

Title 310 - Oklahoma State Department of Health

Chapter 105 - Vital Statistics

Subchapter 7 - Bodies and Relocation of Cemeteries

310:105-7-1. Transportation of bodies

(a) **Bodies shipped by common carrier.** The body of any person dead of a disease that is not contagious, infectious, or communicable may be shipped by common carrier subject to the following conditions:

(1) Provided the body is encased in a sound coffin or casket, enclosed in a strong outside shipping case, and provided it can reach destination within the specified number of hours from the time of death, applicable both to place of shipment and destination.

(2) When shipment cannot reach destination within the number of hours specified, the body shall either

(A) Be embalmed, encased in a sound coffin or casket, and enclosed in a strong outside case for shipment, or

(B) When embalming is not possible, or if the body is in a state of decomposition, it shall be shipped only after enclosure in an airtight coffin or casket, enclosed in proper shipping container.

(3) A burial transit permit shall be attached in a strong envelope to the shipping case.

(b) **Transportation of certain diseased bodies.** The body of any person dead of smallpox, Asiatic cholera, louse-borne typhus fever, plague, yellow fever or any other contagious, infectious or communicable disease shall not be transported unless:

(1) Such body has been embalmed, properly disinfected and encased in an airtight zinc, tin, copper, or lead-lined coffin or iron casket, all joints and seams hermetically soldered or sealed and all encased in a strong, tight outside shipping case.

(2) Disinterred remains are considered as infectious and shall be enclosed in a hermetically sealed metal or metal-lined casket, enclosed in proper shipping container.

(3) Bodies deposited in receiving vaults must be treated and considered the same as disinterred remains with respect to shipping.

310:105-7-2. Permit required for disinterment

No person shall disinter the dead body of a human being for removal from one grave to another in the same cemetery, for removal to another cemetery, for cremation, or for any other purpose without obtaining a permit therefor from the State Commissioner of Health. The permit shall be signed by the next of kin of the deceased and a licensed Oklahoma funeral director responsible for performing the disinterment. In the event the next of kin's signature cannot be obtained a certified copy of a court order from a court of competent jurisdiction approving the disinterment shall be required. The permit shall be denied by the Commissioner of Health, if, in his opinion, the disinterment would be hazardous to the public health. The removal of bodies prepared by licensed embalmers and deposited in receiving vaults shall not be regarded as disinterments until the expiration of thirty (30) days.

310:105-7-3. Opening sealed caskets of disinterred remains

A hermetically sealed casket containing the disinterred remains of any person, dead from any cause and shipped into the State of Oklahoma for burial, shall not be opened except when so ordered by a court of competent jurisdiction.

310:105-7-4. Relocation of cemeteries

For the removal and reinterment of bodies now buried in cemeteries, graveyards and family lots located in territory to be affected directly by highway construction, water or buildings as a

result of the erection of dams by the official authority or for any other reason where it is necessary to relocate an existing cemetery, the following rules are herewith promulgated to meet the exigencies of this particular situation.

(1) Upon application to the State Department of Health, the official authority will be granted a blanket permit for the disinterment of all deceased persons buried within the project area when he has completed the Disinterment and Removal Application and Permit for each grave in the cemetery in accordance with the preceding regulations provided in Part VI, Paragraph 1. When the signature of the next of kin cannot be obtained, or in those instances when graves contain bodies for which the name of the deceased is "unknown," it shall be necessary that a person or agency requesting the permit obtain a court order from a court of competent jurisdiction setting forth the necessity for relocating the existing cemetery and giving approval for the same. Upon receipt of a certified copy of such a court order, the State Commissioner of Health or the State Registrar of Vital Statistics shall issue the permit in accordance with the directions of the court.

(2) The rules and regulations of the Oklahoma State Department of Health governing the removal and transportation of dead bodies will remain in full force and effect, except that all bodies now buried in graves that are affected in any manner shall be immediately upon disinterment encased in a suitable casket or coffin, and that bodies dead less than six (6) months as a result of smallpox, Asiatic cholera, typhoid fever, leprosy, bubonic plague, anthrax, glanders, or tularemia must be placed in a metal or metal-lined casket and hermetically sealed. All disinterring and reinterment shall be done under the direction of a licensed Oklahoma funeral director.

(3) All excavations in old grave locations shall be performed by hand digging and shall be to the necessary depth and dimensions of not less than three (3) feet by four (4) feet. At this location, if no remains have been found, the person charged with the disinterring shall collect not less than one-half (1/2) cubic foot of the material at the bottom of the excavation and reinter such as the last remains. All of the body or last remains, including such jewelry, identification marks, hinges or any other objects, casket, coffin, or other container shall be removed from each grave and transferred and suitably buried in the new grave.

(4) Before the disinterment of any body or bodies in graves described in this Section, a statement from the local health officer in the area of reinterment must be furnished to the State Department of Health setting forth that each proposed site for the reinterment of said bodies has been approved by the said local health officer.

(5) Extra precaution shall be exercised by those charged with the disinterment, transportation, and reinterment of said bodies in the case of persons dead less than six (6) months prior to disinterment as a result of smallpox, typhoid fever, Asiatic cholera, leprosy, bubonic plague, anthrax, glanders, or tularemia. For the purpose of determining just which persons died of any of the above diseases during the above-prescribed periods of time, the person in charge of the disinterment and removal of said bodies shall contact the State Registrar of the state where the death occurred to determine if a death certificate is on file, and if so, the cause of death as entered on the death certificate. In the event no death certificate can be located, then the person in charge of the disinterment shall contact the local health officer of the area to determine if his records reflect information pertaining to deaths from the disease listed above. When it shall be determined that any person has died of any of the above diseases within the above period of time, then it shall be the duty of those in charge of the removal of said bodies to advise the public to refrain from coming into close proximity of the place where and when said bodies are being disinterred, removed or reinterred in order that the possibility of infection may be eliminated. If deemed necessary for the protection of public health, the local authorities are empowered to safeguard the interest of the public. The managers or trustees of any cemetery, or those in charge of the disinterment, removal or reinterment of the bodies are empowered to appoint an agent to exercise the powers of police officers within said cemetery, and within one hundred (100) yards of said cemetery grounds.

(6) The official authority shall, after completion of reinterment of said bodies, submit a report to the State Department of Health setting forth, as far as possible, a list of the names of all

deceased persons. The list shall contain the following: name of deceased; date of death; name and location of original place of burial; name and location of place to which the body was removed; provided, however, that such report may consist of a set of plans and prints used in performing said disinterments and reinterments that have been corrected to show the work finally performed.