

Amendments to 105 CMR 315.000:
*Cremation of Bodies Received from Outside
Massachusetts*

Massachusetts Department of Public Health
Bureau of Environmental Health

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I. Background

- 105 CMR 315.000 was originally promulgated in 1907 and there are no records of any amendments after 1918.
- The purpose of this regulation is to specify requirements related to the cremation of bodies of people who died outside of Massachusetts but are being transferred for cremation in Massachusetts.
- The regulation implements the requirements in MGL c. 114, §44, relating to medical examiner review of a death occurring out-of-state prior to cremation in Massachusetts.

I. Background (cont.)

- M.G.L. c. 114, §44, provides that a deceased person's body may not be cremated until a certificate from a medical examiner, or similarly authorized person, states that the body has been viewed and no further examination or judicial inquiry is necessary.
- In 1980, the law was amended to specifically allow the review to be done by a medical examiner in the state where the death occurred.
- The regulation was never updated to allow for a review to be conducted by an out-of-state medical examiner in lieu of the MA Medical Examiner. Therefore the current regulation conflicts with the provisions in the law.

II. Proposed Amendments

In consultation with the Office of the Chief Medical Examiner, the Department proposes to:

1. Amend the regulation to authorize “forensic investigator” in addition to “medical examiner” to conduct the review of the body prior to cremation to be consistent with M.G.L. c. 38, §14.
2. Amend the regulation to allow the review of the body prior to cremation to be conducted by either the medical examiner/forensic investigator in MA or the medical examiner or “similarly authorized person” in the state where the death occurred.
3. Delete the provision that exempts a review if the death occurred more than 10 years ago. General Counsel for the Medical Examiner did not know why this provision was in the regulation and recommended it be removed so that all bodies are reviewed before cremation, which is current practice.
4. Fix errors in statutory citation.

III. Next Steps

- Following this initial presentation, a public hearing and comment period will be held.
- A review of public comments and a request for approval of the proposed amendments will be presented at a future meeting of the Public Health Council.

Questions?