

January 2026: Changes and additions highlighted in blue

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

15 Code Miss. R. Pt. 5, Subpt. 85, R. 4.6.3

A dead body or fetus shall be buried, cremated or otherwise disposed of within 48 hours of death unless the body has been embalmed by a licensed embalmer or unless the body is kept under refrigeration.

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

15 Code Miss. R. Pt. 5, Subpt. 85, R. 4.7.1

Mississippi statutes and regulations do not require the use of vaults, caskets or embalming, except as provided in Rule 4.6.3. The Board of Health does not license or otherwise regulate cemeteries or crematoriums.

15 Code Miss. R. Pt. 5, Subpt. 85, R. 4.6.3

A dead body or fetus shall be buried, cremated or otherwise disposed of within 48 hours of death unless the body has been embalmed by a licensed embalmer or unless the body is kept under refrigeration. If the dead body is transported within or out of the state and the destination cannot be reached within 24 hours after death, the body shall be embalmed by a licensed embalmer or kept under refrigeration. Any dead body shipped by common carrier shall be enclosed in an outside shipping case. The outside shipping case may be made of metal, wood or any other suitable material which is approved by the common carrier. The outside case may be omitted in all instances when the body is transported in a hearse or funeral director's conveyance.

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

Mississippi statutes mention burial, entombment, cremation, donation to medical science, and removal from the state.

Miss. Code Ann. § 73-11-65

Every funeral service or interment, or part thereof, that is conducted in Mississippi must be in the actual charge and under the supervision of a funeral director or funeral service licensee who is licensed under this chapter. However, this section shall not prevent a family from burying its own dead without charge.

Miss. Code Ann. § 73-11-63

[N]othing in this chapter shall be construed to prevent or interfere with the ceremonies, customs, religious rites or religion of any people, denomination, or sect, or to prevent or interfere with any religious denomination, sect or anybody composed of persons of a denomination, or to prevent or interfere with any church or synagogue from having its committee or committees prepare human bodies for burial or the families, friends or neighbors of deceased

persons who prepare and bury their dead without charge.

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

Miss. Code Ann. § 41-61-59

A person's death that affects the public interest as specified in subsection (2) of this section shall be promptly reported to the medical examiner by the physician in attendance, any hospital employee, any law enforcement officer having knowledge of the death, the embalmer or other funeral home employee, any emergency medical technician, any relative or any other person present. The appropriate medical examiner shall notify the municipal or state law enforcement agency or sheriff and take charge of the body. When the medical examiner has received notification under Section 41-39-15(6) that the deceased is medically suitable to be an organ and/or tissue donor, the medical examiner's authority over the body shall be subject to the provisions of Section 41-39-15(6). The appropriate medical examiner shall notify the Mississippi Bureau of Narcotics within twenty-four (24) hours of receipt of the body in cases of death as described in subsection (2)(m) or (n) of this section.

(2) A death affecting the public interest includes, but is not limited to, any of the following:

- (a) Violent death, including homicidal, suicidal or accidental death.
- (b) Death caused by thermal, chemical, electrical or radiation injury.
- (c) Death caused by criminal abortion, including self-induced abortion, or abortion related to or by sexual abuse.
- (d) Death related to disease thought to be virulent or contagious that may constitute a public hazard.
- (e) Death that has occurred unexpectedly or from an unexplained cause.
- (f) Death of a person confined in a prison, jail or correctional institution.
- (g) Death of a person where a physician was not in attendance within thirty-six (36) hours preceding death, or in prediagnosed terminal or bedfast cases, within thirty (30) days preceding death.
- (h) Death of a person where the body is not claimed by a relative or a friend.
- (i) Death of a person where the identity of the deceased is unknown.
- (j) Death of a child under the age of two (2) years where death results from an unknown cause or where the circumstances surrounding the death indicate that sudden infant death syndrome may be the cause of death.
- (k) Where a body is brought into this state for disposal and there is reason to believe either that the death was not investigated properly or that there is not an adequate certificate of death.
- (l) Where a person is presented to a hospital emergency room unconscious and/or unresponsive, with cardiopulmonary resuscitative measures being performed, and dies within twenty-four (24) hours of admission without regaining consciousness or responsiveness, unless a physician was in attendance within thirty-six (36) hours preceding presentation to the hospital, or in cases in which the decedent had a prediagnosed terminal or bedfast condition, unless a physician was in attendance within thirty (30) days preceding presentation to the hospital.
- (m) Death that is caused by drug overdose or which is believed to be caused by drug overdose.
- (n) When a stillborn fetus is delivered and the cause of the demise is medically believed to be from the use by the mother of any controlled substance as defined in Section 41-29-105.

(o) Death of any person under the age of eighteen (18).

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

15 Code Miss. R. Pt. 5, Subpt. 85, R. 4.5.1

Unless the only services being rendered are transport services, **the funeral director, or person acting as such**, who first assumes custody of a dead body, shall review and correct any items, other than information in the PRONOUNCEMENT and CAUSE OF DEATH sections, completed by an institution or the medical examiner, complete the death certificate, and file it with the Office of Vital Records of the Department of Health within five days of the date of death.

15 Code Miss. R. Pt. 5, Subpt. 85, R. 4.4.5

1. When death occurs at a place other than an institution and the death does not affect the public interest (See § 41-61-59), **the funeral director or person acting as such** who first assumes custody of the body shall initiate preparation of the certificate and forward same to the medical certifier within forty-eight (48) hours of death. If the death affects the public interest the medical examiner shall initiate the death certificate and forward it to the funeral director within forty-eight (48) hours of death.

2. In those cases where no funeral director is involved, the hospital or the medical examiner shall be responsible for completion and filing of the entire death certificate within five days of 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?

15 Code Miss. R. Pt. 5, Subpt. 85, R. 4.6.1

A burial-transit permit is required when a dead body is transported into or out of the State.

15 Code Miss. R. Pt. 5, Subpt. 85, R. 4.6.2

A burial-transit permit may be issued by the organization that originates the death certificate, or a certified copy of the death certificate may serve as a burial-transit permit.

Inquiry 7: Personal Preference Statute

Miss. Code Ann. § 75-63-25

- (1) Any preneed contract which is executed by the decedent for his own arrangements and is fully funded overrules, following the decedent's death, the conflicting wishes of the decedent's next of kin, unless a compelling public interest makes it impossible to comply with a decedent's directions in a preneed contract.
- (2) The provisions of this section shall not prevent the decedent's next of kin or surviving heirs at law from, at their own expense, pursuing reasonable services and making reasonable arrangements that do not conflict with the decedent's directions in a preneed contract.
- (3) All contract providers shall have the right to rely on the preneed contract and perform obligations in accordance with the preneed contract. There shall be no liability for any contract provider who in good faith performs his obligations pursuant to the preneed contract, provided the preneed contract is in compliance with Section 75-63-51 et seq. and any rules promulgated thereunder.

Inquiry 8: Designated Agent Statute

Miss. Code Ann. § 73-11-58

Residents of the state shall have the right to direct their own disposition without interference from others, regardless of their relationship. This right of self-authorization can be executed through the use of the Self-Directed Disposition Authorization document. This document shall supersede the wishes and rights commonly executed by the next of kin.

Inquiry 9: Right of Sepulcher Statute

Miss. Code Ann. § 73-11-58

- (1) Residents of the state shall have the right to direct their own disposition without interference from others, regardless of their relationship. This right of self-authorization can be executed through the use of the Self-Directed Disposition Authorization document. This document shall supersede the wishes and rights commonly executed by the next of kin. If a decedent has left no written authorization for the cremation and/or disposition of the decedent's body as permitted by law, any of the following persons, in the order of priority listed below, may authorize any lawful manner of disposition of the decedent's body by completion of a written instrument:
- (a) 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 during military service, as provided in 10 USC Section 1481(a)(1) through (8), in any branch of the United States Armed Forces, United States Reserve Forces or National Guard.
 - (b) The surviving spouse.
 - (c) A surviving child who is at least eighteen (18) years of age.
 - (d) A grandchild who is at least eighteen (18) years of age.

(e) Either surviving parent.

(f) A surviving sibling who is at least eighteen (18) years of age.

(g) A person acting as a representative of the decedent under a signed authorization of the decedent.

(h) The guardian of the person of the decedent at the time of the decedent's death, if a guardian has been appointed.

(i) A person in the class of the next degree of kinship, in descending order, who, under state law, would inherit the decedent's estate if the decedent died intestate and who is at least eighteen (18) years of age.

(j) A person who has exhibited special care and concern for the decedent and is willing and able to make decisions about the cremation and disposition.

(k) In the case of individuals who have donated their bodies to science or whose death occurred in a nursing home or private institution and in which the institution is charged with making arrangements for the final disposition of the decedent, a representative of the institution may serve as the authorizing agent in the absence of any of the above.

(l) In the absence of any of the above, any person willing to assume responsibility for the cremation and disposition of the decedent.

(m) In the case of indigents or any other individuals whose final disposition is the responsibility of the state or any of its instrumentalities, a public administrator, medical examiner, coroner, state-appointed guardian, or any other public official charged with arranging the final disposition of the decedent may serve as the authorizing agent.