

26-2-17 Certificate of death -- Registration prerequisite to interment -- Burial-transit permits -- Procedure where body donated under anatomical gift law -- Permit for disinterment.

- (1) A dead body or dead fetus may not be interred or otherwise disposed of or removed from the registration district in which death or fetal death occurred or the remains are found until a certificate of death is registered.
- (2) For deaths or fetal deaths which occur in this state, no burial-transit permit is required for final disposition of the remains if:
 - (a) disposition occurs in the state and is performed by a funeral service director; or
 - (b) the disposition takes place with authorization of the next of kin and in a general acute hospital, as defined in Section 26-21-2, that is licensed by the department, or in a pathology laboratory operated under contract with a general acute hospital licensed by the department.
- (3) A burial-transit permit shall be issued by the local registrar of the district where the certificate of death or fetal death is registered:
 - (a) for dead bodies or fetuses to be transported out of the state for final disposition; or
 - (b) when disposition is made by a person other than a funeral service director.
- (4) A burial-transit permit issued under the law of another state which accompanies a dead body or dead fetus brought into this state is authority for final disposition of the dead body or dead fetus in this state.
- (5) When a dead body or dead fetus or any part of the dead body or dead fetus has been donated under the Revised Uniform Anatomical Gift Act or similar laws of another state and the preservation of the gift requires the immediate transportation of the dead body, dead fetus, or any part of the body or fetus outside of the registration district in which death occurs or the remains are found, or into this state from another state, the dead body or dead fetus or any part of the body or fetus may be transported and the burial-transit permit required by this section obtained within a reasonable time after transportation.
- (6) A permit for disinterment and reinterment is required prior to disinterment of a dead body or dead fetus, except as otherwise provided by statute or department rule.

Amended by Chapter 60, 2007 General Session