

CHAPTER 97  
DEATH REGISTRATION AND DISPOSITION OF DEAD HUMAN BODIES

[Prior to 12/12/12, see [641] 98.2, Chs 99, 101]

**641—97.1(144) Definitions.** For the purpose of this chapter, the definitions in 641—Chapter 95 shall apply.

[ARC 0483C, IAB 12/12/12, effective 1/16/13; see Delay note at end of chapter]

**641—97.2(144) Forms—property of department.** All forms, certificates and reports pertaining to the registration of death events are the property of the department and shall be surrendered to the state registrar upon demand.

**97.2(1)** The forms supplied or approved for reporting death events shall be used for official purposes as provided for by law, rules and instructions of the state registrar.

**97.2(2)** No forms, except those furnished or approved by the state registrar, shall be used in the reporting of death events or the making of copies of vital records.

[ARC 0483C, IAB 12/12/12, effective 1/16/13; see Delay note at end of chapter]

**641—97.3(144) Standard registration of death—up to one year.** Iowa death records submitted for registration within one year from the date of death shall be prepared on the standard Certificate of Death form.

**97.3(1)** The county in which the death occurs or in which the dead human body is found is the county of death.

**97.3(2)** If the death occurs in a moving conveyance, the county in which the dead human body is first removed from the conveyance is the county of death.

**97.3(3)** Each person with a duty related to death certificates shall participate in the electronic death record system. A person with a duty related to a death certificate includes but is not limited to a physician as defined in Iowa Code section 135.1, a physician assistant, an advanced registered nurse practitioner, a funeral director and a county recorder.

[ARC 0483C, IAB 12/12/12, effective 1/16/13; see Delay note at end of chapter; ARC 5199C, IAB 10/7/20, effective 11/11/20]

**641—97.4(144) Standard registration of fetal death—up to one year.** Iowa fetal death records submitted for registration within one year from the date of fetal death shall be prepared on the standard Certificate of Fetal Death form. A fetal death certificate shall not be filed after one year from the date of the event. A fetal death record shall not be entered into the electronic death record system.

**97.4(1)** When a fetal death occurs in an institution, the person in charge of the institution or the person's designee, the physician in attendance at or after delivery, or a medical examiner may assist in preparation of the Certificate of Fetal Death form as directed by the state registrar.

**97.4(2)** In cases in which a fetus has reached the gestation period of 20 completed weeks or more or a weight of 350 grams or more, a Certificate of Fetal Death form shall be:

- a. Registered and maintained solely at the state registrar's office; and
- b. Filed within three days after delivery and prior to final disposition of the fetus.

**97.4(3)** The county in which the dead human fetus is found is the county of death. The certificate shall be filed within three days after the fetus is found.

**97.4(4)** If the fetal death occurs in a moving conveyance, the county in which the fetus is first removed from the conveyance is the county of death.

**97.4(5)** A blank Certificate of Fetal Death form shall be used only by the state registrar or authorized agents.

[ARC 0483C, IAB 12/12/12, effective 1/16/13; see Delay note at end of chapter; ARC 5199C, IAB 10/7/20, effective 11/11/20]

**641—97.5(144) Preparation of the certificate of death or fetal death.**

**97.5(1)** The funeral director or person other than the funeral director who first assumes custody of a dead human body or fetus for the purposes of disposition shall:

- a. Obtain the personal data from the next of kin or the best-qualified person or source available;
- b. Obtain the medical certification of cause of death from the medical certifier; and

*c.* Within three days after the death and prior to final disposition of the dead human body, file the completed certificate of death using the electronic statewide vital records system or, within three days after delivery and prior to disposition of the fetus, file the completed certificate of fetal death with the state registrar.

**97.5(2)** The funeral director or person other than the funeral director who first assumes custody of the dead human body for the purposes of disposition shall prepare the certificate of death using the electronic statewide vital records system.

**97.5(3)** The funeral director or person other than the funeral director who first assumes custody of the dead fetus for the purposes of disposition shall prepare the certificate of fetal death on the official form and paper issued by the state registrar.

**97.5(4)** Unless otherwise directed by the state registrar, a certificate of fetal death shall be accepted for filing and registration only when:

- a.* All names are documented in the spaces provided;
- b.* All items are completed as required;
- c.* No alterations or erasures are apparent;
- d.* All signatures are original and genuine and are in dark blue or black ink;
- e.* The certificate presented for registration is on the approved form and official paper prescribed by the state registrar;
- f.* Data are consistent with the facts of death; and
- g.* The form is prepared in conformity with these rules or instructions issued by the state registrar.

[ARC 0483C, IAB 12/12/12, effective 1/16/13; see Delay note at end of chapter; ARC 2276C, IAB 12/9/15, effective 1/13/16; ARC 5199C, IAB 10/7/20, effective 11/11/20]

**641—97.6(144) Medical certification of death.** The funeral director shall submit the completed fact of death portion of the certificate of death to the physician, physician assistant, advanced registered nurse practitioner, or medical examiner for the completion of the medical portion.

**97.6(1)** For a natural cause of death, the physician, physician assistant or advanced registered nurse practitioner in charge of the patient's care for the illness or condition which resulted in death shall complete and sign the medical certification within 72 hours after receipt of the death certificate from the funeral director or individual who initially assumed custody of the body.

**97.6(2)** If there is a non-natural cause of death, the state medical examiner or county medical examiner shall be notified and shall conduct an inquiry.

**97.6(3)** If the decedent was an infant or child and the cause of death is not known, a medical examiner's inquiry shall be conducted and an autopsy performed as necessary to exclude a non-natural cause of death.

**97.6(4)** If upon inquiry into a death, the state medical examiner or county medical examiner determines that a preexisting natural disease or condition was the likely cause of death and that the death does not affect the public interest as described in Iowa Code section 331.802(3), the state medical examiner or county medical examiner may elect to defer to the physician, physician assistant or advanced registered nurse practitioner in charge of the patient's preexisting condition the certification of the cause of death.

**97.6(5)** When an inquiry is required by the state medical examiner or county medical examiner, the state medical examiner or county medical examiner shall investigate the cause and manner of death and shall complete and sign the medical certification within 72 hours after determination of the cause and manner of death.

**97.6(6)** The medical certifier completing the medical certification of cause of death shall attest to the accuracy of the medical certification either by signature or by an electronic process approved by the state registrar.

[ARC 0483C, IAB 12/12/12, effective 1/16/13; see Delay note at end of chapter]

**641—97.7(144) Medical certification of fetal death.**

**97.7(1)** The medical certification for a fetal death shall be completed by the physician in attendance at or after delivery of the fetus within 72 hours after delivery, except when an inquiry is required by a medical examiner.

**97.7(2)** When an inquiry by a medical examiner is required, or when a fetal death occurs without medical attendance upon the mother at or after delivery, the medical examiner shall investigate the cause of fetal death and shall complete the medical certification of the fetal death within 72 hours after taking charge of the case.

**97.7(3)** The physician or medical examiner completing the medical certification of fetal death shall attest to the accuracy either by signature or by an electronic process approved by the state registrar.  
[ARC 0483C, IAB 12/12/12, effective 1/16/13; see Delay note at end of chapter]

**641—97.8(144) Medical certifier.**

**97.8(1)** Only an Iowa-licensed physician, physician assistant, advanced registered nurse practitioner, or medical examiner shall certify to the cause and manner of death.

**97.8(2)** If the medical certifier is unavailable, an alternate medical certifier may complete the cause and manner of death when:

- a. The alternate medical certifier has access to the medical history of the case;
- b. The alternate medical certifier views the deceased at the time of death or after death has occurred; and
- c. The death is from natural causes.

**97.8(3)** In all other cases in which a medical certifier is unavailable, the medical examiner shall prepare the medical certification of cause of death.

**97.8(4)** The medical certifier who signs the medical certification on a certificate of death shall be entitled to view the death record through the electronic statewide vital records system for up to one year from the date of death.

[ARC 0483C, IAB 12/12/12, effective 1/16/13; see Delay note at end of chapter; ARC 2276C, IAB 12/9/15, effective 1/13/16]

**641—97.9(144) Report of autopsy findings.**

**97.9(1)** In cases in which 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 or toxicological studies.

**97.9(2)** In any case in which the gross findings of an autopsy are inadequate to determine the cause of death, the medical certifier shall mark the cause of death as “pending investigation” on the certificate and sign the certificate. Immediately after the medical data necessary for determining the cause of death have been made known, the medical certifier shall provide to the state registrar a signed statement that identifies the decedent and the cause of death. The signed statement shall be on the medical certifier’s official letterhead.

**97.9(3)** In any case in which the autopsy findings significantly change the medical diagnosis of cause of death, the medical certifier shall make a report of the cause of death and submit it to the state registrar as soon as the findings are available. Such report shall be a signed statement that identifies the decedent and the revised cause of death and shall be on the medical certifier’s official letterhead. Such report shall amend the original certificate, and the report shall be maintained in a sealed file.

[ARC 0483C, IAB 12/12/12, effective 1/16/13; see Delay note at end of chapter]

**641—97.10(144) Extension of time.** If the medical certifier 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 the certificate of death or fetal death with all available information.

**97.10(1)** Such certificate of death or fetal death shall be considered appropriate authority to issue a burial-transit permit.

**97.10(2)** As soon as possible, the person responsible for completing the information missing from the original certificate shall report the missing information to the state registrar.

[ARC 0483C, IAB 12/12/12, effective 1/16/13; see Delay note at end of chapter]

**641—97.11(144) Removal of a dead human body or fetus.**

**97.11(1)** A person assuming custody of a dead human body shall:

*a.* Contact the attending physician, physician assistant, or advanced registered nurse practitioner and receive assurance that the death was from natural causes and that the physician, physician assistant, or advanced registered nurse practitioner will assume responsibility for certifying to the cause of death; or

*b.* Contact the medical examiner and receive authorization to remove the dead human body if the case is within the jurisdiction of the medical examiner.

**97.11(2)** A person assuming custody of a dead human fetus shall:

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

*b.* Contact the medical examiner and receive authorization to remove the dead human fetus if the case is within the jurisdiction of the medical examiner.

**97.11(3)** A person other than a funeral director, medical examiner, or emergency medical service provider who assumes custody of a dead human body or fetus shall first register the certificate of death or fetal death and then secure a burial-transit permit pursuant to rule 641—97.12(144) prior to removal of the dead human body or fetus from the place of death.

[ARC 0483C, IAB 12/12/12, effective 1/16/13; see Delay note at end of chapter]

**641—97.12(144) Burial-transit permit.** 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 pursuant to Iowa Code section 144.32. Pursuant to rule 645—100.4(144), an unlicensed employee of the funeral establishment shall be considered an agent of the funeral director.

**97.12(1)** The burial-transit permit shall be issued upon a form prescribed by the state registrar and shall state:

- a.* The name of the decedent;
- b.* The date and place of death;
- c.* If the death was from a communicable disease;
- d.* The name and location of the cemetery, crematory, or other location where final disposition of the remains is to be made;
- e.* The method of disposition;
- f.* That a certificate of death or fetal death has been filed; and
- g.* That permission is granted to inter, remove or otherwise dispose of the dead human body or fetus.

**97.12(2)** To be valid, the burial-transit permit must be issued by the county medical examiner, a funeral director, or the state registrar. The burial-transit permit shall be obtained prior to the removal of the dead human body or fetus from the place of death and shall accompany the body or fetus to the place of final disposition. The person responsible for obtaining the burial-transit permit shall provide the permit to the person in charge of the place of final disposition.

**97.12(3)** The person in charge of the place of final disposition shall ensure that all of the requirements of this chapter relative to the burial-transit permit have been complied with before the final disposition of the remains. Such person shall retain the burial-transit permit for a period of one year from the date of the final disposition.

**97.12(4)** The burial-transit permit shall not be issued prior to the presentation of the completed certificate of death or certificate of fetal death.

**97.12(5)** A burial-transit permit shall not be issued to a person other than a licensed funeral director if the death or fetal death was caused by a suspected or known communicable disease as defined by Iowa Code section 139A.2.

**97.12(6)** In cases in which a fetus has reached the gestation period of 20 completed weeks or more, or a weight of 350 grams or more, a burial-transit permit shall be obtained prior to the final disposition of the fetus.

[ARC 0483C, IAB 12/12/12, effective 1/16/13; see Delay note at end of chapter]

**641—97.13(144) Transportation and disposition of a dead human body or fetus.**

**97.13(1)** A dead human body or fetus shall be transported only after enclosure in a container for transfer that will control odor and prevent leakage of body fluids, unless the body or fetus has been embalmed or is being transported by a licensed funeral director, emergency medical service provider or medical examiner. The transport of a dead human body or fetus shall be in a manner that is respectful of the dead, the feelings of relatives, and the sensibilities of the community.

**97.13(2)** When a dead human body or fetus is transported from the state for final disposition, the burial-transit permit shall accompany the body or fetus. When a dead human body or fetus is brought into the state for final disposition, a burial-transit permit under the law of the state in which the death occurred shall accompany the body or fetus.

**97.13(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 the scattering of cremated remains upon public property or upon private property without the property owner's consent. In the absence of an applicable local ordinance or cemetery regulation, the 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 permit shall be required.

**97.13(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. [ARC 0483C, IAB 12/12/12, effective 1/16/13; see Delay note at end of chapter]

**641—97.14(144) Disinterment permits.**

**97.14(1)** A disinterment permit may be issued as follows:

*a.* Disinterment of a dead human body or fetus, without a court order, shall be allowed for the purpose of autopsy or reburial only, and then only if supervised by a funeral director.

*b.* Disinterment of cremated remains, without a court order, shall be allowed, but only if supervised by a funeral director.

*c.* The state registrar, without a court order, shall not issue a permit without the consent of the person authorized to control the decedent's remains under Iowa Code section 144C.5.

*d.* Disinterment of a dead body or fetus for the purpose of reburial may be allowed by court order only upon a showing of substantial benefit to the public, and then only if supervised by a funeral director.

*e.* Disinterment of a dead body or fetus for the purpose of autopsy by court order shall be allowed only when reasonable cause is shown that someone is criminally or civilly responsible for such death, after hearing, upon reasonable notice prescribed by the court to the person authorized to control the decedent's remains under Iowa Code section 144C.5, and then only if supervised by a funeral director.

*f.* Disinterment of a dead body or fetus for the purpose of cremation may be allowed by court order if supervised by a funeral director. Subsequent to the disinterment, cremation of the body shall only be allowed upon a determination by the state or county medical examiner that the death was due to natural causes.

**97.14(2)** A permit for disinterment shall be issued by the state registrar according to rules adopted pursuant to Iowa Code chapter 17A or when ordered by the district court of the county in which such body is buried. A person authorized to control final disposition of a decedent's remains under Iowa Code section 144C.5 is an interested person and shall be entitled to notice prior to the obtaining of a court order.

**97.14(3)** Disinterment permits shall be required for any relocation aboveground or belowground of remains from the original site of interment. Disinterment permits shall be valid for 30 days after the date the permit is signed by the state registrar. Disinterment permits are issued on a form as prescribed by the state registrar with copies to be distributed as follows:

- a. One copy filed with the sexton or person in charge of the cemetery in which disinterment is to be made;
- b. One copy to be used during transportation of the remains;
- c. One copy filed with the sexton or person in charge of the cemetery of reburial; and
- d. One copy to be returned to the state registrar by the funeral director within ten days after the date of disinterment.

**97.14(4)** When removed from the vault for final burial, a dead human body or fetus, properly embalmed and placed in a receiving vault, shall not be considered a disinterment.

**97.14(5)** The following persons who are competent adults may acquire a disinterment permit without a court order pursuant to Iowa Code section 144.34 as amended by 2020 Iowa Acts, Senate File 2135, and section 144C.5 in the following descending order:

- a. A designee, or alternate designee, acting pursuant to the decedent's declaration.
- b. The surviving spouse of the decedent, if not legally separated from the decedent, whose whereabouts are reasonably ascertainable.
- c. A surviving child of the decedent or, if there is more than one surviving child, a majority of the surviving children whose whereabouts are reasonably ascertainable.
- d. The surviving parent or parents of the decedent whose whereabouts are reasonably ascertainable.
- e. A surviving grandchild of the decedent or, if there is more than one surviving grandchild, a majority of the surviving grandchildren whose whereabouts are reasonably ascertainable.
- f. A surviving sibling of the decedent or, if there is more than one surviving sibling, a majority of the surviving siblings whose whereabouts are reasonably ascertainable.
- g. A surviving grandparent of the decedent or, if there is more than one surviving grandparent, a majority of the surviving grandparents whose whereabouts are reasonably ascertainable.
- h. A person in the next degree of kinship to the decedent in the order named by law to inherit the estate of the decedent under the rules of inheritance for intestate succession or, if there is more than one such surviving person, a majority of such surviving persons whose whereabouts are reasonably ascertainable.
- i. A person who represents that the person knows the identity of the decedent and who signs an affidavit warranting the identity of the decedent and assuming the right to control final disposition of the decedent's remains and the responsibility to pay any expense attendant to such final disposition. A person who warrants the identity of the decedent pursuant to this paragraph is liable for all damages that result, directly or indirectly, from that warrant.
- j. The county medical examiner, if responsible for the decedent's remains.

**97.14(6)** A funeral director may await a court order before proceeding with disinterment of a decedent's remains if the funeral director is aware of a dispute among:

- a. Persons who are members of the same class of persons described in subrule 97.14(5); or
- b. Persons who are authorized under subrule 97.14(5) and the executor named in the decedent's will or personal representative appointed by the court.

**97.14(7)** Due consideration under this rule shall be given to the public health, the preferences of a person authorized to control final disposition of a decedent's remains under Iowa Code section 144C.5, and any court order.

[ARC 0483C, IAB 12/12/12, effective 1/16/13; see Delay note at end of chapter; ARC 5199C, IAB 10/7/20, effective 11/11/20]

**641—97.15(144) Delayed death registration—one year or more after event.** Iowa deaths registered one year or more after the date of death shall be prepared on a Delayed Certificate of Death form developed by the state registrar. The state registrar shall require documentary evidence to prove the facts of the death pursuant to Iowa Code section 144.16. The delayed certificate of death shall be registered and maintained solely at the state registrar's office.

**97.15(1) Application.** Registration of a delayed certificate of death may be requested by the surviving next of kin of the deceased, or the surviving next of kin's legal representative, in the following descending order:

- a. Executor of the decedent's estate;
- b. Spouse, if not legally separated from the decedent;
- c. Child or legal guardian of the child if the child is under the age of majority;
- d. Parent;
- e. Grandchild or legal guardian of the grandchild if the grandchild is under the age of majority;
- f. Sibling;
- g. Grandparent; or
- h. Funeral director responsible for the disposition of the decedent.

**97.15(2) *Facts to be established.***

a. The applicant shall submit a notification of record search certified by the state registrar, which shall indicate that no prior certificate of death is on file for the person whose delayed death record is to be filed. The notification of record search shall be returned to the applicant and shall not be exchanged for a certified copy of the delayed certificate of death.

b. The applicant shall substantiate the following with documentary evidence:

- (1) The full legal name and gender of the deceased at the time of the death;
- (2) The date and place of birth;
- (3) The date and time of death;
- (4) The place of death, including the type of place and location where the death occurred;
- (5) The method and location of the final disposition;
- (6) The full name and address of the person responsible for the final disposition;
- (7) Cause and manner of death; and
- (8) The full name, address, and relationship to the decedent of the person applying to register the delayed certificate of death.

**97.15(3) *Documentary evidence.***

a. The application to register the delayed certificate of death shall be supported by a minimum of the following:

- (1) An affidavit of the person filing the certificate attesting to the accuracy of the information on the certificate; and
- (2) Three dated documents from independent sources that consistently support the information required pursuant to subrule 97.15(2). The documents shall be in the form of the original record, a certified copy thereof, or a notarized statement from the custodian of the record or document on the custodian's letterhead. Personal affidavits are not acceptable.

b. The state registrar may require additional documentary evidence to prove the facts of the death event.

**97.15(4) *Abstraction and certification by the state registrar.*** The state registrar shall abstract on the Delayed Certificate of Death form a description of each document submitted to support the facts of death. This description shall include:

- a. The title or description of the document;
- b. The name and address of the custodian who attested to the facts on the original documents in the custodian's custody;
- c. The date of the original filing of the document being abstracted; and
- d. The information regarding the death for delayed registration.

**97.15(5) *Acceptance of documentary evidence for registration.*** All documents submitted in support of the delayed registration shall be returned to the applicant after review, abstraction, and registration. The state registrar shall by signature certify that:

- a. No prior certificate of death is on file for the decedent;
- b. The evidence has been reviewed and substantiates the facts of death; and
- c. The abstract of the evidence appearing on the delayed certificate of death accurately reflects the nature and content of the documents.

**97.15(6) *Denial of registration.*** In the absence of adequate substantiating evidence or if the state registrar finds reason to question the validity or adequacy of the evidence required to establish a delayed certificate of death, the state registrar shall not register the delayed record.

- a. The written notice of rejection from the state registrar shall include:
  - (1) The Delayed Certificate of Death form stamped “rejected”; and
  - (2) The Delayed Evidence Refusal form.
- b. Applications for delayed certificates which have not been completed within one year from the date of application may be dismissed at the discretion of the state registrar. Upon dismissal, the state registrar shall advise the applicant, and all documents submitted in support of such registration shall be returned to the applicant.

**97.15(7) Duties of county registrar.** The county registrar may assist the applicant in the completion and notarization of the delayed form, excluding the portion restricted for state use only. The county registrar may forward the partially completed delayed form, documents and fees to the state registrar for final review and possible acceptance.

**97.15(8) Fees.** Administrative and certified copy fees shall be charged as provided in rule 641—95.6(144).

[ARC 0483C, IAB 12/12/12, effective 1/16/13; see Delay note at end of chapter]

#### **641—97.16(144) Registration of presumptive death.**

**97.16(1)** A petition shall be filed with the district court in the county where the presumptive death occurred and shall be supported with the completed Affidavit of Personal Knowledge of a Missing Person form. The form shall be completed by the surviving next of kin of the deceased, or the surviving next of kin’s legal representative, in the following descending order:

- a. Spouse, if not legally separated from the decedent;
- b. Child or the child’s legal guardian if the child is under the age of majority;
- c. Parent;
- d. Grandchild or the grandchild’s legal guardian if the grandchild is under the age of majority;
- e. Sibling;
- f. Grandparent;
- g. Aunt or uncle;
- h. Niece or nephew; or
- i. A person in the next degree of kinship to the decedent in the order named by law to inherit the estate of the decedent pursuant to Iowa Code sections 633.210 to 633.226.

**97.16(2)** In addition to the Affidavit of Personal Knowledge of a Missing Person form or in the absence of the next of kin, the petition may be supported by the following:

- a. Affidavit by Employer for an Employee Who Was Working at Time of Disappearance form;
- b. Affidavit by Government Official for a Government Employee Missing While Involved in Rescue Efforts form; or
- c. Affidavit by Reliable Informant of Missing Person form.

**97.16(3)** The state registrar shall provide the affidavit forms and the certificate of presumptive death. The affidavits and the certificate of presumptive death shall be registered and maintained solely at the state registrar’s office.

**97.16(4)** Upon presentation of a certified copy of a court order, the state registrar shall file a certificate of presumptive death pursuant to Iowa Code sections 633.517 to 633.520. The order from the district court shall only establish the presumptive death record.

**97.16(5)** In cases under the jurisdiction of the medical examiner, the certified copy of the court order and the completed supporting affidavits listed in subrules 97.16(1) and 97.16(2) shall be delivered to the medical examiner. The medical examiner shall complete the certificate of presumptive death and certify to the cause of death.

**97.16(6)** The certificate of presumptive death shall be registered and maintained solely at the state registrar’s office.

**97.16(7)** The certificate of presumptive death shall be recorded based on the date of the court order and shall not be registered as a delayed certificate.

**97.16(8)** If the missing person is located and found to be alive, the certificate of presumptive death shall be voided and removed from the vital records system of registration. Any issued certified copies shall be surrendered to the state registrar.

[ARC 0483C, IAB 12/12/12, effective 1/16/13; see Delay note at end of chapter]

**641—97.17(144) Release or final disposition of a dead human body or fetus by an institution.**

**97.17(1)** When a dead human body or fetus is released by an institution, the person in charge of the institution shall maintain a record showing:

- a. Name of the deceased;
- b. Date, time, and place of death;
- c. Name, title, and license number of person who pronounced death;
- d. Name and address of the medical certifier;
- e. Name and address of the person to whom the dead human body or fetus is released; and
- f. Date of removal of the dead human body or fetus from the institution.

**97.17(2)** When a dead human body or fetus is released or final disposition is completed by an institution, the person in charge of the institution shall keep a record showing the date, place, and manner of release or final disposition.

**97.17(3)** At the direction of the state registrar, the institution shall provide the information listed in subrule 97.17(1) to the funeral director or person acting as such who assumes custody of the dead human body for purposes of final disposition.

**97.17(4)** Records maintained under this rule shall be retained for a period of not less than ten years and shall be made available for inspection by the state registrar upon demand.

[ARC 0483C, IAB 12/12/12, effective 1/16/13; see Delay note at end of chapter]

**641—97.18(144) Additional record by funeral director.**

**97.18(1)** In addition to filing any certificate or other form required by Iowa Code chapter 144, a funeral director or other person who removes from the place of death or transports or completes final disposition of a dead human body or fetus shall maintain a record which shall identify the following:

- a. Name of the deceased;
- b. Date, time, and place of death;
- c. Name and address of the person to whom the dead human body or fetus is released;
- d. Name of institution or other place of death releasing the dead human body or fetus;
- e. Date of removal from the place of death; and
- f. Place and method of final disposition of the dead human body or fetus.

**97.18(2)** Records maintained under this rule shall be retained for a period of not less than ten years at the funeral establishment responsible for disposition and shall be made available for inspection by the state registrar upon demand.

[ARC 0483C, IAB 12/12/12, effective 1/16/13; see Delay note at end of chapter]

These rules are intended to implement Iowa Code sections 135.11(7), 144.12, 144.16 to 144.18, 144.26 to 144.29, 144.30 to 144.35, 144.47, 144.49 to 144.51, 144C.5, 331.802(3) and 633.517 to 633.520.

[Filed ARC 0483C (Notice ARC 0376C, IAB 10/3/12), IAB 12/12/12, effective 1/16/13]<sup>1</sup>

[Filed ARC 2276C (Notice ARC 2156C, IAB 9/30/15), IAB 12/9/15, effective 1/13/16]

[Filed ARC 5199C (Notice ARC 5087C, IAB 7/15/20), IAB 10/7/20, effective 11/11/20]

<sup>1</sup> January 16, 2013, effective date of Chapter 97 [ARC 0483C] delayed until the adjournment of the 2013 General Assembly by the Administrative Rules Review Committee at its meeting held January 8, 2013; delay lifted at the meeting held March 8, 2013.