

5-406. UNCLAIMED BODIES.

(A) NOTICE TO BOARD.

(1) A PUBLIC OFFICER WHO HAS CONTROL OF A BODY IMMEDIATELY SHALL NOTIFY THE CHAIRMAN OF THE BOARD IF, AFTER A REASONABLE SEARCH, THE PUBLIC OFFICER HAS NOT FOUND A PERSON WHO WILL TAKE CONTROL OF THE BODY FOR ITS FINAL DISPOSITION.

(2) SUBJECT TO THE LIMITATIONS IMPOSED ON NURSING HOMES UNDER ARTICLE 70B, § 5 OF THE CODE, ANY OTHER PERSON WHO HAS CONTROL OF A BODY MAY NOTIFY THE BOARD IF, AFTER A REASONABLE SEARCH, THE PERSON HAS NOT FOUND A PERSON WHO WILL TAKE CONTROL OF THE BODY FOR ITS FINAL DISPOSITION.

(B) REMOVAL TO DESIGNATED MORGUE.

(1) SUBJECT TO THE TIME LIMITATIONS IN THIS SUBSECTION, WHEN THE BOARD IS NOTIFIED OF THE EXISTENCE OF A BODY, THE BOARD MAY REMOVE THE BODY TO A MORGUE IN BALTIMORE CITY THAT THE BOARD DESIGNATES FOR THAT PURPOSE.

(2) IF THE PERSON WHO NOTIFIES THE BOARD CAN REFRIGERATE THE BODY SUITABLY, THE BODY MAY BE REMOVED ONLY AT THE EXPIRATION OF 48 HOURS AFTER DEATH.

(3) IF THE PERSON WHO NOTIFIES THE BOARD CANNOT REFRIGERATE THE BODY SUITABLY, THE BODY MAY BE REMOVED AS SOON AS FEASIBLE AFTER DEATH, AND, ON ARRIVAL AT THE MORGUE, SHALL BE REFRIGERATED UNTIL THE EXPIRATION OF 48 HOURS AFTER DEATH.

(C) CONTROL AFTER 48 HOURS; CLAIM OF BODY.

ON EXPIRATION OF 48 HOURS AFTER DEATH, THE BODY SHALL BE UNDER THE EXCLUSIVE CONTROL OF THE BOARD AND SHALL BE EMBALMED PROPERLY BY AN INDIVIDUAL WHOM THE BOARD DESIGNATES. HOWEVER, ANY RELATIVE OR FRIEND OF THE DECEASED MAY CLAIM THE BODY AND, ON PAYMENT TO THE BOARD OF ITS COST OF MOVING AND EMBALMING THE BODY, SHALL RECEIVE IT.

REVISOR'S NOTE: Subsections (a)(1), (b), and (c) of this section are new language derived without substantive change from former Article 43, § 159.

Subsection (a)(2) of this section is new language added to reflect that, in practice, the Board receives bodies from persons other than public officers if the person does not locate family or any other claimant of the body. See also the Maryland Anatomical Gift Act at ET § 4-501 et seq. This addition allows a person to notify the Board and, thus, does not make the person liable