



CITY OF PHILADELPHIA  
DEPARTMENT OF PUBLIC HEALTH

BOARD OF HEALTH: 6/8/2023  
LAW DEPARTMENT: 6/9/2023  
RECORDS DEPARTMENT:

**Regulation Requiring a Permit for Cremation, Burial at Sea, Body Donation, or other Non-Burial Disposition Methods Related to Deceased Persons**

**WHEREAS**, pursuant to § 2-102 of The Philadelphia Code (the “Code”) all powers and duties performed by a county coroner relating to inquests; the investigation of sudden, violent and suspicious deaths; the determination of cause of death; and the conducting of autopsies are performed by the Medical Examiner appointed by the Commissioner of the Philadelphia Department of Public Health; and

**WHEREAS**, under Pennsylvania and Philadelphia law, including 16 P.S. § 9521 and Code § 2-102, it is the duty of the Medical Examiner to cause a careful investigation of the facts of all deaths that are sudden, violent, or of a suspicious nature and character, in order to ascertain whether the death was due to other than natural causes, and to make or cause to be made an autopsy as the facts of the case may demand; and

**WHEREAS**, counties throughout the Commonwealth use a permitting process to evaluate the facts and circumstances of the deaths of persons whose bodies are to be cremated, buried at sea or otherwise disposed of so as to be thereafter unavailable to determine if further investigation is required prior to such disposition; and

**WHEREAS**, the County Code establishes a standard fee of \$50 for a cremation or disposition authorization in various Pennsylvania counties other than in Philadelphia, *see* 16 P.S. § 1252-B; and

**WHEREAS**, the Board has determined upon advice of the Philadelphia Chief Medical Examiner that it is appropriate to establish a similar permitting process in Philadelphia to assure the proper examination of the facts and circumstances of the deaths of persons whose bodies are to be disposed of so as to be thereafter unavailable for further investigation and to recoup costs for such process;

**NOW, THEREFORE**, the Board of Health, pursuant to its authority under Sections 5-301 and 8-407 of the Philadelphia Home Rule Charter, adopts the following Regulation Requiring A Permit for Cremation, Burial at Sea, Body Donation, or other Non-Burial Dispositions Methods Related to Deceased Persons:

**Section 1. Definitions.**

The capitalized terms in this regulation shall have the following meanings:

<i>Deceased Person.</i>	A person whose death occurred in Philadelphia.
<i>Chief Medical Examiner.</i>	The Philadelphia Chief Medical Examiner appointed by the Commissioner of the Department of Public Health.
<i>Medical Examiner's Office.</i>	The Chief Medical Examiner or the Chief Medical Examiner's designee.
<i>Non-Burial Disposition.</i>	The disposal of a Deceased Person by cremation, burial at sea, body donation, or any other manner which renders such body or remains unavailable for examination.
<i>Non-Burial Disposition Permit.</i>	A disposition authorization issued by the Chief Medical Examiner's Office for a Non-Burial Disposition of a Deceased Person.
<i>Person In Charge of Non-Burial Disposition</i>	Any "person in charge of internment" as defined in Section 105 of the Pennsylvania Vital Statistics Law of 1953, 35 P.S. § 450.105, or any person in charge of any premises which provides for a Non-Burial Disposition.

**Section 1. Non-Burial Disposition Permit Required.**

No Person in Charge of Non-Burial Disposition shall engage in or assist in the Non-Burial Disposition of a Deceased Person before obtaining a Non-Burial Disposition Permit for such Deceased Person from the Chief Medical Examiner's Office or confirming that the Chief Medical Examiner's Office has otherwise issued a Non-Burial Disposition Permit for such Deceased Person.

**Section 2. Application for a Non-Burial Disposition Permit.**

**A. Submission of Application.** Any person seeking a Non-Burial Disposition Permit shall submit the request on a form developed by the Chief Medical Examiner's Office along with the completed death certificate referred to in Section 501 of the Vital Statistics Law, 35 P.S. § 450.501, and the applicable fee provided in Section 3 of this regulation, all in such manner as the Chief Medical Examiner may specify.

**B. Chief Medical Examiner Office's Review.** The Chief Medical Examiner's Office shall review the application and death certificate to determine whether the death of the individual was violent, sudden in nature, or otherwise of a suspicious nature and character that warrants further investigation or autopsy to determine whether the death was due to other than natural causes.

1. **Additional Documentation.** If after a review of such application and death certificate, the Chief Medical Examiner's Office determines that additional information or records are necessary to conclude whether the death of an individual warrants further investigation or autopsy, the Chief Medical Examiner shall request other information as it determines necessary or appropriate, which may include but is not limited to, medical records, police incident reports, lab results or specimens, or access to the body of the Deceased Person.

2. **Need for Investigation or Autopsy.** If after further review of the application, the death certificate, and any other materials requested, the Chief Medical Examiner's Office determines that additional information or records, further investigation, or an autopsy is needed to determine whether the death was due to other than natural causes, the Chief Medical Examiner's Office shall notify the applicant and request additional information, records, examination, or autopsy as the Chief Medical Examiner's Office determines is appropriate.

3. **Issuance of Permit.** Unless the Chief Medical Examiner's Office determines that further investigation or autopsy is needed to determine whether the death of the Deceased Person was due to other than natural causes and such investigation or autopsy has not yet completed, the Chief Medical Examiner's Office shall issue a Non-Burial Disposition Permit.

### **Section 3. Applicable Fees.**

The fee for the issuance for a Non-Burial Disposition Permit shall be \$50 in addition to any costs otherwise associated with Chief Medical Examiner's investigation of a particular death, to the extent applicable.

### **Section 4. Effective Date**

This Regulation shall be effective January 1, 2024.