

January 2026: Changes and additions highlighted in blue

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

Ala. Code § 34-13-117

“Disposition of human remains shall occur within 48 hours after the time of death or the time the body is released by the coroner or a medical examiner, unless the body has been embalmed by a licensed embalmer in this state, with permission from the authorizing agent, or the body is kept under refrigeration. No public viewing of un-embalmed bodies shall be permitted 24 hours after death has occurred. Nothing in this section shall prevent a licensed establishment from requiring identification before disposition.”

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

Ala. Code § 22-19-2

“It shall be unlawful for any person, firm or corporation to take, carry, transport or remove from within the confines of this state any dead human body unless said body has been embalmed or cremated.”

Ala. Code § 34-13-117

Refrigeration required if the body is kept past 48 hours of the time of death or the time the body is released by the coroner or a medical examiner unless the body has been embalmed or other permission is given.

Ala. Code § 34-13-117

“No public viewing of unembalmed bodies shall be permitted 24 hours after death has occurred.”

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

Alabama law mentions cremation and disposition in a cemetery (Ala. Code § 34-13-1(17)).

Cremation is defined in Ala. Code § 34-13-1(26) as follows: “The technical irreversible process, using heat, flames, or chemical agents, that reduces human remains to bone fragments. The reduction takes place through heat and evaporation. Cremation shall include the processing, and may include the pulverization, of the bone fragments. Cremation is a process and is a method of final disposition.”

Inquiry 4: What do I need to do to get a death certificate?

Ala. Code § 22-9A-14

“Death registration.

(a) A certificate of death for each death which occurs in this state shall be filed with the Office of Vital Statistics, or as otherwise directed by the State Registrar, within five days of the death and shall be registered if it has been completed and filed in accordance with this section.

(1) If the place of death is not known, but the dead body is found in this state, the certificate of death shall be completed and filed in accordance with this section. The county where the body is found shall be shown on the certificate as the county of death. If the date of death is unknown, the date the dead body was found shall be shown on the certificate as the date of death.

(2) When death occurs in a moving conveyance in the United States and the body is first removed from the conveyance in this state, the death shall be registered in this state and the county where it is first removed shall be considered as the county of death. When a death occurs on a moving conveyance while in international waters or air space or in a foreign country and the body is first removed from the conveyance in this state, the death shall be registered in this state but the certificate shall show the actual place of death if it can be determined.

(b) The funeral director or person acting as the funeral director who first assumes custody of the dead body shall file the certificate of death. He or she shall obtain the personal and statistical data from the next of kin or the best qualified person or source available and shall forward the certificate to the person responsible for completion of the medical certification.

(c) The physician in charge of the care of the patient for the illness or condition that resulted in death shall complete and sign the medical certification and transmit the certificate to the Office of Vital Statistics in the manner directed by the State Registrar, within 48 hours after receipt of the certificate. In the absence of the physician, the certificate may be completed and signed by another physician designated by the physician, or the certificate may be completed and signed by the chief medical officer of the institution in which death occurred or by the physician who performed an autopsy upon the decedent. Deaths required to be reported to the county medical examiner or coroner shall be reported whether the cause is known or suspected, primary or contributory, or recent, delayed, or remote.

(d) When the death occurs with no physician in charge of the care of the patient for the illness or condition that resulted in death, the county medical examiner, if one has been appointed, the State Medical Examiner, if he or she examines the body, or if neither occurs, the coroner shall determine the cause of death. In all cases, the medical certification shall be completed and signed and the certificate forwarded to the Office of Vital Statistics, or as otherwise directed by the State Registrar, within 48 hours after receipt of the certificate. This section shall not diminish the duty of the Coroner to hold inquests.

(e) If the cause of death cannot be determined within 48 hours after receipt of the certificate, the physician, county medical examiner, state medical examiner, or coroner shall indicate the medical certification as "PENDING" and shall sign the certificate. Immediately after the medical or other data necessary for determining the cause of death have been made known, the physician, county medical examiner, state medical examiner, or coroner shall, over his or her signature, forward the cause of death to the State Registrar. If the physician has reason to believe that the case is within the jurisdiction of the county medical examiner or coroner, he or she shall immediately report the case to the county medical examiner or coroner and shall advise the funeral director of this fact. If the county medical examiner or coroner does not assume jurisdiction, the physician shall sign the medical certification.

(f) When a death occurs in an institution and the death is not under the jurisdiction of the county medical examiner or coroner, the person in charge of the institution or his or her designated representative, shall initiate the preparation of the death certificate within 24 hours of death as follows:

(1) The full name of the decedent and the date of death shall be placed on the death certificate in the designated spot.

(2) The medical certification of death and the signature of the physician shall be obtained from the attending physician.

(3) The partially completed death certificate shall be presented to the funeral director or the person acting as the funeral director within 72 hours of death.

(g) When a death is presumed to have occurred in this state but the body cannot be located, a death certificate may be prepared by the State Registrar upon receipt of an order of a court of competent jurisdiction, that shall include the finding of facts required to complete the death certificate. The death certificate shall be marked "PRESUMPTIVE" and shall show on its face the date of registration and shall identify the court and date of decree."

Inquiry 5: 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?

Ala. Code § 22-19-3

Any person, for himself or as an officer, agent or employee of any other person or of any corporation or partnership, who shall:

(1) Inter, cremate or otherwise finally dispose of a dead human body or permit the same to be done or remove such body from the primary registration district in which the death occurred or the body was found, without the authority of a burial or removal permit issued by the local registrar of the district in which the death occurred or in which the body was found; or

(2) Refuse or fail to furnish correctly any information in his possession or furnish false information affecting any certificate or record required by the health laws of this state; or

(3) Willfully alter, otherwise than is provided by law, or falsify any certificate of birth or death or any record established by the health laws of this state; or

(4) Being required by the health laws of this state to fill out a certificate of birth or death and file the same with the local registrar, or deliver it, upon request, to any person charged with the duty of filing the same, fail, neglect or refuse to perform such duty in the manner required by the health laws of this state; or

(5) Being a local registrar, deputy registrar, or subregistrar, fail, neglect, or refuse to perform his duty as required by the health laws of this state, and by the instructions and directions of the state registrar thereunder;

shall be guilty of a misdemeanor and, upon conviction, shall for the first offense be fined not less than \$5.00 nor more than \$50.00, and for each subsequent offense not less than \$10.00 nor more than \$100.00, or be imprisoned in the county jail not more than 60 days, or be both fined and imprisoned, in the discretion of the court.

Inquiry 7: Personal Preference Statute

Ala. Code § 34-13-11(a)(2)(b)

Decedent may attach "specific directions" to notarized affidavit appointing agent.

Inquiry 8: Designated Agent Statute

Ala. Code § 34-13-11(a)(2)

Decedent may appoint agent in notarized affidavit "substantially similar" to the following form:

"State of Alabama

County of _____

I, _____ designate _____ to control the disposition of my remains upon my death. I ___ have ___ have not attached specific directions concerning the disposition of my remains. If specific directions are attached, the designee shall substantially comply with those directions, provided the directions are lawful and there are sufficient resources in my estate to carry out those directions.

"Subscribed and sworn to before me this ___ day of the month of _____ of the year _____.

. (signature of notary public)"

Inquiry 9: Right of Sepulcher Statute

Ala. Code § 34-13-11(a)(3)-(13)

(a) Except as otherwise provided in subsection (b), the right to control the disposition of the remains of a deceased person as an authorizing agent, including the location, manner, and conditions of disposition and arrangements for funeral and burial goods and services to be provided, shall vest in the following persons in the priority listed and the order named, provided the person who is at least the legal age of majority in this state and of sound mind:

(1) The person designated by the decedent as authorized to direct disposition pursuant to Public Law No. 109-163, Section 564, as listed on the decedent's United States Department of Defense Record of Emergency Data, DD Form 93, or its successor form, if the decedent died while serving on active duty in any branch of the United States Armed Forces, United States Reserve Forces, or National Guard.

(2)

a. The person designated by the decedent in an affidavit executed in accordance with paragraph b.

b. Any person at least 18 years of age and of sound mind may authorize another person to control the disposition of his or her remains pursuant to an affidavit executed before a notary public in substantially the following form:

"State of Alabama

County of _____

I, _____ designate _____ to control the disposition of my remains upon my death. I ___ have ___ have not attached specific directions concerning the disposition of my remains. If specific directions are attached, the designee shall substantially comply with those directions, provided the directions are lawful and there are sufficient resources in my estate to carry out those directions.

"Subscribed and sworn to before me this ___ day of the month of _____ of the year _____.

. (signature of notary public)"

(3) The surviving spouse.

(4) The sole surviving child of the decedent or, if there is more than one surviving child, a majority of the surviving children. Less than a majority of the surviving children may be vested with the rights of this section if reasonable efforts have been made to notify all surviving children of the instructions and a majority of the surviving children are not aware of any opposition to the instructions.

(5) The sole surviving grandchild of the decedent or, if there is more than one surviving grandchild, a majority of the surviving grandchildren. Less than a majority of the surviving grandchildren may be vested with the rights of this section if reasonable efforts have been made to notify all surviving grandchildren of the instructions and a majority of the surviving grandchildren are not aware of any opposition to the instructions.

(6) The surviving parent or parents of the decedent. If one surviving parent is absent, the remaining parent shall be vested with the rights and duties of this section after reasonable efforts in locating the absent surviving parent have been unsuccessful.

(7) The surviving sibling of the decedent or, if there is more than one surviving sibling, a majority of the surviving siblings. Less than a majority of the surviving siblings may be vested with the rights and duties of this section if reasonable efforts have been made to notify all surviving siblings of the instructions and a majority of the surviving siblings are not aware of any opposition to the instructions.

(8) The surviving grandparent of the decedent or, if there is more than one surviving grandparent, a majority of the surviving grandparents. Less than a majority of the surviving grandparents may be vested with the rights and duties of this section if reasonable efforts have been made to notify all surviving grandparents of the instructions and a majority of the surviving grandparents are not aware of any opposition to the instructions.

(9) The guardian of the decedent at the time of the death of the decedent, if a guardian had been appointed.

(10) The personal representative of the estate of the decedent.

(11) The person in the classes of the next degree of kinship, in descending order, under the laws of descent and distribution to inherit the estate of the decedent. If there is more than one person of the same degree, any person of that degree may exercise the right of disposition.

(12) The public officer, administrator, or employee responsible for arranging the final disposition of the remains of the decedent if the disposition of the remains is the responsibility of the state or a political subdivision of the state.

(13) Any other person willing to assume the responsibility of acting on and arranging the final disposition of the remains of the decedent, including the funeral director that has custody of the body, in the absence of any person specified in subdivisions (1) to (12), inclusive. The person shall attest in writing that good faith efforts to contact the persons specified in subdivisions (1) to (12), inclusive, have been unsuccessful.