



128 DORRANCE STREET, SUITE 400
PROVIDENCE, RI 02903
401.831.7171 (t)
401.831.7175 (f)
www.riaclu.org

**TESTIMONY ON 2017-H 5473,
RELATING TO OFFICE OF STATE MEDICAL EXAMINERS
March 15, 2017**

This bill amends current state law designed to protect the religious freedom of Rhode Islanders by restricting autopsies when it would contravene the decedent's religious beliefs. Specifically, it would delete the option for a "friend" of the deceased to object to an autopsy, and instead require that the objection come only from a family member or legal guardian.

While we think that the addition of a legal guardian to be able to object on behalf of a decedent makes sense, we oppose the removal of the "friend" authorization in those instances when a family member or guardian is not available. The term "friend" is defined in some detail in the law and serves as an important safeguard for those instances when no family member is available to provide information about a decedent's religious beliefs.

It is our understanding that in the few decades this law has been in existence, a "friend" objection has been quite infrequent. While those situations may place Health Department officials in the uncomfortable position of determining whether the person qualifies statutorily as a "friend," that is a small burden compared to the critical religious freedom issues weighing on the other side.

Rhode Island's language is not unique. A review of a compilation of state laws prepared a few years ago of autopsy consent laws across the country shows that states with religious exemption laws very similar to Rhode Island's – including California, Maryland, New Jersey and New York – also contain provisions that allow "friends" to object. Since some people die without any immediate family members, and autopsy decisions must often be made quickly, the "friend" availability is an important protection.

In order to preserve the important goal of religious freedom represented by this law, we urge that the language regarding a friend's ability, in the absence of a family member, to object to an autopsy remain. Thank you in advance for considering our views.