

SB 146-FN - AS INTRODUCED

2025 SESSION

25-1140

09/08

SENATE BILL ***146-FN***

AN ACT relative to medical examiner's certificates and medical certification of the death record.

SPONSORS: Sen. Prentiss, Dist 5; Sen. Fenton, Dist 10; Sen. Perkins Kwoka, Dist 21; Sen. Watters, Dist 4; Sen. Long, Dist 20; Sen. Birdsell, Dist 19; Sen. Rosenwald, Dist 13

COMMITTEE: Judiciary

ANALYSIS

This bill amends requirements for viewing of a deceased body in regard to medical examiner's certificates and medical certification of the death record.

This bill is a request of the department of justice and the office of the chief medical examiner.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to medical examiner's certificates and medical certification of the death record.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Cremation of Human Remains; Medical Examiner's Certificate. Amend RSA 325-A:18, I to
2 read as follows:

3 I. The body of a deceased person shall not be cremated within 48 hours after his or her
4 decease unless he or she died of a contagious or infectious disease. If the death occurred within the
5 state, the body shall not be cremated by the crematory authority until the crematory authority has
6 received the certificate of burial permit required by law before burial, and a certificate from a
7 medical examiner that he or she has ~~[viewed the body and]~~ made personal inquiry into the cause and
8 manner of death, and is of the opinion that no further examination or judicial inquiry concerning the
9 same is necessary. If the death occurred within the state but the body is being transferred out of
10 state for cremation, the transfer shall not occur until the medical examiner has conducted such ~~[a~~
11 ~~view and]~~ **an** inquiry and has issued a certificate. If the death occurs without the state, the
12 reception and cremation of the body of a deceased person shall be governed by rules adopted by the
13 board after consultation with the chief medical examiner.

14 2 Death Registration Forms and Procedures; Cremation. Amend RSA 5-C:71, I to read as
15 follows:

16 I. When the body of a deceased person is to be disposed of by cremation, the crematory
17 operator, the funeral director, next of kin, or designated agent in charge of the final disposition
18 arrangements shall present a copy of the death certificate and the burial permit or emergency burial
19 permit ~~[with the body]~~ to a medical examiner in order to obtain the medical examiner's certificate.

20 3 Death Registration Forms and Procedures; Medical Certification of the Death Record. Amend
21 RSA 5-C:64, VI to read as follows:

22 VI. In the absence of the deceased's attending physician, APRN, or physician assistant or
23 with the attending physician's, APRN's, or physician assistant's approval, the medical certification of
24 a death due to natural causes shall be completed by one of the following individuals: the attending
25 physician's, APRN's, or physician assistant's associate physician, APRN in medical practice, or
26 physician assistant, the chairperson of the applicable clinical department, the chief medical officer of
27 the hospital, the physician, APRN, or physician assistant or designee who performed an autopsy
28 upon the decedent, or the physician, APRN, or physician assistant on duty if the death occurred in
29 the hospital emergency room. The person determining the cause of death shall attest to its accuracy.

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1 ~~[The person determining the cause of death shall have viewed the deceased within 24 hours after~~
2 ~~death.]~~

3 4 Effective Date. This act shall take effect 60 days after its passage.

SB 146-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to medical examiner's certificates and medical certification of the death record.

FISCAL IMPACT:

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	Indeterminable Decrease (\$100,000 to \$500,000)	Indeterminable Decrease (\$100,000 to \$500,000)	Indeterminable Decrease (\$100,000 to \$500,000)
<i>Funding Source(s)</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

***Expenditure = Cost of bill**

***Appropriation = Authorized funding to cover cost of bill**

METHODOLOGY:

This bill modifies cremation and death certification procedures in New Hampshire. It establishes requirements for medical examiners to conduct inquiries and issue certificates before cremation, adjusts documentation protocols for cremation, and removes the requirement for the certifying individual to have viewed the deceased within 24 hours of death.

The Department of Justice states this bill will reduce General Fund expenditures by an estimated \$100,000 to \$500,000 or less, per year, due to reduced travel reimbursement. These travel expenditure reductions are due to the requirement to no longer perform body views where available medical evidence suggests no reason to delay a cremation.

AGENCIES CONTACTED:

Department of Justice