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| State: | Pennsylvania |
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**Inquiry 1: 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.

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

49 Pa. Code § 13.201  
The responsibilities and duties of licensed funeral directors in connection with a funeral, include the following:  
...  
(6) Providing proper disposal of human remains in accordance with the following:  
(i) Human remains held 24 hours beyond death shall be embalmed or sealed in a container that will not allow fumes or odors to escape or kept under refrigeration, if this does not conflict with a religious belief or medical examination.  
(ii) Human remains kept under refrigeration over 24 hours beyond death shall be maintained at a temperature level between 35° and 40°F. The remains shall be buried, cremated or entombed within 5 hours following removal from refrigeration.  
(iii) Under normal circumstances, the public should not view an unembalmed body which has been kept in refrigeration longer than 36 hours.

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

Pennsylvania law mentions burial, cremation, entombment, 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?**

49 Pa. Code § 13.212  
A dead human body may be cremated at any time after 24 hours beyond the time of death. This does not prevent taking the remains to the crematory prior to 24 hours as long as written explicit instructions are given to the crematory that cremation absolutely cannot be done before 24 hours. A signed receipt shall be the possession of the funeral director to that effect.

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

35 Pa. Stat. Ann. § 450.501

A certificate of each death or fetal death which occurs in this Commonwealth shall be filed within four (4) business days after the death or fetal death or within four (4) business days after the finding of a dead body or fetal remains. In every instance, the certificate shall be filed prior to the issuance of a permit for interment or other disposition of the dead body or fetal remains. The person in charge of interment or of removal of the dead body or fetal remains from the registration district shall file the certificate with any local registrar or the State Registrar of Vital Statistics, who shall be authorized to issue certified copies of such death.

35 Pa. Stat. Ann. § 450.502

In preparing a certificate of death or fetal death, the person in charge of interment or of removal of a dead body or fetal remains from the registration district shall obtain the required information. The following persons shall supply the information certified by their respective signatures:

- (1) Personal information concerning the deceased or the fetal death shall be supplied by the person best acquainted with the facts.
- (2) Subject to the limitation contained in clause (3), the medical certification, except in the event of a referral to the coroner pursuant to section five hundred three of this act, shall be supplied (i) in the case of a death, by the physician, certified registered nurse practitioner or physician assistant or (ii) dentist who is a staff member of an approved hospital who attended the deceased during the last illness, provided the death occurs in the hospital and the deceased had been admitted on the dental service, and (iii) in the case of a fetal death, by the attending physician, certified registered nurse practitioner or physician assistant.
- (3) In all cases where the physician, certified registered nurse practitioner, physician assistant or dentist who would otherwise supply the medical certification is a member of the immediate family of the deceased, the case shall be referred to another physician, certified registered nurse practitioner, physician assistant or dentist who qualifies under clause (2) for a medical certification. In the event a qualified alternate physician, certified registered nurse practitioner, physician assistant or dentist is unavailable or unwilling to provide the medical certification required by law, the case shall be referred to the coroner of the county wherein the death occurred or to a coroner of an adjacent county. In no event shall a coroner sign a certificate of death or fetal death for a deceased who was a member of his immediate family.

**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?**

35 Pa. Stat. Ann. § 450.504

No person shall dispose of a dead body or fetal remains until a local registrar or the State Registrar of Vital Statistics issues a permit for disposal. The local registrar or the State Registrar of Vital Statistics shall be authorized to issue the permit and may issue blank presigned permits to the funeral director only. The funeral director or the person in charge of interment or removal shall, within ninety-six (96) hours after the death or fetal death or within ninety-six (96) hours after the finding of a dead body or fetal remains, file with the local registrar a certificate of death or fetal death.

The sexton or other person in charge of any premises in which bodies are interred or cremated shall not allow the interment or cremation of any dead body or fetal remains unless a permit issued under this section is presented to the sexton. The sexton or other person in charge of the premises shall endorse upon each permit presented to the sexton or other person the date of interment or cremation, over the sexton's or other person's signature, and shall return the permit so endorsed to the local registrar of the sexton's or other person's district or the State Registrar of Vital Statistics within ten days from the date of interment or cremation.

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

20 Pa. Stat. and Cons. Stat. Ann. § 305 (a) suggests that it will give effect to the “provisions of a valid will executed by the decedent.”

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

20 Pa. Stat. and Cons. Stat. Ann. § 305 suggests that it will give effect to “An explicit and sincere expression, either verbal or written, of a decedent adult or emancipated minor prior to death and not subsequently revoked that a person other than the one authorized by this section determine the final disposition of his remains.”

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

20 Pa. Stat. and Cons. Stat. Ann. § 305

**(b) Disposition of the remains of a deceased spouse.**--Absent an allegation of enduring estrangement, incompetence, contrary intent or waiver and agreement which is proven by clear and convincing evidence, a surviving spouse shall have the sole authority in all matters pertaining to the disposition of the remains of the decedent.

**(c) Disposition of the remains of others.**--If there is not a surviving spouse, absent an allegation of enduring estrangement, incompetence, contrary intent or waiver and agreement which is proven by clear and convincing evidence, the next of kin shall have sole authority in all matters pertaining to the disposition of the remains of the decedent.

**(e) Definitions.**--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

...

**“Contrary intent.”** An explicit and sincere expression, either verbal or written, of a decedent adult or emancipated minor prior to death and not subsequently revoked that a person other than the one authorized by this section determine the final disposition of his remains.

...

**“Enduring estrangement.”** A physical and emotional separation from the deceased at the time of death of the person authorized by this section to determine the final disposition of the decedent's remains, which has existed for a period of time that clearly demonstrates an absence of due affection, trust and regard for the deceased.

**“Next of kin.”** The spouse and relatives by blood of the deceased in order that they be authorized to succeed to the deceased's estate under Chapter 21 (relating to intestate succession) as long as the person is an adult or an emancipated minor.