

January 2026: Changes and additions highlighted in blue

State:	New Hampshire
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<b>Inquiry 1:</b> 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.

<b>Inquiry 2:</b> Does my state require the body to be embalmed? Refrigerated?
N.H. Rev. Stat. Ann. § 325:40-b If final disposition has not occurred within 48 hours after the funeral home obtains actual physical custody of the body, the body shall be embalmed or maintained at a temperature of under 40 degrees Fahrenheit or encased in a closed container with methods employed to prevent leakage.

<b>Inquiry 3:</b> What methods of disposition are legal in my state?
New Hampshire law mentions burial, cremation, entombment, donation to medical science, and removal from the state.

<b>Inquiry 4:</b> Are there any circumstances under which I would be required to wait before final disposition?
N.H. Rev. Stat. Ann. § 611-B:11 II. A medical examiner shall make investigations in medico-legal cases. A medico-legal case exists when death is pronounced or remains are found indicating that a human has died and that death is known or suspected to have resulted from: (a) Any death known or suspected to have occurred during or as a result of any criminal act regardless of the time interval between incident and death and regardless of whether criminal violence appears to have been the immediate cause of death or a contributory factor thereto. (b) Any death by suicide regardless of the time interval between the incident and death. (c) Any death due to accidental or unintentional injury regardless of the time interval between the incident and death and regardless of whether such injury appears to have been the immediate cause of death or a contributory factor thereto. (d) Deaths associated with fire or explosion. (e) Deaths associated with firearms or other mortal weapons. (f) Any death which occurs in or associated with any public or private conveyance, including but not limited to any motor vehicle, recreational vehicle, bicycle, aircraft, watercraft, motorcycle, bus, train, or the like.

- (g) Abortion or the complications thereof if the abortion was known or suspected to have been performed by an unlicensed practitioner.
- (h) Poison, illicit drug use, or an overdose of any drug or medication.
- (i) Disease, injury, or exposure to a toxic agent resulting from or occurring during the course of employment.
- (j) Disease or agent which constitutes a public health hazard or environmental hazard.
- (k) Sudden unexpected death when in apparent good health of a person under the age of 60 years.
- (l) Death of a person whose medical care has not been regularly followed by a physician.
- (m) Death occurring in legal custody, including any death that occurs in any prison or penal institution.
- (n) Death associated with diagnostic or therapeutic procedures, including intraoperative and perioperative deaths.
- (o) Death in which a body is to be cremated in the state of New Hampshire or buried at sea regardless of the jurisdiction in which the death occurred.
- (p) Death occurring less than 24 hours after admission to a health care facility or hospital, except when the decedent was known to have been terminally ill from natural disease and the death is imminent and expected.
- (q) Death of a child under the age of 18 years unless the child is known to be terminally ill from natural disease or congenital anomaly and the death is expected.
- (r) The death of any child from any cause when such death occurs at a day care facility, or when the child is in foster care, or when the child is in the custody of or being investigated by the department of health and human services.
- (s) Fetal deaths that result from intrauterine trauma when the fetus has attained 20 weeks gestation or 350 grams weight.
- (t) Death known to have been improperly certified, including but not limited to any remains brought into the state of New Hampshire without proper certification.
- (u) Death of any unidentified person regardless of cause and manner.
- (v) Discovery of buried remains which are known or thought to be human and which are uncovered other than by an exhumation order.
- (w) The discovery of decomposed remains, including partially or completely skeletonized remains.
- (x) Suspicious or unusual circumstances surrounding a presumed natural death.

N.H. Rev. Stat. Ann. § 611-B:15

I. If the medical examiner determines that an external examination of the body is necessary to determine the manner and cause of death, the medical examiner may arrange for the body to be transported to a funeral home or other facility where an examination can be conducted. In the event that the decedent's family or next of kin does not employ the services of the funeral home or other facility used to transport the body, the cost of that transport shall be billed to the state.

II. In the event an autopsy is ordered, the medical examiner shall arrange for the body to be transported to the morgue. The cost of that transport shall be billed to the state.

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

N.H. Rev. Stat. Ann. § 290:1

Whenever a person shall die, the physician, advanced practice registered nurse, or physician associate attending at the last sickness shall complete and deliver to the funeral director, next-of-kin as defined in RSA 290:16, IV, or designated agent under RSA 290:17 or shall complete electronically and forward immediately to the division of vital records administration, a death record, duly signed, setting forth, as far as may be, the facts required by the department of state, division of vital records administration pursuant to RSA 5-C:63. The cause or causes of death shall be printed or typed on all records required to be furnished under this section. The funeral director, next-of-kin, or designated agent shall transmit electronically the record of death to the division of vital records administration and the certifying physician, advanced practice registered nurse, or physician associate shall then electronically complete the cause of death information into the transmitted record.

**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?

N.H. Rev. Stat. Ann. § 290:3

It shall be the duty of the funeral director, next-of-kin as defined in RSA 290:16, IV, or designated agent under RSA 290:17 to add to the death record the date and place of burial, and having certified the same by hand or other approved electronic process, to forward it to the division of vital records administration or as otherwise directed by the registrar of vital records, and to obtain a permit for burial from the division of vital records administration in accordance with RSA 5-C:67. In case of a contagious or infectious disease the record shall be completed and transmitted immediately.

N.H. Rev. Stat. Ann. § 290:11

I. No dead body of a human being may be released or transferred from any residence, hospital, or other facility to any person other than a funeral director or designee, or to the next-of-kin as defined in RSA 290:16, IV, or designated agent under RSA 290:17 who shall be responsible for the completion of forms as required by RSA 290:12.

N.H. Rev. Stat. Ann. § 290:12

Such transfer shall be made under the direction of a funeral director, next-of-kin as defined in RSA 290:16, IV, or designated agent under RSA 290:17, and the funeral director, funeral director's representative, next-of-kin, or designated agent shall leave with the institution from which or the person from whom such body is received, on forms supplied by the department of health and human services, the name of the funeral director, next-of-kin, or designated agent, the name of the person making the transfer, such person's address, the funeral director's license number or the address of the next-of-kin, or designated agent, and the date and hour such body was delivered.

N.H. Rev. Stat. Ann. § 290:13

Any body for which a burial or removal permit has been secured, in accordance with the provisions of this chapter, may be taken through or into another town for funeral services without additional permits.

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

N.H. Rev. Stat. Ann. § 290:20

If the subject has left written and signed instructions regarding funeral arrangements and disposal of the subject's remains, the person having custody and control shall abide by those wishes to the extent that the subject paid for those arrangements in advance or left resources for the purpose of carrying out those wishes.

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

N.H. Rev. Stat. Ann. § 290:17

A person may designate an agent in a “written and signed document.”

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

N.H. Rev. Stat. Ann. § 290:17

The custody and control of the remains of deceased residents of this state are governed by the following provisions:

- I. If the subject has designated a person to have custody and control in a written and signed document, custody and control belong to that person. The person designated by the subject shall be entitled to no compensation or reimbursement of expenses related to the custody and control of the subject's body.
- I-a. If the subject has designated a person on a United States Department of Defense Record of Emergency Data (DD Form 93), custody and control belong to that person if the decedent died while serving in the United States armed forces and executed the DD Form 93, or its successor form.
- II. If the subject has not left a written signed document designating a person to have custody and control, or if the person designated by the subject refuses custody and control, custody and control belong to the next of kin.
- III. If the next of kin is 2 or more persons with the same relationship to the subject, the majority of the next of kin have custody and control. If the next of kin cannot, by majority vote, make a decision regarding the subject's remains, the court shall make the decision upon petition under RSA 290:19, IV.
- IV. If the next of kin or person designated by the subject under paragraph I is missing and cannot be located using reasonable efforts, the missing person shall lose custody and control and custody and control shall pass to the next in order of priority.

V. If the next of kin holding custody and control will not cooperate with the funeral director in making arrangements, the next of kin shall lose custody and control after 3 days of noncooperation and custody and control shall pass to the next in order of priority.

VI. If the individual holding custody and control of the subject is arrested for criminally causing the death of the subject, custody and control shall pass to the next in order of priority.

VII. If no person is designated by the subject to have custody and control and no next of kin can be located using reasonable efforts, the funeral director holding custody of the body shall retain custody and control of the body for purposes of carrying out the disposition of the body.

VIII. A funeral director acting in good faith may rely upon representations made by individuals claiming to have custody and control of the subject.

N.H. Rev. Stat. Ann. § 290:22

The personal representative of the estate of the subject does not, by virtue of being the personal representative, have a greater right to custody and control than the person would otherwise have.