



Quick Guide to Legal Requirements for Home Funerals in Your State



Keeping or bringing a loved one home after death is legal in every state for bathing, dressing, private viewing, and ceremony as the family chooses.



Every state recognizes the next-of-kin's custody and control of the body that allows the opportunity to hold a home vigil. Religious observations, family gatherings, memorials, and private events are not under the jurisdiction of the State or professionals in the funeral industry, who have no medico-legal authority unless it is transferred to them when they are paid for service.

This guide is intended to let home funeral families know what legal requirements are on the books in each state—either **statutes** that are applicable to all or **regulations** that fall under the state Mortuary Board's set of procedures applicable for licensed funeral directors only.

Both the **National Home Funeral Alliance** and the **Funeral Consumers Alliance** support families wishing to care for their own after death. We offer this **Quick Guide** as a glimpse into each state's particular legal culture. We also agree that while it is critical to know what requirements there are, it is equally important to weigh them against practical realities.

Keep this in mind: there are no funeral police. And there are exceptions to every rule, many of which happen when someone dies in the middle of an ice storm or a weekend or a holiday or a multitude of other unpredictable circumstances. Even under perfect conditions or professional care, many of these requirements are not logistically or practically enforceable.

The reason we want you to have easy access to your state's rules and regs is simple. We want you to have the information at your fingertips should you ever be asked to explain them. We want you to be empowered by what you **can** do, not what someone who doesn't know any better might believe. Knowing the law allows you to move forward with confidence.

No one knows better than the family what's truly necessary or needed when caring for their own after death. When in doubt, call us for additional information, but know that you already have the most important piece of this puzzle: your own best judgment.

National Home Funeral Alliance

11014 19th Avenue SE, Ste #8, PMB #155
Everett WA 98208

www.homefuneralalliance.org

NHFA.information@gmail.com

603.236.9495 Lee Webster, President

928.308.4292 Sarah Crews, Vice President

512.922.8043 Donna Belk, Secretary/Treasurer

Funeral Consumers Alliance

33 Patchen Road

South Burlington VT 05403

www.funerals.org

josh@funerals.org

802.965.8300 Joshua Slocum, Executive Director

State	Preservation time requirements by statute:	According to state law, a funeral director must be hired to:	Requirements /Regulations of note:	Mandatory waiting period for cremation:
Alabama	None for home funeral families Reporting of contagious or communicable disease to attending physician is recommended		Embalming is required in order to leave the state unless the body is going to be used for medical research	24 hours
Alaska	None for home funeral families Check statute for specific communicable diseases that require a physician's advice			
Arizona	Body must be embalmed OR refrigerated after 24 hours; Reporting of contagious or communicable disease to attending physician is recommended			
Arkansas	Body must be embalmed OR refrigerated at <45° after 24 hours unless cremating; neither are required for 48 hours if planning to cremate; Reporting of contagious or communicable disease to attending physician is recommended		Embalming is required in order to leave the state Embalming is required when shipping by common carrier	
California	None for home funeral families Reporting of contagious or communicable disease to attending physician is recommended		Required to be embalmed OR shipped in airtight container by common carrier and when forwarding Funeral homes must embalm or refrigerate with 24 hours by regulation, not statute – <i>applies to FDs only</i>	
Colorado	Body must be embalmed OR refrigerated after 24 hours; contagious or communicable diseases must be reported to local or state health officers by person acting as funeral director		Required to be embalmed OR shipped in airtight container by common carrier	
Connecticut	None for home funeral families If the person dies of a communicable disease, disposition must be handled by a licensed embalmer; disposition must occur within a reasonable time	Body removal File the death certificate Disposition of bodies with communicable disease		48 hours
Delaware	Body must be embalmed OR refrigerated after 24 hours; disposition must occur within 5 days		Embalming is prohibited for select diseases	
DC	None for home funeral families Disposition must occur within one week	<i>Disposition of contagious or infectious diseased bodies must be handled by a licensed FD</i>		
Florida	Must be embalmed OR refrigerated after 24 hours; Reporting of contagious or communicable disease to attending physician is recommended			48 hours
Georgia	None for home funeral families Reporting of contagious or communicable disease to attending physician is recommended			
Hawaii	Body must be embalmed OR refrigerated (preferably in a facility) after 30 hours		Embalming is prohibited for select infectious diseases	

State	Preservation time requirements by statute:	According to state law, a funeral director must be hired to:	Requirements /Regulations of note:	Mandatory waiting period for cremation:
Idaho	None for home funeral families Physician should be consulted for death by contagious or communicable disease		Embalming is required with use of common carrier Funeral homes must embalm or refrigerate with 24 hours by regulation, not statute – <i>applies to FDs only</i>	
Illinois	None for home funeral families	File the death certificate		24 hours
Indiana	None for home funeral families Disposition must occur within a reasonable time Reporting of infectious disease to attending physician is recommended	Handle disposition permit, which requires that they file the death certificate to receive it Receive cremated remains (cemeteries may receive as well)		48 hours
Iowa	Body can be held without preservation up to 72 hours; then refrigerated at between 38 and 42 degrees for 72 more; Communicable disease must be reported to attending physician	Handle arrangements with crematories Embalm bodies with infectious disease	Embalming is required for bodies with communicable diseases	
Kansas	Body must be embalmed OR refrigerated after 24 hours; extensions possible Check statutes for specific infectious or contagious diseases that must be handled by a licensed FD unless disposition occurs within 24 hours		Embalming required for specific diseases if disposal not complete within 24 hours A sealed metal casket for immediate burial may substitute for embalming of bodies with communicable disease Required to be embalmed OR shipped in airtight container by common carrier	
Kentucky	None for home funeral families Reporting of contagious or communicable disease to attending physician is recommended			
Louisiana	Body must be embalmed OR refrigerated at below 45° after 30 hours; consult with physician if contagious or communicable disease is involved	Sweeping powers for all aspects of after death care “...any service whatsoever connected with the management of funerals...”		
Maine	None for home funeral families Report diseases to attending physician to see if medical examiner needs to be involved		Required to be embalmed OR shipped in sealed airtight container by common carrier	48 hours
Maryland	None for home funeral families Report contagious disease to attending physician			12 hours
Massachusetts	None for home funeral families Reporting of contagious or communicable disease to attending physician is recommended			48 hours
Michigan	None for home funeral families Reporting of contagious or communicable disease to attending physician is recommended	File the death certificate, oversee disposition	Embalming is required for bodies with rare infectious or communicable diseases Refrigeration is NOT accepted as a preservation replacement; Must be embalmed after 48 hours if body has not reached final destination – <i>applies to FDs only</i>	

State	Preservation time requirements by statute:	According to state law, a funeral director must be hired to:	Requirements /Regulations of note:	Mandatory waiting period for cremation:
Minnesota	Body must be embalmed OR refrigerated after 72 hours; refrigeration limited to 6 days; dry ice use limited to 4 days; disposition must occur within a reasonable time		Embalming for contagious diseases may be ordered by the Commissioner of Health Bodies must be embalmed for shipping by common carrier	
Mississippi	Body must be embalmed OR refrigerated after 24 hours if destination cannot be reached and does not take place within 48 hours; contagious disease that endangers public health must be reported to a Medical Examiner			
Missouri	<i>None for home funeral families</i> Reporting of communicable disease to attending physician is recommended		Embalming is required for bodies with infectious or communicable diseases if not buried or cremated within 24 hours Embalming OR wrapping in disinfectant-soaked sheet and shipped in a sealed airtight container by common carrier is required for bodies with specific communicable diseases Funeral homes must embalm or refrigerate within 24 hours by regulation, not statute – <i>applies to FDs only</i>	
Montana	A body that died of infectious disease must be disposed of as soon as reasonably possible and with minimal handling		Body must be embalmed OR refrigerated if not expected to reach its destination within 48 hours	24 hours
Nebraska	<i>None for home funeral families</i> Reporting of contagious or communicable disease to attending physician is recommended	File the death certificate, sign transit permits, supervise interments	Embalming is required with use of common carrier	
Nevada	Bodies held for cremation must be refrigerated after 24 hours; report contagious or communicable disease to attending physician to consult state guidelines		Bodies with infectious disease may be embalmed by order of the Board of Health Bodies must be embalmed for shipping by common carrier Funeral homes may not require embalming 72 hours unless ordered by the Board of Health	
New Hampshire	<i>None for home funeral families</i> Reporting of contagious or communicable disease to attending physician is recommended		Dead bodies may not be exposed to the public for a period in excess of 24 hours without embalming	48 hours
New Jersey	<i>None for home funeral families</i>	File the death certificate, supervise disposition	Bodies must be embalmed to be shipped through common carrier if destination will not be reached within 24 hours	
New Mexico	Body must be embalmed OR refrigerated at below 40° if not disposed of within 24 hours; report contagious or communicable disease to the Office of Medical Investigation		Bodies must be embalmed OR sealed in an airtight container for shipping by common carrier	

State	Preservation time requirements by statute:	According to state law, a funeral director must be hired to:	Requirements /Regulations of note:	Mandatory waiting period for cremation:
New York	None for home funeral families Reporting of contagious disease to attending physician is recommended	File the death certificate; receive body from a hospital, institution or other place; personally supervise the funeral services; personally supervise the interment or cremation		
North Carolina	None for home funeral families Reporting of contagious disease to attending physician or medical examiner is recommended		Embalming is not allowed when death is due to specific diseases; bodies that died of contagious diseases must be encased in a sealed casket	24 hours
North Dakota	Requires immediate disposition under specific conditions; any body must be embalmed if it will not reach its destination within 24 hours, or if disposition is not accomplished within 48; all dispositions must occur within 8 days		Embalming is required for bodies with specific communicable disease Refrigeration is NOT accepted as a preservation replacement	
Ohio	Bodies with communicable diseases must be buried or cremated within 24 hours			24 hours
Oklahoma	None for home funeral families Reporting of contagious or communicable disease to attending physician is recommended		Funeral homes must embalm or refrigerate with 24 hours by regulation, not statute – applies to FDs only	
Oregon	None for home funeral families Dispositions not occurring within 10 days must be reported to the Mortuary Board		Embalming is required for bodies with specific communicable diseases in order to be viewed publicly. Funeral homes must embalm, refrigerate, or place in a sealed casket if body is not expected to reach destination within 24 hours, by regulation, not statute – applies to FDs only. Sealed casket may substitute for embalming when shipping by common carrier.	
Pennsylvania	None for home funeral families		Funeral homes must embalm, refrigerate between 35-40°, or place in a sealed casket after 24 hours, by industry standards of practice, not law – applies to FDs only	24 hours
Rhode Island	None for home funeral families Reporting of contagious or communicable disease to attending physician is recommended		Bodies must be embalmed OR sealed in an airtight container for shipping by common carrier. Funeral homes must embalm or refrigerate within 48 hours, by regulation, not statute – applies to FDs only	
South Carolina	None for home funeral families Reporting of contagious or communicable disease to attending physician is recommended			
South Dakota	None for home funeral families Reporting of contagious or communicable disease to attending physician is recommended		Funeral homes must embalm or refrigerate within 24 hours, by regulation, not statute – applies to FDs only	24 hours

State	Preservation time requirements by statute:	According to state law, a funeral director must be hired to:	Requirements /Regulations of note:	Mandatory waiting period for cremation:
Tennessee	None for home funeral families Reporting of contagious or communicable disease to attending physician is recommended			
Texas	Bodies must be embalmed OR refrigerated to 35-40° after 24 hours unless placed in a sealed container; Reporting of contagious or communicable disease to attending physician is recommended			48 hours
Utah	None for home funeral families Reporting of contagious or communicable disease to attending physician is recommended			
Vermont	None for home funeral families Reporting of contagious or communicable disease to attending physician is recommended. Local health officer may be involved in disposition arrangements in this case.			24 hours
Virginia	Body must be embalmed OR refrigerated after 48 hours; Reporting of contagious or communicable disease to attending physician is recommended			24 hours
Washington	State Board of Health determines restrictions, if any; Reporting of contagious or communicable disease to attending physician is recommended			
West Virginia	None for home funeral families Reporting of contagious or communicable disease to attending physician is recommended			
Wisconsin	None for home funeral families Health Department determines restrictions, if any; Reporting of contagious or infectious disease to attending physician is recommended			48 hours
Wyoming	None for home funeral families		Embalming is required for bodies with specific communicable diseases Public funerals for bodies that died of communicable diseases require supervision by a health department official; funeral homes must embalm, refrigerate, cremate or bury within 36 hours by regulation, not statute – applies to FDs only Embalming is required for shipping by common carrier	24 hours