

# HOUSE RESEARCH

## Bill Summary

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**Version:** As Introduced

**Authors:** Rhodes and Others

**Subject:** Religious Exemption to Mandated Autopsies and Dissections

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### Overview

This bill prohibits a dissection or autopsy from being performed on a deceased person if the procedure is against the deceased person's religious beliefs; establishes standards for how dissections and autopsies are to be performed in such situations; and creates a procedure for coroners and medical examiners to seek court authorization to perform dissections and autopsies that are contrary to the deceased person's religious beliefs.

- 1-10** Amend §§ 145.132; 299F.04, subd. 5; 383B.225, subds. 7 and 8; 390.11, subds. 2, 2a, and 3; and 390.32, subds. 2, 2a, and 3. These sections specify situations in which physicians, coroners, or medical examiners are authorized to dissect or perform autopsies on deceased persons. In each section, the added language makes performing the dissection or autopsy at issue subject to the requirements of § 390.51 (see section 11).
- 11** **Chana Malka Oppen provision for least invasive procedure.** Adds § 390.51. In the absence of a compelling public necessity, prohibits a dissection or autopsy from being performed on a deceased person if the procedure is against the religious beliefs of the deceased person. If a dissection or autopsy is performed, requires it to be done in the least invasive manner possible, and requires either notice to a relative or friend of the deceased or a 48-hour waiting period. Establishes procedures by which a coroner or medical examiner who wants to perform a procedure that is against a deceased person's religious beliefs can ask a court to authorize the procedure.
- Subd. 1. Definitions.** Defines terms: compelling public necessity, relative, and friend.
- Subd. 2. Prohibition.** In the absence of a compelling public necessity, prohibits any dissection or autopsy from being performed on a deceased person if the procedure is against the religious beliefs of the deceased person, based on the objections of a surviving friend or relative or if there is other reason to believe the procedure is against the deceased person's religious beliefs.
- Subd. 3. Least intrusive procedure.** Requires a dissection or autopsy that is performed

according to this section to be done in the least invasive manner possible, consistent with the compelling state interest, or using a noninvasive procedure if the dissection or autopsy conflicts with the deceased person's religious beliefs.

**Subd. 4. Notice.** Before performing a dissection or autopsy over the objection of a surviving friend or relative or over other notice that the procedure is against the deceased person's religious beliefs, requires either (1) notice to be given to the deceased person's next of kin or friend or (2) a 48-hour waiting period. Permits a court to waive the waiting period if the delay may prejudice the accuracy of the procedure or if the objecting party is a suspect in the homicide.

**Subd. 5. Court determination.** Paragraph (a) permits a coroner or medical examiner who decides it is necessary to perform a dissection or autopsy even though the procedure is contrary to the deceased person's religious beliefs, to bring a proceeding in district court for an order authorizing the procedure.

Paragraph (b) requires the proceeding to be instituted as soon as practicable and specifies how the proceeding must be instituted.

Paragraph (c) gives this proceeding preference over all other cases in court and requires it to be decided quickly based on the petition and any proof offered.

Paragraph (d) directs the court to allow the dissection or autopsy, if it finds there is a demonstrable need for the procedure. If the court does not allow the procedure, requires the body of the deceased person to be immediately released for burial.