

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Death Data Collection and Toxicology Transparency Act.

Sponsored by: Representative(s) Hoeft

A BILL

for

1 AN ACT relating to county coroners; requiring county
2 coroners and medical examiners to conduct toxicology
3 screenings for psychiatric drugs when violent deaths occur;
4 requiring toxicology reporting to state and federal
5 databases as specified; providing for confidentiality of
6 records and disclosure as specified; indicating that state
7 law supersedes federal and international requirements for
8 the compiling and reporting of violent death data;
9 providing penalties; providing definitions; requiring
10 reports; making conforming amendments; specifying
11 applicability; and providing for an effective date.

12

13 *Be It Enacted by the Legislature of the State of Wyoming:*

1

2 **Section 1.** W.S. 7-4-301 through 7-4-307 are created
3 to read:

4

ARTICLE 3

5

WYOMING DEATH DATA COLLECTION AND TOXICOLOGY TRANSPARENCY

6

ACT

7

8

7-4-301. Short title.

9

10 This act is known and may be cited as the "Wyoming Death
11 Data Collection and Toxicology Transparency Act."

12

13

7-4-302. Definitions.

14

15 (a) As used in this act:

16

17 (i) "Psychiatric drug" means an antidepressant,
18 anxiolytic, mood stabilizer or other pharmaceutical with
19 recognized psychiatric effects;

20

21 (ii) "Toxicology report" means a laboratory
22 analysis identifying and quantifying alcohol, illicit

1 drugs, prescription drugs, including psychiatric drugs, and
2 the drugs' metabolites;

3

4 (iii) "Violent death" means suicide, homicide,
5 death by legal intervention, unintentional death by firearm
6 and death by undetermined intent. This definition shall not
7 be limited by federal or international standards;

8

9 (iv) "This act" means W.S. 7-4-301 through 7-4-
10 307.

11

12 **7-4-303. Data collection; requirements.**

13

14 (a) A county coroner or medical examiner assigned to
15 a coroner's case shall order toxicology screenings for all
16 violent deaths.

17

18 (b) Toxicology screenings performed under this
19 section shall include the measurement of therapeutic levels
20 for psychiatric drugs. The county coroner or medical
21 examiner shall prepare a toxicology report summarizing the
22 toxicology screening, including if applicable:

23

1 (i) The measured blood concentration of any
2 psychiatric drug in the deceased person's system; and

3

4 (ii) Whether the detected level of the
5 psychiatric drug is within the therapeutic, subtherapeutic
6 or toxic range based on current medical literature and
7 laboratory standards.

8

9 (c) The presence of any psychiatric drug in a
10 deceased person's system after a violent death and the
11 detected level of the drug in the toxicology report shall
12 be noted in the coroner's or medical examiner's written
13 docket, the death certificate and all official records
14 relating to the violent death.

15

16 (d) A detailed circumstantial narrative, including
17 whether any psychiatric drugs or other substances were
18 found in the system of a deceased person involved in a
19 violent death, the drug's quantitative therapeutic level
20 and the drug's role in the fatality, if any, shall be
21 recorded in the toxicology report and the written docket in
22 every violent death case.

23

1 *****

2 *****

3 STAFF COMMENT

4
5 For the Committee's information, coroners and medical
6 examiners do not generally opine as to the "role" of a drug
7 in a fatality (outside of a drug-induced suicide). The
8 Committee may wish to consider taking that language out of
9 the bill draft or amending it.

10
11 *****

12 *****

13
14 7-4-304. Reporting to state and federal databases.

15
16 (a) All violent death data, including toxicology
17 reports with quantitative therapeutic levels for any
18 psychiatric drugs and circumstantial narratives, shall be
19 compiled and transmitted to the department of health, the
20 Wyoming violent death reporting system and the national
21 violent death reporting system.

22
23 (b) The state of Wyoming reserves the right to modify
24 its participation in the national violent death reporting
25 system if definitions or protocols interfere with the
26 state's ability to accurately track and report violent
27 deaths, including those involving psychiatric drugs.

28

STAFF COMMENT

In the original proposed language for this bill draft, a section regarding releasing toxicology reports to the public and other persons was included. The already existing W.S. 7-4-105 covers confidentiality of coroner's reports and already goes to a lot of the information that was in the proposed language. I've included that language below. In Section 2 of this bill draft, I also included a new subsection (p) under W.S. 7-4-105 regarding the release of violent death data to the public. W.S. 7-4-105 is copied below:

7-4-105. Confidentiality of reports, photos and recordings; exceptions; penalties.

(a) After viewing the body and completing his investigation, the coroner shall draw up and sign his verdict on the death under consideration. The coroner shall also make a written docket giving an accurate description of the deceased person, his name if it can be determined, cause and manner of death, including relevant toxicological factors, age of decedent, date and time of death and the description of money and other property found with the body. The verdict and written docket are public records and may be viewed or obtained by request to the coroner, pursuant to W.S. 16-4-202.

(b) Except as provided in subsections (c), (d), (e), (g) and (o) of this section a toxicology report, a photograph, video recording or audio recording made at the scene of the death or made in the course of a postmortem examination or autopsy made or caused by a coroner shall be confidential and are not public records.

(c) A surviving spouse, surviving parent, an adult child, personal representative, legal representative, or a legal guardian may:

(i) View and copy a toxicology report, a photograph or video recording made at the scene of the death or made in the course of a postmortem examination or autopsy made by or caused by a coroner; and

1
2 (ii) Listen to and copy an audio recording made
3 at the scene of the death or made in the course of a
4 postmortem examination or autopsy made by or caused by a
5 coroner.
6

7 (d) Upon making a written request, a law enforcement
8 entity of the state of Wyoming or United States government,
9 a district attorney, the United States attorney for the
10 district of Wyoming, a county, state or federal public
11 health agency, a board licensing health care professionals
12 under title 33 of the Wyoming statutes, the division
13 responsible for administering the Wyoming Workers'
14 Compensation Act, the state occupational epidemiologist,
15 the department and the division responsible for
16 administering the Wyoming Occupational Health and Safety
17 Act, the office of the inspector of mines, insurance
18 companies with legitimate interest in the death, all
19 parties in civil litigation proceedings with legitimate
20 interest in the death or a treating physician, while in
21 performance of his official duty may:
22

23 (i) View and copy a toxicology report,
24 photograph or video recording made at the scene of the
25 death or made in the course of a postmortem examination or
26 autopsy made by or caused by a coroner; and
27

28 (ii) Listen to and copy an audio recording made
29 at the scene of the death or made in the course of a
30 postmortem examination or autopsy made by or caused by a
31 coroner.
32

33 (e) Unless otherwise required in the performance of
34 official duties, the identity of the deceased shall remain
35 confidential in any record obtained under subsection (d) of
36 this section.
37

38 (f) The coroner having custody of a toxicology
39 report, a photograph, a video recording or an audio
40 recording made at any scene of the death or made in the
41 course of a postmortem examination or autopsy may allow the
42 use for case consultation with an appropriate expert. The
43 coroner may also allow the use of a toxicology report, a
44 photograph, a video recording or an audio recording made at
45 the scene of the death or made in the course of a

1 postmortem examination or autopsy by legitimate scientific
2 research organizations or for training purposes provided
3 the identity of the decedent is not published or otherwise
4 made public.

5
6 (g) A court upon showing of good cause, may issue an
7 order authorizing a person to:

8
9 (i) View or copy a toxicology report, photograph
10 or video recording made at the scene of the death or made
11 in the course of a postmortem examination or autopsy made
12 or caused by a coroner; and

13
14 (ii) Listen to and copy an audio recording made
15 at the scene of the death or made in the course of a
16 postmortem examination or autopsy made or caused by a
17 coroner.

18
19 (h) In determining good cause under subsection (g) of
20 this section, the court shall consider:

21
22 (i) Whether the disclosure is necessary for the
23 public evaluation of governmental performance;

24
25 (ii) The seriousness of the intrusion into the
26 family's privacy;

27
28 (iii) Whether the disclosure of the toxicology
29 report, photograph, video recording or audio recording is
30 by the least intrusive means available; and

31
32 (iv) The availability of similar information in
33 other public records regardless of form.

34
35 (j) A surviving spouse shall be given reasonable
36 notice and a copy of any petition filed with the court
37 under subsection (g) of this section and reasonable
38 opportunity to be present and be heard on the matter. If
39 there is no surviving spouse, the notice of the petition
40 being filed and the opportunity to be heard shall be given
41 to the deceased's parents and if the deceased has no living
42 parent, the notice of the petition being filed and the
43 opportunity to be heard shall be given to the adult
44 children of the deceased or legal guardian, personal

1 representative or legal representative of the children of
2 the deceased.

3
4 (k) A coroner or coroner's designee that knowingly
5 violates this section shall be guilty of a misdemeanor
6 punishable by imprisonment for not more than six (6)
7 months, a fine of not more than one thousand dollars
8 (\$1,000.00), or both.

9
10 (m) A person who knowingly or purposefully uses the
11 information in a manner other than the specified purpose
12 for which it was released or violates a court order issued
13 under subsection (g) of this section is guilty of a
14 misdemeanor punishable by imprisonment for not more than
15 six (6) months, a fine of not more than one thousand
16 dollars (\$1,000.00), or both.

17
18 (n) In all cases, the viewing, copying, listening to,
19 or other handling of a toxicology report, photograph, video
20 recording, or audio recording made at a scene of the death
21 or made in the course of a postmortem examination or
22 autopsy made or caused by a coroner shall be under the
23 direct supervision of the coroner, or the coroner's
24 designee, who is the custodian of the record.

25
26 (o) In the event that the coroner, or the coroner's
27 designee, determines that a person's death was caused by an
28 infectious disease, biological toxin or any other cause
29 which may constitute a public health emergency as defined
30 in W.S. 35-4-115(a)(i), the coroner shall release to the
31 state health officer or his designee all information and
32 records required under W.S. 35-4-107. If the state health
33 official or his designee determines upon an examination of
34 the results of the autopsy and the toxicology report that a
35 public health emergency may in fact exist, he shall release
36 the appropriate information to the general public as
37 provided by department of health rules and regulations.

38
39 *****
40 *****
41

42 7-4-305. Public health and transparency.

43

1 (a) Aggregated, anonymized data on violent deaths,
2 including those deaths where one (1) or more psychiatric
3 drug was found in a deceased person's system and where
4 there is quantitative therapeutic level data for a
5 psychiatric drug, may be used for public health, prevention
6 and legislative review. Release of data on specific cases
7 is subject to existing privacy laws.

8

9 (b) The department of health shall not less than
10 annually compile data on violent deaths pursuant to
11 subsection (a) of this section and shall submit reports on
12 the data to the joint labor, health and social services
13 interim committee not later than October 1 of each year.

14

15 **7-4-306. Independence from international and federal**
16 **organizations.**

17

18 The state of Wyoming's definitions and data collection
19 protocols for violent deaths shall be determined solely by
20 state law, public health need and forensic best practices,
21 not by federal or international organizations. No person in
22 Wyoming shall be required to use international definitions
23 for statutory, regulatory or reporting purposes.

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2 *****

3 *****

4 STAFF COMMENT

5

6 For the Committee's information, the CDC provides funding
7 for Wyoming to collect violent death data and report it to
8 the National Violent Death Reporting System. Failing to
9 abide by the CDC's definitions and other requirements
10 regarding violent death data may make Wyoming ineligible to
11 continue to receive federal funding.

12 *****

13 *****

14

15 7-4-307. Penalties.

16

17 A coroner, medical examiner or public official who fails to
18 comply with this act commits a misdemeanor offense
19 punishable by imprisonment for not more than six (6)
20 months, a fine of not more than five hundred dollars
21 (\$500.00), or both.

22

23 Section 2. W.S. 7-4-105(b) and 16-4-203(d)(i) are
24 amended to read:

25

26 7-4-105. Confidentiality of reports, photos and
27 recordings; exceptions; penalties.

28

1 (b) Except as provided in subsections (c), (d), (e),
2 (g), ~~and~~ (o) and (p) of this section, a toxicology report,
3 a photograph, video recording or audio recording made at
4 the scene of the death or made in the course of a
5 postmortem examination or autopsy made or caused by a
6 coroner shall be confidential and are not public records.

7
8 (p) Data relating to a toxicology report taken after
9 a violent death pursuant to W.S. 7-4-301 through 7-3-307
10 may be released to the public via a written request under
11 the Wyoming Public Records Act, W.S. 16-4-201 through 16-5-
12 205. Records released under this subsection shall have all
13 personal information redacted and shall be processed in
14 accordance with state law.

15
16 **16-4-203. Right of inspection; grounds for denial;**
17 **access of news media; order permitting or restricting**
18 **disclosure; exceptions.**

19
20 (d) The custodian shall deny the right of inspection
21 of the following records, unless otherwise provided by law:

(i) Medical, psychological and sociological data on individual persons, exclusive of coroners' verdicts and written dockets as provided in W.S. 7-4-105(a) and 7-4-305;

Section 3. This act shall apply to all violent deaths occurring on or after the effective date of this act.

Section 4. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

STAFF COMMENT
Because this bill draft includes a criminal penalty, the Committee may wish to consider making the effective date July 1, 2026 rather than immediately.

(END)