

505 CMR 3.00: STORAGE AND DISPOSAL OF BIOLOGICAL MATERIALS

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3.01: Purpose and Authority

505 CMR 3.00 is intended to establish the standard for storage and disposal of biological material held by the Office after disposition of the body. 505 CMR 3.00 is adopted pursuant to the authority of the Commission on Medicolegal Investigation under M.G.L. c. 6, § 184, for the delivery of medicolegal services to the Commonwealth.

3.02: Definitions

Biological Material: a specimen containing tissue, either in fluid or non-fluid form, extracted from a body in the possession of the Office. Biological material includes, but is not limited to, blood and tissue.

Blood: the fluid tissue circulating through the heart, arteries, capillaries, and veins, carrying nutriment and oxygen to body cells. A blood sample may consist of the liquid portion, the cellular elements, or both.

Extract: to remove from the body.

Fluid: any liquid of the body.

Office: the Office of the Chief Medical Examiner.

Sample: a representative portion of an organ or body part.

Tissue: a group of similarly specialized cells, in fluid or non-fluid form, including but not limited to whole organs and representative samples thereof stored as small samples within a stock bottle containing formalin.

3.03: Release of Biological Material

Biological material samples may be extracted at the discretion of the Office. The individual claiming the body, pursuant to M.G.L. c. 38, § 13, may request in writing the release of biological material. Upon receipt of request and except as provided in 505 CMR 3.03, the Office shall return said biological material to the individual claiming the body upon completion of its investigation. In a case of an unnatural or suspicious death where the district attorney or his or her law enforcement representative is or has been directing or is or has been controlling the investigation of the death pursuant to M.G.L. c. 38, § 4, no biological material shall be released unless the district attorney or his or her law enforcement representative has determined, in his or her discretion, and has stated in writing that he or she does not object to the release of biological material to the individual claiming the body.

3.04: Storage of Biological Material

In cases where biological material has not been released pursuant to 505 CMR 3.03, biological material shall be stored as follows:

- (1) Blood and other fluid samples shall be stored for a minimum of 90 days.
- (2) Non-fluid tissue samples shall be stored for a minimum of three years.

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- (3) Other tissue, including whole organs or body parts, shall be stored for a minimum of 30 days.

3.05: Disposal of Biological Material

In cases where no request for the release of biological material has been received within the time periods set forth in 505 CMR 3.04, biological material may be disposed of at the discretion of the Office. However, disposal of biological materials shall be postponed pursuant to a court order or at the request of the district attorney or his or her law enforcement representative.

3.06: Severability Clause

If any portion of 505 CMR 3.00 is for any reason determined to be unconstitutional, contrary to statute, in excess of authority, or otherwise inoperative, such determination shall not affect the validity of any other portion of 505 CMR 3.00.

REGULATORY AUTHORITY

505 CMR 3.00: M.G.L. c. 6, § 184.