

HOUSE RESEARCH

Bill Summary

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Overview

This bill creates an exemption to current law which allows families of deceased individuals to raise an objection to an autopsy based on religious beliefs under certain circumstances.

Section

- 1 **Reports of death.** Provides that the current law on the determination of an investigation, including an autopsy, that is done by a coroner or medical examiner is subject to a religious exemption. The new religious exemption is found in section 3 of the bill.
- 2 **Autopsies.** Provides that the current law on the determination to perform an autopsy, including various testing and tissue samples, is subject to the religious exemption created in section 3 of the bill.
- 3 **Religious objections to autopsy.** Creates a requirement that a coroner or medical examiner must provide notice to the surviving relatives of the decedent at least 24 hours prior to performing the autopsy with notice that they have a right to object to the testing or autopsy based on religious grounds.

This bill provides what information the relative or designee in a will or health care directive must provide to make the objection and then provides that the coroner or medical examiner cannot do the autopsy or testing unless a compelling state interest exists. The bill defines compelling state interest as any of the following:

- the autopsy is essential to the investigation of a homicide if the decedent is the potential victim

Section

- the autopsy is necessary to discover the cause of death to meet immediate threats to public health
- the autopsy is necessary to obtain proper toxicological or specimen reports for evidence of a crime that could deteriorate over time
- it is demonstrated in a court of law by the coroner or medical examiner that the state's need for the autopsy is greater than the interest in observing the decedent's religious beliefs

This section provides that when an objection is raised by a family member and the coroner believes there is a compelling state interest, then the autopsy must be postponed for 48 hours to allow the family or an interested party to seek redress through the court system however the court can waive the 48 hour waiting period if the coroner or medical examiner can show that the delay would prejudice the accuracy of the autopsy.

In cases where the coroner or medical examiner has tried to prove in court that there is a compelling interest to perform the autopsy where the state's interest is greater than the interest of observing the decedent's religious beliefs, and the coroner or medical examiner is not able to prove that, then the body must be returned to the family within 24 hours.