DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION

HOUSE BILL NO.

Death Data Collection and Toxicology Transparency Act.

Sponsored by: Representative(s) Hoeft

A BILL

for

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

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

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

ARTICLE 3

WYOMING DEATH DATA COLLECTION AND TOXICOLOGY TRANSPARENCY ACT

7-4-301. Short title.

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

7-4-302. Definitions.

(a) As used in this act:

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

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

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

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

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

7-4-303. Data collection; requirements.

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

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

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

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

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

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

****

STAFF COMMENT

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

****

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

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

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

****

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

(ii) Listen to and copy an audio 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.

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

(i) View and copy a toxicology report, 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

(ii) Listen to and copy an audio 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.

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

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

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

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

(i) View or copy a toxicology report, photograph or video 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; and

(ii) Listen to and copy an 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.

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

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

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

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

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

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

representative or legal representative of the children of the deceased.

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

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

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

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

****

7-4-305. Public health and transparency.

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

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

7-4-306. Independence from international and federal organizations.

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

****

STAFF COMMENT

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

****

7-4-307. Penalties.

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

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

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

(b) Except as provided in subsections (c), (d), (e), (g), ~~and~~ (o) and (p) 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.

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

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

(d) The custodian shall deny the right of inspection 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)