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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

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

Introduced By: Representatives Potter, Donovan, and Giraldo

Date Introduced: February 27, 2026

Referred To: House Health & Human Services

(Dept. of Health)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-4-1, 23-4-2, 23-4-3, 23-4-4, 23-4-5, 23-4-6, 23-4-7, 23-4-8, 23-  
2 4-9, 23-4-10, 23-4-11, 23-4-13, 23-4-14 and 23-4-15 of the General Laws in Chapter 23-4 entitled  
3 "Office of State Medical Examiners" are hereby amended to read as follows:

4 **23-4-1. Definitions.**

5 (a) "Assistant medical examiner" means a duly licensed doctor of medicine or doctor of  
6 osteopathy appointed to assist the office of state medical examiners ~~on a part-time basis~~ in a medical  
7 examiner role subordinate to the chief medical examiner.

8 (b) "Autopsy" means the external inspection of a dead body and subsequent dissection ~~of~~  
9 ~~a dead body and the removal and examination of bone, tissue, organs, and foreign objects.~~ internal  
10 examination and collection of specimens and relevant foreign objects, for laboratory and/or other  
11 forensic testing as deemed necessary for the purpose of determining ~~the condition of the body and~~  
12 the cause and ~~the~~ manner of ~~the~~ death.

13 (c) "Cause of death" means ~~the agent that has directly or indirectly resulted in a death~~ the  
14 disease, condition, or injury that initiated the chain of events that led directly to the death.

15 (d) "External inspection" means an external examination of a dead body without dissection.  
16 Specimens such as blood may be collected during an external inspection to assist with determining  
17 the cause and manner of death.

18 (e) "Death investigation" means the investigation into a death that falls to the jurisdiction  
19 of the office of state medical examiners to the extent necessary to establish the cause and manner

1 of death with a reasonable degree of medical certainty. Death investigations may include, but are  
2 not limited to, death scene investigation, review of medical records, external inspection, autopsy,  
3 and postmortem testing.

4 ~~(d)~~(f) “Inquest” means an official judicial inquiry before a medical examiner and/or  
5 medical examiners jury for the purpose of determining the manner of death.

6 (g) Interested person” for the purposes of this title means spouse or registered domestic  
7 partner, sibling(s) if over eighteen (18) years of age, parent(s) or guardian(s), grandparent(s), or his  
8 or her children, grandchildren, or great grandchildren over (18) years of age, or the guardian of the  
9 deceased person at the time of the deceased person’s death.

10 ~~(e)~~(h) “Manner of death” means ~~the means or fatal agency that caused a death~~ how the  
11 death occurred. Manner of death includes, but is not limited to, homicide, suicide, natural, accident,  
12 or undetermined.

13 (i) “Physician” means any person licensed to practice allopathic or osteopathic medicine  
14 pursuant to the provisions of chapter 37 of title 5.

15 ~~(f)~~(j) “Postmortem examination” means examination of the decedent’s body or remains  
16 after death and includes ~~an examination of the dead body and surroundings by an agent of the office~~  
17 ~~of state medical examiners but does not include dissection of the body for any purpose~~ either an  
18 external inspection, partial autopsy, or a full autopsy.

19 ~~(g)~~(k) “Work product” means preliminary drafts, notes, impressions, memoranda, working  
20 papers, and similar documents of a governmental entity, whether in electronic or ~~other~~ another  
21 format.

22 **23-4-2. Establishment of office.**

23 (a) There is established in the department of health the office of state medical examiners.  
24 The director of health, ~~with the advice of the state medical examiners commission,~~ is authorized to  
25 adopt, amend, promulgate, and enforce rules, ~~and~~ regulations, and standards that may be designed  
26 to further the accomplishment of the purposes of this chapter.

27 (b) The office of state medical examiners shall obtain and maintain accreditation by the  
28 National Association of Medical Examiners (NAME) or other national accrediting organization in  
29 the field of ~~forensic medicine and pathology~~ medical examiner death investigation systems.

30 **23-4-3. Functions.**

31 The office of state medical examiners shall be responsible for:

32 (1) The investigation of deaths occurring within the state that, in its judgment, might  
33 reasonably be expected to involve causes or manners of death enumerated in this chapter;

34 (2) For the conduct of inquests when requested by the attorney general;

1 (3) For the performance of ~~autopsies~~ postmortem examinations, including the retention,  
2 examination, and appropriate disposal of tissue, when appropriate, for deaths that, in its judgment,  
3 might reasonably be expected to involve causes or manners of deaths enumerated in this chapter;

4 (4) For the written determination of the causes and manners of death investigated pursuant  
5 to this chapter;

6 (5) For the presentation to the courts of Rhode Island of expert testimony relating to the  
7 cause and manner of death enumerated in this chapter;

8 (6) For the keeping of complete records, including ~~names~~ decedent name, ~~places~~ location  
9 of death, circumstances of death, and causes and manners of all deaths, ~~of deaths~~ investigated ~~and~~  
10 ~~reported, copies of which shall be delivered to the attorney general and of which written~~  
11 ~~determinations of causes of death shall be made available for public inspection~~;

12 (7) ~~For the burial of bodies for which there is no other existing legal responsibility to do so~~  
13 For approving organ and tissue donation to the extent possible from decedents whose deaths are  
14 being investigated by the office of state medical examiners; provided that, such donation will not  
15 interfere with the ability to determine cause or manner of death with a reasonable degree of medical  
16 certainty;

17 (8) ~~For the development and enforcement of procedures for the pronouncement of death~~  
18 ~~and for the transplantation of organs from bodies of persons who have died within the state~~ For  
19 making available the death investigation case information necessary to compile the case studies  
20 that will be reviewed by the respective multidisciplinary death review teams enumerated in this  
21 chapter;

22 (9)(i) For supporting a multidisciplinary team review of child fatalities administered by the  
23 department of health with the goal to decrease the prevalence of preventable child deaths and report  
24 recommendations for community- and systems-intervention strategies. A child death-review team  
25 shall include, but is not limited to, representation from state agencies, health care, child welfare,  
26 and law enforcement; and

27 (ii) The work product of the child death-review team shall be confidential and protected  
28 under all applicable laws, including the federal Health Insurance Portability and Accountability Act  
29 of 1996 and the Rhode Island confidentiality of health care information act (chapter 37.3 of title 5)  
30 and shall be exempt from the provisions of chapter 2 of title 38 and shall be deemed privileged  
31 pursuant to § 23-17.21-8;

32 (10) The department of health shall work with the department of children, youth and  
33 families and the office of the child advocate to develop a process to ensure the timely availability  
34 of autopsy reports on child deaths;

1           (11)(i) For [supporting](#) a multidisciplinary team review of drug-related overdose deaths  
2 [administered by the department of health](#) with the goal of reducing the prevalence of these deaths  
3 by examining emerging trends in overdose, identifying potential demographic, geographic, and  
4 structural points for prevention, and other factors. The multidisciplinary team for review of drug-  
5 related overdose deaths may include, as determined by the director of the department of health,  
6 representatives from the department of health; the department of the attorney general; the Rhode  
7 Island state police; the department of corrections; the department of behavioral healthcare,  
8 developmental disabilities and hospitals; the Rhode Island Police Chiefs Association; the Hospital  
9 Association of Rhode Island; an emergency department physician; a primary care physician; an  
10 addiction medicine/treatment provider; a mental health clinician; a toxicologist; a recovery coach  
11 or other representative of the recovery community; and others as may be determined by the director  
12 of the department of health;

13           (ii) The work product of the multidisciplinary team for review of drug-related overdose  
14 deaths shall be confidential and protected under all applicable laws, including the federal Health  
15 Insurance Portability and Accountability Act of 1996 and the Rhode Island confidentiality of health  
16 care information act (chapter 37.3 of title 5), and shall be exempt from the provisions of chapter 2  
17 of title 38, not subject to subpoena, discovery, or introduction into evidence in any civil or criminal  
18 proceeding, and not subject to disclosure beyond the team members (except to authorized  
19 employees of the department of health as necessary to perform its official duties pursuant to this  
20 subsection (11));

21           (iii) The multidisciplinary team shall report on or before December 1 of each year to the  
22 governor, the speaker of the house, and president of the senate, which report shall summarize the  
23 activities of the team, as well as the team’s findings, progress towards reaching its goals, and  
24 recommendations for any needed changes in legislation or otherwise;

25           (iv) [Deleted by P.L. 2021, ch. 21, § 1 and P.L. 2021, ch. 22, § 1.]

26           (v) The multidisciplinary team, or Rhode Island department of health state employees  
27 appointed by the director of the department of health, shall, as relatives of the deceased are willing,  
28 be empowered to gather information from such consenting relatives regarding the circumstances of  
29 the decedent’s death. The information gathered shall remain confidential and publicly released as  
30 aggregate de-identified information. The information gathered will be utilized to help identify  
31 specific prevention and intervention strategies to prevent further deaths. The information gathered  
32 shall not be subject to subpoena, discovery, or introduction into evidence in any civil or criminal  
33 proceeding, and shall not be subject to disclosure beyond the team members except to authorized  
34 employees of the department of health as necessary to perform its official duties pursuant to this

1 subsection (11), and except as aggregate de-identified information;

2 (12)(i) For [supporting](#) a multidisciplinary maternal mortality review committee  
3 [administered by the department of health](#) for review of maternal deaths of women that occur during  
4 pregnancy, delivery, or within one year of the end of pregnancy with the goal of reducing the  
5 prevalence of such deaths by examining emerging trends in such deaths, identifying potential  
6 demographic, geographic, and structural points for prevention, and other factors. This committee  
7 has the authority to request and receive data from vital records, healthcare providers, healthcare  
8 facilities, pharmacy records, and any other agencies or officials having information that is necessary  
9 for the committee to carry out its duties under this section. The multidisciplinary maternal mortality  
10 review committee shall include, but not be limited to, as determined by the director of the  
11 department of health, representation from state agencies; an obstetric provider from each hospital  
12 that delivers obstetrical care; a neonatal specialist; individuals or organizations that represent the  
13 populations that are most affected by pregnancy-related deaths or pregnancy-associated deaths and  
14 lack of access to maternal healthcare services; a perinatal pathologist; and a maternal fetal medicine  
15 specialist. This committee shall develop recommendations for the prevention of maternal deaths  
16 and disseminate findings and recommendations to policy makers, healthcare providers, healthcare  
17 facilities, and the general public;

18 (ii) The work product of the maternal mortality review committee shall be confidential and  
19 protected under all applicable laws, including the federal Health Insurance Portability and  
20 Accountability Act of 1996 and the Rhode Island confidentiality of health care information act  
21 (chapter 37.3 of title 5) and shall be exempt from the provisions of chapter 2 of title 38 and shall  
22 be deemed privileged pursuant to § 23-17.21-8; and

23 (13)(i) For [supporting](#) a multidisciplinary team review of suicide deaths [administered by](#)  
24 [the department of health](#) with the goal of reducing the prevalence of these deaths by examining  
25 trends in demographic, geographic, community, and structural protective and risk factors. The  
26 multidisciplinary team may include, as determined by the director of the Rhode Island department  
27 of health (RIDOH), representatives from the office of the state medical examiners, RIDOH's  
28 violence and injury prevention program, the department of behavioral healthcare, developmental  
29 disabilities and hospitals, emergency medical services, law enforcement, health care, and others as  
30 may be determined by the director of the department of health;

31 (ii) The work product of the adult suicide fatality review team shall be confidential and  
32 protected under all applicable laws, including the federal Health Insurance Portability and  
33 Accountability Act of 1996 and chapter 37.3 of title 5 (the "Rhode Island confidentiality of health  
34 care communications and information act") and shall be exempt from the provisions of chapter 2

1 of title 38 (“access to public records”) and shall be deemed privileged pursuant to § 23-17.21-8,  
2 not subject to subpoena, discovery, or introduction into evidence in any civil or criminal  
3 proceeding, and not subject to disclosure beyond the team members (except to authorized  
4 employees of the department of health as necessary to perform its official duties pursuant to this  
5 subsection (13));

6 (iii) The multidisciplinary team shall be responsible for developing annual  
7 recommendations for the state suicide prevention coalition and/or the state agency(ies) responsible  
8 for suicide prevention in Rhode Island. The recommendations should align with the Rhode Island  
9 suicide prevention state plan and shall outline, based on suicide fatality case review data, potential  
10 strategies to increase protective factors and decrease risk factors to reduce suicide deaths in Rhode  
11 Island.

12 **23-4-4. Jurisdiction.**

13 The office of state medical examiners shall have the authority to ~~make postmortem~~  
14 ~~examinations~~ conduct death investigations, to undertake inquests, and to perform ~~autopsies~~  
15 postmortem examinations in all deaths occurring in Rhode Island where there may be in its  
16 judgment a reasonable belief that the manner of death could be pronounced as:

- 17 (1) Death by a homicide, suicide, ~~or casualty~~ accident, undetermined or unusual manner;  
18 ~~(2) Death due to a criminal abortion;~~  
19 ~~(3) Death due to an accident involving lack of due care on the part of a person other than~~  
20 ~~the deceased;~~  
21 ~~(4)(2)~~ (2) Death which is the immediate or remote consequences of any physical or toxic injury  
22 incurred while the deceased person was employed;  
23 ~~(5)(3)~~ (3) Death due to the use of ~~addictive~~ illegal drugs, prescription drugs, non-prescription  
24 drugs, medicinal substances, or other identifiable or unidentifiable chemical agents, including  
25 toxins and toxicants; ~~or~~  
26 ~~(6)(4)~~ (4) Death due to an infectious agent capable of spreading an epidemic within the state;  
27 or  
28 (5) Death that is sudden or unexpected when the decedent was in apparent good health;  
29 (6) Death that occurred under circumstances reportable to the office of state medical  
30 examiners as enumerated in this chapter or as described in rules promulgated by the department.

31 **23-4-5. Chief medical examiner — Assistants and other staff.**

32 (a) The office shall be under the immediate supervision of a chief, who shall be known as  
33 the “chief medical examiner” and who shall be a physician licensed under the provisions of chapter  
34 37 of title 5, and a qualified forensic pathologist certified by the American Board of Pathology in

1 both anatomic and forensic pathology and who has had forensic ~~training or~~ pathology experience.  
2 He or she shall be appointed by the director of health as shall the deputy chief medical examiner  
3 ~~with the advice of the medical examiner's commission~~. The chief medical examiner shall be in the  
4 unclassified service and the deputy chief medical examiner shall be in the classified service.

5 (b) The chief medical examiner shall appoint, with the approval of the director of health,  
6 ~~assistant~~ deputy medical examiners and shall hire other staff as necessary to carry out the provisions  
7 of this chapter.

8 ~~(c) Persons employed full time at the time of enactment of this chapter within the division~~  
9 ~~of medical examiners in the department of the attorney general shall be transferred to the office of~~  
10 ~~state medical examiners with their former rights and privileges of employment. For members~~  
11 ~~eligible to retire on or before June 30, 2012, such members shall be eligible for retirement benefits~~  
12 ~~after the age of fifty (50) years and service of twenty (20) years, including service within the~~  
13 ~~division of medical examiners. For members eligible to retire on or after July 1, 2012, such~~  
14 ~~members shall be eligible for retirement benefits in accordance with chapters 8 through 10 of title~~  
15 ~~36.~~

16 **23-4-6. State medical examiners commission. State postmortem advisory commission.**

17 (a) There is established the state ~~medical examiners~~ postmortem advisory commission. The  
18 commission shall hear and determine appeals to decisions by the chief medical ~~examiners~~ examiner  
19 regarding ~~the undertaking of investigations, inquests, and autopsies, and shall advise the chief~~  
20 ~~medical examiner on matters of public concern~~ cause and manner of death.

21 (b) The commission shall consist of ~~twelve (12)~~ a panel of seven (7) members, ~~three (3) of~~  
22 ~~whom shall be ex officio members, viz., the director of health, the attorney general, the~~  
23 ~~superintendent of state police, and nine (9) citizens of the state to be~~ to include the attorney general  
24 or designee from the office of attorney general, with the remainder of members appointed by the  
25 governor ~~with the advice and consent of the senate~~ for ~~the~~ a term of three (3) years. Criteria for  
26 appointment must include that the remaining members are physicians, preferably with experience  
27 in performing autopsies to determine cause of death and who must not have been or currently  
28 employed or retained as an independent contractor by the office of state medical examiners within  
29 one year after employment or retainment as an independent contractor has ceased. The governor  
30 shall give due consideration to any recommendations for nominations submitted to him or her by  
31 the president of the Rhode Island Medical Society, the president of the Rhode Island Society of  
32 Pathologists, ~~the president of the Rhode Island Bar Association,~~ board-certified pathologists,  
33 preferably forensic pathologists, and the vice president of Brown University Division of Biological  
34 and Medical Sciences ~~and the president of the Rhode Island Funeral Directors Association~~. Each

1 ~~citizen~~ member shall hold office for the term of ~~his or her~~ their appointment and until his or her  
2 successor is appointed. ~~Vacancies for citizen members shall be filled by appointment for the~~  
3 ~~unexpired term only~~ The members shall serve without compensation. If a commission member has  
4 a conflict of interest, that member must recuse themselves from hearing and determining appeals  
5 to decisions by the chief medical examiner regarding the cause and manner of death. The  
6 administrator of the office of the state medical examiners, or the administrator's designee, shall  
7 serve as administrator of the commission to provide technical and administrative support.

8 (c) ~~The director of health and the attorney general shall be the chairperson and vice~~  
9 ~~chairperson, respectively, of the commission. The chief medical examiner of the office of state~~  
10 ~~medical examiners shall serve as the executive secretary of the commission, and the expenses of~~  
11 ~~the commission shall be a responsibility of the department of health. The board may elect from~~  
12 ~~among its members such other officers as it deems necessary. Seven (7) members of the board shall~~  
13 ~~constitute a quorum and the vote of a majority of those present and voting shall be required for~~  
14 ~~action. The commission shall meet at the call of its chairperson and at least four (4) times each year,~~  
15 ~~the time and the place for each meeting to be fixed by the chairperson. Except in a case of a finding~~  
16 of homicide, a person of interest may request the office of state medical examiners to make  
17 amendments to findings and conclusions on the cause and manner of death recorded on a certificate  
18 of death within sixty (60) days after a medical examiner certifies the death certificate. The request  
19 to amend the findings and conclusions of a death certificate shall:

20 (1) Be in writing to the chief medical examiner;

21 (2) Clearly describe the requested amendment;

22 (3) State the reason for the change; and

23 (4) Provide a return address.

24 (d) ~~Members of the commission shall be removable by the governor pursuant to the~~  
25 ~~provisions of § 36-1-7 of the general laws and for cause only, and removal solely for partisan or~~  
26 ~~personal reasons unrelated to capacity or fitness for the office shall be unlawful. Within sixty (60)~~  
27 days of receiving the request in writing, the chief medical examiner shall provide the person of  
28 interest written notice of the action taken.

29 (e) ~~Within ninety (90) days after the end of each fiscal year, the commission shall approve~~  
30 ~~and submit an annual report to the governor, the speaker of the house of representatives, the~~  
31 ~~president of the senate, and the secretary of state, of its activities during that fiscal year. The report~~  
32 ~~shall provide an operating statement summarizing meetings or hearings held, including meeting~~  
33 ~~minutes, subjects addressed, decisions rendered, appeals considered and their disposition, rules or~~  
34 ~~regulations promulgated, studies conducted, policies and plans developed, approved, or modified,~~

1 ~~and programs administered or initiated; a consolidated financial statement of all funds received and~~  
2 ~~expended including the source of the funds, a listing of any staff supported by these funds, and a~~  
3 ~~summary of any clerical, administrative or technical support received; a summary of performance~~  
4 ~~during the previous fiscal year including accomplishments, shortcomings and remedies; a synopsis~~  
5 ~~of hearing, complaints, suspensions, or other legal matters related to the authority of the~~  
6 ~~commission; a summary of any training courses held pursuant to this chapter; a briefing on~~  
7 ~~anticipated activities in the upcoming fiscal year; and findings and recommendations for~~  
8 ~~improvements. The report shall be posted electronically on the websites of the general assembly~~  
9 ~~and the secretary of state pursuant to the provisions of § 42-20-8.2. The director of the department~~  
10 ~~of administration shall be responsible for the enforcement of the provisions of this subsection. If~~  
11 ~~the chief medical examiner denies the written request to amend findings and conclusions on the~~  
12 ~~cause and/or manner of death, the person of interest may appeal the denial in writing within fifteen~~  
13 ~~(15) days to the director of health. The director shall refer the matter within fifteen (15) days of the~~  
14 ~~receipt of the appeal request to the state postmortem advisory commission.~~

15 (f) ~~The commission shall conduct a training course for newly appointed and qualified~~  
16 ~~members within six (6) months of their qualification or designation. The course shall be developed~~  
17 ~~by the chair of the commission, be approved by the commission, and be conducted by the chair of~~  
18 ~~the commission. The commission may approve the use of any commission and/or staff members~~  
19 ~~and/or individuals to assist with training. The training course shall include instruction in the~~  
20 ~~following areas: the provisions of chapters 42-46, 36-14 and 38-2; and the commission's rules and~~  
21 ~~regulations. The director of the department of administration shall, within ninety (90) days of June~~  
22 ~~16, 2006, prepare and disseminate training materials relating to the provisions of chapters 42-46,~~  
23 ~~36-14, and 38-2. The state postmortem advisory commission shall conduct a hearing on the denial~~  
24 ~~and on the establishment of the amendments to the findings and conclusions on the cause and/or~~  
25 ~~manner of death.~~

26 (g) Upon reviewing the findings of fact submitted to the state postmortem advisory  
27 commission, the commission shall recommend a decision to the director of health. The director  
28 shall issue a final administrative order within sixty (60) days to:

29 (1) Adopt the recommendation of the commission; or  
30 (2) Reject the recommendation of the commission and affirm the original findings of the  
31 chief medical examiner.

32 (h) The director's order shall constitute a final administrative order. If the director rejects  
33 the recommendation of the commission, the person of interest may appeal the final administrative  
34 order to the Rhode Island superior court.

1 (i) If the final decision of the director, or the decision upon final adjudication on appeal  
2 establishes a different finding or conclusion on the cause or manner of death, the chief medical  
3 examiner shall amend the death certificate to reflect the change in finding or conclusion. The chief  
4 medical examiner shall send a request to amend the death certificate to reflect the final decision to  
5 the state registrar of vital records pursuant to § 23-3-4. The registrar of vital records shall amend  
6 the death certificate to reflect the final decision.

7 (j) The final decision of the director, or of the court, may not give rise to any presumption  
8 concerning the application of any provision of or the resolution of any claim concerning a policy  
9 of insurance relating to the deceased.

10 (k) If the findings of the chief medical examiner are upheld by the director, the appellant  
11 is responsible for the costs of the contested case hearing based on the billing rates established by  
12 the department of health pursuant to § 23-4-13.

13 **23-4-7. Reporting of certain deaths required — Violations — Penalties.**

14 (a)(1) Where any person shall die in any manner ~~to suggest the possibility of a criminal act~~  
15 ~~or as the result of violence or apparent suicide, or from a criminal abortion or in any suspicious or~~  
16 ~~unusual manner~~ or circumstances enumerated in § 23-4-4, it shall be the duty of any person having  
17 knowledge of those deaths to immediately notify the police of the city or town where the body of  
18 the deceased person lies or to notify the office of state medical examiners. The same procedure  
19 shall be followed upon discovery of anatomical material suspected of being or determined to be a  
20 part of a human body.

21 (2) Any person who willfully neglects or refuses to report that death or who without an  
22 order from an agent of the office of medical examiners willfully touches, removes, or disturbs the  
23 body of that dead person, or willfully touches, removes, or disturbs the clothing or any article upon  
24 or near that body, ~~shall be guilty of a misdemeanor~~ shall be reported to the appropriate law  
25 enforcement agency. The body shall not be disturbed without authorization of the medical examiner  
26 except in those cases in which a possibility of life remains, whereupon the law enforcement officer  
27 or appropriate emergency medical services personnel on the scene shall initiate and facilitate such  
28 lifesaving procedures as may be appropriate. After death is declared or pronounced, the body is not  
29 to be disturbed, and nothing is to be removed from the body without authorization of the medical  
30 examiner.

31 (b) If any person buries or causes to be buried the dead body of a person supposed to have  
32 come to a violent death before giving notice as stated in subsection (a) and before inquiry is made  
33 into the manner and circumstances of the death, ~~that person shall be guilty of a misdemeanor~~ that  
34 person shall be reported to the appropriate law enforcement agency.

1 (c) When any person may appear to have met death when unattended by a physician, or in  
2 any unnatural manner, or as the apparent result of ~~the negligence of another person, or as the~~  
3 ~~consequence of any physical or toxic injury incurred while employed, or from the use of any~~  
4 ~~addictive or unidentifiable chemical agent, or from accidental hypothermia, or from an infectious~~  
5 ~~agent capable of spreading an epidemic within the state~~ circumstances or manners enumerated in §  
6 23-4-4, it shall be the duty of any physician, law enforcement officer, funeral director, hospital  
7 official having knowledge of the death, or of any other person having responsibility for burial or  
8 cremation of the deceased person to notify the office of the state medical examiners. In the case of  
9 any prisoner committed by law to the custody of the department of corrections or in the department  
10 of behavioral healthcare, developmental disabilities and hospitals who dies or in the case of a person  
11 who dies while in the custody ~~of the state police or local police departments~~ of law enforcement as  
12 defined by the U.S. Department of Justice, the person charged with the responsibility for that  
13 custody shall have the duty to immediately notify the office of the state medical examiners. Any  
14 person charged with the responsibility of notifying the office of state medical examiners of any of  
15 the deaths stated in the first sentence of this subsection who neglects to give that notice shall ~~upon~~  
16 ~~conviction be guilty of a misdemeanor~~ be reported to the office of the attorney general.

17 (d) If an agent of the office of state medical examiners is of the opinion that a death was  
18 caused by the act of neglect of some person other than the deceased, he or she shall at once notify  
19 the attorney general, and the police of the city or town where the body was found or in which it  
20 lies. ~~If any person shall be arrested and charged with causing any death by the act of neglect, the~~  
21 ~~person so arrested shall be entitled to receive a copy of the record of the autopsy, upon written~~  
22 ~~request delivered to the attorney general.~~

23 (e) Where any person age sixty-five (65) years or older may appear to have died from  
24 accidental hypothermia or hyperthermia, the death shall be reported to the ~~department of elderly~~  
25 ~~affairs~~ office of healthy aging by the state medical examiner. ~~or~~

26 (f) ~~when~~ When any person, under the age of eighteen (18) shall die, the ~~physician signing~~  
27 medical professional pronouncing the death ~~certificate~~ shall report the death to the state medical  
28 examiner's office within ~~twenty four (24)~~ six (6) hours of the death.

29 (f)(g) Any person who violates any of the provisions of subsection (a) or (b) of this section  
30 and ~~does so with the intention~~ upon conviction of concealing a felony crime or having knowledge  
31 of the commission of any felony offense, shall be ~~guilty of a felony and, upon conviction, shall be~~  
32 fined or imprisoned ~~for a term of not more than five (5) years or fined ten thousand dollars~~  
33 ~~(\$10,000), or both~~ in accordance with § 11-1-5.

34 **23-4-8. Procedure for investigation of deaths.**

1 (a) When the office of state medical examiners has notice that there has been found or is  
2 lying within this state the body of a person who is supposed to have come to his or her death by  
3 violence, or in any manner or circumstances as stated in ~~§ 23-4-7~~ this chapter or in rules  
4 promulgated by the department, an agent of the office of state medical examiners shall ~~immediately~~  
5 ~~proceed to the place where the body lies and take charge of it, view it, and make personal inquiry~~  
6 ~~into the cause and manner of death~~ determine the medicolegal authority of the case, and if accepted,  
7 the office of the state medical examiners shall take jurisdiction of the body and initiate a  
8 postmortem investigation. If the body is found at the residence of the deceased, the agent of the  
9 office of state medical examiners shall not remove the body from the residence unless necessary  
10 for ~~further~~ postmortem examination or ~~autopsy~~ further investigation.

11 (b) A health care facility, healthcare provider, educational institution, correctional  
12 institution, or law enforcement agency shall disclose any and all relevant information in its  
13 possession including, but not limited to, medical records, educational records, and incident reports,  
14 requested by the state medical examiner ~~or his or her agent~~ in connection with the death  
15 investigation ~~of the death~~ of a decedent who was a current or former patient, student, or subject of  
16 a law enforcement report or case file to the extent necessary as determined by the office of the state  
17 medical examiners, in order to assist the medical examiner in determining the cause and manner of  
18 death. Law enforcement agencies responding to the scene of a death are required to provide the  
19 office of state medical examiners with copies of all related law enforcement reports including, if  
20 requested, photographs and videos related to the incident.

21 **23-4-9. Deaths in public places.**

22 In the event that a person dies suddenly on a public highway or elsewhere in the public  
23 view ~~and the death appears to be from natural causes or the result of injuries received from a~~  
24 ~~highway accident~~, an agent of the office of the state medical examiners, or the state police or any  
25 superior officer of the local police ~~or an agent of the office of state medical examiners, in~~  
26 consultation with and with permission from the office of the state medical examiners may order the  
27 removal of the body from the place of death, ~~upon completion of their investigation as to the cause~~  
28 ~~and manner of death, to the funeral home designated by a family representative of the deceased or~~  
29 ~~to the state morgue or any hospital~~ to the office of the state medical examiners or to an alternate  
30 location as directed and approved by an agent of the office of state medical examiners.

31 **23-4-10. Disposition of deceased bodies.**

32 (a) The office of state medical examiners shall, after any postmortem external examination  
33 or any autopsy, promptly release the deceased body to the relatives, representatives, or domestic  
34 partners or other persons authorized by law to make arrangements for the disposition of the

1 decedent's remains. The cost of transporting the deceased body to the office of state medical  
2 examiners shall be borne by the state if the autopsy was required to be performed as provided in  
3 this chapter. If the relatives, representatives, or domestic partners of the decedent or other person  
4 authorized by law to make arrangements for the disposition of the decedent's remains:

5 (1) Fails or refuses to claim the body within fourteen (14) days of receiving notice of the  
6 death of the decedent; or

7 (2) Fails or refuses to make arrangements with a funeral home for the removal of the body  
8 from the state medical examiner's morgue within thirty (30) days of receiving notice of the death  
9 of the decedent, then the body shall be deemed unclaimed and shall be buried in accordance with  
10 § 40-6-3.10. If there are no known relatives, representatives or domestic partners, after reasonable  
11 public notices, the body shall be deemed unclaimed and the office of state medical examiners shall  
12 cause the body of the deceased person to be buried in accordance with § 40-6-3.10. The general  
13 treasurer of the state shall have first priority in recovering the expenses of burial from the estate of  
14 the deceased person.

15 (b) For the purpose of this chapter, "domestic partner" shall be defined as a person who,  
16 prior to the decedent's death, was in an exclusive, intimate, and committed relationship with the  
17 decedent, and who certifies by affidavit that their relationship met the following qualifications:

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

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

21 (3) Partners were not related by blood to a degree that would prohibit marriage in the state  
22 of Rhode Island;

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

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

27 (i) Domestic partnership agreement or relationship contract;

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

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

30 (A) Joint ownership of motor vehicle;

31 (B) Joint checking account;

32 (C) Joint credit account;

33 (D) Joint lease; and/or

34 (iv) The domestic partner had been designated as a beneficiary for the decedent's will,

1 retirement contract, or life insurance.

2 (c) The office of the state medical examiners shall, in the event of a multiple or mass  
3 fatality, after consultation with the lead investigative agency for the incident, have the authority to  
4 order the cremation of recovered comingled remains that were not genetically linked to any single  
5 decedent.

6 **23-4-11. Effects and property of deceased.**

7 An agent of the office of state medical examiners, ~~as the case may be~~ during the course of  
8 investigation of a death, ~~may shall~~ take into ~~his or her~~ their possession all articles and property of  
9 the deceased on or about the body as well as other items at the scene that are deemed relevant to  
10 the investigation and shall deliver them to the office of the ~~chief state~~ medical examiner ~~examiners~~  
11 if ~~an autopsy or a~~ postmortem examination ~~is ordered,~~ will be performed. ~~but shall otherwise deliver~~  
12 ~~them to a member of the family taking a receipt for them. Provided, however, any~~ The original or  
13 a copy of a letter, note, or any other written instrument, the contents of which relate to the manner  
14 or cause of the death of the deceased, shall be permanently retained in the files of the office. ~~If an~~  
15 ~~autopsy is ordered, the chief medical examiner shall upon completion of the investigation deliver~~  
16 ~~all other articles or property to a member of the family of the deceased taking a receipt from that~~  
17 ~~family member and, if any dispute exists among members of the family, he or she shall hold the~~  
18 ~~other articles or property for the executor or administrator of the estate of the deceased when~~  
19 ~~appointed.~~ When a funeral home livery service picks up a decedent from the state morgue whose  
20 death was investigated by the office of state medical examiners, any personal property of the  
21 decedent that was removed prior to or during postmortem examination by the office of state medical  
22 examiners shall be released with the body except for personal property that is being held for law  
23 enforcement investigation of a crime. Prior to release, the funeral home livery personnel shall sign  
24 an itemized receipt of the decedent's personal property in possession of the office of the state  
25 medical examiners. ~~In the event that~~ If death ~~shall have~~ occurred in a hotel or other public place  
26 where possessions of the deceased may be lying, ~~an agent of the office of state medical examiners~~  
27 the responding law enforcement agency shall make suitable arrangements for the protection of the  
28 property.

29 **23-4-13. Establishment of fees.**

30 The director of the department of health ~~shall~~ is authorized to establish fees for ~~autopsy~~  
31 copies of documents such as postmortem reports, ~~cremation certificates,~~ and ~~statistics for~~  
32 authorization of cremations. The director ~~shall~~ is also authorized to establish and impose fees, at an  
33 hourly or daily rate, to give testimony in civil suits under this chapter. All fees are as set forth in §  
34 23-1-54. The director is authorized to establish in regulation reasonable fees for copies of additional

1 documents or other case file contents or archive searches not otherwise specified in this section.  
2 All of these fees shall be collected and deposited as general revenues; provided, however, that no  
3 ~~city or town~~ Rhode Island state agency, or any ~~agency office~~ or department of a city ~~and or~~ town  
4 within the state, ~~or the department of human services~~ law enforcement agencies from other states,  
5 federal agencies, and hospitals licensed pursuant to chapter 17 of title 23 entitled by law to such  
6 documents or other case file contents, shall be required to pay any fees established by the director  
7 pursuant to this section.

8 ~~**23-4-14. Preservation of reports — Tabular reports. Annual reports.**~~

9 ~~The director of the department of health shall cause the returns received by the office of~~  
10 ~~state medical examiners and reports made by that office on causes of death for each year, in~~  
11 ~~accordance with this chapter, to be bound together with an index to the volume. The director of~~  
12 ~~health in his or her capacity as ex officio state registrar shall prepare or cause to be prepared from~~  
13 ~~the returns tabular results that will render them of practical utility, and shall annually report thereof~~  
14 ~~in connection with the report of births, marriages, and deaths required by chapter 3 of this title. The~~  
15 office of the state medical examiners shall produce an annual statistical report of all deaths  
16 investigated after all cases are closed for a calendar year. The report shall be publicly posted.  
17 Annual reports generated shall be retained in keeping with the state's retention schedule.

18 ~~**23-4-15. Morgue.**~~

19 ~~A centrally located~~ An office and morgue shall be provided with ~~laboratories, furniture~~ the  
20 necessary staffing, equipment, ~~records~~, and supplies ~~that may be~~ required ~~in the~~ to conduct the  
21 duties and obligations of the office of state medical examiners as described within this chapter,  
22 rules promulgated by the department, and in keeping with applicable accreditation requirements.

23 SECTION 2. Section 23-4-12 of the General Laws in Chapter 23-4 entitled "Office of State  
24 Medical Examiners" is hereby repealed.

25 ~~**23-4-12. Compensation for recovery of body from water.**~~

26 ~~When services are rendered in bringing to land the dead body of a person found in any of~~  
27 ~~the harbors, rivers, or waters of the state, compensation for services as he or she deemed reasonable~~  
28 ~~may be allowed; but this privilege shall not entitle any person to compensation for services rendered~~  
29 ~~in search for a dead body.~~

30 SECTION 3. This act shall take effect upon passage.

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LC005257/SUB A  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

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

\*\*\*

1           This act would clarify and update language in the office of state medical examiners statute  
2 to address outdated or ambiguous language, outdated practices, outdated position  
3 titles/qualifications, and ensure compliance with federal HIPAA requirements.

4           This act would take effect upon passage.

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LC005257/SUB A  
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