

CHAPTER 101  
DEATH CERTIFICATION, AUTOPSY AND DISINTERMENT  
[Prior to 7/29/87, Health Department[470] Ch 101]

**641—101.1(144) Report of autopsy findings.**

**101.1(1)** In cases where an autopsy is to be performed, it shall not be necessary to defer the entry of the cause of death pending a full report of microscopic and toxicological studies.

**101.1(2)** In any case where the gross findings of an autopsy are inadequate to determine the cause of death, the physician or medical examiner shall enter the cause as “pending” on the certificate and sign the certification. Immediately after the medical data necessary for determining the cause of death have been made known, the physician or medical examiner shall forward the cause of death to the registrar on a supplemental form provided by the state registrar and signed by the physician or medical examiner.

**101.1(3)** In any case where the autopsy findings significantly change the medical diagnosis of cause of death, a supplemental report of the cause of death shall be made by the physician or medical examiner to the registrar as soon as the findings are available. Such report shall be made a part of the original certificate.

**641—101.2(144) Attending physician not available.** An associate physician, who relieves the attending physician while on vacation or otherwise unavailable, may certify to the cause of death in any case where the associate physician has access to the medical history of the case, provided that the associate physician views the deceased at or after death occurs and the death is from natural causes. In all other cases in which a physician is unavailable, the medical examiner shall prepare the medical certification of cause of death.

**641—101.3(144) Hospital or institution may assist in preparation of certificate.** When death occurs in a hospital or other institution and the death is not under the jurisdiction of the medical examiner, the person in charge of such institution or the designated representative where the cause of death is known may aid in the preparation of the death certificate as follows:

Place the full name of the deceased, date and place of death on the death certificate blank and obtain from the attending physician the medical certification of cause of death and the signature of the attending physician;

Present the partially completed death certificate (identified by the name) and the completed medical certification to the funeral director or person who acted as such.

**641—101.4(135) Removal of dead body or fetus.**

**101.4(1)** Before assuming custody of a dead human body or fetus, any person shall:

*a.* Contact the attending physician and receive assurance that death is from natural causes and that the physician will assume responsibility for certifying to the cause of death or fetal death; or

*b.* If the case comes within the jurisdiction of the medical examiner, contact the medical examiner and receive authorization to remove the dead human body or fetus.

**101.4(2)** If a person other than a funeral director, medical examiner, or emergency medical service assumes custody of a dead human body or fetus, the person shall secure a burial-transit permit.

**641—101.5(144) Burial-transit permit.**

**101.5(1)** The burial-transit permit shall be issued upon a form prescribed by the state registrar and shall state:

*a.* The name, date of death, cause of death and other necessary details required by the state registrar;

*b.* That a satisfactory certificate of death has been filed;

*c.* That permission is granted to inter, remove or otherwise dispose of the body; and

*d.* The name and location of the cemetery or crematory where final disposition of the body is to be made.

The burial-transit permit shall be issued by the county medical examiner, a funeral director, or the county registrar of the county where the certificate of death or fetal death was filed.

**101.5(2)** The burial-transit permit shall be delivered to the person in charge of the place of final disposition.

**101.5(3)** The person in charge of every place of final disposition shall see that all of the requirements of this chapter relative to burial-transit permits have been complied with before disposition. Such person shall retain the burial-transit permit for a period of one year from the date of final disposition.

**101.5(4)** A burial-transit permit shall not be issued prior to the filing of a certificate of death or fetal death in the county where the death occurred.

**101.5(5)** A burial-transit permit shall not be issued to a person other than a licensed funeral director if the death or fetal death is of a suspected or known communicable disease as defined by 641—paragraph 1.2(1)“a.”

**101.5(6)** In all cases where a fetus has reached a gestation period of 20 completed weeks or more, or with a weight of 350 grams or more, a burial-transit permit must be obtained for the disposition of the fetus.

#### **641—101.6(135) Transportation and disposition of dead body or fetus.**

**101.6(1)** A dead human body or fetus shall be transported only after enclosure in a container for transfer that will control odor and prevent the leakage of body fluids, unless the body or fetus has been embalmed, or is being transported by a licensed funeral director, emergency medical service, or medical examiner. In addition, the transport of a dead human body or fetus shall be in a manner that, applying contemporary community standards with respect to what is suitable, is respectful of the dead, the feelings of relatives, and the sensibilities of the community.

**101.6(2)** When a dead human body or fetus is transported from the state, the burial-transit permit shall accompany the body or fetus. When a dead human body or fetus is brought into the state, a burial-transit permit under the law of the state in which the death occurred shall accompany the body or fetus.

**101.6(3)** If the final disposition of a dead human body or fetus is cremation at a licensed cremation establishment, scattering of cremated remains shall be subject to the local ordinances of the political subdivision, and any and all regulations of the cemetery, if applicable, in which the scattering site is located. However, such local ordinances and cemetery regulations shall not allow scattering of cremated remains upon state property or upon private property without the property owner’s consent. In the absence of an applicable local ordinance or cemetery regulation, scattering of cremated remains shall not be allowed upon any public property or upon private property without the property owner’s consent. Cremation shall be considered final disposition by the department and no further burial-transit permits shall be required.

**101.6(4)** If the final disposition of a dead human body or fetus is burial, interment or entombment, local ordinances of the political subdivision in which the final disposition site is located and any and all regulations of the cemetery, if applicable, shall apply. In the absence of an applicable local ordinance, the depth of the grave at its shallowest point shall be at least three feet from the top of the burial container.

#### **641—101.7(135,144) Disinterment permits.**

**101.7(1)** Disinterment permits shall be required for any relocation (above or below ground) of a body from its original site of interment. Disinterment permits shall be valid for 30 days after the date of issuance. Disinterment permits are to be issued on a four-copy form prescribed by the state registrar: one copy filed with the sexton or person in charge of the cemetery in which disinterment is to be made; one copy to be used during transportation; one copy filed with the sexton or person in charge of the cemetery of reinterment; and one copy to be returned within ten days after the date of disinterment by the funeral director or embalmer to the state registrar.

**101.7(2)** A dead body, properly prepared by an embalmer and deposited in a receiving vault, shall not be considered a disinterment when removed from the vault for final burial.

**641—101.8(144) Extension of time.** If the attending physician or medical examiner is unable to complete the medical certification of cause of death or if the funeral director is unable to obtain the personal information about the deceased within the statutory time period, the funeral director shall file a death certificate form completed with all information available. Such certificate shall be authority for the county registrar to issue a burial-transit permit. As soon as possible, but in all cases within 15 days, a supplemental report shall be filed with the local registrar providing the information missing from the original certificate.

These rules are intended to implement Iowa Code sections 135.11(9), 144.3 and 144.32.

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