

2024 -- S 2816

LC004442

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO HEALTH AND SAFETY -- OFFICE OF STATE MEDICAL EXAMINERS

Introduced By: Senators Ciccone, F. Lombardi, DiPalma, Britto, de la Cruz, and Rogers

Date Introduced: March 22, 2024

Referred To: Senate Health & Human Services

(Dept of Health)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-4-10 of the General Laws in Chapter 23-4 entitled "Office of State
2 Medical Examiners" is hereby amended to read as follows:

3 **23-4-10. Disposition of deceased bodies.**

4 (a) The office of state medical examiners shall, after any postmortem external examination
5 or any autopsy, promptly release the deceased body to the relatives, representatives or domestic
6 partners ~~of the deceased. The cost of transporting the deceased body to a mortuary within the state~~
7 ~~of the relatives' or domestic partner's choice shall be borne by the state if the autopsy was required~~
8 ~~to be performed as provided in this chapter~~ or other persons authorized by law to make
9 arrangements for the disposition of the decedent's remains. If the relatives, representatives or
10 domestic partners of the decedent or other person authorized by law to make arrangements for the
11 disposition of the decedent's remains;

12 (i) Fails or refuses to claim the body within ten (10) days of receiving notice of the death
13 of the decedent; or

14 (ii) Fails or refuses to make arrangements with a funeral home for the removal of the body
15 from the state medical examiner's morgue within twenty-one (21) days of receiving notice of the
16 death of the decedent, the body shall be deemed unclaimed and shall be buried in accordance with
17 § 40-6-3.10. If there are no known relatives, representatives or domestic partners, ~~the office of state~~
18 ~~medical examiners~~, after reasonable public notices, the body shall be deemed unclaimed and the
19 office of state medical examiners shall cause the body of the deceased person to be buried in

1 [accordance with § 40-6-3.10](#). The general treasurer of the state shall have first priority in recovering
2 the expenses of burial from the estate of the deceased person.

3 (b) For the purpose of this chapter, “domestic partner” shall be defined as a person who,
4 prior to the decedent’s death, was in an exclusive, intimate and committed relationship with the
5 decedent, and who certifies by affidavit that their relationship met the following qualifications:

6 (1) Both partners were at least eighteen (18) years of age and were mentally competent to
7 contract;

8 (2) Neither partner is married to anyone else;

9 (3) Partners were not related by blood to a degree which would prohibit marriage in the
10 state of Rhode Island;

11 (4) Partners resided together and had resided together for at least one year at the time of
12 death; and

13 (5) Partners were financially interdependent as evidenced by at least two (2) of the
14 following:

15 (i) Domestic partnership agreement or relationship contract;

16 (ii) Joint mortgage or joint ownership of primary residence;

17 (iii) Two (2) of the following:

18 (A) Joint ownership of motor vehicle;

19 (B) Joint checking account;

20 (C) Joint credit account;

21 (D) Joint lease; and/or

22 (iv) The domestic partner had been designated as a beneficiary for the decedent’s will,
23 retirement contract or life insurance.

24 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would provide for procedures for the burial of unclaimed remains.
- 2 This act would take effect upon passage.

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