

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 43.**  
**CEMETERIES AND CREMATORIES.**

**CHAPTER 1.**  
**CEMETERY ASSOCIATIONS; REGULATORY**  
**PROVISIONS.**

**2001 Edition**

**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**CHAPTER 1. CEMETERY ASSOCIATIONS;**  
**REGULATORY PROVISIONS.**

---

**TABLE OF CONTENTS**

---

§ 43-101. Incorporation; powers.	
§ 43-102. Powers to acquire and sell land.	
§ 43-103. Burial ground to be platted and surveyed.	
§ 43-104. Inclosure and ornamentation of land; purchase of equipment.	
§ 43-105. Duty to inclose and underdrain.	
§ 43-106. Application of proceeds of sales of lots.	
§ 43-107. Officers enumerated; term of office; effect of failure to choose officers.	
§ 43-108. Election of officers.	
§ 43-109. Lot owners are voting members of corporation.	
§ 43-110. Bylaws.	
§ 43-111. Exemption from taxation and sale on execution.	
§ 43-112. Dedication of land; title vested in perpetuity.	
§ 43-113. Grants and bequests for care of lots.	
§ 43-114. Distance from City and from dwellings.	
§ 43-115. Mayor authorized to license certain lands for cemetery purposes.	
§ 43-116. Lots to be conspicuously marked; plat to be recorded; size and depth of graves.	
§ 43-117. Register of burials; contents.	
§ 43-118. Superintendent of cemetery to register at Department of Human Services.	
§ 43-119. Movement or disposal of tissue taken from dead body.	
§ 43-120. Keeping and exhibiting dead bodies.	
§ 43-121. Place of burial.	
§ 43-122. Mode of burial.	
§ 43-123. Reopening graves; graves of pestilential disease victims.	
§ 43-124. Crematories; consent of property owners; permit.	
§ 43-125. Embalming; removal of tissue immediately after death.	
§ 43-126. Penalty.	
§ 43-127. Prosecutions.	
§ 43-128. Court-ordered disinterment or disposal of ashes not affected.	

§ 43-129. Cremation required in certain cases.[Repealed]

---

§ 43-130. Public crematory established.[Repealed]

---

§ 43-131. Act for promotion of anatomical science not affected by crematory law.

---

# **CHAPTER 1. CEMETERY ASSOCIATIONS; REGULATORY PROVISIONS.**

## **§ 43-101. INCORPORATION; POWERS.**

When 5 or more persons shall associate themselves together for the purpose of forming a cemetery association in the District, such persons shall have the power to adopt a corporate name, and by that name shall be known as a body corporate, and by that name shall have perpetual succession and be invested with all powers, rights, privileges, liabilities, and immunities incident to corporations, and may have a common seal, and may alter or change the same at their pleasure.

(Mar. 3, 1901, 31 Stat. 1294, ch. 854, § 658.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 27-101.

1973 Ed., § 27-101.

## **§ 43-102. POWERS TO ACQUIRE AND SELL LAND.**

Such persons so associated shall have power to acquire by gift, grant, or purchase any lot or lots of land not exceeding 50 acres, and lay out the same for a burial place for the dead, with convenient aisles, and to sell the same for such purpose and for no other purposes, reserving a sufficient portion thereof for the burial of the stranger and indigent.

(Mar. 3, 1901, 31 Stat. 1294, ch. 854, § 659.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 27-102.

1973 Ed., § 27-102.

## **§ 43-103. BURIAL GROUND TO BE PLATTED AND SURVEYED.**

They shall cause the land designed as a burial ground to be surveyed and platted, and a plat of the ground so surveyed shall be recorded in the Office of the Surveyor of the District. Each lot shall be duly numbered by the Surveyor and such number shall be marked on the plat and recorded.

(Mar. 3, 1901, 31 Stat. 1294, ch. 854, § 660.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 27-103.

1973 Ed., § 27-103.

## **§ 43-104. INCLOSURE AND ORNAMENTATION OF LAND; PURCHASE OF EQUIPMENT.**

Such association shall have power to inclose and ornament their burial ground, to build and erect a hearse house, and keep the same in proper repair; to purchase a hearse or hearses, and to do all other

necessary acts to the end that all the appliances, conveniences, and benefits of a public and private cemetery may be obtained.

(Mar. 3, 1901, 31 Stat. 1294, ch. 854, § 661.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 27-104.

1973 Ed., § 27-104.

**§ 43-105. DUTY TO INCLOSE AND UNDERDRAIN.**

It shall be the duty of the owner or owners of any cemetery or cemeteries in the District to inclose such cemetery or cemeteries with good and sufficient walls or fences to prevent entrance thereto or exit therefrom except by gates provided for that purpose. Such cemetery or cemeteries shall, if required by the Mayor of said District, be underdrained to such a depth as will prevent water remaining in any grave or vault therein.

(Mar. 3, 1901, 31 Stat. 1295, ch. 854, § 671.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 27-105.

1973 Ed., § 27-105.

*Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

**§ 43-106. APPLICATION OF PROCEEDS OF SALES OF LOTS.**

The proceeds arising from the sale of lots, after deducting all expenses of purchasing and laying out the same, shall be applied, appropriated, and used in improving and ornamenting the burial ground, or for other purposes named in §§ 43-101 to 43-114, 43-116 to 43-118, 43-119 to 43-128.

(Mar. 3, 1901, 31 Stat. 1294, ch. 854, § 662.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 27-106.

1973 Ed., § 27-106.

**§ 43-107. OFFICERS ENUMERATED; TERM OF OFFICE; EFFECT OF FAILURE TO CHOOSE OFFICERS.**

The officers of any such corporation shall be a president, a treasurer (who shall act as a secretary), and not less than 3 directors, who shall be severally chosen annually by ballot, and shall hold office until their successors are chosen. Any neglect to choose officers on the day fixed upon for that purpose shall not operate as a forfeiture of the act of incorporation, in accordance with the provisions of §§ 43-101 to 43-114, 43-116 to 43-118, 43-119 to 43-128.

(Mar. 3, 1901, 31 Stat. 1294, ch. 854, § 663.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 27-107.

1973 Ed., § 27-107.

### **§ 43-108. ELECTION OF OFFICERS.**

The first election of officers by the persons associating, according to and for the purpose specified in § 43-101, shall be at the time and place designated and agreed upon by a majority of the persons so associating themselves together, and no other than such persons shall vote at such election.

(Mar. 3, 1901, 31 Stat. 1295, ch. 854, § 664.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 27-108.

1973 Ed., § 27-108.

### **§ 43-109. LOT OWNERS ARE VOTING MEMBERS OF CORPORATION.**

At each subsequent election of officers of any such corporation the owner of a lot in said burial ground shall be entitled to 1 vote in the election of officers of the corporation and no more, and shall, by virtue of such membership, be a member of the corporation.

(Mar. 3, 1901, 31 Stat. 1295, ch. 854, § 665.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 27-109.

1973 Ed., § 27-109.

### **§ 43-110. BYLAWS.**

Each corporation shall have power to establish and change bylaws and prescribe rules and regulations for its government and the duties of its officers and the management of its property.

(Mar. 3, 1901, 31 Stat. 1295, ch. 854, § 666.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 27-110.

1973 Ed., § 27-110.

### **§ 43-111. EXEMPTION FROM TAXATION AND SALE ON EXECUTION.**

The property of any such corporation, its grounds, lots, and appliances, shall be exempt from taxation and shall not be liable to sale on execution.

(Mar. 3, 1901, 31 Stat. 1295, ch. 854, § 667.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 27-111.

1973 Ed., § 27-111.

### **§ 43-112. DEDICATION OF LAND; TITLE VESTED IN PERPETUITY.**

Any person desiring to dedicate any lot of land, not exceeding 5 acres, as a burial place for the interment of the dead for the use of any society, association, or neighborhood may, by deed duly executed and recorded, convey such land to the District of Columbia, by the corporate name of said District of Columbia, specifying in such deed the society, association, or neighborhood for the use of which the

dedication is desired to be made, and thereby (provided such conveyance shall be accepted by the Mayor of the District of Columbia) vest the title to such land in perpetuity, for the uses stated in the deed, and such land shall be thereafter exempt from taxes for all purposes whatever.

(Mar. 3, 1901, 31 Stat. 1295, ch. 854, § 668.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 27-112.

1973 Ed., § 27-112.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

### **§ 43-113. GRANTS AND BEQUESTS FOR CARE OF LOTS.**

It shall be lawful for such association to take and hold any grant, donation, or bequest upon trust to apply the income thereof, under the direction of the board of managers, for the embellishment, preservation, renewal, or repair of any tomb, monument, gravestone, or other structure, fence, railing, or other inclosure in or around any cemetery lot, or for the planting and cultivation of any trees, shrubs, flowers, or plants in or around any cemetery lot, according to the terms of such grant, donation, or bequest; and the court having probate jurisdiction shall have full power and jurisdiction to compel the due performance of such trusts, or any of them, upon a bill filed by the proprietor of any lot in such cemetery for that purpose.

(Mar. 3, 1901, 31 Stat. 1295, ch. 854, § 669; June 25, 1936, 49 Stat. 1921, ch. 804; June 25, 1948, 62 Stat. 991, ch. 646, § 32(b); May 24, 1949, 63 Stat. 107, ch. 139, § 127; July 29, 1970, 84 Stat. 576, Pub. L. 91-358, title I, § 158(c)(3).)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 27-113.

1973 Ed., § 27-113.

### **§ 43-114. DISTANCE FROM CITY AND FROM DWELLINGS.**

No person or persons or cemetery association shall lay out any new cemetery, or part of any cemetery, within the City of Washington, in the District of Columbia, nor in said District, within one and one-half miles from the boundaries of said City; no person or cemetery association shall, in said District, lay out any cemetery, or part of any cemetery, within less than 200 yards of any dwelling house, except with the written consent of the owner, lessee, and occupant of such house, nor without a permit to do so from the Mayor of said District.

(Mar. 3, 1901, 31 Stat. 1295, ch. 854, § 670; Apr. 9, 1997, D.C. Law 11-255, § 26, 44 DCR 1271.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 27-114.

1973 Ed., § 27-114.

##### *Legislative History of Laws*

Law 11-255, the "Second Technical Amendments Act of 1996," was introduced in Council and assigned Bill No. 11-905, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 7, 1996, and December 3, 1996, respectively. Signed by the Mayor on December 24, 1996, it was assigned Act No. 11-519 and transmitted to both Houses of Congress for its review. D.C. Law

11-255 became effective on April 9, 1997.

*Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

### **§ 43-115. MAYOR AUTHORIZED TO LICENSE CERTAIN LANDS FOR CEMETERY PURPOSES.**

Without regard to the provisions of § 43-114, the Mayor of the District of Columbia is hereby authorized to license for cemetery purposes any parcel of land in the District of Columbia which does not exceed 1 acre in size, and which, except for a 1-side frontage of less than 100 feet on a public street or highway, is otherwise completely bounded by land dedicated to cemetery purposes.

(July 14, 1956, 70 Stat. 538, ch. 594, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 27-115.

1973 Ed., § 27-114a.

*Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

### **§ 43-116. LOTS TO BE CONSPICUOUSLY MARKED; PLAT TO BE RECORDED; SIZE AND DEPTH OF GRAVES.**

It shall be the duty of the owner or owners of any cemetery or cemeteries in the District to divide the area to be used for graves into lots of reasonable size, to be permanently designated by conspicuous marks, so that the position of each may be readily determined, each lot to be duly numbered. A plat of such cemetery showing the area so divided, the division into lots, and the number of each such lot shall be filed in the Office of the Surveyor of said District; the grave spaces hereafter laid out for the burial of persons above 10 years of age to be at least 8 feet by 3 feet, and those for the burial of children under 10 years of age at least 6 feet by 2 feet, or, if preferred by said owner or owners, one-half the measurement of the adult grave space, namely, 4 feet by 3 feet. No coffin shall be buried in said District so that any part thereof is within less than 4 feet of the ordinary level of the ground, unless it contains the body of a child under 12 years of age, when it shall not be less than 3 feet below that level.

(Mar. 3, 1901, 31 Stat. 1295, 1297, ch. 854, §§ 672, 681.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 27-116.

1973 Ed., § 27-115.

### **§ 43-117. REGISTER OF BURIALS; CONTENTS.**



It shall be the duty of the owner or owners of any cemetery or cemeteries in the District to cause to be kept in the office of the superintendent or person in charge of such cemetery or cemeteries a register showing the number of each lot, the name, age, cause of death, and date of burial of each person or persons buried in any such lot or grave space, and the number of the burial permit authorizing such burial. In cases of disinterment said register shall show the date of such disinterment and the number of the official permit therefor opposite the name of the person whose remains are disinterred. Such register shall be at all times open to inspection by duly authorized representatives of the Department of Health and of the Police Department of said District.

(Mar. 3, 1901, 31 Stat. 1296, ch. 854, § 673; Mar. 2, 2007, D.C. Law 16-191, §§ 8(a), 65(a), 53 DCR 6794.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 27-117.

1973 Ed., § 27-116.

*Effect of Amendments*

D.C. Law 16-191 substituted "Health" for "Human Services".

*Legislative History of Laws*

Law 16-191, the "Technical Amendments Act of 2006", was introduced in Council and assigned Bill No. 16-760, which was referred to the Committee of the whole. The Bill was adopted on first and second readings on June 20, 2006, and July 11, 2006, respectively. Signed by the Mayor on July 31, 2006, it was assigned Act No. 16-475 and transmitted to both Houses of Congress for its review. D.C. Law 16-191 became effective on March 2, 2007.

## **§ 43-118. SUPERINTENDENT OF CEMETERY TO REGISTER AT DEPARTMENT OF HUMAN SERVICES.**

It shall be the duty of the superintendent or person in charge of any cemetery or other place for the disposal of dead bodies of human beings in the District of Columbia to register his or her name at the office of the Department of Health of said District, giving full name, residence, and place of business, and in case of removal from one place to another in said District to make change in such register accordingly.

(Mar. 3, 1901, 31 Stat. 1296, ch. 854, § 674; Mar. 2, 2007, D.C. Law 16-191, §§ 8(b), 65(b), 53 DCR 6794.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 27-118.

1973 Ed., § 27-117.

*Effect of Amendments*

D.C. Law 16-191 substituted "Health" for "Human Services".

*Legislative History of Laws*

For Law 16-191, see notes following § 43-117.

## **§ 43-119. MOVEMENT OR DISPOSAL OF TISSUE TAKEN FROM DEAD BODY.**

The Council of the District of Columbia may, by act, authorize tissue banks operating pursuant to subchapter III of Chapter 15 of Title 7, or other persons subject to regulations made pursuant to subchapter II-A or III of Chapter 15 of Title 7, or both, to remove, transport, or dispose of tissue taken from such dead body.

(Mar. 3, 1901, 31 Stat. 1296, ch. 854, §§ 675, 676; Sept. 22, 1950, 64 Stat. 904, ch. 985, § 1; Sept. 10, 1962, 76 Stat. 536, Pub. L. 87-656, § 10; May 26, 1970, 84 Stat. 270, Pub. L. 91-268, § 9(f); Oct. 8, 1981, D.C. Law 4-34, § 29(c)(1), 28 DCR 3271; Apr. 15, 2008, D.C. Law 17-145, § 30(g)(1), 55 DCR 2532; Mar. 25, 2009, D.C. Law 17-353, § 230(f), 56 DCR 1117.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 27-119.

1973 Ed., § 27-119a.

*Effect of Amendments*

D.C. Law 17-145 substituted " subchapter II-A" for "subchapter II".

D.C. Law 17-353 validated a previously made technical correction.

*Legislative History of Laws*

Law 4-34, the "Vital Records Act of 1981," was introduced in Council and assigned Bill No. 4-161, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on June 16, 1981, and June 30, 1981, respectively. Signed by the Mayor on July 20, 1981, it was assigned Act No. 4-58 and transmitted to both Houses of Congress for its review.

Law 17-145, the "Uniform Anatomical Gift Revision Act of 2008", was introduced in Council and assigned Bill No. 17-58 which was referred to the Committee on Public Safety and Judiciary. The Bill was adopted on first and second readings on January 8, 2008, and February 5, 2008, respectively. Signed by the Mayor on February 25, 2008, it was assigned Act No. 17-311 and transmitted to both Houses of Congress for its review. D.C. Law 17-145 became effective on April 15, 2008.

Law 17-353, the "Technical Amendments Act of 2008", was introduced in Council and assigned Bill No. 17-994 which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 2, 2008, and December 16, 2008, respectively. Signed by the Mayor on January 15, 2009, it was assigned Act No. 17-687 and transmitted to both Houses of Congress for its review. D.C. Law 17-353 became effective on March 25, 2009.

## **§ 43-120. KEEPING AND EXHIBITING DEAD BODIES.**

No dead body or part thereof shall be kept in said District in such manner as to give rise to any offensive odors to the annoyance of any person or persons in the neighborhood or to the public, nor so as to be exposed to the public view; nor shall any such body or part thereof be permitted by the person or persons having custody or control of it to remain unburied for a longer period than 1 week after death without permission of the Director of the Department of Health, unless it has been cremated or deposited in the vault of some cemetery; nor shall any person publicly exhibit in said District, for pay or otherwise, any dead body of any human being or any part of such body without a permit from the Director of the Department of Health of said District so to do, except such exhibition be in connection with some government museum or with some institution of learning permanently located in said District.

(Mar. 3, 1901, 31 Stat. 1297, ch. 854, § 677; Aug. 1, 1950, 64 Stat. 393, ch. 513, § 1; Oct. 8, 1981, D.C. Law 4-34, §§ 29(c)(2), 30(b)(1), 28 DCR 3271; Mar. 2, 2007, D.C. Law 16-191, §§ 8(c), 65(c), 53 DCR 6794.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 27-120.

1973 Ed., § 27-120.

*Effect of Amendments*

D.C. Law 16-191 substituted "Health" for "Human Services".

*Legislative History of Laws*

For legislative history of D.C. Law 4-34, see Historical and Statutory Notes following § 43-119.

For Law 16-191, see notes following § 43-117.

## **§ 43-121. PLACE OF BURIAL.**

No person shall bury or cause to be buried within said District the body or part of the body of any deceased person, except in such grounds as were known and used as public or private burial grounds on January 1, 1902, or such as shall thereafter be designated by the Mayor of said District and authorized by him to be used as such.

(Mar. 3, 1901, 31 Stat. 1297, ch. 854, § 678.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 27-121.

1973 Ed., § 27-121.

*Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **§ 43-122. MODE OF BURIAL.**

No body shall be buried in said District in any vault unless the coffin be separately entombed in properly cemented stone or brick work, so as to render such vault airtight; such vault, after having been sealed, shall not be opened within 10 years; no body shall be temporarily deposited in any vault for a longer period than 1 month, unless such body is in an hermetically sealed metallic case, nor in any instance for a longer period than 1 year.

(Mar. 3, 1901, 31 Stat. 1297, ch. 854, § 679.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 27-122.

1973 Ed., § 27-122.

## **§ 43-123. REOPENING GRAVES; GRAVES OF PESTILENTIAL DISEASE VICTIMS.**

No grave in said District shall be reopened, except for the purpose of disinterment, within 10 years after burial of a person above 12 years of age, or within 8 years after the burial of a child under 12 years of age, unless the grave has been, in the first instance, of sufficient depth to permit subsequent interments, in which case a layer of earth of not less than 1 foot thick shall be left undisturbed over the previously buried coffin, unless such coffin has been separately entombed in properly cemented stone or brick work; but if on reopening any grave the soil be found to be offensive, such soil shall not be disturbed. In no case shall a grave be opened in which has been buried the body of any person who has died of Asiatic cholera, yellow fever, typhus fever, smallpox (including varioloid), leprosy, the plague, tetanus, diphtheria, or scarlet fever; provided, that the Director of the Department of Health of the District of Columbia may, in his discretion, authorize the opening, under sanitary precautions, of any such grave, and the disinterment and reinterment in the same grave or other suitable burial ground, of the dead body of any person who has died of any of the contagious diseases enumerated above.

(Mar. 3, 1901, 31 Stat. 1297, ch. 854, § 680; Jan. 20, 1936, 49 Stat. 1095, ch. 12; Aug. 1, 1950, 64 Stat. 393, ch. 513, § 1; Mar. 2, 2007, D.C. Law 16-191, §§ 8(d), 65(d), 53 DCR 6794.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 27-123.

1973 Ed., § 27-123.

*Effect of Amendments*

D.C. Law 16-191 substituted "Health" for "Human Services".

*Legislative History of Laws*

For Law 16-191, see notes following § 43-117.

## **§ 43-124. CREMATORIES; CONSENT OF PROPERTY OWNERS; PERMIT.**

No person shall, in the District of Columbia, build or maintain a crematory or other device for destroying human bodies, except within the limits of some duly-established cemetery in said District unless such

person or persons has in writing the consent of the owners of more than one-half of the property within a radius of 200 feet from the place where such crematory is to be erected and maintained and a permit from the Mayor of said District for the erection and maintenance of such crematory or other device; such permit to be for a term of years, not exceeding 5, to be specified therein; provided, that this section shall not apply to such crematories or other devices for destroying human bodies as may have been erected and were in operation on March 3, 1901.

(Mar. 3, 1901, 31 Stat. 1298, ch. 854, § 682; Aug. 1, 1950, 64 Stat. 393, ch. 513, § 1.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 27-124.

1973 Ed., § 27-124.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **§ 43-125. EMBALMING; REMOVAL OF TISSUE IMMEDIATELY AFTER DEATH.**

It shall be unlawful for any person or persons to embalm, inject, or by any similar method preserve the dead body, or part of the dead body, of any human being in said District within 4 hours after death or before the issue of the death certificate; and in case the death is believed to be due to other than natural causes, or the cause thereof is unknown, such embalming, injecting, or preserving shall at no time be done unless such death certificate has been signed or approved by the Chief Medical Examiner. Notwithstanding the provisions of this section, whenever any person is pronounced dead by a physician duly licensed or duly registered under Chapter 29 of Title 3, tissue donated in accordance with the provisions of subchapter II-A or III of Chapter 15 of Title 7 may be removed by or under the supervision of a person licensed under the authority of § 7-1541.03 for preservation in a tissue bank operating pursuant to subchapter III of Chapter 15 of Title 7, or for use in accordance with the provisions of subchapter II-A of Chapter 15 of Title 7, without regard for any time limitation, or for any permit or certificate requirement, established by this section; provided, that with respect to a dead human body in the custody of the Chief Medical Examiner or under his jurisdiction, no tissue shall be removed therefrom for preservation except with the specific approval of the Chief Medical Examiner in each case.

(Mar. 3, 1901, 31 Stat. 1298, ch. 854, § 683; Aug. 1, 1950, 64 Stat. 393, ch. 513, § 1; Sept. 10, 1962, 76 Stat. 537, Pub. L. 87-656, § 11; May 26, 1970, 84 Stat. 270, Pub. L. 91-268, § 9(e); July 29, 1970, 84 Stat. 578, Pub. L. 91-358, title I, § 160(a)(1); Oct. 8, 1981, D.C. Law 4-34, § 30(b)(2), 28 DCR 3271; Apr. 15, 2008, D.C. Law 17-145, § 30(g)(2), 55 DCR 2532; Mar. 25, 2009, D.C. Law 17-353, § 230(f), 56 DCR 1117.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 27-125.

1973 Ed., § 27-125.

##### *Effect of Amendments*

D.C. Law 17-145 substituted " subchapter II-A of Chapter 15 of Title 7" for "subchapter II of Chapter 15 of Title 7".

D.C. Law 17-353 validated a previously made technical correction.

##### *Legislative History of Laws*

For legislative history of D.C. Law 4-34, see Historical and Statutory Notes following § 43-119.

For Law 17-145, see notes following § 43-119.

For Law 17-353, see notes following § 43-119.

## **§ 43-126. PENALTY.**

Any person who shall violate or aid and abet in violating any of the provisions of § 43-120 shall, upon conviction thereof by competent judicial authority, be punished, for each offense, by a fine of not more than \$200, or by imprisonment for not more than 90 days, or both.

(Mar. 3, 1901, 31 Stat. 1298, ch. 854, § 684; Oct. 8, 1981, D.C. Law 4-34, § 29(c)(3), 28 DCR 3271.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 27-126.

1973 Ed., § 27-126.

#### *Legislative History of Laws*

For legislative history of D.C. Law 4-34, see Historical and Statutory Notes following § 43-119.

## **§ 43-127. PROSECUTIONS.**

Prosecutions hereunder shall be in the Superior Court of the District of Columbia, in the name of said District; provided, that any person or persons so tried shall have the privilege, when demanded, of a trial by jury, as in other jury cases in said Superior Court of the District of Columbia.

(Mar. 3, 1901, 31 Stat. 1298, ch. 854, § 685; Apr. 1, 1942, 56 Stat. 190, ch. 207, § 1; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a).)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 27-127.

1973 Ed., § 27-127.

## **§ 43-128. COURT-ORDERED DISINTERMENT OR DISPOSAL OF ASHES NOT AFFECTED.**

Sections 43-101 to 43-114, 43-116 to 43-118, and 43-120 to 43-128 (except § 43-119) shall not be construed to:

- (1) Interfere with or prevent the disinterment of any body in accordance with § 11-2311; or
- (2) Interfere with the disposal of the ashes of bodies which have been cremated.

(Mar. 3, 1901, 31 Stat. 1298, ch. 854, § 686; June 30, 1902, 32 Stat. 534, ch. 1329, § 686; June 25, 1936, 49 Stat. 1921, ch. 804; June 25, 1948, 62 Stat. 991, ch. 646, § 32(a), (b); May 24, 1949, 63 Stat. 107, ch. 139, § 127; July 29, 1970, 84 Stat. 578, Pub. L. 91-358, title I, § 160(a)(2); Oct. 8, 1981, D.C. Law 4-34, § 29(c)(4), 28 DCR 3271.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 27-128.

1973 Ed., § 27-128.

#### *Legislative History of Laws*

For legislative history of D.C. Law 4-34, see Historical and Statutory Notes following § 43-119.

## **§ 43-129. CREMATION REQUIRED IN CERTAIN CASES.[REPEALED]**

(Apr. 20, 1906, 34 Stat. 123, ch. 1641, § 1; 1973 Ed., § 27-129; Oct. 19, 2000, D.C. Law 13-172, § 2919(c), 47 DCR 6308.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 27-129.

1973 Ed., § 27-129.

*Emergency Act Amendments*

For temporary (90-day) repeal of sections, see § 2919(c) of the Fiscal Year 2001 Budget Support Emergency Act of 2000 (D.C. Act 13-376, July 24, 2000, 47 DCR 6574).

For temporary (90 day) amendment of section, see § 2919(c) of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13- 438, October 20, 2000, 47 DCR 8740).

*Legislative History of Laws*

Law 13-172, the "Fiscal Year 2001 Budget Support Act of 2000," was introduced in Council and assigned Bill No. 13-679, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 15, 2000, and June 6, 2000, respectively. Signed by the Mayor on June 26, 2000, it was assigned Act No. 13-175 and transmitted to both Houses of Congress for its review. D.C. Law 13-172 became effective on October 19, 2000.

**§ 43-130. PUBLIC CREMATORY ESTABLISHED.[REPEALED]**

(Apr. 20, 1906, 34 Stat. 123, ch. 1641, § 2; Feb. 22, 1921, 41 Stat. 1144, ch. 70, § 7; June 28, 1944, 58 Stat. 533, ch. 300, § 18; Dec. 4, 1967, 81 Stat. 532, Pub. L. 90-173, § 1; 1973 Ed., § 27-130; Oct. 19, 2000, D.C. Law 13- 172, § 2919(c), 47 DCR 6308.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 27-130.

1973 Ed., § 27-130.

*Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 2919(c) of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13- 438, October 20, 2000, 47 DCR 8740).

*Legislative History of Laws*

For Law 13-172, see notes following § 43-129.

**§ 43-131. ACT FOR PROMOTION OF ANATOMICAL SCIENCE NOT AFFECTED BY CREMATORY LAW.**

Nothing in §§ 43-129 to 43-131 shall be construed as repealing or in any way modifying any of the provisions of Chapter 2 of Title 3.

(Apr. 20, 1906, 34 Stat. 124, ch. 1641, § 3.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 27-131.

1973 Ed., § 27-131.