

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

Okla. Stat. Ann. tit. 21, § 1159

Every person upon whom the duty of making burial of the remains of a deceased person is imposed by law, who omits to perform that duty within a reasonable time, is guilty of a misdemeanor; and, in addition to the punishment prescribed therefor, is liable to pay to the person performing the duty in his stead, treble the expenses incurred by the latter in making the burial, to be recovered in a civil action.

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

Okla. Admin. Code 235:10-11-1

(a) The following minimum standards of performance shall be required of each licensed embalmer in the State of Oklahoma in each instance in which he/she is authorized or required to embalm a dead human remains.

(13) **Disposal within 24 hours.** Unembalmed dead human bodies shall be legally disposed of within 24 hours after death unless the body is placed in a designated body refrigeration chamber which maintains a constant temperature of 40 degrees fahrenheit or less. The body shall remain in the refrigerated area until such time as legal disposition is to occur. Once removed from refrigeration, either embalming or disposition shall occur within eight hours of said removal. No public viewing of unembalmed bodies shall be permitted 24 hours after death has occurred. Nothing in this section shall prevent a licensed establishment from requiring a viewing for the purpose of identification at such time as the establishment deems appropriate. Nothing in this section shall require a funeral home to purchase, install, or provide such refrigeration facilities not currently in existence and use.

(15) **Variations.** Reasonable variations may be permitted as long as the objective stated in this Section is accomplished.

Okla. Admin. Code 310:105-7-1

(a) **Bodies shipped by common carrier.** The body of any person dead of a disease that is not contagious, infectious, or communicable may be shipped by common carrier subject to the following conditions:

(1) Provided the body is encased in a sound coffin or casket, enclosed in a strong outside shipping case, and provided it can reach destination within the specified number of hours from the time of death, applicable both to place of shipment and destination.

(2) When shipment cannot reach destination within the number of hours specified, the body shall either

(A) Be embalmed, encased in a sound coffin or casket, and enclosed in a strong outside case for shipment, or

(B) When embalming is not possible, or if the body is in a state of decomposition, it shall be shipped only after enclosure in an airtight coffin or casket, enclosed in proper shipping container.

(3) A burial transit permit shall be attached in a strong envelope to the shipping case.

(b) **Transportation of certain diseased bodies.** The body of any person dead of smallpox, Asiatic cholera, louse-borne typhus fever, plague, yellow fever or any other contagious, infectious or communicable disease shall not be transported unless:

(1) Such body has been embalmed, properly disinfected and encased in an airtight zinc, tin, copper, or lead-lined coffin or iron casket, all joints and seams hermetically soldered or sealed and all encased in a strong, tight outside shipping case.

(2) Disinterred remains are considered as infectious and shall be enclosed in a hermetically sealed metal or metal-lined casket, enclosed in proper shipping container.

(3) Bodies deposited in receiving vaults must be treated and considered the same as disinterred remains with respect to shipping.

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

Oklahoma law mentions burial, cremation, burial at sea, entombment, alkaline hydrolysis, donation to medical science, and removal from the state.

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

Okla. Stat. tit. 63, § 938

**A.** All human deaths of the types listed herein shall be investigated as provided by law:

1. Violent deaths, whether apparently homicidal, suicidal, or accidental;
2. Deaths under suspicious, unusual or unnatural circumstances;
3. Deaths related to disease which might constitute a threat to public health;
4. Deaths unattended by a licensed physician for a fatal or potentially fatal illness;
5. Deaths that are medically unexpected and that occur in the course of a therapeutic procedure;
6. Deaths of any persons detained or occurring in custody of the Department of Corrections or a county jail;
7. Deaths of persons whose bodies are to be cremated, transported out of the state, donated to educational entities, to include limited portions of the body, or otherwise made ultimately unavailable for pathological study; and
8. Maternal deaths that occur during pregnancy or within one (1) year of termination of pregnancy reported by a hospital or birthing center under Section 2 of this act.

**B.** The Chief Medical Examiner shall state on the certificate of death of all persons whose death was caused by execution pursuant to a lawful court order that the cause of death was the execution of such order.

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

Oklahoma has an electronic death registry system.

Okla. Stat. Ann. tit. 63, § 1-317

A. A death certificate for each death which occurs in this state shall be filed with the State Department of Health within ten (10) calendar days after such death.

B. It shall be the duty of the funeral director to file the death certificate. If the funeral director is not available, the person acting as such who first assumes custody of a dead body in accordance with Section 1158 of Title 21 of the Oklahoma Statutes shall personally sign and file the death certificate. The funeral director shall obtain the personal data from the next of kin or the best qualified person or source available, enter the personal data into the electronic system prescribed by the State Registrar of Vital Statistics, and electronically transmit the partial certificate produced by the electronic system to the physician, physician assistant, Advanced Practice Registered Nurse, or medical examiner responsible for completing the medical certification portion of the certificate of death within twenty-four (24) hours after the death.

**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?**

Okla. Stat. Ann. tit. 63, § 101

No railroad or other common carrier shall receive for shipment to any point within the state or to any point outside the state the body of a deceased person unless there is attached to the shipping case, in a strong envelope, a burial-transit permit duly issued and signed by the Chief Medical Examiner.

Okla. Stat. Ann. tit. 59, § 396.32

The residue resulting from the cremation of the body of a deceased person may be transported in this state in any manner, without any permit therefor, and may be disposed of in any manner desired or directed by the person or persons charged by law with the duty of burying the body.

**Inquiry 7: Personal Preference Statute**

Okla. Stat. Ann. tit. 21, § 1151

A. Any person has the right to direct the manner in which his or her body shall be disposed of after death, and to direct the manner in which any part of his or her body which becomes separated therefrom during his or her lifetime shall be disposed of. The provisions of Section 1151 et seq. of this title do not apply where such person has given directions for the disposal of his or her body or any part thereof inconsistent with these provisions.

B. A person may assign the right to direct the manner in which his or her body shall be disposed of after death by executing a sworn affidavit stating the assignment of the right and the name of the person or persons to whom the right has been assigned.

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

Okla. Stat. Ann. tit. 21, § 1151

A. Any person has the right to direct the manner in which his or her body shall be disposed of after death, and to direct the manner in which any part of his or her body which becomes separated therefrom during his or her lifetime shall be disposed of. The provisions of Section 1151 et seq. of this title do not apply where such person has given directions for the disposal of his or her body or any part thereof inconsistent with these provisions.

B. A person may assign the right to direct the manner in which his or her body shall be disposed of after death by executing a sworn affidavit stating the assignment of the right and the name of the person or persons to whom the right has been assigned.

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

The right to control the disposition of the remains of a deceased person, the location, manner and conditions of disposition, and arrangements for funeral goods and services vests in the following order, provided the person is eighteen (18) years of age or older and of sound mind:

1. The decedent, provided the decedent has entered into a pre-need funeral services contract or executed a written document that meets the requirements of the State of Oklahoma;
2. A representative appointed by the decedent by means of an executed and witnessed written document meeting the requirements of the State of Oklahoma;
3. The surviving spouse;
4. The sole surviving adult child of the decedent whose whereabouts is reasonably ascertained or if there is more than one adult child of the decedent, the majority of the surviving adult children whose whereabouts are reasonably ascertained;
5. The surviving parent or parents of the decedent, whose whereabouts are reasonably ascertained;
6. The surviving adult brother or sister of the decedent whose whereabouts is reasonably ascertained, or if there is more than one adult sibling of the decedent, the majority of the adult surviving siblings, whose whereabouts are reasonably ascertained;
7. The guardian of the person of the decedent at the time of the death of the decedent, if one had been appointed;

8. 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;
9. If the decedent was an indigent person or other person the final disposition of whose body is the financial responsibility of the state or a political subdivision of the state, the public officer or employee responsible for arranging the final disposition of the remains of the decedent; and
10. In the absence of any person under paragraphs 1 through 9 of this section, any other person willing to assume the responsibilities to act and arrange the final disposition of the remains of the decedent, including the personal representative of the estate of the decedent or the funeral director with custody of the body, after attesting in writing that a good-faith effort has been made to no avail to contact the individuals under paragraphs 1 through 9 of this section.

Okla. Stat. Ann. tit. 21, § 1158 (West)