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Disposition of Cremated Remains in Maryland

Maryland law does not require that cremated remains be placed in a cemetery. This does not mean that cremains can be freely scattered or otherwise disposed of on public land, or on the private property of another person, other than that of the decedent or the decedent's next of kin. (Public land, in this context, is any land owned by Federal, State, County or Municipal governments and includes forests, lakes, streams, and most desert areas.)

The following government departments have policies regarding the disposition of any matter over land or water. Compliance with the policies and procedures of the agencies noted below is required:

- Federal Department of Environmental Protection (U.S. Environmental Protections Agency, Title 40, Code of Federal Regulations, Section 229.1 (For burials at sea, please see text below)
- Maryland Department of Natural Resources
- Maryland Department of the Environment

Ordinarily, cremated remains can only be properly disposed of on the decedent's own private property, the property of the next of kin, or within a designated area in a cemetery or mausoleum. The scattering of cremated remains or the placement of cremated remains on the property may create an emotional experience not only for you, but for future property owners. If you decide to scatter numerous cremated remains on your property, please remember that cremated remains contain bone fragments and that the disposition of a significant amount of accumulated cremated remains at a site may constitute a solid waste or sediment and erosion concern under Maryland environmental laws.

Retention of cremated remains is permitted in the State of Maryland. However, should you move to another state with the cremated remains in your possession, you will be subject to the laws of that state.

Cremated remains may also be placed in a more permanent location, such as a cemetery or mausoleum niche. However, there is a cost for this type of placement, which should be discussed with the cemetery you choose.

Title 40, Code of Federal Regulations § 229.1: Burial at Sea

(a) All persons subject to title I of the Act are hereby granted a general permit to transport human remains from the United States and all persons owning or operating a vessel or aircraft registered in the United States or flying the United States flag and all departments, agencies, or instrumentalities of the United States are hereby granted a general permit to transport human remains from any location for the purpose of burial at sea and to bury such remains at sea subject to the following conditions:

(1) Except as herein otherwise provided, human remains shall be prepared for burial at sea and shall be buried in accordance with accepted practices and requirements as may be deemed appropriate and desirable by the United States Navy, United States Coast Guard, or civil authority charged with the responsibility for making such arrangements;

(2) Burial at sea of human remains which are not cremated shall take place no closer than 3 nautical miles from land and in water no less than one hundred fathoms (six hundred feet) deep and in no less than three hundred fathoms (eighteen hundred feet) from (i) 27°30'00" to 31°00'00" North Latitude off St. Augustine and Cape Canaveral, Florida; (ii) 82°20'00" to 84°00'00" West Longitude off Dry Tortugas, Florida; and (iii) 87°15'00" to 89°50'00" West Longitude off the Mississippi River Delta, Louisiana, to Pensacola, Florida. All necessary measures shall be taken to ensure that the remains sink to the bottom rapidly and permanently; and

(3) Cremated remains shall be buried in or on ocean waters without regard to the depth limitations specified in paragraph (a)(2) of this section provided that such burial shall take place no closer than 3 nautical miles from land.

(b) For purposes of this section and §§ 229.2 and 229.3, land means that portion of the baseline from which the territorial sea is measured, as provided for in the Convention on the Territorial Sea and the Contiguous Zone, which is in closest proximity to the proposed disposal site.

© Flowers and wreaths consisting of materials which are readily decomposable in the marine environment may be disposed of under the general permit set forth in this section at the site at which disposal of human remains is authorized.

(d) All burials conducted under this general permit shall be reported within 30 days to the Regional Administrator of the Region from which the vessel carrying the remains departed.

This notice is for educational purposes only, and does not constitute legal advice. Please consult an attorney with any questions about the permissible disposition of cremated remains.

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