

**§1405. Cremation**

A person, firm or corporation within the State, after obtaining a license from and paying a license fee to the Department of Health and Human Services may establish and maintain suitable buildings and appliances for the cremation of bodies of the dead and, subject to the rules of the department, may cremate such bodies and dispose of the ashes of the same. The department shall adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A. [PL 2007, c. 225, §1 (AMD).]

The body of a deceased person may not be cremated within 48 hours after death unless the person died of a contagious or infectious disease, and in no event may the body of a deceased person be cremated, buried at sea, used by medical science or removed from the State until the person, firm or corporation in charge of the disposition has received a certificate from a duly appointed medical examiner or medicolegal death investigator appointed pursuant to Title 22, section 3023-A that the medical examiner or medicolegal death investigator has made personal inquiry into the cause and manner of death and is satisfied that further examination or judicial inquiry concerning the cause and manner of death is not necessary. This certificate, a certified copy of the death certificate and a burial transit permit when presented by the authorized person as defined in Title 22, section 2846 is sufficient authority for cremation, burial at sea, use by medical science or removal from the State, and the person, firm or corporation in charge of the disposition may not refuse to cremate or otherwise dispose of the body solely because these documents are presented by such an authorized person. The certificate must be retained by the person, firm or corporation in charge of the cremation or disposition for a period of 15 years. For the certificate, the medical examiner must receive a fee of \$25 payable by the person requesting the certificate. This fee may be waived at the discretion of the Chief Medical Examiner. [PL 2019, c. 87, §3 (AMD).]

Human remains may not be removed, transported or shipped to a crematory unless encased in a casket or other suitable container. Following cremation, the crematory shall label the container containing the cremated remains with the name of the person who was cremated. [PL 2017, c. 101, §4 (AMD).]

**SECTION HISTORY**

PL 1971, c. 56 (AMD). PL 1975, c. 293, §4 (AMD). PL 1977, c. 232, §5 (AMD). PL 1979, c. 538, §§12,13 (AMD). PL 1985, c. 611, §§11,12 (AMD). PL 1997, c. 210, §40 (AMD). PL 2003, c. 689, §B6 (REV). PL 2007, c. 225, §1 (AMD). PL 2017, c. 101, §4 (AMD). PL 2017, c. 284, Pt. GGG, §1 (AMD). PL 2019, c. 87, §3 (AMD).

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