

January 2026: Changes and additions highlighted in blue

|        |          |
|--------|----------|
| State: | Maryland |
|--------|----------|

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

Md. Code Ann., Health-Gen. § 5-506

(a) A health officer may take control of a body that is being kept in a room where an individual lives and that is in a condition that endangers an individual in the house where the body is kept if:

- (1) At least 3 individuals living near the house or a physician asks the health officer, in writing, to order final disposition of the body;
- (2) The health officer issues an order for final disposition, within a time period stated in the order; and
- (3) Final disposition of the body is not made within that time.

(b) A person may not obstruct the carrying out of an order of a health officer under this section.

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

Md. Code Ann., Health-Gen. § 5-513

(b) If the unembalmed body of a decedent is to be stored for more than 48 hours before final disposition, a funeral establishment, crematory, or reduction facility shall maintain the body with refrigeration and at a temperature determined by regulation.

(d) The body of a decedent may not be embalmed or artificially preserved without:

- (1) The express permission of the person authorized to arrange for the final disposition of the body under § 5-509 of this subtitle; or
- (2) A court order.

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

Md. Code Ann., Health-Gen. § 5-514

(a) An individual may not bury or dispose of a body except:

- (1) In a family burial plot or other area allowed by a local ordinance;
- (2) In a crematory;
- (3) In a cemetery;

- (4) In a reduction facility;
- (5) By donating the body to medical science; or
- (6) By removing the body to another state for final disposition in accordance with the laws of the other state.

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

Md. Code Ann., Health-Gen. § 5-503

A person may not cremate or initiate alkaline hydrolysis or natural organic reduction of a body until at least 12 hours after death.

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

Md. Code Ann., Health-Gen. § 4-212 (West)

(b)(1) A certificate of death regardless of age of decedent shall be filled out and signed by:

- (i) The medical examiner, if the medical examiner takes charge of the body; or
- (ii) If the medical examiner does not take charge of the body, the physician, physician assistant, or nurse practitioner who last attended the deceased.

(2) The medical examiner, physician, physician assistant, or nurse practitioner shall fill in only the following information on the certificate of death:

- (i) The name of the deceased;
- (ii) The cause of death and medical certification;
- (iii) The date and hour of death; and
- (iv) The place where death occurred.

(3) Any other information that is required on the certificate of death regardless of age of decedent shall be filled in:

- (i) By the person who has charge of the body; or
- (ii) If the State Anatomy Board has charge of the body, by the person who last had charge of the body before it was sent to the State Anatomy Board.

(4) The medical certification shall be completed within 24 hours after receipt of the death certificate by the physician, physician assistant, or nurse practitioner in charge of the patient's care for the illness or condition which resulted in death, except when inquiry is required by the medical examiner.

**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?

Md. Code Ann., Health-Gen. § 4-215

(b)(1) Within 72 hours after death or after delivery in a fetal death and before final disposition or removal of the body or fetus from this State, **the mortician who first takes custody of the body** or fetus shall obtain a burial-transit permit.

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

Md. Code Ann., Health-Gen. § 5-509(a)(1)

**Any individual who is 18 years of age or older may decide the disposition of the individual's own body after that individual's death without the predeath or post-death consent of another person by:**

- (i) Executing a document that expresses the individual's wishes regarding disposition of the body, including a document designating a person to act as authorizing agent; or**
- (ii) Entering into a pre-need contract.**

Md. Code Ann., Health-Gen. § 5-509(b)

**In order to be valid, any document executed under subsection (a) of this section must be written and signed by the individual in the presence of a witness, who, in turn, shall sign the document in the presence of the individual.**

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

Md. Code Ann., Health-Gen. § 5-509(a)(1)

**Any individual who is 18 years of age or older may decide the disposition of the individual's own body after that individual's death without the predeath or post-death consent of another person by:**

- (i) Executing a document that expresses the individual's wishes regarding disposition of the body, including a document designating a person to act as authorizing agent; or**
- (ii) Entering into a pre-need contract.**

Md. Code Ann., Health-Gen. § 5-509(b)

**In order to be valid, any document executed under subsection (a) of this section must be written and signed by the individual in the presence of a witness, who, in turn, shall sign the document in the presence of the individual.**

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

Md. Code Ann., Health-Gen. § 5-509

(c) The following persons, in the order of priority stated, have the right to serve as the authorizing agent for a decedent:

(1) If the decedent executed a valid document under subsection (a) of this section:

(i) The person designated on the United States Department of Defense Record of Emergency Data (DD Form 93), or its successor form, as the person authorized to direct disposition; or

(ii) The person designated as an authorizing agent by a decedent in the valid document executed under subsection (a)(1) of this section; or

(2) Unless a person has knowledge that contrary directions have been given by the decedent, if a decedent has not executed a document under subsection (a) of this section:

(i) The surviving spouse or domestic partner of the decedent;

(ii) An adult child of the decedent;

(iii) A parent of the decedent;

(iv) An adult brother or sister of the decedent;

(v) An adult grandchild of the decedent;

(vi) A person acting as a representative of the decedent under a signed authorization of the decedent that does not meet the requirements of subsection (b) of this section;

(vii) The guardian of the person of the decedent at the time of the decedent's death, if one has been appointed; or

(viii) In the absence of any person under items (i) through (vii) of this item, any other person willing to assume the responsibility to act as the authorizing agent, including the personal representative of the decedent's estate, after attesting in writing that a good faith effort has been made to no avail to contact the individuals under items (i) through (vii) of this item.

(d)(1) Subject to paragraph (2) of this subsection, if a decedent has more than one survivor under subsection (c)(2)(i) through (v) of this section, any adult child, parent, adult brother or sister, or adult grandchild of the decedent who confirms in writing to a practitioner that all of the other members of the same class have been notified may serve as the authorizing agent for purposes of § 5-502 of this subtitle unless the practitioner receives a written objection to the cremation from another member of that class within 24 hours.

(2) If a decedent has more than one survivor under subsection (c)(2)(i) through (v) of this section, the majority of a class may serve as the authorizing agent.