

Cremation Issue Chart

TENNESSEE



ISSUE: IDENTIFICATION OF DECEASED			
Law/Regulation	Is ID Required?	Information Required for ID	Any Restrictions/Limitations
§ 62-5-509. Written receipt for remains -- Records.	Yes	<p>(a) No operator of a crematory facility shall fail to ensure that a written receipt is provided to the person who delivers a dead human body or body parts to the facility for cremation.</p> <p>(b) If the dead human body is other than one that was donated to science for purposes of medical education or research, the receipt shall be signed by both a representative of the crematory facility and the person who delivered the decedent to the crematory facility and shall indicate:</p> <ol style="list-style-type: none"> (1) The name of the decedent; (2) The date and time of delivery; (3) The type of casket or container, if any, in which the decedent was delivered to the facility; (4) The name of the person who delivered the decedent to the facility, if applicable; (5) The name of the funeral home or other establishment with whom the delivery person is affiliated; and (6) The name of the person who received the decedent on behalf of the facility. 	
ISSUE: ALTERNATIVE CONTAINER FOR CREMATION			
Law/Regulation	Is It Required?	Definition of Alternative Container	
§ 62-5-512. Cremation without a casket.	Yes	No operator of a crematory facility shall require a person to be cremated in a casket; provided, that in the discretion of the operator of a crematory facility, a container composed of readily combustible materials that is suitable for cremation, other than a casket, may be required.	

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ISSUE: URN		
Law/Regulation	Any requirements for Urn/ Temporary Container	Definition of Urn/Temporary Container
TN Code 62-5-501. Part definitions.		<p>(3) Temporary container means a receptacle for cremated remains composed of cardboard, plastic, metal or another material that can be closed in a manner that prevents the leakage or spillage of the cremated remains and the entrance of foreign material and that is of sufficient size to hold the cremated remains until they are placed in an urn or scattered; and</p> <p>(4) Urn means a receptacle designed to encase cremated remains permanently.</p>
ISSUE: AUTHORIZING AGENT		
Law/Regulation	Legal Order of Authorizing Agent	
§ 62-5-703. Order in which rights to control vest.	<p>Except as set forth in § 62-5-704, and in the absence of disposition directions or a pre-need funeral contract, the right to control the disposition of the decedent's remains, the location, manner and conditions of disposition, and arrangements for funeral goods and services to be provided vests in the following persons in the order named; provided, that such person is a qualified adult:</p> <ol style="list-style-type: none"> (1) An attorney in fact designated in a durable power of attorney for health care who is acting pursuant to § 34-6-204; (2) The surviving spouse; (3) The sole surviving child of the decedent, or if there is more than one (1) child of the decedent, the majority of the surviving children. However, less than one half (1/2) of the surviving children shall be vested with the rights of this section if they have used reasonable efforts to notify all other surviving children of their instructions and are not aware of any opposition to those instructions on the part of more than one half (1/2) of all surviving children; (4) The surviving parent of the decedent. If one (1) of the surviving parents is absent, the remaining parent shall be vested with the rights and duties of this section after reasonable efforts have been unsuccessful in locating the absent surviving parent; (5) The surviving sibling of the decedent, or if there is more than one (1) sibling of the decedent, the majority of the surviving siblings. However, less than the majority of surviving siblings shall be vested with the rights and duties of this section if they have used reasonable efforts to notify all other surviving siblings of their instructions and are not aware of any opposition to those instructions on the part of more than one half (1/2) of all surviving siblings; (6) The surviving grandchild of the decedent, or if there is more than one (1) surviving grandchild, the majority of the grandchildren. However, less than the majority of the surviving grandchildren shall be vested with the rights and duties of this section if they have used reasonable efforts to notify all other surviving grandchildren of their instructions and are not aware of any opposition to those instructions on the part of more than one half (1/2) of all surviving grandchildren; (7) The surviving grandparent of the decedent, or if there is more than one (1) surviving grandparent, the majority of the grandparents. However, less than the majority of the surviving grandparents shall be vested with the rights and duties of this section if they have used reasonable efforts to notify all other surviving grandparents of their instructions and are not aware of any opposition to those instructions on the part of more than one half (1/2) of all surviving grandparents; (8) The guardian of the person of the decedent at the time of the decedent's death, if one (1) had been appointed; (9) The personal representative of the estate of the decedent; (10) The person in the classes of the next degree of kinship, in descending order, under the laws of descent and distribution to inherit the estate of the decedent. If there is more than one (1) person of the same degree, any person of that degree may exercise the right of disposition; (11) If the disposition of the remains of the decedent is the responsibility of the state or a political subdivision of the state, the public officer, administrator or employee responsible for arranging the final disposition of the decedent's remains; or (12) In the absence of any person listed in subdivisions (1)-(11), any other person willing to assume the responsibilities to act and arrange the final disposition of the decedent's remains, including the funeral director with custody of the body, after attesting in writing that a good faith effort has been made to no avail to contact the individuals listed in subdivisions (1)-(11). 	

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ISSUE: FINAL DISPOSITION	
Law/Regulation	Any Guidelines or Requirements of Disposition of Cremated Remains Including Mailing Requirements
§ 62-5-508. Final disposition of remains -- Unclaimed cremated remains.	<p>(a) Except as provided in subsection (b), no person shall:</p> <p>(1) Dispose of the cremated remains of a dead human body or body parts in such a manner or in such a location that the cremated remains are commingled with those of another decedent or body parts removed from another decedent or living person; or</p> <p>(2) Place the cremated remains of more than one (1) decedent or of body parts removed from more than one (1) decedent or living person in the same urn or temporary container.</p> <p>(b) Notwithstanding subsection (a), a person may:</p> <p>(1) Scatter cremated remains at sea, by air or in a dedicated area at a cemetery used exclusively for the scattering on the ground of the cremated remains of dead human bodies or body parts;</p> <p>(2) Commingle cremated remains of more than one (1) decedent or of body parts removed from more than one (1) decedent or living person or the placement in the same urn or temporary container of the cremated remains of more than one (1) decedent or of body parts removed from more than one (1) decedent or living person if operating under specific instructions from the decedent or decedents or an heir or personal representative designated by the decedent or decedents to make such a decision; and</p> <p>(3) If the person is operating under the decedent's instructions, commingle the cremated remains or body parts removed from another decedent or living person, after receipt of the cremated remains or the body parts, with those of another decedent or body parts removed from another decedent or living person.</p> <p>(c) Unless otherwise specified by any written agreement between the operator of the crematory facility or funeral establishment and the person or entity requesting the cremation of human remains, any cremated human remains unclaimed one hundred eighty (180) calendar days from the date of cremation, may be interred, entombed, or inurned by the operator of the crematory facility, and a record of the disposition of such unclaimed cremated human remains shall be made available by the operator of the crematory facility or funeral establishment for inspection on weekdays between the hours of eight o'clock a.m. (8:00 a.m.) and four-thirty p.m. (4:30 p.m.).</p>