

CHAPTER 149A

MORTUARY SCIENCE; DISPOSITION
OF DEAD BODIES

149A.93 Transportation of dead human bodies.
149A.94 Final disposition.

149A.96 Disinterment and reinterment.
149A.98 Recovery of attorney fees.

149A.93 TRANSPORTATION OF DEAD HUMAN BODIES.

Subdivision 1. **Permits required.** After removal from the place of death to any location where the body is held awaiting final disposition, further transportation of the body shall require a transit permit issued by a licensed mortician. Permits shall contain the information required on the permit form as furnished by the commissioner.

Subd. 2. **Transit permit.** A transit permit is required when:

- (1) legal and physical custody of the body is transferred;
- (2) a body is transported by public transportation; or
- (3) a body is removed from the state.

Subd. 3. **Disposition permit.** A disposition permit is required before a body can be buried, entombed, or cremated. No disposition permit shall be issued until a fact of death record has been completed.

Subd. 4. **Possession of permit.** Until the body is delivered for final disposition, the disposition permit shall be in possession of the person in physical or legal custody of the body, or attached to the transportation container which holds the body. At the place of final disposition, legal custody of the body shall pass with the filing of the disposition permit with the person in charge of that place.

Subd. 5. **Death outside state; disposition permit.** When a death occurs outside of the state and the body travels into or through this state, the body must be accompanied by a permit for burial, removal, or other disposition issued in accordance with the laws and rules of the state where the death occurred.

[For text of subds 6 to 9, see M.S.2004]

History: 2005 c 106 s 58-62

149A.94 FINAL DISPOSITION.

[For text of subds 1 and 2, see M.S.2004]

Subd. 3. **Permit required.** No dead human body shall be buried, entombed, or cremated without a disposition permit. The disposition permit must be filed with the person in charge of the place of final disposition. Where a dead human body will be transported out of this state for final disposition, the body must be accompanied by a transit permit.

[For text of subd 4, see M.S.2004]

History: 2005 c 106 s 63

149A.96 DISINTERMENT AND REINTERMENT.

Subdivision 1. **Written authorization.** Except as provided in this section, no dead human body or human remains shall be disinterred and reinterred without the written authorization of the person or persons legally entitled to control the body or remains and a disinterment-reinterment permit properly issued by the state registrar or a licensed mortician. Permits shall contain the information required on the permit form as furnished by the commissioner.

[For text of subds 2 and 3, see M.S.2004]

Subd. 4. **Disinterment opposed.** If the disinterment is opposed, no disinterment-reinterment permit shall be issued until the state registrar or licensed mortician receives a certified copy of a court order that specifically orders the disinterment and reinterment.

[For text of subds 5 and 6, see M.S.2004]

Subd. 7. **Filing of documentation of disinterment and reinterment.** The cemetery where the body or remains were originally interred shall retain a copy of the disinterment-reinterment permit, the authorization to disinter, and, if applicable, the court order showing reasonable cause to disinter. Until the body or remains are reinterred the original permit and other documentation shall be in the possession of the person in physical or legal custody of the body or remains, or attached to the transportation container which holds the body or remains. At the time of reinterment, the permit and other documentation shall be filed according to the laws, rules, or regulations of the state or country where reinterment occurs. If the death occurred in Minnesota, the state registrar or a licensed mortician shall inform the person requesting the disinterment and reinterment of the right to request an amendment to the death record according to Minnesota Rules, chapter 4601.

[For text of subds 8 to 10, see M.S.2004]

History: 2005 c 106 s 64-66

149A.98 RECOVERY OF ATTORNEY FEES.

A funeral provider who prevails in an action for the recovery of fees for services provided under this chapter may be awarded reasonable attorney fees incurred in the action, provided that the funeral provider otherwise complied with the requirements of this chapter in connection with the provision of those services.

History: 2005 c 71 s 1