

CEMETERIES; BURIALS; AND DEAD BODIES

PUBLIC HEALTH ISSUE

The most common practice for disposal of dead bodies is burial in soil, which favors interactions with the surrounding environment and returns nutrients to the life cycle. However, when the burial ground is located where hydrogeological, geological and climatic conditions are not favorable to the process, contamination of soils and groundwater may occur, and decomposition may be inhibited, leading to social, economic and political problems. The most critical parameters when assessing the pollution potential of a burial ground are burial depth, geological formation, depth of the water table, density of inhumations, soil type and climate. When these parameters are not taken into consideration, the negative impact on the environmental and public health can be considerable.

LAWS AND REGULATIONS

- **RSA 289 Cemeteries; Burials, Dead Bodies** - This statute can be found in its entirety at <http://www.gencourt.state.nh.us/rsa/html/XXVI/289/289-mrg.htm>. **RSA 289.3** is specific to location of all cemeteries and burial grounds.
- **RSA 290 Burial and Disinterment** - This statute can be found in its entirety at <http://www.gencourt.state.nh.us/rsa/html/XXVI/290/290-mrg.htm>. **RSA 290.5** is specific to obtaining burial permits.
- **RSA 5-C, Vital Records and Administration** – This statute can be found in its entirety at <http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-I-5-C.htm>.

ROLE OF THE HEALTH OFFICER

Issuing of Disinterment Permits - The process of authorizing the disinterment and the re-interment of dead bodies involves the local health officer under provisions of RSA 290:5, and the laws of the Division of Vital Records Administration (RSA 5-C). When the request to disinter a body is made, the Funeral Director shall prepare and present the form (DT-1) to the Chairman or Secretary of the local Board of Health or to the local health officer for his/her signature. The Funeral Director will then forward the form to the Division of Vital Records Administration, where both copies will be counter-signed by the Director of the Division of Vital Records Administration or his/her designee.

Requests for approval of disinterment are not necessary when:

- Within the exemption shown in RSA 290:5;
- A dead body is being removed from a tomb for spring burial;
- For disinterment of cremated remains.

LOCATION OF A BURIAL SITE

Burials on private property, unless in an existing burial ground, shall comply with local zoning regulations. If there are no local zoning regulations, such burial sites shall not be closer than:

- 100 feet from the right-of-way of any highway
- 100 feet from an existing dwelling
- 50 feet from a source of water.

The location of the burial site shall be recorded in the deed to the property.

NEW CONSTRUCTION

New construction, excavation or building in the area of a known burial site or within the boundaries of an established cemetery shall comply with local zoning regulations concerning burials sites or cemeteries whether or not the site was properly recorded in the deed to the property. When there are no local regulations, no new construction, excavation or building shall be conducted within 25 feet of a known burial site or within 25 feet of the boundaries of an established graveyard, whether or not the site was properly recorded in the deed to the property EXCEPT when such construction or excavation is necessary for the construction of a public improvement, as approved by the governing body of a city or town, or in the case of a state highway, by the Commissioner of the Department of Transportation.

FETAL DEATHS

The funeral director who is responsible for the burial of the remains when a fetal death (still born) has occurred will obtain the burial permit from the hospital. Such permits are not issued or filed by city health officers.

For more information about burial permits and death certificates contact:

The Division of Vital Records Administration
NH Department of State
71 South Fruit Street
Concord, NH 03301-2410

1-800-852-3345, Extension 4651 or 271-4651

http://sos.nh.gov/vital_records.aspx