

THIS SECTION DOES NOT APPLY TO THE DISPOSITION OF A BODY BY A SCHOOL OF MEDICINE OR DENTISTRY.

(B) IN GENERAL.

EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON MAY NOT CREMATE A BODY UNTIL IT HAS BEEN IDENTIFIED BY:

(1) THE NEXT OF KIN;

(2) A PERSON WHO IS AUTHORIZED TO ARRANGE FOR FINAL DISPOSITION OF THE BODY; OR

(3) A MEDICAL EXAMINER.

(C) DELEGATION OF AUTHORITY.

IF A PERSON WHO IS AUTHORIZED TO ARRANGE FOR FINAL DISPOSITION OF A BODY IS NOT AVAILABLE TO IDENTIFY THE BODY AND AUTHORIZE CREMATION, THAT PERSON MAY DELEGATE THAT AUTHORITY TO ANOTHER PERSON BY SENDING TO THE DELEGATE A TELEGRAM THAT CONTAINS THE NAME, ADDRESS, AND RELATIONSHIP OF THE SENDER TO THE DECEASED AND THE NAME AND ADDRESS OF THE INDIVIDUAL TO WHOM AUTHORITY IS DELEGATED. WRITTEN AUTHORIZATION SHALL FOLLOW BY MAIL BUT DOES NOT TAKE PRECEDENCE OVER THE TELEGRAM AUTHORIZING THE IDENTIFICATION AND CREMATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 43, §§ 367B(b) and 367D.

In subsection (a) of this section, the former reference to a school of "anatomy" is deleted as obsolete since educational institutions now have divisions or departments of anatomy within other schools, rather than separate schools of anatomy.

As to subsection (b) of this section, the Commission to Revise the Annotated Code notes, for consideration by the General Assembly, that the authority of the State Anatomy Board to identify a body for cremation may need clarification. The Board occasionally has identified a body if, e.g., the body remained unclaimed for a considerable length of time and, at the time it was claimed, the body was not in a suitable condition to be identified by the claimant or the claimant did not reside in this State. The Board also has cremated those bodies that are returned by schools of medicine or dentistry. Identification is based on available evidence, such as hospital wrist bands.