practice
- 19 funeral service.

20 **SECTION 3. AMENDMENT.** Section 44-04-18.18 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **44-04-18.18. Autopsy images - Confidential - Exceptions.**

- 23 ~~1. An autopsy photograph or other visual image or a video or audio recording of an~~
- 24 ~~autopsy is confidential. However, a criminal justice agency may use or disclose these~~
- 25 ~~materials for purposes of an investigation or prosecution.~~
- 26 2. a. ~~After redacting all information identifying the decedent, including name, address,~~
- 27 ~~and social security number, and anonymizing facial recognition, a medical~~
- 28 ~~examiner, coroner, or physician may use an autopsy photograph, image, or~~
- 29 ~~recording for:~~
 - 30 ~~(1) Medical or scientific teaching or training purposes;~~
 - 31 ~~(2) Teaching or training of law enforcement personnel;~~

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7 of 7

- 1 ~~(3) Teaching or training of attorneys or others with a bona fide professional~~
- 2 ~~need to use or understand forensic science;~~
- 3 ~~(4) Conferring with medical or scientific experts;~~
- 4 ~~(5) Publication in a scientific or medical journal or textbook; or~~
- 5 ~~(6) Teaching or training of coroner personnel or other licensed or certified~~
- 6 ~~medical professionals.~~
- 7 b. ~~A medical examiner, coroner, or physician who has in good faith complied with~~
- 8 ~~this subsection is not subject to any penalty or liability for using an autopsy~~
- 9 ~~photograph, image, or recording.~~
- 10 3. ~~The decedent's spouse, child, parent, or sibling, upon proof of the relationship, may~~
- 11 ~~view an autopsy photograph, image, or recording in the business office of a medical~~
- 12 ~~examiner, coroner, or physician who has possession of the materials, if there is not an~~
- 13 ~~active criminal investigation or prosecution.~~
- 14 4. ~~Disclosure of an autopsy photograph, image, or recording may be obtained under~~
- 15 ~~section 44-04-18.11~~An autopsy photograph or other visual image or a video or audio
- 16 recording of an autopsy taken by the state forensic examiner, the examiner's
- 17 designee, prosecutor, criminal justice agency, any employee or agent of the criminal
- 18 justice agency, or any other individual is confidential and may be disclosed in
- 19 accordance with section 23-01-05.5.

**REPORT OF STANDING COMMITTEE
HB 1068**

Human Services Committee (Rep. M. Ruby, Chairman) recommends **AMENDMENTS** ([25.8082.01002](#)) and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1068 was placed on the Sixth order on the calendar.

25.8082.01001 Prepared by the Legislative Council Title. staff for Representative M. Ruby
January 28, 2025 Sixty-

ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1068

Introduced by

Human Services Committee

(At the request of the Department of Health and Human Services)

1A BILL for an Act to amend and reenact sections 23-01-05.5, 43-10-10.1, and 44-04-18.18 of
2the North Dakota Century Code, relating to autopsy reports, working papers, funeral practices,
3 and photographs.

4 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

5 **SECTION 1. AMENDMENT.** Section 23-01-05.5 of the North Dakota Century Code is 6
amended and reenacted as follows:

7 **23-01-05.5. Autopsy reports, working papers, and images - Confidential - Exceptions.**

8 1. As used in this section:

9 a. "Autopsy report" means the report of the forensic examiner or the
examiner's

10 designee on the post-mortem examination of a deceased individual to
determine

11 the cause and manner of death, including any written analysis, diagram, 12
photograph, or toxicological test results.

13 b. "Notes" means the notes or dictations taken or created by the state forensic 14
examiner or the examiner's designee during the course of an investigation into 15 the cause
and manner of death of a decedent.

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16 c. "Report of death" means the official findings on the cause of death and manner
of

17 death issued by the state forensic examiner, the examiner's designee, county

18 coroner, or pathologist performing an autopsy ordered by a county coroner or by

19 the state forensic examiner and which is the face page of the autopsy report

20 identifying the decedent and stating the cause of death and manner of death.

d. "Working papers" means the medical records, investigatory records, law
enforcement records, and other records or materials collected or compiled by the
state forensic examiner or the examiner's designee and the notes or dictations
created by the state forensic examiner or the examiner's designee during the

5 course of an investigation into the cause and manner of death of a decedent. The

6 term does not include autopsy photographs or other visual images or video or

7 audio recordings of an autopsy taken by the state forensic examiner, the

8 examiner's designee, prosecutor, criminal justice agency, any employee or agent

9 of a criminal justice agency, or any other individual, or other photographs or 10 visual

images of the decedent which may have been taken by law enforcement or

11 other individuals.

12 2. ~~An autopsy report and any working papers and notes relating to an autopsy report are~~
13 ~~confidential and may be disclosed only as permitted by this section.~~ The report of 14 death
is subject to disclosure as follows:

15 a. ~~The~~ If requested before the report of death becomes a public record, the
next of

16 kin or authorized representative requesting the report of death is responsible for

17 providing to the state forensic examiner or the examiner's designee satisfactory

18 proof of relationship to the deceased and contact information for notification of

19 the report of death.

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b. When in receipt of the information in subdivision a, the state forensic examiner,

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examiner's designee, county coroner, or pathologist who performed the autopsy

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shall make a good faith effort to immediately notify the decedent's next of kin or

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authorized representative of the availability of the report of death. The notification

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or attempts to notify the next of kin or authorized representative must be 25

recorded and must precede any public disclosure of the report of death. 26

c. The report of death becomes a public record eight days after the report of death

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is finalized.

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3. ~~Subject to the limitations on the disclosure of an autopsy photograph or other visual~~

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~~image or video or audio recording of an autopsy required under section 44-04-18.18,~~

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~~any working~~Working papers and notes relating to a final autopsy report may be disclosed pursuant to a court order in accordance with section 44 - 04- 18.11 and ~~as otherwise expressly provided by law~~ subsection 5.

4. An autopsy report is confidential and may be disclosed in accordance with section 44- 04- 18.11 and subsections 5 and 6.

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5. The state forensic examiner or the examiner's designee shall disclose a copy of the 6 autopsy report and working papers to:

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a. ~~To any~~A county coroner, including a coroner in any state or Canadian province,

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with jurisdiction over the death, and the coroner may use or disclose these 9 records for purposes of an investigation, inquest, or prosecution.

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b. ~~To any state's attorney~~A prosecutor or criminal justice agency, as defined by 11 section 44 - 04- 18.7, including a prosecutor or criminal justice agency of the

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United States, any state, or any Canadian province, with jurisdiction over an

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13 investigation of the death and the ~~state's attorney~~prosecutor or criminal justice 14
agency may use or disclose these records for the purposes of an investigation
or
15 prosecution.
- 16 c. ~~To workforce~~Workforce safety and insurance if the death is related to the
17 decedent's work, and to any other workers' compensation or other similar 18
program, established by law, that provides benefits for work-related injuries or
19 illness without regard to fault if there is no criminal investigation.
- 20 d. ~~To the~~The child fatality review panel if there is no active criminal investigation.
- 21 e. The suicide fatality review commission if there is no active criminal
investigation.
- 22 f. In accordance with a court order.
- 23 ~~5-6. If there is no active criminal investigation, the~~ state forensic examiner or the
24 examiner's designee upon request shall disclose a copy of the autopsy report
to:
25 a. The decedent's personal representative ~~and to the~~
26 b. The decedent's spouse, child eighteen years of age or older, or parent, upon
27 proof of the relationship, ~~if there is no active criminal investigation.~~
- 28 ~~b. c. A physician or hospital who that~~ treated the ~~deceased decedent~~ immediately prior 29
~~to before~~ death ~~if there is no active criminal investigation.~~
- 30 ~~e. d. An insurance company upon proof that the decedent's life was covered by a 31~~
~~policy issued by the company if there is no active criminal investigation.~~
- ~~d. e.~~ The food and drug administration, the national transportation safety board, the
occupational health and safety administration, and any other federal or state
agency with authority to obtain an autopsy report to investigate a death resulting
from the decedent's type of injury or illness.

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5 e.f. _____ A professional or research organization collecting data to initiate or
advance
6 death investigation standards, after the identifiers necessary to create a limited
7 data set under title 45, Code of Federal Regulations, part 164, section 514, 8
subsection e have been removed from the report.

9 g. _____ The maternal mortality review committee.

10 6.7. An autopsy photograph or other visual image or a video or audio recording of
an
11 autopsy taken by the state forensic examiner, the examiner's designee, prosecutor,
12 criminal justice agency, any employee or agent of a criminal justice agency, or any
13 other individual is confidential and may be disclosed in accordance with section 14

44- 04- 18.11 and as provided in this subsection :

15 a. _____ The state forensic examiner or the examiner's designee shall, upon
request,
16 disclose a copy of autopsy photographs or other visual images or video or audio
17 recordings of an autopsy to any prosecutor or criminal justice agency as defined
18 by section 44 - 04- 18.7, including a prosecutor or criminal justice agency of the
19 United States, any state, or any Canadian province, with jurisdiction over an
20 investigation of the death and the prosecutor or criminal justice agency may use
21 or disclose these records for the purposes of an investigation or
prosecution.

22 b. _____ After redacting all information identifying the decedent, including name,
address,
23 and social security number, and anonymizing facial recognition, a medical 24
examiner, coroner, or physician may use an autopsy photograph, image, or video 25
or audio recording for:

26 (1) Medical or scientific teaching or training purposes;

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27 (2) Teaching or training of law enforcement personnel;
28 (3) Teaching or training of attorneys or others with a bona fide professional
29 need to use or understand forensic science;
30 (4) Conferring with medical or scientific experts;
31 (5) Publication in a scientific or medical journal or textbook; or
(6) Teaching or training of coroner personnel or other licensed or certified
medical professionals.
c. The decedent's spouse, child eighteen years of age or older, or parent, upon
proof of the relationship, may view an autopsy photograph, image, or recording in
5 the business office of a medical examiner, coroner, or physician who has 6
possession of the materials, if there is not an active criminal investigation or
7 prosecution.
8 d. Upon receipt by the requestor of a court order requiring disclosure and
a court- 9 issued protective order in accordance with section 44 - 04-
18.11, the state forensic
10 examiner or the examiner's designee shall disclose a copy of autopsy
11 photographs or other visual images or video or audio recordings of an autopsy to 12 the
decedent's spouse, child eighteen years of age or older, or parent, upon proof
13 of the relationship.
14 8. Other photographs or visual images of the decedent which may have
been taken by 15 law enforcement or other persons are confidential.
16 9. Notes are confidential records.
17 10. The forensic examiner, the examiner's designee, any county coroner or county
18 medical coroner, and any public employee who, in good faith, discloses autopsy
19 findings, an autopsy report, working papers, autopsy photograph, notes, other
20 photographs or visual images of a decedent, or a video or audio recording of an

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autopsy, or other information relating to an autopsy report or cause of death to a

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person who the public official or employee reasonably believes is entitled to that

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information under this section is immune from any liability, civil or criminal, for making

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that disclosure. For the purposes of any proceeding, the good faith of any public 25

employee who makes a disclosure under this section is presumed.

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SECTION 2. AMENDMENT. Section 43-10-10.1 of the North Dakota Century Code is

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amended and reenacted as follows:

28

43-10-10.1. Funeral practice - Exceptions.

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1. Nothing in this chapter may be construed to prevent a person from doing work within the standards and ethics of that person's profession and calling, provided that the

person does not represent to the public that the person is engaging in the practice of funeral service.

2. Nothing in this chapter may be construed to prevent embalming by commissioned medical officers in the armed forces of the United States or under the United States public health service while on active duty in a respective service.
3. This chapter does not prevent the transportation of a dead human body in accordance with other applicable state and federal laws.
4. This chapter does not prohibit ambulance or other emergency transportation of a dead human body.
5. This chapter does not prohibit members of the clergy from performing funeral and gravesite or memorial services.
6. This chapter does not prohibit unlicensed individuals, employed by a funeral establishment, from performing gravesite or memorial services for cremated remains.
7. This chapter does not prohibit individuals licensed in other states, as embalmers or funeral directors, from assisting funeral practitioners.
- ~~7.8.~~ This chapter does not prohibit individuals employed by a funeral establishment from performing nonprofessional tasks or activities that do not require independent, professional judgment under the supervision of an individual licensed to practice funeral service.

0 **SECTION 3. AMENDMENT.** Section 44-04-18.18 of the North Dakota Century Code is
1 amended and reenacted as follows:

2 **44-04-18.18. Autopsy images - Confidential - Exceptions.**

Sixty-ninth
Legislative Assembly

- 3 1. ~~An autopsy photograph or other visual image or a video or audio recording of an~~
4 ~~autopsy is confidential. However, a criminal justice agency may use or disclose these~~
5 ~~materials for purposes of an investigation or prosecution.~~
- 6 2. ~~a. After redacting all information identifying the decedent, including name, address,~~
7 ~~and social security number, and anonymizing facial recognition, a medical~~
8 ~~examiner, coroner, or physician may use an autopsy photograph, image, or~~
9 ~~recording for:~~
- 10 ~~(1) Medical or scientific teaching or training purposes;~~
11 ~~(2) Teaching or training of law enforcement personnel;~~

~~(3) — Teaching or training of attorneys or others with a bona fide professional
need to use or understand forensic science;~~

~~(4) — Conferring with medical or scientific experts;~~

~~(5) — Publication in a scientific or medical journal or textbook; or~~

~~(6) — Teaching or training of coroner personnel or other licensed or certified
medical professionals.~~

~~b. — A medical examiner, coroner, or physician who has in good faith complied with
this subsection is not subject to any penalty or liability for using an autopsy
photograph, image, or recording.~~

~~3. — The decedent's spouse, child, parent, or sibling, upon proof of the relationship, may
view an autopsy photograph, image, or recording in the business office of a medical
examiner, coroner, or physician who has possession of the materials, if there is not an
active criminal investigation or prosecution.~~

~~4. — Disclosure of an autopsy photograph, image, or recording may be obtained
under~~

~~section 44-04-18.11 An autopsy photograph or other visual image or a video or audio
recording of an autopsy taken by the state forensic examiner, the examiner's
designee, prosecutor, criminal justice agency, any employee or agent of the criminal
justice agency, or any other individual is confidential and may be disclosed in
accordance with section 23 - 01- 05.5.~~

25.8082.01001 Prepared by the Legislative Council Title. staff for Representative M. Ruby
January 28, 2025 Sixty-

ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1068

Introduced by

Human Services Committee

(At the request of the Department of Health and Human Services)

1A BILL for an Act to amend and reenact sections 23-01-05.5, 43-10-10.1, and 44-04-18.18 of
2the North Dakota Century Code, relating to autopsy reports, working papers, funeral practices,
3 and photographs.

4 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

5 **SECTION 1. AMENDMENT.** Section 23-01-05.5 of the North Dakota Century Code is 6
amended and reenacted as follows:

7 **23-01-05.5. Autopsy reports, working papers, and images - Confidential -** 8 **Exceptions.**

8 1. As used in this section:

9 a. "Autopsy report" means the report of the forensic examiner or the
examiner's

10 designee on the post-mortem examination of a deceased individual to
determine

11 the cause and manner of death, including any written analysis, diagram, 12
photograph, or toxicological test results.

13 b. "Notes" means the notes or dictations taken or created by the state forensic 14
examiner or the examiner's designee during the course of an investigation into 15 the cause
and manner of death of a decedent.

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16 c. "Report of death" means the official findings on the cause of death and manner
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17 death issued by the state forensic examiner, the examiner's designee, county
18 coroner, or pathologist performing an autopsy ordered by a county coroner or by
19 the state forensic examiner and which is the face page of the autopsy report
20 identifying the decedent and stating the cause of death and manner of death.

d. "Working papers" means the medical records, investigatory records, law
enforcement records, and other records or materials collected or compiled by the
state forensic examiner or the examiner's designee and the notes or dictations
created by the state forensic examiner or the examiner's designee during the

5 course of an investigation into the cause and manner of death of a decedent. The
6 term does not include autopsy photographs or other visual images or video or
7 audio recordings of an autopsy taken by the state forensic examiner, the
8 examiner's designee, prosecutor, criminal justice agency, any employee or agent
9 of a criminal justice agency, or any other individual, or other photographs or 10 visual
images of the decedent which may have been taken by law enforcement or
11 other individuals.

12 2. ~~An autopsy report and any working papers and notes relating to an autopsy report are~~
13 ~~confidential and may be disclosed only as permitted by this section.~~ The report of 14 death
is subject to disclosure as follows:

15 a. ~~The~~ If requested before the report of death becomes a public record, the
next of
16 kin or authorized representative requesting the report of death is responsible for
17 providing to the state forensic examiner or the examiner's designee satisfactory
18 proof of relationship to the deceased and contact information for notification of
19 the report of death.

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b. When in receipt of the information in subdivision a, the state forensic examiner,

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examiner's designee, county coroner, or pathologist who performed the autopsy

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shall make a good faith effort to immediately notify the decedent's next of kin or

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authorized representative of the availability of the report of death. The notification

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or attempts to notify the next of kin or authorized representative must be 25

recorded and must precede any public disclosure of the report of death. 26

c. The report of death becomes a public record eight days after the report of death

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is finalized.

28

3. ~~Subject to the limitations on the disclosure of an autopsy photograph or other visual~~

29

~~image or video or audio recording of an autopsy required under section 44-04-18.18,~~

30

~~any working~~Working papers and notes relating to a final autopsy report may be disclosed pursuant to a court order in accordance with section 44 - 04- 18.11 and ~~as otherwise expressly provided by law~~ subsection 5.

4. An autopsy report is confidential and may be disclosed in accordance with section 44- 04- 18.11 and subsections 5 and 6.

5

5. The state forensic examiner or the examiner's designee shall disclose a copy of the 6 autopsy report and working papers to:

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a. ~~To any~~A county coroner, including a coroner in any state or Canadian province,

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with jurisdiction over the death, and the coroner may use or disclose these 9

records for purposes of an investigation, inquest, or prosecution.

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b. ~~To any state's attorney~~A prosecutor or criminal justice agency, as defined by 11 section 44 - 04- 18.7, including a prosecutor or criminal justice agency of the

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United States, any state, or any Canadian province, with jurisdiction over an

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13 investigation of the death and the ~~state's attorney~~prosecutor or criminal justice 14
agency may use or disclose these records for the purposes of an investigation
or
15 prosecution.
- 16 c. ~~To workforce~~Workforce safety and insurance if the death is related to the
17 decedent's work, and to any other workers' compensation or other similar 18
program, established by law, that provides benefits for work-related injuries or
19 illness without regard to fault if there is no criminal investigation.
- 20 d. ~~To the~~The child fatality review panel if there is no active criminal investigation.
- 21 e. The suicide fatality review commission if there is no active criminal
investigation.
- 22 f. _____ In accordance with a court order.
- 23 ~~5-6. If there is no active criminal investigation, the~~ state forensic examiner or the
24 examiner's designee upon request shall disclose a copy of the autopsy report
to:
25 a. The decedent's personal representative ~~and to the~~
26 b. _____ The decedent's spouse, child eighteen years of age or older, or parent, upon
27 proof of the relationship, ~~if there is no active criminal investigation.~~
- 28 ~~b. c. _____~~ A physician or hospital ~~who that~~ treated the ~~deceased decedent~~ immediately prior ~~29~~
~~to before~~ death ~~if there is no active criminal investigation.~~
- 30 ~~e. d. _____~~ An insurance company upon proof ~~that~~ the decedent's life was covered by a 31
policy issued by the company ~~if there is no active criminal investigation.~~
- ~~d. e. _____~~ The food and drug administration, the national transportation safety board, the
occupational health and safety administration, and any other federal or state
agency with authority to obtain an autopsy report to investigate a death resulting
from the decedent's type of injury or illness.

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5 e.f. _____ A professional or research organization collecting data to initiate or
advance
6 death investigation standards, after the identifiers necessary to create a limited
7 data set under title 45, Code of Federal Regulations, part 164, section 514, 8
subsection e have been removed from the report.

9 g. _____ The maternal mortality review committee.

10 6.7. An autopsy photograph or other visual image or a video or audio recording of
an

11 autopsy taken by the state forensic examiner, the examiner's designee, prosecutor,
12 criminal justice agency, any employee or agent of a criminal justice agency, or any
13 other individual is confidential and may be disclosed in accordance with section 14

44- 04- 18.11 and as provided in this subsection :

15 a. _____ The state forensic examiner or the examiner's designee shall, upon
request,

16 disclose a copy of autopsy photographs or other visual images or video or audio
17 recordings of an autopsy to any prosecutor or criminal justice agency as defined
18 by section 44 - 04- 18.7, including a prosecutor or criminal justice agency of the
19 United States, any state, or any Canadian province, with jurisdiction over an
20 investigation of the death and the prosecutor or criminal justice agency may use
21 or disclose these records for the purposes of an investigation or
prosecution.

22 b. _____ After redacting all information identifying the decedent, including name,
address,

23 and social security number, and anonymizing facial recognition, a medical 24
examiner, coroner, or physician may use an autopsy photograph, image, or video 25
or audio recording for:

26 (1) Medical or scientific teaching or training purposes;

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27 (2) Teaching or training of law enforcement personnel;
28 (3) Teaching or training of attorneys or others with a bona fide professional
29 need to use or understand forensic science;
30 (4) Conferring with medical or scientific experts;
31 (5) Publication in a scientific or medical journal or textbook; or
(6) Teaching or training of coroner personnel or other licensed or certified
medical professionals.
c. The decedent's spouse, child eighteen years of age or older, or parent, upon
proof of the relationship, may view an autopsy photograph, image, or recording in
5 the business office of a medical examiner, coroner, or physician who has 6
possession of the materials, if there is not an active criminal investigation or
7 prosecution.
8 d. Upon receipt by the requestor of a court order requiring disclosure and
a court- 9 issued protective order in accordance with section 44 - 04-
18.11, the state forensic
10 examiner or the examiner's designee shall disclose a copy of autopsy
11 photographs or other visual images or video or audio recordings of an autopsy to 12 the
decedent's spouse, child eighteen years of age or older, or parent, upon proof
13 of the relationship.
14 8. Other photographs or visual images of the decedent which may have
been taken by 15 law enforcement or other persons are confidential.
16 9. Notes are confidential records.
17 10. The forensic examiner, the examiner's designee, any county coroner or county
18 medical coroner, and any public employee who, in good faith, discloses autopsy
19 findings, an autopsy report, working papers, autopsy photograph, notes, other
20 photographs or visual images of a decedent, or a video or audio recording of an

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autopsy, or other information relating to an autopsy report or cause of death to a

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person who the public official or employee reasonably believes is entitled to that

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information under this section is immune from any liability, civil or criminal, for making

24

that disclosure. For the purposes of any proceeding, the good faith of any public 25

employee who makes a disclosure under this section is presumed.

26

SECTION 2. AMENDMENT. Section 43-10-10.1 of the North Dakota Century Code is

27

amended and reenacted as follows:

28

43-10-10.1. Funeral practice - Exceptions.

29

30

1. Nothing in this chapter may be construed to prevent a person from doing work within the standards and ethics of that person's profession and calling, provided that the

person does not represent to the public that the person is engaging in the practice of funeral service.

2. Nothing in this chapter may be construed to prevent embalming by commissioned medical officers in the armed forces of the United States or under the United States public health service while on active duty in a respective service.
3. This chapter does not prevent the transportation of a dead human body in accordance with other applicable state and federal laws.
4. This chapter does not prohibit ambulance or other emergency transportation of a dead human body.
5. This chapter does not prohibit members of the clergy from performing funeral and gravesite or memorial services.
6. This chapter does not prohibit unlicensed individuals, employed by a funeral establishment, from performing gravesite or memorial services for cremated remains.
7. This chapter does not prohibit individuals licensed in other states, as embalmers or funeral directors, from assisting funeral practitioners.
- ~~7.8.~~ This chapter does not prohibit individuals employed by a funeral establishment from performing nonprofessional tasks or activities that do not require independent, professional judgment under the supervision of an individual licensed to practice funeral service.

0 **SECTION 3. AMENDMENT.** Section 44-04-18.18 of the North Dakota Century Code is
1 amended and reenacted as follows:

2 **44-04-18.18. Autopsy images - Confidential - Exceptions.**

Sixty-ninth
Legislative Assembly

- 3 1. ~~An autopsy photograph or other visual image or a video or audio recording of an~~
4 ~~autopsy is confidential. However, a criminal justice agency may use or disclose these~~
5 ~~materials for purposes of an investigation or prosecution.~~
- 6 2. ~~a. After redacting all information identifying the decedent, including name, address,~~
7 ~~and social security number, and anonymizing facial recognition, a medical~~
8 ~~examiner, coroner, or physician may use an autopsy photograph, image, or~~
9 ~~recording for:~~
- 10 ~~(1) Medical or scientific teaching or training purposes;~~
11 ~~(2) Teaching or training of law enforcement personnel;~~

(3) — ~~Teaching or training of attorneys or others with a bona fide professional
need to use or understand forensic science;~~

(4) — ~~Conferring with medical or scientific experts;~~

(5) — ~~Publication in a scientific or medical journal or textbook; or~~

(6) — ~~Teaching or training of coroner personnel or other licensed or certified
medical professionals.~~

b. — ~~A medical examiner, coroner, or physician who has in good faith complied with
this subsection is not subject to any penalty or liability for using an autopsy
photograph, image, or recording.~~

3. — ~~The decedent's spouse, child, parent, or sibling, upon proof of the relationship, may
view an autopsy photograph, image, or recording in the business office of a medical
examiner, coroner, or physician who has possession of the materials, if there is not an
active criminal investigation or prosecution.~~

4. — ~~Disclosure of an autopsy photograph, image, or recording may be obtained
under~~

section 44-04-18.11 An autopsy photograph or other visual image or a video or audio
recording of an autopsy taken by the state forensic examiner, the examiner's
designee, prosecutor, criminal justice agency, any employee or agent of the criminal
justice agency, or any other individual is confidential and may be disclosed in
accordance with section 23 - 01- 05.5 .

25.8082.01002
Title.02000

Adopted by the Human Services
Committee

February 3, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1068

Introduced by

Human Services Committee

(At the request of the Department of Health and Human Services)

A BILL for an Act to amend and reenact sections 23-01-05.5, 43-10-10.1, and 44-04-18.18 of the North Dakota Century Code, relating to autopsy reports, working papers, funeral practice exceptions, and photographs.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 23-01-05.5 of the North Dakota Century Code is amended and reenacted as follows:

23-01-05.5. Autopsy reports, working papers, and images - Confidential - Exceptions.

1. As used in this section:

- a. "Autopsy report" means the report of the forensic examiner or the examiner's designee on the post-mortem examination of a deceased individual to determine the cause and manner of death, including any written analysis, diagram, photograph, or toxicological test results.
- b. "Notes" means the notes or dictations taken or created by the state forensic examiner or the examiner's designee during the course of an investigation into the cause and manner of death of a decedent.
- c. "Report of death" means the official findings on the cause of death and manner of death issued by the state forensic examiner, the examiner's designee, county coroner, or pathologist performing an autopsy ordered by a county coroner or by the state forensic examiner and which is the face page of the autopsy report identifying the decedent and stating the cause of death and manner of death.

- 1 d. "Working papers" means the medical records, investigatory records, law
2 enforcement records, and other records or materials collected or compiled by the
3 state forensic examiner or the examiner's designee and the notes or dictations
4 created by the state forensic examiner or the examiner's designee during the
5 course of an investigation into the cause and manner of death of a decedent. The
6 term does not include autopsy photographs or other visual images or video or
7 audio recordings of an autopsy taken by the state forensic examiner, the
8 examiner's designee, prosecutor, criminal justice agency, any employee or agent
9 of a criminal justice agency, or any other individual, or other photographs or
10 visual images of the decedent which may have been taken by law enforcement or
11 other individuals.
- 12 2. ~~An autopsy report and any working papers and notes relating to an autopsy report are~~
13 ~~confidential and may be disclosed only as permitted by this section. The report of~~
14 ~~death is subject to disclosure as follows:~~
- 15 a. ~~The~~ if requested before the report of death becomes a public record, the next of
16 kin or authorized representative requesting the report of death is responsible for
17 providing to the state forensic examiner or the examiner's designee satisfactory
18 proof of relationship to the deceased and contact information for notification of
19 the report of death.
- 20 b. When in receipt of the information in subdivision a, the state forensic examiner,
21 examiner's designee, county coroner, or pathologist who performed the autopsy
22 shall make a good faith effort to immediately notify the decedent's next of kin or
23 authorized representative of the availability of the report of death. The notification
24 or attempts to notify the next of kin or authorized representative must be
25 recorded and must precede any public disclosure of the report of death.
- 26 c. The report of death becomes a public record eight days after the report of death
27 is finalized.
- 28 3. ~~Subject to the limitations on the disclosure of an autopsy photograph or other visual~~
29 ~~image or video or audio recording of an autopsy required under section 44-04-18.18,~~
30 ~~any working~~ Working papers and notes relating to a final autopsy report may be

disclosed ~~pursuant to a court order~~ in accordance with section 44-04-18.11 and as otherwise expressly provided by law subsection 5.

4. An autopsy report is confidential and may be disclosed in accordance with section 44-04-18.11 and subsections 5 and 6.

5. The state forensic examiner or the examiner's designee shall disclose a copy of the autopsy report and working papers to:

- a. ~~To any~~ A county coroner, including a coroner in any state or Canadian province, with jurisdiction over the death, and the coroner may use or disclose these records for purposes of an investigation, inquest, or prosecution.
- b. ~~To any state's attorney~~ A prosecutor or criminal justice agency, as defined by section 44-04-18.7, including a prosecutor or criminal justice agency of the United States, any state, or any Canadian province, with jurisdiction over an investigation of the death and the ~~state's attorney~~ prosecutor or criminal justice agency may use or disclose these records for the purposes of an investigation or prosecution.
- c. ~~To work force~~ Workforce safety and insurance if the death is related to the decedent's work, and to any other workers' compensation or other similar program, established by law, that provides benefits for work-related injuries or illness without regard to fault if there is no criminal investigation.
- d. ~~To the~~ The child fatality review panel if there is no active criminal investigation.
- e. The suicide fatality review commission if there is no active criminal investigation.
- f. In accordance with a court order.

5-6. If there is no active criminal investigation, the state forensic examiner or the examiner's designee upon request shall disclose a copy of the autopsy report to:

- a. The decedent's personal representative ~~and to the~~.
- b. The decedent's spouse, child eighteen years of age or older, or parent, upon proof of the relationship, ~~if there is no active criminal investigation.~~
- ~~b-c.~~ A physician or hospital ~~who that~~ treated the ~~deceased~~ decedent immediately prior ~~to before~~ death if there is no active criminal investigation.
- ~~e-d.~~ An insurance company upon proof ~~that~~ the decedent's life was covered by a policy issued by the company ~~if there is no active criminal investigation.~~

- 1 ~~d-e.~~ The food and drug administration, the national transportation safety board, the
2 occupational health and safety administration, and any other federal or state
3 agency with authority to obtain an autopsy report to investigate a death resulting
4 from the decedent's type of injury or illness.
- 5 ~~e-f.~~ A professional or research organization collecting data to initiate or advance
6 death investigation standards, after the identifiers necessary to create a limited
7 data set under title 45, Code of Federal Regulations, part 164, section 514,
8 subsection e have been removed from the report.
- 9 ~~g.~~ The maternal mortality review committee.
- 10 ~~6-7.~~ An autopsy photograph or other visual image or a video or audio recording of an
11 autopsy taken by the state forensic examiner, the examiner's designee, prosecutor,
12 criminal justice agency, any employee or agent of a criminal justice agency, or any
13 other individual is confidential and may be disclosed in accordance with section
14 44-04-18.11 and as provided in this subsection:
- 15 ~~a.~~ The state forensic examiner or the examiner's designee shall, upon request,
16 disclose a copy of autopsy photographs or other visual images or video or audio
17 recordings of an autopsy to any prosecutor or criminal justice agency as defined
18 by section 44-04-18.7, including a prosecutor or criminal justice agency of the
19 United States, any state, or any Canadian province, with jurisdiction over an
20 investigation of the death and the prosecutor or criminal justice agency may use
21 or disclose these records for the purposes of an investigation or prosecution.
- 22 ~~b.~~ After redacting all information identifying the decedent, including name, address,
23 and social security number, and anonymizing facial recognition, a medical
24 examiner, coroner, or physician may use an autopsy photograph, image, or video
25 or audio recording for:
- 26 (1) Medical or scientific teaching or training purposes;
27 (2) Teaching or training of law enforcement personnel;
28 (3) Teaching or training of attorneys or others with a bona fide professional
29 need to use or understand forensic science;
30 (4) Conferring with medical or scientific experts;
31 (5) Publication in a scientific or medical journal or textbook; or

1 (6) Teaching or training of coroner personnel or other licensed or certified
2 medical professionals.

3 c. The decedent's spouse, child eighteen years of age or older, or parent, upon
4 proof of the relationship, may view an autopsy photograph, image, or recording in
5 the business office of a medical examiner, coroner, or physician who has
6 possession of the materials, if there is not an active criminal investigation or
7 prosecution.

8 d. Upon receipt by the requestor of a court order requiring disclosure and a court-
9 issued protective order in accordance with section 44-04-18.11, the state forensic
10 examiner or the examiner's designee shall disclose a copy of autopsy
11 photographs or other visual images or video or audio recordings of an autopsy to
12 the decedent's spouse, child eighteen years of age or older, or parent, upon proof
13 of the relationship.

14 8. Other photographs or visual images of the decedent in the possession of the forensic
15 examiner, the examiner's designee, or any county coroner which may have been
16 taken by law enforcement or other persons are confidential.

17 9. Notes are confidential records.

18 10. The forensic examiner, the examiner's designee, any county coroner or county
19 medical coroner, and any public employee who, in good faith, discloses autopsy
20 findings, an autopsy report, working papers, autopsy photograph, notes, other
21 photographs or visual images of a decedent, or a video or audio recording of an
22 autopsy, or other information relating to an autopsy report or cause of death to a
23 person who the public official or employee reasonably believes is entitled to that
24 information under this section is immune from any liability, civil or criminal, for making
25 that disclosure. For the purposes of any proceeding, the good faith of any public
26 employee who makes a disclosure under this section is presumed.

27 **SECTION 2. AMENDMENT.** Section 43-10-10.1 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **43-10-10.1. Funeral practice - Exceptions.**

30 1. Nothing in this chapter may be construed to prevent a person from doing work within
31 the standards and ethics of that person's profession and calling, provided that the

1 person does not represent to the public that the person is engaging in the practice of
2 funeral service.

3 2. Nothing in this chapter may be construed to prevent embalming by commissioned
4 medical officers in the armed forces of the United States or under the United States
5 public health service while on active duty in a respective service.

6 3. This chapter does not prevent the transportation of a dead human body in accordance
7 with other applicable state and federal laws.

8 4. This chapter does not prohibit ambulance or other emergency transportation of a dead
9 human body.

10 5. This chapter does not prohibit members of the clergy from performing funeral and
11 gravesite or memorial services.

12 6. This chapter does not prohibit unlicensed individuals, employed by a funeral
13 establishment, from performing gravesite or memorial services for cremated remains.

14 7. This chapter does not prohibit individuals licensed in other states, as embalmers or
15 funeral directors, from assisting funeral practitioners.

16 7.8. This chapter does not prohibit individuals employed by a funeral establishment from
17 performing nonprofessional tasks or activities that do not require independent,
18 professional judgment under the supervision of an individual licensed to practice
19 funeral service.

20 **SECTION 3. AMENDMENT.** Section 44-04-18.18 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **44-04-18.18. Autopsy images - Confidential - Exceptions.**

23 ~~1. An autopsy photograph or other visual image or a video or audio recording of an~~
24 ~~autopsy is confidential. However, a criminal justice agency may use or disclose these~~
25 ~~materials for purposes of an investigation or prosecution.~~

26 ~~2. a. After redacting all information identifying the decedent, including name, address,~~
27 ~~and social security number, and anonymizing facial recognition, a medical~~
28 ~~examiner, coroner, or physician may use an autopsy photograph, image, or~~
29 ~~recording for:~~

30 ~~(1) Medical or scientific teaching or training purposes;~~

31 ~~(2) Teaching or training of law enforcement personnel;~~

- 1 ~~(3) Teaching or training of attorneys or others with a bona fide professional~~
2 ~~need to use or understand forensic science;~~
3 ~~(4) Conferring with medical or scientific experts;~~
4 ~~(5) Publication in a scientific or medical journal or textbook; or~~
5 ~~(6) Teaching or training of coroner personnel or other licensed or certified~~
6 ~~medical professionals.~~
7 b. ~~A medical examiner, coroner, or physician who has in good faith complied with~~
8 ~~this subsection is not subject to any penalty or liability for using an autopsy~~
9 ~~photograph, image, or recording.~~
10 ~~3. The decedent's spouse, child, parent, or sibling, upon proof of the relationship, may~~
11 ~~view an autopsy photograph, image, or recording in the business office of a medical~~
12 ~~examiner, coroner, or physician who has possession of the materials, if there is not an~~
13 ~~active criminal investigation or prosecution.~~
14 ~~4. Disclosure of an autopsy photograph, image, or recording may be obtained under~~
15 ~~section 44-04-18.11~~~~An autopsy photograph or other visual image or a video or audio~~
16 ~~recording of an autopsy taken by the state forensic examiner, the examiner's~~
17 ~~designee, prosecutor, criminal justice agency, any employee or agent of the criminal~~
18 ~~justice agency, or any other individual is confidential and may be disclosed in~~
19 ~~accordance with section 23-01-05.5.~~

2025 SENATE HUMAN SERVICES

HB 1068

2025 SENATE STANDING COMMITTEE MINUTES

Human Services Committee Fort Lincoln Room, State Capitol

HB 1068
2/17/2025

Relating to autopsy reports, working papers, funeral practice exceptions, and photographs.

2:56 p.m. Chairman Lee opened the hearing.

Members Present: Chairman Lee, Vice-Chairman Weston, Senator Van Oosting, Senator Clemens, Senator Hogan, Senator Roers.

Discussion Topics:

- County Coroner responsibilities
- Non-medical professional coroner

2:57 p.m. Kirby Kruger, Director of the Disease Control and Forensic Pathology with the Department of Health and Human Services, testified in favor and submitted testimony #37806.

3:10 p.m. Senator Roers moved Do Pass.

3:10 p.m. Senator Hogan seconded the motion.

Senators	Vote
Senator Judy Lee	Y
Senator Kent Weston	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Kristin Roers	Y
Senator Desiree Van Oosting	Y

Motion passed 6-0-0.

Senator Roers will carry the bill.

3:11 p.m. Chairman Lee closed the hearing.

Andrew Ficek, Committee Clerk

**REPORT OF STANDING COMMITTEE
ENGROSSED HB 1068 ([25.8082.02000](#))**

Human Services Committee (Sen. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). HB 1068 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.



Health & Human Services

Testimony
House Bill No.1068
Senate Human Services Committee
Senator Judy Lee, Chairwoman
February 17, 2025

Chairwoman Lee, and members of the Senate Human Services Committee, I am Kirby Kruger, Director of the Disease Control and Forensic Pathology with the Department of Health and Human Services (Department). I appear before you in support of House Bill No. 1068, which was introduced at the request of the Department.

Section 1 of this bill clarifies which records from the State Forensic Examiners Office or forensic examiner's designee, can be released and to whom and defines the conditions of release. In addition, the bill clarifies the release of autopsy photographs or visual images or video or audio recordings.

Section 2 of the bill amends § 43-10-10.1 relating to funeral practices.

Section 3 of the bill removes the language from North Dakota Century Code (NDCC) § 44-04-18.18 that is covered in Section 1 of the bill. This consolidates statute pertaining to autopsy related records and materials to be all part of title 23 of the Century Code.

On Page 1, definitions for notes and working papers were added to clarify notes, dictations and working papers as separate from an autopsy report or report of death. The definition of working papers excludes autopsy photographs or other visual images or video or audio recordings.

On page 2, line 13, if the report of death is requested by the next of kin before that report becomes an open record, then next of kin would need to provide satisfactory proof of the relationship to the decedent before the report of death would be released.

On page 2, lines 29-30 and page 3, lines 1-2, autopsies photos, and other visual images, video or audio recordings are moved to subsection 7 of N.D.C.C. § 23-01-05.5 on page 4 of the bill. The language also specifies that, unless specified in 23-01-05.5, the proper procedure for requesting working papers and the autopsy report is N.D.C.C. § 44-04-18.11.

On Page 3 on lines 8 and 9, a definition for criminal justice agency, referring to N.D.C.C. § 44-04-18.7 was added. On line 19, subsection e was added allowing the release of autopsy reports and working papers to the suicide fatality review commission if there is no active criminal investigation.

On page 3, lines 21 through 31, subsection 6 clarifies that a decedent's child needs to be eighteen years of age or older to request and receive a copy of the autopsy report. On page 4, line 7, subsection g was added to authorize the maternal mortality review committee to receive a copy of the autopsy report.

On pages 4 and 5, the bill clarifies the release of autopsy photographs, visual images, video or audio recordings, which includes the conditions in which these materials can be used for educational purposes and the advancement of. All of the current authorized releases outlined in N.D.C.C. § 44-04-18.18 have been carried over to a singular statute.

Subsection 8 on page 5 also clarifies that photographs and visual images of the decedent taken by others are confidential. Subsection 8 on page 5 was amended to clarify that this section applies to materials in the possession of the state forensic examiner, the examiner's designee or any county coroner.

Section 2 of the bill amends statute relating to funeral practices. On page 6, line 10 clarifies that unlicensed individuals, employed by a funeral establishment, can perform gravesite services for cremated remains.

Section 3 of the bill is the deletion of the portion of the Century Code in N.D.C.C. § 44-04-18.18 dealing with autopsy photographs or other visual image or a video or audio recordings. This language, as part of this bill, is moved to NDCC 23-01-05.5. Section 3 of the bill adds language to N.D.C.C. § 44-04-18.18 referring members of the public or other users to N.D.C.C. § 23-01-05.5 for the release of these materials.

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you.