

State:	Rhode Island
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**Inquiry 1: How long can I keep the body at home after death and under what conditions?**

There are no statutes or regulations that address this question.

**Inquiry 2: Does my state require the body to be embalmed? Refrigerated?**

There are no statutes or regulations that address this question.

**Inquiry 3: What methods of disposition are legal in my state?**

Rhode Island law mentions burial, cremation, entombment, donation to medical science, and removal from the state.

**Inquiry 4: Are there any circumstances under which I would be required to wait before final disposition?**

There are no statutes or regulations that address this question.

**Inquiry 5: What do I need to do to get a death certificate?**

23 R.I. Gen. Laws Ann. § 23-3-16

(a) A death certificate for each death that occurs in this state shall be filed with the state registrar of vital records or as otherwise directed by the state registrar within seven (7) calendar days after death and prior to removal of the body from the state, and shall be registered if it has been completed and filed in accordance with this section, provided:

- (1) That if the place of death is unknown, a death certificate shall be filed with the state registrar of vital records or as otherwise directed by the state registrar within seven (7) calendar days after the occurrence; and
- (2) That if death occurs in a moving conveyance, a death certificate shall be filed with the state registrar of vital records or as otherwise directed by the state registrar.

(b) **The funeral director, his or her duly authorized agent, or person acting as agent**, who first assumes custody of a dead body, shall file the death certificate. He or she shall obtain the personal data from the next of kin or the best qualified person or source available. He or she shall obtain the medical certification of cause of death from the person responsible for certification. The death certificate shall indicate the following:

- (1) The sex of the decedent shall be recorded to reflect the decedent's gender identity, as reported by the next of kin or the best qualified person available, unless the person completing the death certificate is presented with a document that memorializes the decedent's gender transition. In case of conflicting information on the sex of the decedent from the sources, the death certificate shall be based on documentation that memorializes the decedent's gender transition. Documents that may memorialize a gender transition include: written

instructions from the decedent; a court order approving a name or gender change; an advance healthcare directive; documentation of an appropriate course of treatment for the purpose of gender transition; documentation of a change to the gender marker on a birth certificate; or a state or federally issued identification card, or any additional document as authorized by the Rhode Island department of health. If more than one document is presented and the documents are in conflict regarding the decedent's gender identity, the most recent document that memorializes the decedent's gender transition shall prevail. If documentation is not available, it shall be based on information from individuals most familiar with the decedent's gender identity at the time of death.

(c) A physician, after the death of a person whom he or she has attended during his or her last illness, or the physician declaring that person dead, or if the death occurred in a hospital, a registered hospital medical officer duly appointed by the hospital director or administrator, shall immediately furnish for registration a standard certificate of death to a funeral director or other authorized person or any member of the family of the deceased, stating to the best of his or her knowledge and belief the name of the deceased; the disease of which he or she died; where it was contracted; the duration of the illness from which he or she died; when last seen alive by the physician, or, if death occurs in a hospital, when last seen alive by a physician; and the date of death.

(d) When death occurred without medical attendance as set forth in subsection (c) or when inquiry is required by chapter 4 of this title, the medical examiner shall investigate the cause of death and shall complete and sign the medical certification within forty-eight (48) hours after taking charge of the case.

#### **Inquiry 6: What do I need to do to get a burial-transit permit? Is there a wait period before I can receive a burial-transit permit?**

23 R.I. Gen. Laws Ann. § 23-3-18

(a) The funeral director, his or her duly authorized agent, or another person acting as a duly authorized agent, who first assumes custody of a dead body or fetus shall prepare a burial-transit permit prior to final disposition or removal from the state of the body or fetus and within seven (7) calendar days after death.

(b) The burial-transit permit shall be signed by the funeral director and by the certifying physician as designated in § 23-3-16(c).

(c) A burial-transit permit issued under the law of another state which accompanies a dead body or fetus brought into this state shall be authority for final disposition of the body or fetus in this state.

...

(e)(1) The body of a deceased person shall not be cremated within twenty-four (24) hours after his or her death unless he or she dies of a contagious or infectious disease. The body shall not be received or cremated by any corporation authorized to cremate the bodies of the dead until its officers have received the burial permit required by law before burial, and a cremation certificate issued by the Rhode Island office of state medical examiners. A cremation certificate shall be issued only if the office of state medical examiners determines that the cause and manner of death is such that no further examination or judicial inquiry concerning the cause and manner of death is necessary.

(2) The cremation certificate issued to the funeral director by the Medical Examiner, in duplicate, shall accompany the body to the crematory. The crematory shall retain the duplicate copy and mail the original copy to the state division of vital records.

#### **Inquiry 7: Personal Preference Statute**

##### **5 R.I. Gen. Laws Ann. § 5-33.2-24 (1)**

If a licensed funeral establishment is a party to a funeral service contract, as defined in § 5-33.1-2, for the benefit of a deceased person, only when executed by the principal, him or herself, and the contract is still in effect at the time of that person's death, the terms of that contract shall control the nature of the funeral goods and services to be provided; the manner in which funeral services are to be conducted for the deceased; and the final disposition of the deceased person's remains to the full extent provided in that contract. When the contract is executed by the principal, him or herself, and specifies cremation as the chosen disposition, the contract is considered sufficient legal authorization for cremation. No licensed funeral establishment, licensed crematory, or cemetery, nor any of its agents or employees, may cancel or materially alter any of the arrangements specified in that contract, even if requested to do so by a member of the deceased person's family or a funeral planning agent designated pursuant to chapter 33.3 of this title unless compliance with the terms of the original contract would result in a violation of any applicable federal, state, or local law or regulation, notwithstanding the provisions of this chapter.

#### **Inquiry 8: Designated Agent Statute**

##### **5 R.I. Gen. Laws Ann. § 5-33.3-3**

(a) Any individual who is at least eighteen (18) years of age and of sound mind is allowed to designate a primary funeral planning agent and alternate agent, if they wish.

(b) All healthcare providers, as licensed under the provisions of chapter 29 or 37 of this title, all healthcare facilities, as defined in chapter 17 of title 23, all funeral directors/embalmers and funeral establishments as defined in chapter 33.2 of this title, and all crematories and cemeteries, as well as their agents and employees, shall be required to comply with all of the provisions of this chapter.

(c) The individual making the designation pursuant to subsection (a) shall designate a primary agent, but shall not be required to designate an alternate agent. No person so designated as the funeral planning agent shall be required to take on the responsibilities of said designation if they are unwilling or incapable of doing so.

(d) No person may act as a primary funeral planning agent or alternate agent for more than one non-relative at any one time except that a person may serve as a funeral planning agent to any and all of his or her relatives and any one non-relative simultaneously. The designated agent or alternate agent shall sign the designation accepting the appointment. A

person accepting said appointment shall assume ultimate responsibility for ensuring full payment of all expenses and costs connected to the funeral of the principal from the principal's resources, or in the event the principal's resources are insufficient to ensure full payment, from the agent's own personal financial resources.

(e) All individuals, facilities, and establishments listed in subsection (b) shall be held harmless, and shall not be subject to civil suit, either as individual(s), partnership(s), or corporation(s) for complying with the provisions of this chapter.

5 R.I. Gen. Laws Ann. § 5-33.3-4

(a) The designation provided for in section 5-33.3-3 may be in substantially the following form:

I, (PRINCIPAL), do hereby name and designate (PRIMARY AGENT) as my primary funeral planning agent, or if he/she is unwilling or incapable (ALTERNATE AGENT) as my alternate funeral planning agent, who shall have the sole responsibility and authority to make any and all arrangements and decisions regarding my funeral preparation and planning, burial or disposition of my remains, including cremation, upon my death, pursuant to the provisions of § 5-33.2-24. By signing this document, the aforementioned agent(s) agree to ensure payment for all outstanding expenses related to my funeral. The agent further certifies that if I am a non-relative to the agent, then I am the only non-relative for whom the agent is serving as a funeral planning agent. This document shall revoke and shall make null and void any and all previous designations of a funeral planning agent.

Witness:

Principal:

(Name and address of Witness)

Name and address of Principal:

Dated:

Dated:

Primary Agent:

Alternate Agent:

Name and Address of Primary Agent

Name and Address of Alternate Agent \_\_\_

Dated:

Dated:

State of

County of

Subscribed and sworn to before me this

\_\_\_\_\_

day of

\_\_\_\_\_ (Notary Public)

(b) Upon the proper and complete execution of a funeral planning agent designation form, a signed notarized original thereof shall be given to the principal executing the form, the primary funeral planning agent, and the alternate funeral planning agent, if any.

(c) The principal is encouraged to review in detail his or her specific wishes regarding the nature of the funeral goods and services to be provided, the manner in which funeral services are to be conducted, and/or the disposition of his or her remains with their funeral planning agent(s).

(d) This chapter shall not be construed to prohibit the participation of other individuals in the funeral planning process as well as the funeral itself. No individuals shall be required to designate a funeral planning agent under the provisions of this chapter.

#### **Inquiry 9: Right of Sepulcher Statute**

5 R.I. Gen. Laws Ann. § 5-33.2-24 (2)

To the extent that there is no funeral service contract in effect at the time of death for the benefit of the deceased person, indicating the wishes of the deceased person with respect to the nature of the funeral goods and services to be provided, the manner in which funeral services are to be conducted, or the final disposition of the deceased person's remains, then the funeral establishment and its agents or employees shall follow the directions of the deceased person's survivors in the following order of priority:

(i) An agent designated pursuant to chapter 33.3 of this title, if any;

(ii) The surviving spouse or domestic partner of the deceased;

(iii) The surviving adult children of the deceased;

(iv) The surviving parent(s) of the deceased over the age of eighteen (18), or, if the deceased is a minor, and there is a custody order relative to that child, the custodial parent, after he or she signs an affidavit attesting that he or she does not know the whereabouts of the other parent;

(v) The surviving brother(s) or sister(s) of the deceased;

(vi) The surviving adult grandchildren of the deceased;

(vii) The surviving adult niece(s) or nephew(s) of the deceased;

(viii) The guardian of the person of the deceased at the time of his or her death.