

## NH Embalming Requirement Statute Explained

By Lee Webster

### **Health Code 325:40-a:**

***No dead human body shall be exposed to the public for a period in excess of 24 hours unless said body is properly embalmed.***

This New Hampshire statute is routinely misconstrued by the funeral industry as saying, in effect, that bodies must be embalmed after 24 hours. They may also attempt to persuade families — including home funeral families — that this means bodies are legally required to be embalmed in order to have a viewing.

### **Neither interpretation is true.**

The statute clearly states that embalming is only required in the event that a body is going to be ***exposed to the public for more than a 24 hour period***, or noncontiguous total of 24 hours.

- 1) **Home funerals**, where the body is available for viewing by family, friends, invited guests, and other members of the public in a private home or other unpublished venue, **are by nature NOT a public venue.**
- 2) Even viewings in funeral homes do not often add up to a 24-hour period, either all at once or over several days.
- 3) This obscuring of the statute is cited as a main reason why NH funeral directors enforce *their own policy* to embalm prior to viewing, even though The Funeral Rule makes it clear that they must state on their General Price Lists that **embalming is not legally required.**
- 4) The term “***properly embalmed***” begs for a definition. Arterial embalming may be the conventional standard, but botanical embalming is gaining ground, as are green embalming fluid options.