

January 2026: Changes and additions highlighted in blue

State:	Kentucky
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Inquiry 1: How long can I keep the body at home after death?

There are no statutes or regulations that address this question.

Inquiry 2: Does my state require the body to be embalmed? Or when? What about refrigeration?

There are no statutes or regulations that address this question.

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

Ky. Rev. Stat. Ann. § 213.011

“Final disposition” means the burial, interment, cremation, removal from the Commonwealth, or other authorized disposition of a dead body or fetus

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

Ky. Rev. Stat. Ann. § 213.076

(7) The body of any person whose death occurs in Kentucky shall not be interred, deposited in a vault or tomb, cremated, or otherwise disposed of, or removed from or into any registration district, until a provisional certificate of death has been filed with the local registrar of the registration district in which the death occurs. If the death occurred from a disease declared by the Cabinet for Health and Family Services to be infectious, contagious, or communicable and dangerous to the public health, no permit for the removal or other disposition of the body shall be granted by the registrar except under conditions prescribed by the Cabinet for Health and Family Services and the local health department. ...

(9) Nothing in this section shall be construed to delay, beyond a reasonable time, the interment or other disposition of a body unless the services of the coroner or the health officer are required or the Department for Public Health deems it necessary for the protection of the public health. If compliance with this section would result in unreasonable delay in the disposition of the body the funeral director, or person acting as such, shall file with the local registrar or deputy registrar prior to interment a provisional certificate of death which shall contain the name, date, and place of death of the deceased, the name of the medical certifier, and an agreement to furnish within ten (10) days a complete and satisfactory certificate of death.

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

Kentucky has an electronic death registration system.

Ky. Rev. Stat. Ann. § 213.076

(1) (a) A certificate of death or a provisional certificate of death for each death which occurs in the Commonwealth shall be filed with the cabinet or as otherwise directed by the state registrar prior to final disposition, and it shall be registered if it has been completed and filed in accordance with this section. **The funeral director, or person acting as such, who first takes custody of a dead body shall be responsible for filing the certificate of death.** The funeral director, or person acting as such, shall obtain the required personal and statistical particulars from the person best qualified to supply them over the signature and address of the informant. All certificates of death shall be filed with the cabinet using the Kentucky Electronic Death Registration System in a manner directed by the state registrar. ...

(1) (c) **The funeral director, or person acting as such,** shall within five (5) days of the death, present the certificate to the attending physician, advanced practice registered nurse, or physician assistant, if any, to the physician pronouncing death, or to the health officer or coroner as directed by the state registrar, for the medical certificate of the cause of death and other particulars necessary to complete the record as required by this chapter.

(1)(d) It shall be unlawful for an institution to release a dead human body until **the funeral director, or person acting as such,** has completed and filed with the local registrar or person in charge of the institution, a provisional certificate of death. If death occurs outside an institution, the provisional certificate shall be filed with the local registrar by the funeral director, or person acting as such, prior to final disposition of the dead body. A copy of the provisional certificate of death signed by the person with whom it was filed, shall constitute authority for the possession, transportation, and, except for cremation, final disposition of the body.

(7) The body of any person whose death occurs in Kentucky shall not be interred, deposited in a vault or tomb, cremated, or otherwise disposed of, or removed from or into any registration district, until a provisional certificate of death has been filed with the local registrar of the registration district in which the death occurs. If the death occurred from a disease declared by the Cabinet for Health and Family Services to be infectious, contagious, or communicable and dangerous to the public health, no permit for the removal or other disposition of the body shall be granted by the registrar except under conditions prescribed by the Cabinet for Health and Family Services and the local health department. ...

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?

Kentucky no longer issues burial-transit permits. A provisional death certificate in Kentucky serves the same purpose as a burial-transit permit in other states.

Ky. Rev. Stat. Ann. § 213.011

“Provisional death certificate” means an interim certificate identifying the deceased and authorizing a funeral director, or person acting as such, to take custody of the body and, except for cremation, to make final disposition;

Ky. Rev. Stat. Ann. § 213.076

No sexton or other person in charge of any place in which interment or other disposition of dead bodies is made shall inter or allow interment or other disposition of a dead body or fetus unless it is accompanied by a copy of the

provisional certificate of death. The sexton, or if there is no sexton, the funeral director, or person acting as such, shall enter on the provisional certificate over his or her signature, the date, place, and manner of final disposition and file the certificate within five (5) days with the local registrar.

Ky. Rev. Stat. Ann. § 213.081

No person shall cremate or cause to be transported for the purpose of cremation the body of any person whose death occurs in the Commonwealth, without first obtaining from the coroner of the county in which the death occurred, a permit stating the cause of death and authorizing the cremation or transportation for cremation of the body. The permit shall be filed immediately following cremation with the local registrar of vital statistics.

Inquiry 7: Personal Preference Statute

Ky. Rev. Stat. Ann. § 367.93103

(1) A person who is of sound mind and is at least eighteen (18) years of age may execute a declaration.

(2) (a) A declaration shall not be included in:

1. A will;
2. A power of attorney; or
3. A similar document.

(b) If a declaration is included in any of the documents listed in paragraph (a) of this subsection, it shall not invalidate the document but the declaration contained therein is not enforceable.

(3) A declaration shall designate an individual to serve as the designee, or if no designee is designated shall provide instruction concerning funeral services, ceremonies, and the disposition of remains after death.

(4) A declaration, at a minimum, shall be:

- (a) Voluntary;
- (b) In writing;
- (c) Signed by the declarant or by another person in the declarant's presence and at the direction of the declarant;
- (d) Dated;
- (e) Signed in the presence of at least two (2) competent witnesses who are at least eighteen (18) years of age at the time they sign the declaration; and
- (f) Acknowledged before a notary public or other person authorized to administer oaths.

Ky. Rev. Stat. Ann. § 367.93105

A declaration may specify the declarant's preferences concerning any of the following:

- (1) The disposition of the declarant's remains after the declarant's death;
- (2) Who may direct the disposition of the declarant's remains;
- (3) Who may provide funeral services after the declarant's death;
- (4) Specific directions about the type and form of funeral services desired;
- (5) The ceremonial arrangements to be performed after the declarant's death;
- (6) The funeral merchandise and cemetery merchandise for the disposition of the declarant's remains;
- (7) Who may direct the ceremonial arrangements to be performed after the declarant's death; and
- (8) Disinterment.

Inquiry 8: Designated Agent Statute

Ky. Rev. Stat. Ann. § 367.93103

- (1) A person who is of sound mind and is at least eighteen (18) years of age may execute a declaration.
- (2) (a) A declaration shall not be included in:
 1. A will;
 2. A power of attorney; or
 3. A similar document.(b) If a declaration is included in any of the documents listed in paragraph (a) of this subsection, it shall not invalidate the document but the declaration contained therein is not enforceable.
- (3) A declaration shall designate an individual to serve as the designee, or if no designee is designated shall provide instruction concerning funeral services, ceremonies, and the disposition of remains after death.
- (4) A declaration, at a minimum, shall be:
 - (a) Voluntary;
 - (b) In writing;
 - (c) Signed by the declarant or by another person in the declarant's presence and at the direction of the declarant;
 - (d) Dated;
 - (e) Signed in the presence of at least two (2) competent witnesses who are at least eighteen (18) years of age at the time they sign the declaration; and
 - (f) Acknowledged before a notary public or other person authorized to administer oaths.

Inquiry 9: Right of Sepulcher Statute

Ky. Rev. Stat. Ann. § 367.93117

- (1) Except as provided in subsection (2) of this section, the right to control the disposition of a decedent's body, make arrangements for funeral services, make arrangements for burial or cremation, and to make other ceremonial arrangements after an individual's death devolves on the following in the priority listed:
 - (a) A person:
 1. Named as the designee or alternate designee in a declaration executed by the decedent under KRS 367.93101 to 367.93121; or
 2. Named in a United States Department of Defense form "Record of Emergency Data" (DD Form 93) or a successor form adopted by the United States Department of Defense if the decedent died while serving in any branch of the United States Armed Forces, pursuant to KRS 36.440;
 - (b) The decedent's surviving spouse;
 - (c) A surviving adult child of the decedent or, if more than one (1) adult child is surviving, the majority of the adult children. Less than half of the surviving adult children have the right to control disposition under this section if the child or children have used reasonable efforts to notify the other surviving adult children of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving adult children and this has been attested to in writing;
 - (d) The surviving parent or parents of the decedent. If one (1) of the parents is absent, the parent who is present has the right to control disposition under this section if the parent who is present has used reasonable efforts to notify the absent parent and attests to that in writing;

(e) The surviving adult grandchild of the decedent or, if more than one (1) adult grandchild is surviving, the majority of the adult grandchildren. Less than half of the surviving adult grandchildren have the right to control disposition under this section if the grandchild or grandchildren have used reasonable efforts to notify the other surviving adult grandchildren of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving adult grandchildren and this has been attested to in writing;

(f) The decedent's surviving adult sibling or, if more than one (1) adult sibling is surviving, the majority of the adult siblings. Less than half of the surviving adult siblings have the right to control disposition under this section if the sibling or siblings have used reasonable efforts to notify the other surviving adult siblings of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving adult siblings and this has been attested to in writing;

(g) An individual in the next degree of kinship under KRS 391.010 to inherit the estate of the decedent or, if more than one (1) individual of the same degree is surviving, the majority of those who are of the same degree of kinship. Less than half of the individuals who are of the same degree of kinship have the right to control disposition under this section if they used reasonable efforts to notify the other individuals who are of the same degree of kinship of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the individuals who are of the same degree of kinship and this has been attested to in writing;

(h) If none of the persons described in paragraphs (a) to (g) of this subsection are available, the following may act and arrange for the final disposition of the decedent's remains:

1. Any other person willing to act and arrange for the final disposition of the decedent's remains who attests in writing that a good-faith effort has been made to contact any living individuals described in paragraphs (a) to (g) of this subsection; or

2. A funeral home that has a valid prepaid funeral plan that makes arrangements for the disposition of the decedent's remains if the funeral director attests in writing that a good-faith effort has been made to contact any living individuals described in paragraphs (a) to (g) of this subsection;

(i) A court-appointed guardian or conservator for the decedent at the time of death, after all the alternatives in paragraphs (a) to (h) of this subsection have been exhausted. Cremation shall be permitted under this subsection only if:

1. The decedent has not expressed an objection to cremation to the guardian or conservator prior to death; and

2. a. The decedent arranged a preneed policy in effect that is limited to the cost of cremation; or

b. The decedent lacked sufficient funds at the time of death to pay for a full burial; or

(j) The District Court in the county of the decedent's residence or the county in which the funeral home or the crematory is located.