

For those who are interested in caring for their own loved ones or personalizing their final acts of love, this is meant to be a guide as to what is allowed in the state of Virginia. Most people elect to turn the process over to a licensed funeral director. However, many want to do some of the final preparations themselves. The legal authority to do so is found in Title 32.1-263-B of the state Code. Some funeral homes are willing to work with families and share disposing of the body. This guide will let you know the laws and what choices are available.

Laws vary from state to state so if you are outside of Virginia, be sure to check the state code and local ordinances.

**Death certificate.** The death certificate must be filled out and signed by an attending physician. If the person has been under hospice care, the physician will sign the certificate. If the person has been under the care of a doctor who knows the situation and dies outside of a hospital, that doctor will probably be willing to sign the certificate. If a person dies in a hospital, the attending physician will sign the certificate. If the person dies under questionable circumstances, the medical examiner will need to sign the certificate.

Two copies of the death certificate must be filed within 3 days of the death and before final disposition or removal to another state.

Blank death certificates are available at the local health department. The certificate instructs the signing physician to return the

certificate to the funeral director. However, in Virginia, a funeral director is not needed. The certificate does need to be filed with the health department's regional office.

**Virginia laws do not require embalming.** Most funeral homes require embalming when the body is to be viewed. However, a body will be okay and viewable in your own home for 2 days, perhaps 3 if the temperature is kept at about 65 degrees. You may then contact a funeral home for services if desired.

**Burial on family-owned property is allowed.** Private property burial is okay provided it does not conflict with public health laws. Check with your zoning department, the health department, or your local government administrator.

Guidelines are burial should be 150 feet from a water source such as a well and 2 feet deep to deter animals. A backhoe operator will usually charge around \$200 to do the job.

**Inexpensive caskets (a cardboard box or shroud) are allowed.** If you are using a funeral home for visitation or other services, the funeral home may not allow this, but if you are not using a funeral home, it should be no problem.

Under FTC Funeral Rules, a funeral home cannot charge extra if you provide your own casket from an outside source. NO casket is required if you choose direct cremation, immediate burial, or to donate the body to

science. A cemetery may have its own regulations.

**A cemetery vault is not required.** A concrete grave box provides the same protection as a casket. This box is used to prevent the grave site from sinking. The grave box may be turned upside down with no cover so that the casket or shroud is exposed to the earth and decomposes easily.

**Requirements for transporting bodies across state lines:** The Commonwealth of Virginia has no embalming requirements, even for crossing state lines. However, area funeral homes charge for receiving remains from another funeral home (see our latest Funeral Home Survey for prices). There are charges to prepare remains for transportation to another funeral home (see our latest Funeral Home Survey for prices). Laws in the state to which the body is being shipped should be checked prior to shipping a body out of Virginia.

1. Before leaving Virginia a death certificate must be obtained from the doctor and filed with the local health department registrar (vital statistics) in order to get a burial transit permit. A blank death certificate form is available at the health department.
2. Anyone can transport a body, but prior to transporting make arrangements with the funeral home that will receive the body.

**Cremation requirements.** No dead human body shall be cremated without (i)

permission of the medical examiner...and either (ii) visual identification of the deceased by next-of-kin or that person's representative—or an agent named in an written advance directive.

**Cremation certificate.** A certificate must be filed with the Chief Medical Examiner, Department of Health at one of the 4 district offices. The Western District is in Roanoke. There is a charge for this filing, about \$50.

A person may designate in writing someone to make arrangements for burial and the disposition of the remains, including cremation, upon death. Crematories may require additional signatures. However, most will accept a body delivered by family members or others not associated with a funeral home as long as the proper papers are signed.

Some crematories require a rigid container. This may be cardboard or particle board, since it is easier to move the body. Check to see if a body bag is allowed.

**Disposal of Cremains.** Cremated remains (ashes) may be scattered on private or public lands and over water. Observe private property and trespassing laws.

A funeral director may dispose of the cremains of an individual by interment, entombment, inurnment, or by scattering the cremains. The funeral director shall keep a permanent record of the method of disposition and the final site of all cremains.

**Burial at Sea** A permit for burial at sea must be obtained from the Chief Medical Examiner. It is the same form as that for cremation and the fee is identical.

**An alternative to traditional funerals/burials.** Consider body donation to medical science for anatomical study. The Virginia Department of Health, State Anatomical Gift Program, is the single agency in Virginia responsible for distributing human remains. This program enables researchers to study new ways of preventing illness, treating diseases and developing innovative surgical techniques. It is a gift to the future, and can eliminate funeral expenses.

Several commercial tissue and organ donation banks are available nation-wide. Check the Internet for information. These establishments handle all arrangements at no cost to the family. However, designated funeral homes must be used and this may not be the home that the family would ordinarily select. The body is often dismembered and sold in parts. The final products are used for education and scientific research, but families should be aware that these are commercial organizations and profit-making ventures. Nevertheless, it is an alternative to funeral expenses and it may benefit many others.

For the Code of Virginia, see <http://legis.state.va.us/Laws/CodeofVa.htm>

# *Death Outside the Box*

**Alternatives for  
Consideration**



**FUNERAL CONSUMERS ALLIANCE**  
*of the*  
**VIRGINIA BLUE RIDGE**

*PO Box 10082  
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540-953-5589  
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