

Cremation Issue Chart

MASSACHUSETTS



ISSUE: IDENTIFICATION OF DECEASED			
Law/Regulation	Is ID Required?	Information Required for ID	Any Restrictions/Limitations
N/A			
ISSUE: ALTERNATIVE CONTAINER FOR CREMATION			
Law/Regulation	Is It Required?	Definition of Alternative Container	
General Rule Section 44A	Yes	The body of a deceased person to be cremated shall be contained in a suitable receptacle; provided, however, that a casket shall not be used for such cremation unless such use has been requested by a person lawfully entitled to the custody and control of such body.	
ISSUE: URN			
Law/Regulation	Any requirements for Urn/ Temporary Container	Definition of Urn/Temporary Container	
Commonwealth of MA Section 1: Definitions		Urn", a container to hold cremated remains which can be a durable and permanent urn placed in a niche or buried in the ground.	

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ISSUE: AUTHORIZING AGENT	
Law/Regulation	Legal Order of Authorizing Agent
239 CMR 3.09	<p>(c) To the extent that there is no pre-need funeral services contract in effect at the time of death for the benefit of the deceased person, and no other valid written document indicating the wishes of the deceased person with respect to the nature of the funeral goods and services to be provided, the manner in which funeral services are to be conducted, or the final disposition of the deceased person's remains, the Licensed Funeral Establishment and its agents or employees shall follow the directions of the deceased person's surviving kin, in the following order of priority:</p> <ul style="list-style-type: none"> the surviving spouse of the deceased; the surviving adult children of the deceased; the surviving parent(s) of the deceased; the surviving brother(s) or sister(s) of the deceased; the guardian of the person of the deceased at the time of his or her death; any other person authorized or obligated by law to dispose of the remains of the deceased. <p>If there is more than one member of a class, the directions of a majority shall prevail; in the event of a tie, the decision of a court of competent jurisdiction will be necessary. Provided, however, that with respect to receiving authorizations to release a decedent from the Office of the Chief Medical Examiner, the Office of the Chief Medical Examiner may require different or additional signatures for release.</p>
ISSUE: FINAL DISPOSITION	
Law/Regulation	Any Guidelines or Requirements of Disposition of Cremated Remains Including Mailing Requirements
239 CMR 3.11	<p>Licensed Funeral Establishments shall dispose of cremated human remains as follows:</p> <p>(a) Upon receipt of any cremated human remains, the Licensed Funeral Establishment receiving such cremated remains shall contact the next of kin or duly authorized representative of the decedent who made the cremation arrangements.</p> <p>(b) The Licensed Funeral Establishment shall deliver such cremated remains only to the next of kin or duly authorized representative of the decedent who made the cremation arrangements and obtain a signed acknowledgment of receipt from said next of kin or duly authorized representative.</p> <p>(c) If, after a period of at least ten months from the date of cremation, the cremated remains of a deceased person have not been claimed by the next of kin or the duly authorized representative of the decedent, the Licensed Funeral Establishment shall send written notice, by certified mail, return receipt requested, to the next of kin or duly authorized representative of the decedent at their last known address as shown in the records of the Licensed Funeral Establishment. If, after an additional period of two months from the date on which that notice was mailed, the cremated remains still have not been claimed, the Licensed Funeral Establishment may dispose of the cremated remains as provided in M.G.L. c. 114, § 43M. The Licensed Funeral Establishment shall maintain a permanent written record of this final disposition.</p> <p>(d) All cremated human remains in the possession of a Licensed Funeral Establishment shall be stored on the premises of the Licensed Funeral Establishment until disposition is made in accordance with 239 CMR 3.11(4).</p>