
Call to Order – *Blair Nelsen, FSL, Board Member and Workgroup Chair*

- Welcome and Introductions
- Emergency Egress Instructions

Approval of Agenda

Public Comment

The Board will receive public comment on agenda items at this time. The Board will not receive comment on any pending regulation process for which a public comment period has closed or any pending or closed complaint or disciplinary matter.

Charge of Workgroup – *Blair Nelsen*

Presentations and Workgroup Discussion

- **Alkaline Hydrolysis – Overview of Process and Available Training and Resources** –*Rick Sikon, FSL, Operational Director, Virginia State Anatomical Program, Mike Nicodemus, FSL, Vice President for Cremation Services, National Funeral Directors Association, and Barbara Kemmis, CAE, Executive Director, Cremation Association of North America*
- **Current Laws and Regulations and State Comparisons** – *Corie Tillman Wolf, JD, Executive Director*
- **Considerations for Recommended Regulatory/Statutory Changes** – *Workgroup Members*
 - **Final Disposition of Human Remains** – *Virginia Department of Health/Office of the Chief Medical Examiner*
 - **Environmental Emissions and Wastewater Treatment** – *Virginia Department of Health, Virginia Department of Environmental Quality, Hampton Roads Sanitation District (Local)*
 - **Board Statutes and Regulations** – *Virginia Board of Funeral Directors and Embalmers*

Next Steps – *Blair Nelsen*

Meeting Adjournment

CHARGE OF WORKGROUP

CHAPTER 191

An Act to direct the Board of Funeral Directors and Embalmers to convene a work group to study how to regulate and implement the process of alkaline hydrolysis in the Commonwealth.

[S 129]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Board of Funeral Directors and Embalmers (the Board) shall convene a work group consisting of relevant stakeholders to determine the (i) regulatory and statutory changes needed to legalize, implement, and regulate the process of alkaline hydrolysis in the Commonwealth; (ii) necessary qualifications to enable a person to engage in the practice of alkaline hydrolysis; (iii) proper standards for the operation of a facility containing a pressure vessel for alkaline hydrolysis; and (iv) proper requirements for licensure as an owner or operator of such a facility. In conducting its study, the work group shall provide opportunity for public participation and consider any necessary environmental precautions and safety measures to ensure proper (a) regulation and implementation of the alkaline hydrolysis process and (b) regulation and inspection of facilities where alkaline hydrolysis is conducted in the Commonwealth. The Board shall report the results of such study to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions on or before November 1, 2022.*

ALKALINE HYDROLYSIS

OVERVIEW OF PROCESS AND AVAILABLE TRAINING AND RESOURCES

Enter search criteria...



All things cremation.

Cremation Association of North America

[\(https://www.cremationassociation.org/\)](https://www.cremationassociation.org/)

(1)

Alkaline Hydrolysis

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The information that follows is intended to help the public more fully understand what occurs in the cremation process. The steps are detailed and should be carefully considered.

However, please note that this information has been prepared on a general basis. Because of variations in manufacturers and state/provincial and local laws, there may be some differences in process and legal requirements in different jurisdictions; your funeral service provider should be able to explain the specific process.

In 2010, CANA's Board of Directors voted to expand the association's definition of cremation

(https://www.cremationassociation.org/resource/resmgr/industry_practitioners/cana_position_on_ah_FINAL_2-.pdf) to include processes like alkaline hydrolysis. The primary rationale for this was that state and provincial laws were already in place that determined alkaline hydrolysis could be marketed as cremation. From the consumer's perspective the processes and results are similar.

From an operations perspective, the process – including but not limited to removal, storage, and the chain of identification – is similar to flame-based or “traditional” cremation with 2 exceptions:

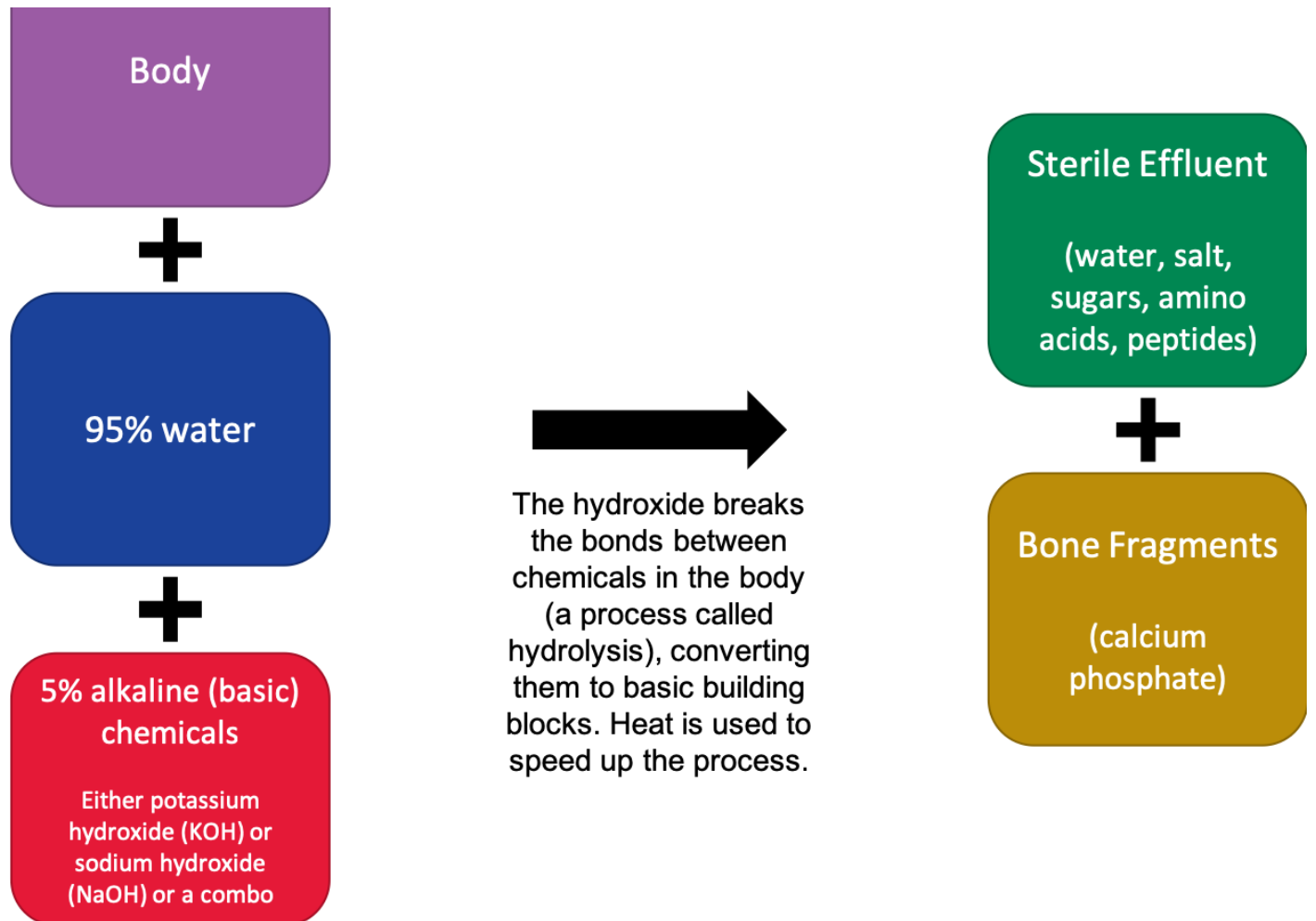
1. pacemakers and other implants that cannot be exposed to extreme heat and flame do not need to be removed prior to the cremation, except where required by law;
2. the remaining bone fragments need to be dried and cooled after the process.

The technical process of reducing the human body to cremated remains is distinctly different.

AN OVERVIEW

Alkaline hydrolysis uses water, alkaline chemicals, heat, and sometimes pressure and agitation, to accelerate natural decomposition, leaving bone fragments and a neutral liquid called effluent. The decomposition that occurs in alkaline hydrolysis is the same as that which occurs during burial, just sped up dramatically by the chemicals. The effluent is sterile, and contains salts, sugars, amino acids and peptides. There is no tissue and no DNA left after the process completes. This effluent is discharged with all other wastewater, and is a welcome addition to the water systems.

The graphic below summarizes the process.



Alkaline hydrolysis is sometimes referred to as AH, flameless cremation, water cremation, green cremation, chemical cremation, liquid cremation, aquamation, biocremation™, or Resomation™. States and provinces that have approved the process use one of the following legal terms: alkaline hydrolysis, cremation, chemical disposition, or dissolution.

FREQUENTLY ASKED QUESTIONS

WHY DO PEOPLE CHOOSE ALKALINE HYDROLYSIS?

There are several reasons people give for choosing alkaline hydrolysis, when available, instead of traditional flame-based cremation.

1. It is viewed as a gentler process
2. The process is more environmentally friendly. It uses significantly less fuel and has an overall lower carbon footprint than both traditional cremation and burial.
3. Some people want cremation but are afraid of fire and see it as a good alternative.
4. It is a new alternative to existing forms of disposition.

WHAT HAPPENS DURING THE ALKALINE HYDROLYSIS PROCESS?

Alkaline hydrolysis follows the standard cremation process (<https://www.cremationassociation.org/page/CremationProcess>) as described on the CANA website by transporting the deceased to the facility, properly storing the body until cremation, and returning cremated remains to the authorized agent at the end. The process itself requires unique equipment and training.

An alkaline hydrolysis machine is comprised of a single chamber which is air- and watertight. The chamber holds approximately one hundred gallons of liquid. The deceased is placed into the single chamber which is then sealed. Sex, body mass and weight of the deceased determine the amount of water and alkaline chemicals combined to form a solution which fills the chamber. The contents may be subjected to heat (199 to 302 degrees Fahrenheit), pressure, and/or agitation (varying with equipment) to ensure proper cremation. This process may take three to sixteen hours depending on equipment and body mass.

WHAT IS THE END RESULT OF THE ALKALINE HYDROLYSIS PROCESS?

In short, bone fragments and a sterile liquid. The bone fragments, now called cremated remains or hydrolyzed remains, appear pure white in color. Because the process uses water, the remains are allowed to dry before pulverization. The process results in approximately 32% more cremated remains than flame-based cremation and may require a larger urn.

WHAT IS IN THE WATER AT THE END OF THE ALKALINE HYDROLYSIS PROCESS?

Not your loved one's remains. Just like flame cremation, fat and tissues are converted to basic organic compounds. In flame cremation these harmless compounds, mainly carbon dioxide and water vapor, are released into the air. In alkaline hydrolysis, the harmless compounds formed include salts and amino acids, and are released with the water. This effluent is far cleaner than most wastewater.

The sterile liquid is released via a drain to the local wastewater treatment authority in accordance with federal, state or provincial, and local laws. The pH of the water is brought up to at least 11 before it is discharged. Because of the contents of the effluent, water treatment authorities generally like having the water come into the system because it helps clean the water as it flows back to the treatment plant. In some cases, the water is diverted and used for fertilizer because of the potassium

and sodium content.

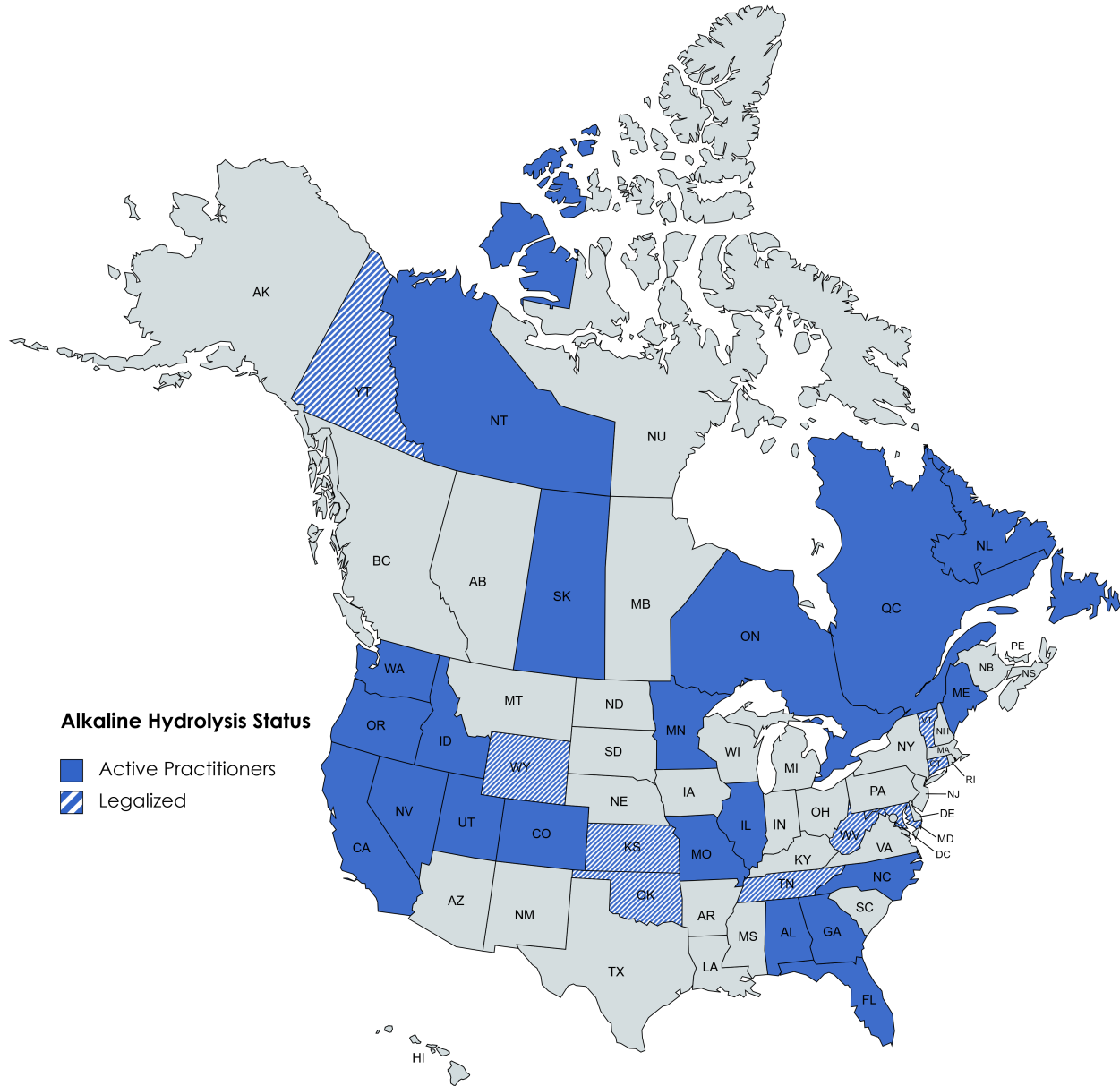
HOW LONG HAS ALKALINE HYDROLYSIS BEEN IN USE?

Alkaline hydrolysis was developed and patented in 1888 by Amos Herbert Hanson, a farmer who was looking for a way to make fertilizer from animal carcasses. In 1993, the first commercial system was installed at Albany Medical College to dispose of human cadavers. The process continued to be adopted by universities and hospitals with donated body programs over the next ten years. The process was first used in the funeral industry in 2011 by two different funeral homes – one in Ohio and one in Florida.

While states and provinces have been slow to legalize the process for human use, pet crematories are under different rules and have adopted the process widely. The pace of approval for human use is beginning to pick up and there are now fourteen states and two provinces where alkaline hydrolysis is legal, and several more have legislation pending. In those states and provinces where it is legal, there are approximately thirty practitioners.

WHERE IS ALKALINE HYDROLYSIS LEGAL?

This map is kept updated with regulatory changes.



Created with mapchart.net

(https://www.cremationassociation.org/resource/resmgr/consumers/Alkaline_Hydrolysis_Status.png)

Manufacturers, practitioners, and regulators are tasked with working together to make alkaline hydrolysis commercially available. However, legalization of the process does not mean it is publically or readily available.

HOW DO I FIND A PROVIDER?

Some states and provinces, despite legalization, lack an operating provider of alkaline hydrolysis. In some cases, the nearest provider may be in a neighboring state, so we recommend searching broadly for businesses classified as "Crematory, Alkaline Hydrolysis" in our Member Directory

(<https://www.cremationassociation.org/search/custom.asp?id=137>). In the case that the provider is out of state, you can either work directly with the alkaline hydrolysis

facility in the neighboring state, or work with your local funeral home to arrange the transfer of the remains to the alkaline hydrolysis facility and return the cremated remains locally at the end of the process. Either way, it is important that you look into these arrangements in advance, as charges will vary from state to state.

Looking for an equipment manufacturer? Search the Supplier Member Directory (<https://www.cremationassociation.org/search/custom.asp?id=3951>) for "Alkaline Hydrolysis Equipment Sales & Services" providers.



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Understanding Google's New Types of Featured Snippets (/members/blog_view.asp?id=776820&post=468686)

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Funeral Service Professionals Need To Be Cremation Specialists (/members/blog_view.asp?id=776820&post=467822)

4/20/2022

The Odd One Out: How Isolation Hurts Death Care Professionals (/members/blog_view.asp?id=776820&post=465762)

4/6/2022

Your "Wake Up Call" Is Here. Are You Listening? (/members/blog_view.asp?id=776820&post=465156)

3/23/2022

The Awesome Power of the Listening Ear (/members/blog_view.asp?id=776820&post=460635)

Calendar

[more \(/events/event_list.asp\)](/events/event_list.asp)

5/24/2022

The Power of Presence Two-Course Bundle (May 2022) (</events/EventDetails.aspx?id=1633171>)

6/8/2022

Crematory Operations Certification Program - June 8, 2022 - Oakbrook Terrace, IL (</events/EventDetails.aspx?id=1577058>)

6/21/2022

Talk 3: Peer Support Meeting (</events/EventDetails.aspx?id=1575317>)

7/19/2022

Talk 3: Peer Support Meeting (</events/EventDetails.aspx?id=1575318>)

8/16/2022

Talk 3: Peer Support Meeting (</events/EventDetails.aspx?id=1575319>)

Online Learning

View Available Courses (<https://www.cremationassociation.org/store/>)

Access Your Courses (<https://education.cremationassociation.org>)



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[media \(http://www.cremationassociation.org/Media\)](http://www.cremationassociation.org/Media)
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(<https://www.linkedin.com/company/cremationassociation/>)

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All things cremation.

Cremation Association of North America

(<https://www.cremationassociation.org/>)



(/)

CANA's Crematory Operations Certification Program

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CREMATORY OPERATIONS COURSE CATALOG

CANA offers several crematory operators programs to meet the needs of a variety of businesses and regulations. Click the titles below to learn more about your options for getting CANA Certified.



(<https://www.cremationassociation.org/page/CPCO>)

Crematory Operations Program (COCP)

Pet Crematory Program

OVERVIEW OF THE CREMATION PROCESS

EQUIPMENT AND OPERATIONS

THE CREMATION PROCESS IN DETAIL

CHAIN OF CUSTODY

REDUCING LEGAL RISK

ONLINE AND IN PERSON



 [register for the online COCP](#)

(<https://www.cremationassociation.org/store/viewproduct.aspx?id=19932495>)

 [register for an in-person COCP](#)

(<https://www.cremationassociation.org/events>)

Use the links above to register online.

Or, click here

(https://www.cremationassociation.org/resource/resmgr/industry_practitioners_cocp/RegistrationForm_CANA-

COCP.pdf) to fill out a registration form to email/mail/fax back to CANA Headquarters with your payment.

THE CANA COCP: THE GOLD STANDARD IN CREMATORY OPERATIONS TRAINING

In this increasingly competitive and litigious environment, possessing qualifications that set you apart from the rest of the industry is critical. The CANA Crematory Operations Certification Program™ (COCP™) is the mark of distinction. It ensures that you and your employees have the most current crematory operations training available in the industry and provides proof to the public of your commitment to safe cremation practices that demonstrate the utmost respect and caring for their loved ones. The content of this course is designed to increase your understanding of crematory operations—both flame and alkaline hydrolysis—and will provide you with a solid overview of best practices.

The CANA Crematory Operations Certification Program™ (CANA COCP™) was the first course designed to provide best practices for crematory operators in the profession. Now, your go-to program for crematory operations includes the latest best practices in alkaline hydrolysis. Many states and provinces have now instituted training requirements for crematory operators and have selected CANA's COCP as their official training program. Additionally, many states and provinces continue to approve alkaline hydrolysis making training in best practices more important than ever.

This training complements on-the-job training and machine-specific training you might receive. While this training will not guarantee you will get a job, it looks great on a resume.

Why attend?

Course Format

Cost

How to Become Certified

Faculty

^top

WHY ATTEND?

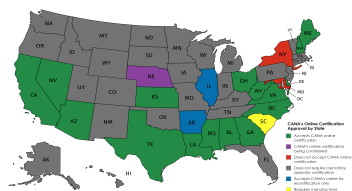
You will gain extensive knowledge—technical, scientific, and legal—all of which is proactive prevention for future business problems. The class addresses major topic areas such as an overview of the flame and water cremation process, equipment and operations, the cremation process in detail, chain of custody, reducing legal risk, and environmental issues related to cremation. A detailed manual is also provided for use during class and serves as an important reference tool. Taught by industry experts, this program provides death care professionals of all backgrounds and levels of experience a thorough knowledge of the practices and procedures that will help reduce the risk of litigation.

For 2022, the CANA Crematory Operations Certification Program™ (CANA COCP™) is updated to feature best practices in in all forms of cremation, including alkaline hydrolysis. Popular activities such as the Plan Your Day exercise have been newly revised, there is an all-new animation to demonstrate the cremation process, and the COCP Manual has been updated, keeping CANA's curriculum at the cutting edge of crematory operation best practices.

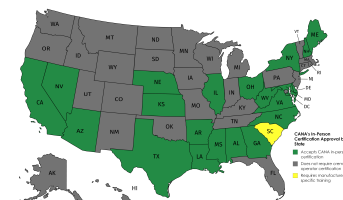
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COURSE FORMAT

The course is offered as either an in-person course or as an online course and is designed to meet crematory operations certification requirements and provide best practices for both flame cremation and alkaline hydrolysis facilities. Click here to see which version your state will accept for certification (/resource/resmgr/industry_practitioners_cocp/cocp-cert.png) and/or continuing education (/resource/resmgr/industry_practitioners_cocp/cocp-ceu.png).



(/resource/resmgr/industry_practitioners_cocp/cocp_ol_cert.png)



(https://www.cremationassociation.org/resource/resmgr/industry_practitioners_cocp/cocpinperson_map.png)

The **in-person course** consists of 6 hours of classroom instruction delivered in one day (check the event calendar (<http://www.cremationassociation.org/events>) for upcoming courses), 2 hours of online instruction, and a final exam. The online module and the final exam are completed within two weeks of attending the in-person session.

The **online course** (<https://www.cremationassociation.org/store/viewproduct.aspx?id=19932495>) consists of 8 hours of online instruction and a final exam. The course is self-paced; each time you log off, your last location will be bookmarked so you can resume where you left off the next time you log in. You have 90 days to complete the course once you begin.



Lesson 1 of 6

Cremation Terminology

CANA Definition of Cremation

Cremation is the thermal or chemical or other dissolution process that reduces human remains to bone fragments.

It includes processing and usually includes the pulverization of the bone fragments.

Open pyre cremation in India

(<https://rise.articulate.com/share/0A92mbCSm4o275y-TbvSYm7eN4wOade5>)

TbvSYm7eN4wOade5)

Demo the Online COCP! (<https://rise.articulate.com/share/0A92mbCSm4o275y-TbvSYm7eN4wOade5>) Try some exercises, get a feel for the format, and get a taste of the curriculum.

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SOFTWARE/HARDWARE REQUIREMENTS FOR TAKING THE ONLINE COURSE

1. **Sound capabilities** (for listening to videos and narration)

2. **Browser**

Desktop Browsers: the latest version of Microsoft Edge, Google Chrome, Firefox or Safari

Mobile Browsers: Safari for Apple iOS/iPadOS (latest version), Google Chrome for Apple iOS/iPadOS (latest version), Google Chrome for Android OS 6 or later

Browser Settings: JavaScript must be enabled; font downloads must be enabled

Screen Readers: latest version of JAWS, NVDA, VoiceOver, TalkBack

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FEES (ONLINE AND IN-PERSON)

CANA Member Employees: \$495

Nonmembers: \$595

Service Members: \$195

Active and retired military service members can register by submitting a completed registration form (https://www.cremationassociation.org/resource/resmgr/industry_practitioners_cocp/RegistrationForm_CANA-COCP.pdf) with proof of service – copies of Military ID, DD214, Canadian Armed Forces certificate of service, or related documentation – and payment. Please email the forms to info@cremationassociation.org (<mailto:info@cremationassociation.org>), and allow at least one (1) business day for processing. Call 312-245-1077 for assistance.

Students: \$195 (US students must provide proof of enrollment in an ABFSE-accredited (<http://abfse.org/>) funeral service or mortuary science program working toward licensure as a funeral director and/or embalmer; non-US students should inquire with CANA before registering)

Register by submitting a completed registration form

(https://www.cremationassociation.org/resource/resmgr/industry_practitioners_cocp/RegistrationForm_CANA-COCP.pdf) with proof of enrollment (any school documentation that includes student's name, program, school, and current term) and payment. Please email the forms to info@cremationassociation.org, and allow at least one (1) business day for processing. Call 312-245-1077 for assistance.

WHAT'S INCLUDED?

- The complete CANA Crematory Operations Certification course.
- COCP Manual, provided at check-in for in-person participants or as a download for online participants.
- Crematory Operator Certificate, mailed after successful completion of all course requirements. Certificates are valid for five (5) years. To renew certification, you will need to take the course again.

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WHAT DO I HAVE TO DO TO BECOME CANA CERTIFIED?

In order to receive a Crematory Operator Certificate from CANA, participants of this course are required to:

1. complete all seven (7) course modules, and;
2. receive a score of 80% or better on the final examination.

Whether you take the in-person course or the online version, the certification test will be completed through CANA Education Online. You will have three (3) attempts to receive a passing score. A print copy of the test is provided at the back of the manual for study purposes; however, the questions and choices are randomized when delivered online.

A certificate of completion will be available for printing immediately upon passing the final examination (for purposes of validating continuing education hours). Crematory Operator Certificates are **mailed** at the end of the month in which you pass your examination.

FREQUENTLY ASKED QUESTIONS

When is your next online class?

+

Do I need to be a member to get CANA Certified?

+

What are the prerequisites for taking this class?

<https://www.cremationassociation.org/page/COCP>

What are the prerequisites for taking this class?

How long is the crematory operator certificate valid?

What if I lost my certificate, change my name, change jobs, or move?

Will I be able to operate a cremator or AH machine after taking this class?

Will I be able to get a job as a crematory operator/technician after taking this class?

I want to open my own crematory/AH facility. Should I take this class?

Do I need this certification?

What if you're not coming to my area soon?

What if I work for SCI/Dignity Memorial?

What if I operate a pet crematory?

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CURRICULUM

This course presents material in a series of modules. They are as follows:

Module 1: Overview of the Cremation Process

Module 2: Equipment and Operations

Module 3: The Cremation Process in Detail

Module 4: Chain of Custody

Module 5: Reducing Legal Risk

Module 6: Tying it all Together

Module 7: Cremation & the Environment

Final Exam

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FACULTY



David M. Daniels
ElGuindy, Meyer & Koegel, APC
Roseville, California

David M. Daniels has over 20 years of trial and transactional experience in cases involving: professional and medical malpractice, complex insurance coverage, class action litigation, labor and employment law, catastrophic injuries, commercial litigation, and hospitality law. He has successfully litigated numerous cases in California's state and federal courts, in addition to handling a multitude of arbitrations and mediations.



Tom Krowl
Cremation Systems (Armi/CFS)
South Holland, IL

Tom has a B.S. degree in Construction Engineering from Syracuse University and the State University of New York. He has spent 38 years working in the Building Materials, Fire Testing, and High Temperature Insulating Materials Industries. The past 10 years have been focused on new cremation equipment technology and installation techniques. His depth of knowledge of construction, environmental impact, and zoning regulations benefit crematory operators at every level.



William (Bill) McQueen, CANA Past President
Legacy Protection Lawyers, LLP
St. Petersburg, Florida

Bill is a Licensed Funeral Director/Embalmer, CPA and attorney-at-law who focuses his practice in Individual & Family Estate Planning, Business Succession Planning and Wealth & Legacy Protection. He serves as a trusted advisor and experienced problem solver to many family-owned business owners including a number of funeral homes, crematories and funeral acquisition companies located throughout the United States. Bill obtained his Business & Accounting degrees from University of North Carolina-Chapel, his Juris Doctor degree with highest honors from University of Florida College of Law, and his Masters of Law degree in Estate Planning from University of Miami School of Law.



John Mitchell

IR Environmental

Altamonte Springs, Florida

John Mitchell is currently serving as Vice President of IR Environmental Services LLC. A Florida native, John started his career in the death care industry with Matthews Cremation Division (Matthews Environmental Solutions) in 2001. John held several positions, traveling around the globe serving, repairing, installing, and training operators and owners about cremation equipment and operations. John joined US Cremation Equipment in 2013 becoming Director Service/Repair & Training. John has been involved in new product design and development throughout his years in the industry. Joining Cremation Association of North American (CANA) in 2014 as course instructor for their "Cremation Operations Certification Program" (COCP), John has been involved in training countless operators and owners alike throughout the world. John is also a published author in the American Cemetery & Cremation Magazine.



Larry Stuart, Jr., Past CANA Board Member

Cremation Strategies and Consulting

Tulsa, Oklahoma

Larry is a graduate of Kent State University and is a past member of the Board of Directors of the Cremation Association of North America (CANA) as Supplier Liaison. Through his experience Larry has seen first-hand the negative impact that poor crematory maintenance and improper operating procedures can bring about. Larry has spoken at numerous industry events and has conducted crematory operator training classes across North America with a mission to advance the safety of cremation facilities and their employees and to more positively impact our community and our environment.



Wendy Wiener

WRW Legal, PLLC

Tallahassee, Florida

Wendy Russell Wiener, Esq. is the Managing Member at WRW Legal, PLLC. She practices regulatory deathcare industry and regulatory insurance law, representing entities and individuals who interact with the administrative agencies that regulate all aspects of the deathcare and insurance industries. Ms. Wiener represents clients as counsel in Florida and as a regulatory consultant nationwide. She assists clients in all types of licensing (for individuals and entities) and disciplinary matters, practices before the administrative tribunals, state and federal courts in Florida and interacts with regulators nationwide. Ms. Wiener is a frequent contributor to several national and state deathcare-related publications.



Barbara Kemmis, CANA Executive Director

Wheeling, Illinois

Barbara has over 15 years of experience developing and marketing member benefits, providing leadership in professional associations, fundraising and creating professional development opportunities. Most recently the Directors of Member Services at the American Theological Library Association, Chicago, Illinois, she previously served as Vice President of Library and Nonprofit Services at the Donors Forum, Chicago, Illinois. Barbara has a Master's degree in Library Science from Dominican University, a graduate certificate in nonprofit management from North Park University and a B.A. from Earlham College.



Mimi Korcak, CANA Education Coordinator

Wheeling, Illinois

Mimi Korcak comes to CANA with an arts background in ballet and music.

"It Takes All Kinds to Make the World Go Round" (/members/blog_view.asp?id=776820&post=470517)

5/18/2022

Understanding Google's New Types of Featured Snippets (/members/blog_view.asp?id=776820&post=468686)

5/4/2022

Funeral Service Professionals Need To Be Cremation Specialists (/members/blog_view.asp?id=776820&post=467822)

4/20/2022

The Odd One Out: How Isolation Hurts Death Care Professionals (/members/blog_view.asp?id=776820&post=465762)

Calendar

[more \(/events/event_list.asp\)](/events/event_list.asp)

7/18/2022 » 11/11/2022

CANA Certified Cremation Specialist - 2022 Cohort B (/events/EventDetails.aspx?id=1643731)

7/19/2022

Talk 3: Peer Support Meeting (/events/EventDetails.aspx?id=1575318)

8/16/2022

Talk 3: Peer Support Meeting (/events/EventDetails.aspx?id=1575319)

8/17/2022 » 8/19/2022

CANA's 104th Cremation Innovation Convention (/events/EventDetails.aspx?id=1550461)

8/17/2022

Crematory Operations Certification Program - August 17, 2022 - Atlanta, GA (/events/EventDetails.aspx?id=1577072)

Online Learning

[View Available Courses \(https://www.cremationassociation.org/store/\)](https://www.cremationassociation.org/store/)

[Access Your Courses \(https://education.cremationassociation.org\)](https://education.cremationassociation.org)



CONTACT US

Cremation Association of North America

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ALKALINE HYDROLYSIS

LAWS & RULES

BELOW STATES ONLY RECOGNIZE ALKALINE HYDROLYSIS IN DEFINITION

INCLUDED IN CREMATION DEFINITION:



FLORIDA

FLORIDA STATUTES 497.005

Cremation means any mechanical or thermal process whereby a dead human body is reduced to ashes and bone fragments. Cremation also includes any other mechanical or thermal process whereby human remains are pulverized, burned, re Cremated, or otherwise further reduced in size or quantity.

COLORADO

COLORADO STATUTES § 12-54-102

Cremation or cremate means the reduction of human remains to essential elements, the processing of the remains, and the placement of the processed remains in a cremated remains container.

GEORGIA

GA CODE 43-18-1

"Cremation" means the reduction of the dead human body to residue by intense heat or any mechanical, chemical, thermal, or other professionally accepted process. Cremation also includes any other mechanical, chemical, thermal, or other professionally accepted process whereby human remains are pulverized, burned, re Cremated, or otherwise further reduced in size or quantity.



ILLINOIS

410 ICLS 18/5

"Cremation" means the technical process, using heat and flame, or alkaline hydrolysis that reduces human remains to bone fragments. The reduction takes place through heat and evaporation or through hydrolysis.

KANSAS

KANSAS STATUTES 65-1760

"Cremation" means the mechanical and/or other dissolution process that reduces human remains to bone fragments. Cremation includes the processing and usually includes the pulverization of the bone fragments.



MAINE

144 CMR 244, SECTION I

Cremation: The technical process, using direct flame and heat, or other process, that reduces human remains to bone fragments. The reduction takes place through heat and evaporation, or through other processes, including, but not limited to, chemical dissolution. Cremation includes the processing and usually includes the pulverization of the bone fragments.



MISSOURI

20 CSR 2120-2.071

Cremation—a final disposition of dead human remains; the mechanical process which reduces remains to bone fragments through heat, evaporation, and/or an alkaline hydrolysis chemical process.

ALKALINE HYDROLYSIS DEFINED IN:

ALABAMA CODE § 34-13-1 (2018)

ALKALINE HYDROLYSIS. The technical process that reduces human remains to bone fragments using heat, water, and chemical agents.

OKLAHOMA

EFFECTIVE NOVEMBER 2021

"Alkaline Hydrolysis" means the reduction of human remains to bone fragments and essential elements in a licensed crematory using heat, pressure, water and base chemical agents.

SASKATCHEWAN FCSCS BYLAWS

"Alkaline hydrolysis" is a process whereby human remains are placed in a pressure vessel containing water and potassium hydroxide. With the introduction of heat and pressure the human remains are reduced to bone fragments.

ALKALINE HYDROLYSIS ALSO INCLUDED IN:

CONNECTICUT CODE § 42-200 AH included in definition of funeral directing.

IDAHO CODE § 39-268 AH included in definition of crematory establishment.

VERMONT 26 V.S.A. 21 § 1252 AH included in definition of crematory establishment.



See page 2 for AH regulations in other states.

ALKALINE HYDROLYSIS

LAWS & RULES

ALKALINE HYDROLYSIS WRITTEN REGULATIONS



MINNESOTA

REGULATION HIGHLIGHTS:

- AH facility application
- AH facility required documentation
includes: proof of liability insurance, environmental permits, period of licensure, etc.
- AH container requirements & AH disclosures

FULL REGULATIONS:

[HTTPS://WWW.REVISOR.MN.GOV/INDEX/STATUTE/S10076710?YEAR=2020](https://www.revisor.mn.gov/index/statute/s10076710?year=2020)

CALIFORNIA

REGULATIONS COMING SOON:

- AH facility application
- AH facility fees | requirements
- AH manager requirements
- AH contracts & AH special trusts

MORE INFO:

[HTTPS://WWW.CFB.CA.GOV/LAWS_REGS/PROPOSED_REGS.SHTML](https://www.cfb.ca.gov/laws_regs/proposed_regs.shtml)



NORTH CAROLINA

REGULATION HIGHLIGHTS:

- Hydrolysis chamber regulations
- Requirements for Hydrolysis License & Manager
- AH facility physical requirements

FULL REGULATIONS:

NC GENERAL STATUTE § 90-210.136
TITLE 21, SUBCHAPTER 34C, NC ADMINISTRATIVE CODE

NEVADA

REGULATION HIGHLIGHTS:

- AH facility requirements
- AH container requirements
- AH artificial device language

FULL REGULATIONS:

[HTTPS://WWW.LEG.STATE.NV.US/NRS/NRS-451.HTML](https://www.leg.state.nv.us/nrs/nrs-451.html)

ONTARIO

REGULATION HIGHLIGHTS:

- Alternative Disposition Operator - Hydrolysis req.
- Defines hydrolysis chamber, hydrolysis wrapping, hydrolysate, etc.

FULL REGULATIONS:
[WWW.ONTARIO.CA/LAWS/STATUTE/02F33](http://www.ontario.ca/laws/statute/02f33)

[HTTPS://SECURE.SOS.STATE.OR.US/OARD/DISPLAYCHAPTERRULES.ACTION?SELECTEDCHAPTER=130](https://secure.sos.state.or.us/oard/displaychapterrules.action?selectedchapter=130)

OREGON

REGULATION HIGHLIGHTS:

- AH referred to as "alternative disposition" and "dissolution"
- Dissolution chamber requirements
- Alternative disposition facility req.

FULL REGULATIONS:

UTAH

REGULATION HIGHLIGHTS:

- AH authorization form requirements
- Defines AH container and container standards

FULL REGULATIONS:

[HTTPS://LE.UTAH.GOV/XCODE/TITLE58/CHAPTER9/58-9-S613.HTML?V=C58-9-S613_2018050820180508](https://le.utah.gov/xcode/title58/chapter9/58-9-s613.html?v=C58-9-S613_2018050820180508)

WASHINGTON

REGULATION HIGHLIGHTS:

- Holding remains for AH language
- AH licensing operator requirements
- Defines "effluent"

FULL REGULATIONS:

[HTTPS://APP.LEG.WA.GOV/WAC/DEFAULT.ASPX?CITE=308-47](https://app.leg.wa.gov/wac/default.aspx?cite=308-47)
[HTTPS://APP.LEG.WA.GOV/WAC/DEFAULT.ASPX?CITE=246-500-053&PDF=TRUE](https://app.leg.wa.gov/wac/default.aspx?cite=246-500-053&pdf=true)

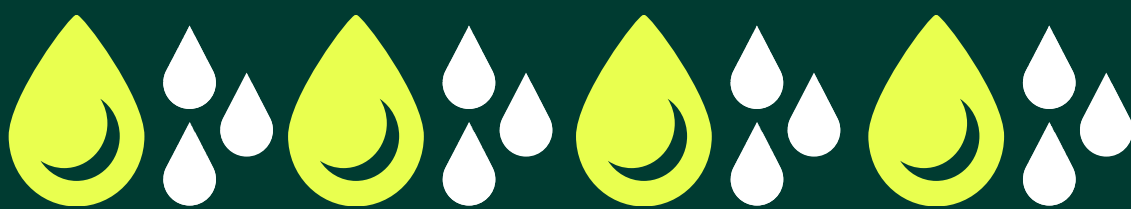
WYOMING

REGULATION HIGHLIGHTS:

- AH is defined as chemical disposition
- Chemical disposition facility & record requirements
- Chemical disposition license requirements

FULL REGULATIONS:

[HTTPS://FSPBOARD.WYO.GOV/RULES](https://fspboard.wyo.gov/rules)



ALKALINE HYDROLYSIS INFORMATION COMPILED AND
POSTED IN MAY 2021 BY THE CONFERENCE.

For more information on state/provincial licensing requirements, please visit our website.

STATE COMPARISONS OF
LAWS AND REGULATIONS
RELATED TO ALKALINE
HYDROLYSIS

States that Allow/Recognize Alkaline Hydrolysis

I. States that Include process in definition/provisions for cremation; term “alkaline hydrolysis” not specifically used			
State	Statute(s)/Regulation(s)	Definition of Process	Notes
Colorado	Colorado Statutes § 12-54-102	<p>(3) "Cremated remains" or "cremains" means all human remains recovered after cremation, including pulverization, that leaves only bone fragments that have been reduced to unidentifiable dimensions.</p> <p>(4) "Cremation" or "cremate" means the reduction of human remains to essential elements, the processing of the remains, and the placement of the processed remains in a cremated remains container.</p> <p>(4.3) "Cremation chamber" means the enclosed space inside of which human remains are cremated.</p> <p>(4.5) "Cremation container" means a container in which the human remains are transported to the crematory and intended to be placed in the cremation chamber.</p> <p>(4.7) "Cremationist" means a person who cremates or prepares for cremation human remains.</p> <p>(5) "Crematory" means a building, facility, establishment, or structure where human remains are cremated.</p>	Process included in definition of cremation but not specifically named
Florida	Florida Statutes 497.005	<p>(16) “Cinerator” means a facility where dead human bodies are subjected to cremation</p> <p>(21) “Cremated remains” means all the remains of the human body recovered after the completion of the cremation process, including processing or pulverization that leaves only bone fragments reduced to unidentifiable dimensions and may include the residue of any foreign matter, including casket material, bridgework, or eyeglasses that were cremated with the human remains.</p> <p>(22) “Cremation” means any mechanical or thermal process whereby a dead human body is reduced to ashes and bone fragments. Cremation also includes any other mechanical or thermal process whereby human remains are pulverized, burned, re-cremated, or otherwise further reduced in size or quantity.</p> <p>(23) “Cremation chamber” means the enclosed space within which the cremation process takes place. Cremation chambers covered by these procedures shall be used exclusively for the cremation of human remains.</p>	Process included in definition of cremation but not specifically named

		(24) "Cremation container" means the casket or alternative container in which the human remains are transported to and placed in the cremation chamber for a cremation. ...	
Georgia	GA Code 43-18-1	(5) "Cremation" means the reduction of the dead human body to residue by intense heat or any mechanical, chemical, thermal, or other professionally accepted process. Cremation also includes any other mechanical, chemical, thermal, or other professionally accepted process whereby human remains are pulverized, burned, re Cremated, or otherwise further reduced in size or quantity. (6) "Crematory" means any place where cremation is performed, other than a hospital, clinic, laboratory, or other facility authorized by the Department of Community Health for such purposes.	Process included in definition of cremation but not specifically named
Illinois	410 ICLS 18/5	"Cremated remains" means all human remains recovered after the completion of the cremation, which may possibly include the residue of any foreign matter including casket material, bridgework, or eyeglasses, that was cremated with the human remains. "Cremation" means the technical process, using heat and flame, or alkaline hydrolysis that reduces human remains to bone fragments. The reduction takes place through heat and evaporation or through hydrolysis. Cremation shall include the processing, and may include the pulverization, of the bone fragments. "Cremation chamber" means the enclosed space within which the cremation takes place. ... "Cremation room" means the room in which the cremation chamber is located. "Crematory" means the building or portion of a building that houses the cremation room and the holding facility. "Crematory authority" means the legal entity which is licensed by the Comptroller to operate a crematory and to perform cremations.	Process included in definition of cremation but not specifically named
Kansas	Kansas Statutes 65-1760	(d) "Cremated remains" means all human remains recovered after the completion of the cremation of a dead human body, which may possibly include the residue of any foreign matter including casket material, bridgework or eyeglasses, that was cremated with the dead human body. (e) "Cremation" means the mechanical and/or other dissolution process that reduces human remains to bone fragments. Cremation includes the processing and usually includes the pulverization of the bone fragments. (f) "Cremation chamber" means the enclosed space within which the cremation of a dead human body is performed. Such chambers shall be used exclusively for the cremation of human remains.	Process included in definition of cremation but not specifically named

		<p>(g) "Crematory" means a business premises that houses the cremation chamber and holding facility where dead human bodies are cremated. A crematory shall be maintained at a fixed and specific street address.</p> <p>(h) "Crematory operator" means a person who is engaged in, conducting or holding oneself out as engaged in or conducting, the business of cremation.</p> <p>(i) "Crematory operator in charge" means the licensed crematory operator who is responsible to ensure that the crematory's license is current and that the licensed crematory is in compliance with the laws and regulations of this state. Nothing in this definition shall relieve other persons involved with a cremation from complying with state and federal laws and regulations.</p>	
Maine	10-144 CMR 227, Section 1	Cremation: The technical process, using direct flame and heat, or other process, that reduces human remains to bone fragments. The reduction takes place through heat and evaporation, or through other processes, including, but not limited to, chemical dissolution. Cremation includes the processing and usually includes the pulverization of the bone fragments.	Process included in definition of cremation but not specifically named
Missouri	20 CSR 2120-1.040; - 2.071	<p>(6) Cremated remains-the bone fragments which remain after the cremation process is completed.</p> <p>(7) Cremation-a final disposition of dead human remains; the mechanical process which reduces remains to bone fragments through heat, evaporation, and/or an alkaline hydrolysis chemical process.</p> <p>(8) Cremation box-a container into which cremated remains are placed.</p> <p>(9) Cremation chamber-the total functioning mechanical unit for the actual cremation process.</p> <p>(10) Cremation container-the container in which the human remains are delivered to the crematory area for cremation.</p>	Process included in definition of cremation but not specifically named
II. States that use the term "alkaline hydrolysis" in statute/regulation			
Alabama	Code § 34-13-1 (2018)	<p>(2) ALKALINE HYDROLYSIS. The technical process that reduces human remains to bone fragments using heat, water, and chemical agents.</p> <p>(14) CREMATION. The technical process, using heat, flames, or chemical agents, that reduces human remains to bone fragments. The reduction takes place through heat and evaporation. Cremation shall include the processing, and may include the pulverization, of the bone fragments.</p>	Alkaline hydrolysis is defined, but included within provisions for cremation
Oklahoma	§ 59-396.2	14. "Cremation" means the technical process, using heat and flame, or heat and pressure, that reduces human remains to bone fragments. The reduction takes place	Alkaline hydrolysis included in definition of

	Title 235, Chapter 10, 235:10-1-2	<p>through heat and evaporation, or through alkaline hydrolysis. Cremation shall include, but not be limited to, the processing and pulverization of the bone fragments.</p> <p>15. "Crematory" means a structure containing a furnace or alkaline hydrolysis vessel used or intended to be used for the cremation of human remains. The term includes a facility that cremates human remains through alkaline hydrolysis.</p> <hr/> <p>"Cremation" means the technical process, using heat, that reduces dead human remains to bone fragments. The reduction takes place through heat and evaporation. The cremation process shall include, but not be limited to, the processing and pulverization of the bone fragments.</p> <p>"Cremation Chamber" means the enclosed space contained within a machine that has been duly manufactured for the sole purpose of cremating dead human remains within which the cremation is performed.</p> <p>"Cremation Container" means a casket or other container designed to transport a deceased human body and for placement in a cremation chamber during cremation.</p>	"cremation," but not otherwise defined
Connecticut	Code Ch. 385 § 20-207	(3) "Funeral directing" means the business, practice or profession, as commonly practiced, of (A) directing or supervising funerals, or providing funeral services; (B) handling or encasing or providing services for handling and encasing dead human bodies, otherwise than by embalming, for burial or disposal; (C) providing embalming services; (D) providing transportation, interment and disinterment of dead human bodies; (E) maintaining an establishment so located, constructed and equipped as to permit the decent and sanitary handling of dead human bodies, with suitable equipment in such establishment for such handling; (F) conducting an establishment from which funerals may be held; (G) engaging in consultations concerning arrangements for the disposition of human remains, including, but not limited to, arrangements for cremation or alkaline hydrolysis; (H) casketing human remains; (I) making cemetery and cremation arrangements; and (J) preparing funeral service contracts, as defined in section 42-200;	Alkaline hydrolysis included in definition of "funeral directing" but is not otherwise defined
Idaho	IDAPA 24.08.01 (-450, -452)	<p>450. Funeral Establishment and Crematory Establishment.</p> <p>04. Crematory Establishment. All crematory establishments shall be required to provide each of the following:</p> <p>a. Detailed information regarding each retort, specifically documenting that each retort and accompanying equipment is listed by an approved testing agency as listed in the Uniform Fire Code or in the case of alkaline hydrolysis, an appropriate purpose-built vessel with documented validation for sterilization; and ...</p>	Alkaline hydrolysis referenced in sections related to crematory establishments, but is not otherwise defined

		<p>452. MINIMUM STANDARDS.</p> <p>01. Reasonable Sanitation and Safety Required. No license will be issued to operate a funeral establishment or crematory unless it is apparent that the establishment or crematory can and will be operated in a reasonably sanitary and safe manner and that all pertinent federal, state, and local permits have been obtained when operating an alkaline hydrolysis retort.</p>	
Vermont	26 VSA § 1211	<p>§ 1211. Definitions</p> <p>(a) (1) "Crematory establishment" means a business registered with the Office conducted at a specific street address or location devoted to the disposition of dead human bodies by means of cremation, alkaline hydrolysis, or any other type of human reduction acceptable to the Director as established by the Director by rule.</p>	Alkaline hydrolysis referenced in definition of "crematory establishment" but not otherwise defined
Minnesota	Minnesota Statutes 149A.02 et seq.	Alkaline hydrolysis. "Alkaline hydrolysis" means the reduction of a dead human body to essential elements through a water-based dissolution process using alkaline chemicals, heat, agitation, and pressure to accelerate natural decomposition; the processing of the hydrolyzed remains after removal from the alkaline hydrolysis vessel; placement of the processed remains in a hydrolyzed remains container; and release of the hydrolyzed remains to an appropriate party. Alkaline hydrolysis is a form of final disposition.	Minnesota has definition of alkaline hydrolysis and separate regulatory structure and licensure for the process
California	CA Code HSC § 7010.1 Title 16, Division 23, Sections 2310 et seq. of CA Code of Regulations	<p>(a) "Hydrolysis" means the process by which the following two steps are taken:</p> <p>(1) The reduction of the body of a deceased person to its essential organic components and bone fragments by alkaline hydrolysis. "Alkaline hydrolysis" is a process using heat or heat and applied pressure, water, and potassium hydroxide or sodium hydroxide in a hydrolysis chamber.</p> <p>Adds "hydrolysis" and "hydrolysis facility" to regulations as a process separate from cremation; Adds licensure for hydrolysis facility</p>	<p>Regulatory changes became effective June 17, 2021</p> <p>See full copy of regulations</p>
North Carolina	GS § 90-210.136 21 NCAC 34C .01 et seq.	<p>(a) The following definitions shall apply in this section:</p> <p>(1) Alkaline hydrolysis. – The technical process using water, heat, and other chemicals to destroy, dissolve, or reduce human remains to simpler or essential elements.</p> <p>(2) Hydrolysis container. – A container, other than a casket, designed to enclose human remains and made of suitable material to be easily destroyed during hydrolysis and to resist spillage and leakage. A hydrolysis container may be a cremation container or any other container that meets the requirements of this subdivision.</p>	Alkaline hydrolysis is separately defined in Code, but is treated as cremation for purposes of existing regulations

		<p>(3) Hydrolysis licensee. – A person or entity licensed to hydrolyze human remains and perform hydrolysis.</p> <p>(4) Liquid waste. – Any liquid remaining after hydrolysis that does not contain any trace elements of human tissue. ...</p> <p>(c) Except as otherwise provided by this section, a license for the hydrolysis of human remains shall have the same requirements and fees as for the licensing of crematories under this Article. The hydrolysis of human remains shall be conducted in compliance with all requirements for cremation, and the licensee shall pay the same fees for monthly reports for each hydrolysis as crematories under this Article. ...</p>	
Nevada	<p>NRS 451.617</p> <p>NRS 451.607</p>	<p>“Cremation” means the technical process that reduces human remains to bone fragments by using alkaline hydrolysis or incineration.</p> <p>“Alkaline hydrolysis” defined. “Alkaline hydrolysis” means the:</p> <ol style="list-style-type: none"> 1. Reduction of human remains to bone fragments through a water-based process of dissolution using alkaline chemicals and agitation to accelerate natural decomposition; and 2. Processing of the hydrolyzed human remains after their removal from the container in which the process of dissolution occurs. 	<p>Separate definition provided in Code, but process treated as cremation in regulations</p>
Oregon	<p>Oregon Administrative Rules 830-011-0000</p>	<p>(1) “Alkaline hydrolysis” is a final disposition process involving dissolution of human remains by placing the remains in a dissolution chamber containing water and chemical solution including potassium hydroxide or sodium hydroxide, or a combination of both, and introducing heat to break down the remains until bone fragments that may be pulverized and liquid remain.</p> <p>(2) “Alternative Disposition” Alternative disposition is a board-authorized method of final disposition of human remains other than burial, entombment, burial at sea, cremation or removal from the state, and includes dissolution.</p> <p>(3) “Alternative Disposition Facility” An alternative disposition facility is a facility containing equipment designed for the final disposition of human remains through alternative methods authorized by the board including, but not limited to, dissolution.</p> <p>(4) “Alternative Disposition Facility Authority” An Alternative Disposition Facility Authority is any person, partnership or corporation with a Certificate of Authority to operate a dissolution chamber or other alternative disposition equipment as authorized by the Board by rule.</p> <p>(10) “Cremated Remains” and “Alternative Disposition Remains” Cremated remains or alternative disposition remains are the remaining bone fragments after the act of cremation or alternative disposition is completed.</p>	<p>While certain requirements for crematory authorities encompass alkaline hydrolysis, there are certain separate requirements for “alternative disposition facility authorities” using alkaline hydrolysis (see full copy of rules)</p>

	830-030-0000	<p>(11) "Cremated Remains Container" and "Alternative Disposition Remains Container" A cremated remains or alternative disposition remains container is a container in which processed cremated remains can be placed and closed to prevent leakage.</p> <p>(21) "Dissolution" Dissolution includes, but is not limited to, alkaline hydrolysis.</p> <p>(22) "Dissolution Chamber" A dissolution chamber is a purpose-built vessel that is closed and sealed on all sides when human remains are placed inside and the dissolution process takes place.</p> <p>(23) "Dissolution Container" A dissolution container is the container, if any, in which human remains are placed for the purpose of placement in the dissolution chamber.</p> <p>(25) "Final Processing" Final Processing is the processing of bone fragments to an unidentifiable dimension following the cremation or dissolution process.</p> <p>(42) "Processed Cremated or Alternative Disposition Remains" As used in this chapter, processed cremated or alternative disposition remains are the result of pulverization, where the residual from the cremation or alternative disposition, such as dissolution, process is reduced to unidentifiable dimensions.</p> <p>(2) Alternative Disposition Facility Authorities must comply with the requirements in this division (Division 30) for the handling and tracking of human remains prior to, during, and after cremation as if the Alternative Disposition Facility Authority is a Crematory Authority, the alternative disposition remains are cremated remains and the dissolution chamber is a cremation chamber.</p> <p>(3) Alternative Disposition Facility Authorities using alkaline hydrolysis for dissolution must comply with the following requirements:</p> <p>(a) The Alternative Disposition Facility Authority must only employ a purpose-built vessel as a dissolution chamber.</p> <p>(b) Dissolution systems which operate above atmospheric pressure must only employ an American Society of Mechanical Engineers' (ASME) certified pressure vessel as a dissolution chamber.</p> <p>(c) The dissolution system must use parameters of heat, time and solution circulation sufficient to achieve complete dissolution of all tissue remains.</p> <p>(d) The Alternative Disposition Facility Authority must ensure that the discharge liquid that is a byproduct of the dissolution process meets the facility's sewage collection and treatment facility requirements regarding acceptable temperature and pH level.</p>	
Utah	Utah Code 58-9-102	(1) "Alkaline hydrolysis" means a water-based dissolution process using alkaline chemicals, heat, and sometimes agitation or pressure that reduces human remains to a	Alkaline hydrolysis process defined, but also included

		<p>liquid and to dry bone residue and includes the disposal of the liquid and the processing and pulverization of the dry bone residue.</p> <p>(2) "Alkaline hydrolysis chamber" means the enclosed space within which the alkaline hydrolysis process takes place and that is used exclusively for alkaline hydrolysis of human remains.</p> <p>(3) "Alkaline hydrolysis container" means a container:</p> <p>(a) in which human remains are transported to a funeral service establishment and placed in an alkaline hydrolysis chamber for resomation; and</p> <p>(b) that meets substantially all of the following standards:</p> <p>(i) able to be closed in order to provide a complete covering for the human remains;</p> <p>(ii) resistant to leakage or spillage;</p> <p>(iii) rigid enough for handling with ease; and</p> <p>(iv) able to provide protection for the health, safety, and personal integrity of crematory personnel.</p> <p>(4) "Authorizing agent" means a person legally entitled to authorize the cremation or the alkaline hydrolysis process of human remains.</p> <p>(10) "Cremated remains" means all the remains of a cremated body recovered after the completion of the cremation process, including pulverization which leaves only bone fragments reduced to unidentifiable dimensions and may possibly include the residue of foreign matter including casket material, bridgework, or eyeglasses that were cremated with the human remains.</p> <p>(11) "Cremation" means the technical process, using direct flame and heat, or a chemical process, that reduces human remains to bone fragments through heat and evaporation, or a chemical process, and includes the processing and usually the pulverization of the bone fragments.</p> <p>(12) "Cremation chamber" means the enclosed space within which the cremation process takes place and which is used exclusively for the cremation of human remains.</p> <p>(13) "Cremation container" means the container:</p> <p>(a) in which the human remains are transported to the crematory and placed in the cremation chamber for cremation; and</p> <p>(b) that meets substantially all of the following standards:</p> <p>(i) composed of readily combustible or consumable materials suitable for cremation;</p> <p>(ii) able to be closed in order to provide a complete covering for the human remains;</p> <p>(iii) resistant to leakage or spillage;</p> <p>(iv) rigid enough for handling with ease; and</p>	<p>with definition of cremation</p>
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		<p>(v) able to provide protection for the health, safety, and personal integrity of crematory personnel.</p> <p>(14) "Crematory" means the building or portion of a building that houses the cremation chamber and the holding facility.</p> <p>(27) "Processing" means the reduction of identifiable bone fragments after the completion of the cremation or the alkaline hydrolysis process to unidentifiable bone fragments by manual means.</p> <p>(28) "Pulverization" means the reduction of identifiable bone fragments after the completion of the cremation or alkaline hydrolysis and processing to granulated particles by manual or mechanical means.</p> <p>(29) "Resomation" means the alkaline hydrolysis process.</p>	
Washington	WAC 308-47-010	<p>(1) "Alkaline hydrolysis" or "hydrolysis" means the reduction of human remains to bone fragments and essential elements in a licensed hydrolysis facility using heat, pressure, water and base chemical agents.</p> <p>(9) "Crematory authority, alkaline hydrolysis authority, or natural organic reduction authority" means the legal entity and their authorized representatives, licensed to reduce human remains through cremation, alkaline hydrolysis, or natural organic reduction.</p> <p>(10) "Effluent" means the liquid end-product following alkaline hydrolysis.</p> <p>(14) "Hydrolysis facility" means a structure, room, or other space in a building or structure containing one or more hydrolysis vessels, to be used for alkaline hydrolysis.</p> <p>(17) "Processing" is the removal of foreign objects from human remains following cremation, alkaline hydrolysis, or natural organic reduction and may include pulverization.</p> <p>(18) "Pulverization" is the reduction of identifiable bone fragments to unidentifiable dimensions by manual or mechanical means during or following cremation, alkaline hydrolysis, or natural organic reduction.</p> <p>(19) "Reduced human remains" means human remains after the reduction process.</p> <p>(20) "Reduction" means an accelerated conversion of human remains into bone fragments, essential elements, or soil by cremation, alkaline hydrolysis, or natural organic reduction.</p> <p>(21) "Reduction chamber" means the enclosed space in a crematory, alkaline hydrolysis vessel, or natural organic reduction facility in which the reduction process takes place.</p> <p>(22) "Reduction facility" means a crematory, or hydrolysis facility, or natural organic reduction facility that is solely devoted to the reduction of human remains.</p>	See full section related to Cremation/AH/Reduction

		<p>(23) "Reduction facility operator" means the person(s) registered with the board who operates a crematory, alkaline hydrolysis equipment, or natural organic reduction facility.</p> <p>(24) "Residue" means the products that may unavoidably remain in the reduction chamber after manual cleaning techniques are performed.</p> <p>(25) "Shroud" means a leak resistant covering for human remains prior to alkaline hydrolysis, or natural organic reduction to ensure privacy and respectful handling of human remains.</p>	
Wyoming	<p>Code 33-16-502 33-16-530 et seq</p> <p>035-6 Wyo. Code R. § 6-6</p>	<p>(iv) "Chemical disposer" means a licensed funeral service practitioner who is also licensed by the board as a person permitted to dispose of human remains by chemical disposition;</p> <p>(v) "Chemical disposition" means the process by which a deceased human body is reduced to a powder by use of materials other than heat and evaporation;</p> <p>(vi) "Chemical disposition facility" means any building or facility or part thereof engaging in the chemical disposition of human remains;</p> <p>---</p> <p>Chemical disposition facilities using alkaline hydrolysis for chemical disposition must comply with the following requirements:</p> <p>(a) The licensed funeral service practitioner or funeral director shall use a purpose-built vessel as a dissolution chamber.</p> <p>(b) Chemical disposition systems which operate above atmospheric pressure shall use an American Society of Mechanical Engineers (ASME) certified pressure vessel as a dissolution chamber.</p> <p>(c) The chemical disposition system shall use parameters of heat, time, and solution circulation sufficient to achieve complete dissolution of all tissue remains.</p> <p>(d) The licensed funeral service practitioner or funeral director shall ensure that the discharge liquid that is a byproduct of the chemical disposition process meets the facility's sewage collection and treatment facility requirements regarding acceptable temperature and pH level.</p>	<p>Permit provisions for chemical disposers in 33-16-530 et seq.; see WY Administrative Rules Ch. 6, re: chemical disposers</p>

CALIFORNIA

TITLE 16. CEMETERY AND FUNERAL BUREAU

Order of Adoption

LICENSURE AND REGULATION OF ALKALINE HYDROLYSIS

Amend section 2310 of Division 23 of Title 16 of the California Code of Regulations to read as follows:

§ 2310. Regulatory Charge

(a) The annual regulatory charge to be paid by every cemetery authority operating a cemetery under the Act is fixed at the sum of four hundred dollars (\$400). An additional quarterly charge of eight dollars and fifty cents (\$8.50) for each burial, entombment, or inurnment made during the preceding quarter shall be paid to the Bureau. If the cemetery authority performs a burial, entombment, or inurnment, and the cremation or hydrolysis was performed at a crematory or hydrolysis facility located on the grounds of the cemetery and under common ownership with the cemetery authority, the total of all additional charges shall be eight dollars and fifty cents (\$8.50).

(b) The annual regulatory charge to be paid by every licensed crematory is fixed at the sum of four hundred dollars (\$400). An additional quarterly charge of eight dollars and fifty cents (\$8.50) for each cremation made during the preceding quarter shall be paid to the Bureau.

(c) The annual regulatory charge to be paid by every licensed hydrolysis facility is fixed at the sum of nine hundred dollars (\$900). An additional quarterly charge of eight dollars and fifty cents (\$8.50) for each hydrolysis made during the preceding quarter shall be paid to the bureau.

(1) Each hydrolysis facility shall submit to the bureau annual maintenance records of the hydrolysis chamber for the preceding year with the annual renewal application. The hydrolysis facility license shall not be renewed without proof of annual maintenance of the hydrolysis chamber.

(2) Each hydrolysis facility that discharges hydrolysate to a sewer collection system shall submit to the bureau the current Department of Public Health evaluation with the annual renewal application pursuant to Business and Professions Code section 7639.08(e). The hydrolysis facility license shall not be renewed without proof of the evaluation.

(d) The bureau shall not renew the license of any cemetery authority, crematory

or hydrolysis facility that has failed to pay the quarterly regulatory charge prescribed under this section.

Note: Authority cited: Sections ~~9630~~ 7606, 7639.08, and 7712.5, ~~9765~~ Business and Professions Code. Reference cited: Sections 7639.06, 7639.08, 7712.9, 7730.10, and ~~9786~~ 7730.11, Business and Professions Code.

Amend Section 2311 of Division 23 of Title 16 of the California Code of Regulations to read as follows:

§ 2311. Filing Fee

(a) An initial filing fee of four hundred dollars (\$400) shall accompany an original application for a certificate of authority to operate a cemetery. In the event the expenses of the bureau's investigation, computed at the rate of one hundred dollars (\$100) per day per person, shall exceed this amount, the applicant shall, within five (5) days after request therefore, deposit such additional sums as deemed necessary by the bureau provided that the total sum shall not exceed nine hundred dollars (\$900).

(b) An initial filing fee of four hundred dollars (\$400) shall accompany an original application for a crematory license. In the event the expenses of the bureau's investigation, computed at the rate of one hundred dollars (\$100) per day per person, shall exceed this amount, the applicant shall, within five (5) days after request therefore, deposit such additional sums as deemed necessary by the bureau provided that the total sum shall not exceed nine hundred dollars (\$900).

(c) An initial filing fee of nine hundred dollars (\$900) shall accompany an original application for a hydrolysis facility.

Note: Authority cited: Sections ~~9630, 9717~~ 7606, 7653, and 7712.5, Business and Professions Code. Reference cited: Sections ~~9717~~ 7653, 9783 7712.5, and 7730.11, Business and Professions Code.

Add Section 2326.05 of Division 23 of Title 16 of the California Code of Regulations to read as follows:

§ 2326.05. Application for Hydrolysis Facility License

(a) An application for a hydrolysis facility license shall be filed on bureau form 23-HF (New 07/20), Application for Hydrolysis Facility License, which is hereby incorporated by reference, at the principal office of the bureau. In addition to the payment of the filing fees required by section 2311 of Title 16 of the California Code of Regulations, each application shall be accompanied by a copy of the following:

(1) Articles of Incorporation, if the applicant is a corporation, certified by the Secretary of State, or a partnership agreement, if the applicant is a partnership.

(2) Land use or zoning permit certified by the city or county for the land proposed to be used by the applicant for the hydrolysis facility.

(3) Permit to operate a hydrolysis facility issued by the local department of public health.

(4) Deed, lease or other written instrument providing the applicant with the right to possess and use the property where the business will be located.

(5) Approval of hydrolysis chamber issued by the State Department of Public Health.

(b) A signed and verified statement by the individual if the applicant is an individual, by the chief executive officer and one of the directors of the corporation if the applicant is a corporation, by both partners if the partnership has two partners, or the majority of partners, if the applicant is a partnership with two or more partners. Each statement shall set forth:

(1) A complete and detailed financial statement showing assets, liabilities, and reserves.

(2) A statement of proposed plan of operation which shall include the type of services proposed to be sold by the facility.

(3) A complete and accurate copy of the standard agreement the applicant proposes to use for funding of prearranged hydrolysis.

(c) Plans and specifications of the hydrolysis facility and building, which must be sufficient to allow the bureau to determine, among other things:

(1) Amount of storage for hydrolyzed and unhydrolyzed remains.

(2) The relative placement of structures and equipment in the hydrolysis facility.

Note: Authority cited: Section 7606, Business and Professions Code. Reference: Sections 7639, 7639.04, 7639.06, and 7639.08, Business and Professions Code.

Amend section 2326.1 of Division 23 of Title 16 of the California Code of Regulations to read as follows:

§ 2326.1. Managers

(a) Each cemetery for which a new certificate of authority is required shall be operated under the supervision of a cemetery manager qualified as such by the bureau. If the applicant for a new certificate of authority is a limited liability company, the cemetery manager shall not have an ownership interest as a member of the limited liability company.

(1) The applicant for a new certificate of authority, in addition to the requirements of section 2326, will designate the cemetery manager. There shall be submitted with the application a written statement from the cemetery manager demonstrating that he or she has two (2) years' experience in the cemetery business, or equivalent experience, which experience shall be commensurate with the size, type, and scope of the proposed activities of the cemetery authority. Additional cemetery managers who have been qualified and examined by the bureau may be designated by the applicant and can succeed the cemetery manager in the event of death, resignation, disability, voluntary surrender of license, or other inability to perform the required duties, as provided for in Business and Professions Code section 7653.6.

(b) Each crematory for which a crematory license is required shall be operated under the supervision of a crematory manager designated by the applicant and qualified as such by the bureau. Additional crematory managers who have been qualified and examined by the bureau may be designated by the applicant and can succeed the crematory manager in the event of death, resignation, disability, or other inability to perform the required duties, as provided for in Business and Professions Code section 7713.

(c) Each hydrolysis facility for which a hydrolysis facility license is required shall be operated under the supervision of a crematory manager designated by the applicant and qualified as such by the bureau. Each report of change of designation of a crematory manager submitted shall comply with section 2317.2 of Title 16 of the California Code of Regulations. Additional crematory managers who have been qualified and certified by the bureau may be designated by the applicant and can succeed the crematory manager in the event of death, resignation, disability, or other inability to perform the required duties, as provided in Business and Professions Code section 7712.11. For the purpose of certifying a crematory manager pursuant to this subdivision, the bureau shall require a written statement from the hydrolysis chamber manufacturer demonstrating that the crematory manager has received the proper training for the operation of the hydrolysis chamber and the proposed activities of the

licensed hydrolysis facility.

Note: Authority cited: Sections 7606 and 7653, Business and Professions Code.
Reference: Sections 7613.4, 7613.5, 7652.8, 7653, 7653.6, 7712.10, 7712.11 and 7713, Business and Professions Code.

Add Section 2329.1 of Division 23 of Title 16 of the California Code of Regulations to read as follows:

§ 2329.1 Abandonment of Application for Hydrolysis Facility License

An application shall be deemed abandoned and all fees previously paid shall be deemed forfeited if the applicant for a hydrolysis facility license refuses or fails to comply with the provisions of sections 2326.05 and 2326.1(c) of Title 16, of the California Code of Regulations, within one (1) year from the date of written notification by the Bureau of the documents or information required to be submitted. The applicant shall be notified in writing of such action. Any application so abandoned may not be reinstated. However, the applicant may file a new application accompanied by the required fees and documents.

Note: Authority cited: Section 7606, Business and Professions Code. Reference: Sections 7639.04, 7639.06 and 7652.10, Business and Professions Code.

Amend section 2339 of Division 23 of Title 16 of the California Code of Regulations to read as follows:

§ 2339. Form and Content of Crematory and Hydrolysis Contracts

(a) Pursuant to Sections ~~9784~~ 7639.10 and 7712.6 of the Code, every contract shall be in writing and shall contain all of the agreements of the parties. Such a contract shall clearly state the following:

- (1) The total contract price.
- (2) Terms of payment.
- (3) An itemized statement of charges including, as applicable, the following:
 - (A) Charges for preparation of the body.
 - (B) Charges for storage.
 - (C) Charges for permits.

(D) Charges for cremation or hydrolysis and disposition.

(E) Charges for transportation.

(F) Any other charges, which shall be particularized.

(b) Any contract, arrangement or plan for the prearrangement of cremation or cremation services or hydrolysis or hydrolysis services shall provide in sufficient detail the manner in which funds paid on account of such arrangements are to be handled including, but not limited to, the following:

(1) The name or names of the persons, firm or entity with custodial responsibility for such funds.

(2) The manner in which such funds and earnings thereon are held.

(3) A provision that any such prearrangement is wholly revocable at any time and that the person establishing such arrangement may recover funds and earnings thereon. Such funds, less an amount not to exceed ten (10) percent of the earned income as a revocation fee, shall be furnished to the person establishing such arrangement within fifteen (15) days of receipt of a notice of revocation as provided in the prearrangement contract.

Note: Authority cited: Sections ~~9630~~ 7606 and 7639.08, Business and Professions Code. Reference: Sections ~~9784~~ 7639.10 and 7712.6, Business and Professions Code.

Amend Section 2370 of Division 23 of Title 16 of the California Code of Regulations to read as follows:

§ 2370. Special Trusts

Trusts established for burial purposes pursuant to Section 8775 of the Health and Safety Code including cremation, hydrolysis, or other commodities or services furnished at the time of and in connection with such cremation, hydrolysis, or interment are under the supervision of the bureau and must comply with the following requirements:

(a) All moneys paid directly or indirectly and all securities delivered under the trust agreement or any agreement collateral thereto shall constitute the “trust corpus.”

(b) None of the trust corpus shall be used for payment of commission or other expenses of trust administration.

(c) The trust agreement shall specifically set forth any expenses to be charged to the trustor out of income to the trust or any portion of the trust corpus to be retained by the trustees or cemetery authority upon revocation and a copy thereof shall be delivered to the trustor; provided, however, such revocation fee to be retained by the trustee or cemetery authority shall not exceed ten (10) percent of the trust corpus.

(d) Other than as provided in Subsection (c) hereof, the trust income shall be used solely for the purposes authorized by Section 8775 of the Health and Safety Code.

(e) Unless specific property or securities are placed in trust by the trustor, investments of these funds shall be in investments authorized by law -for example, as authorized by Health and Safety Code Sections 8751 and 8751.1 as well as Civil Code Sections 2228 through 2239 and 2261.

Note: Authority cited: Sections ~~9630~~ 7606 and 7740, Business and Professions Code.
Reference: Section 8775, Health and Safety Code.

COLORADO

Editor's note: This article 52 was numbered as article 7 of chapter 125, C.R.S. 1963. For amendments to this article 52 prior to its repeal in 2017, consult the 2016 Colorado Revised Statutes and the Colorado statutory research explanatory note beginning on page vii in the front of this volume. This article 52 was relocated to article 110 of title 11 by SB 17-226. Former C.R.S. section numbers are shown in editor's notes following those sections that were relocated. For a detailed comparison of this article 52, see the comparative tables located in the back of the index.

ARTICLE 53

Motor Clubs and Similar Organizations

12-53-101 to 12-53-113. (Repealed)

Source: L. 92: Entire article repealed, p. 1615, § 174, effective May 20.

Editor's note: (1) This article was numbered as article 7 of chapter 125, C.R.S. 1963. For amendments to this article prior to its repeal in 1992, consult the Colorado statutory research explanatory note and the table itemizing the replacement volumes and supplements to the original volume of C.R.S. 1973 beginning on page vii in the front of this volume.

(2) Section 12-53-101 (14) was amended in Senate Bill 92-104. Those amendments were superseded by the repeal of the section in Senate Bill 92-90.

ARTICLE 54

Mortuaries

PART 1

MORTUARY SCIENCE CODE

Editor's note: This part 1 was numbered as article 4 of chapter 61, C.R.S. 1963. This part 1 was repealed and reenacted in 1978 and was subsequently amended with relocations in 2003, resulting in the addition, relocation, and elimination of sections as well as subject matter. For amendments to this article prior to 2003, consult the Colorado statutory research explanatory note and the table itemizing the replacement volumes and supplements to the original volume of C.R.S. 1973 beginning on page vii in the front of this volume. Former C.R.S. section numbers prior to 2003 are shown in editor's notes following those sections that were relocated.

12-54-101. Short title. This article shall be known and may be cited as the "Mortuary Science Code".

Source: L. 2003: Entire part amended with relocations, p. 1916, § 1, effective July 1. **L. 2010:** Entire section amended, (HB 10-1422), ch. 419, p. 2068, § 20, effective August 11.

12-54-102. Definitions. As used in this article, unless the context otherwise requires:

(1) "Alternative container" means a nonmetal receptacle or enclosure, without ornamentation or a fixed interior lining, that is designed for the encasement of human remains and is made of fiberboard, pressed wood, composition materials, or other similar materials.

(2) "Casket" means a rigid container that is designed for the encasement of human remains and is ornamented and lined with fabric.

(3) "Cremated remains" or "cremains" means all human remains recovered after cremation, including pulverization, that leaves only bone fragments that have been reduced to unidentifiable dimensions.

(4) "Cremation" or "cremate" means the reduction of human remains to essential elements, the processing of the remains, and the placement of the processed remains in a cremated remains container.

(4.3) "Cremation chamber" means the enclosed space inside of which human remains are cremated.

(4.5) "Cremation container" means a container in which the human remains are transported to the crematory and intended to be placed in the cremation chamber.

(4.7) "Cremationist" means a person who cremates or prepares for cremation human remains.

(5) "Crematory" means a building, facility, establishment, or structure where human remains are cremated.

(5.3) "Custodian" means the person with possession and control of human remains.

(5.5) "Designee" means an individual designated by a funeral establishment registered in accordance with section 12-54-110 or 12-54-303.

(5.7) "Director" means the director of the division of professions and occupations or the director's designee.

(6) "Division" means the division of professions and occupations created in section 24-34-102, C.R.S.

(7) "Embalm" or "embalming" means the disinfection and temporary preservation of human remains by chemically treating the body to reduce the presence and growth of organisms, to retard organic decomposition, or to attempt restoration of the physical appearance.

(8) "Embalmer" means any person who embalms, or prepares for embalming, human remains for compensation.

(9) "Final disposition" means the disposition of human remains by entombment, burial, cremation, or removal from the state.

(10) "Funeral", "funeral service", or "funeral ceremony" means a service or rite commemorating the deceased and at which service or rite the body of the deceased is present.

(11) "Funeral director" means a person who, for compensation:

(a) Arranges, directs, or supervises funerals, memorial services, or graveside services; or

(b) Prepares human remains for final disposition by means other than embalming.

(12) "Funeral establishment", "funeral home", or "mortuary" means:

(a) An establishment that holds, cares for, or prepares human remains prior to final disposition, including a crematory or embalming room; except that this paragraph (a) does not apply to establishments in which individuals regularly die;

(b) An establishment that holds itself out to the general public as providing funeral goods and services;

(c) Facilities used to hold, care for, or prepare human remains prior to final disposition; except that this paragraph (c) does not apply to facilities in which individuals regularly die; or

(d) An establishment that provides funeral or memorial services to the public for compensation.

(13) "Funeral goods" means goods that are sold or offered for sale directly to the public for use in connection with funeral or cremation services.

(14) "Funeral services" means:

(a) Preparation of human remains for final disposition; except that this paragraph (a) does not apply to cremation;

(b) Arrangement, supervision, or conduct of the funeral ceremony or the final disposition of human remains; or

(c) Transportation of human remains to or from a funeral establishment.

(14.2) "Human remains" means the physical remains of a dead human.

(14.5) "Implanted device" means a mechanical device that may explode or cause damage to crematory equipment.

(15) "Memorial service" means a service or rite commemorating the deceased and at which service or rite the body of the deceased is not present.

(16) "Mortuary science practitioner" means a person who, for compensation, does the following or offers to do the following:

(a) Embalms or cremates human remains;

(b) Arranges, directs, or supervises funerals, memorial services, or graveside services; or

(c) Prepares human remains for final disposition.

(17) "Next of kin" means a family member or members of the deceased who, under Colorado law, have legal authority over the disposition of human remains.

(17.5) "Ossuary" means a receptacle used for the communal placement of cremated remains, without using an urn or other container, in which cremated remains are commingled with other cremated remains.

(18) "Preneed contract" means a preneed contract as defined in section 10-15-102 (13), C.R.S.

(19) "Preparation of the body" means embalming, washing, disinfecting, shaving, dressing, restoring, casketing, positioning, caring for the hair of or applying cosmetics to human remains.

(20) "Processing" means the removal of foreign objects from cremated remains and the reduction of such remains by mechanical means to granules appropriate for final disposition.

Source: L. 2003: Entire part amended with relocations, p. 1916, § 1, effective July 1. L. 2009: IP, (4), (8), (12), IP(14), (14)(a), and (16) amended and (4.5), (4.7), (5.5), (5.7), and (14.5) added, (HB 09-1202), ch. 422, p. 2340, § 1, effective July 1. L. 2011: (1), (2), (4), (4.5), (4.7), (5), (7) to (9), (11)(b), (12), (14), (16), (17), and (19) amended and (4.3), (5.3), (14.2), and (17.5) added, (HB 11-1178), ch. 89, p. 254, § 1, effective August 10. L. 2015: (5) and IP(12) amended, (SB 15-110), ch. 178, p. 580, § 3, effective July 1.

Editor's note: This section is similar to former § 12-54-103 as it existed prior to 2003, and the former § 12-54-102 was repealed.

MINNESOTA

Minnesota

Minnesota Statutes 2021

ALKALINE HYDROLYSIS

Containers, [Minn. Statutes 2020 149A.02](#), [2020 149A.70](#) to [2020 149A.72](#)

Definitions, [Minn. Statutes 2020 149A.02](#)

Disclosures, [Minn. Statutes 2020 149A.72](#)

Facilities

Generally, [Minn. Statutes 2020 149A.941](#)

Titles, use, [Minn. Statutes 2020 149A.70](#)

Licenses

Fees, [Minn. Statutes 2020 149A.65](#)

Generally, [Minn. Statutes 2020 149A.54](#)

Health Department, duties, [Minn. Statutes 2020 149A.03](#)

Renewal, [Minn. Statutes 2020 149A.55](#)

Violations and penalties, [Minn. Statutes 2020 149A.55](#)

149A.02 DEFINITIONS.

Subdivision 1. **Scope.**

For purposes of this chapter, the terms defined in this section have the meanings given them.

Subd. 1a. **Alkaline hydrolysis.**

"Alkaline hydrolysis" means the reduction of a dead human body to essential elements through a water-based dissolution process using alkaline chemicals, heat, agitation, and pressure to accelerate natural decomposition; the processing of the hydrolyzed remains after removal from the alkaline hydrolysis vessel; placement of the processed remains in a hydrolyzed remains container; and release of the hydrolyzed remains to an appropriate party. Alkaline hydrolysis is a form of final disposition.

Subd. 1b. **Alkaline hydrolysis container.**

"Alkaline hydrolysis container" means a hydrolyzable or biodegradable closed container or pouch resistant to leakage of bodily fluids that encases the body and into which a dead human body is placed prior to insertion into an alkaline hydrolysis vessel. Alkaline hydrolysis containers may be hydrolyzable or biodegradable alternative containers or caskets.

Subd. 1c. **Alkaline hydrolysis facility.**

"Alkaline hydrolysis facility" means a building or structure containing one or more alkaline hydrolysis vessels for the alkaline hydrolysis of dead human bodies.

Subd. 1d. **Alkaline hydrolysis vessel.**

"Alkaline hydrolysis vessel" means the container in which the alkaline hydrolysis of a dead human body is performed.

Subd. 2. **Alternative container.**

"Alternative container" means a nonmetal receptacle or enclosure, without ornamentation or a fixed interior lining, which is designed for the encasement of dead human bodies and is made of hydrolyzable or biodegradable materials, corrugated cardboard, fiberboard, pressed-wood, or other like materials.

Subd. 3. Arrangements for disposition.

"Arrangements for disposition" means any action normally taken by a funeral provider in anticipation of or preparation for the entombment, burial in a cemetery, alkaline hydrolysis, or cremation of a dead human body.

...

Subd. 5. Casket.

"Casket" means a rigid container which is designed for the encasement of a dead human body and is usually constructed of hydrolyzable or biodegradable materials, wood, metal, fiberglass, plastic, or like material, and ornamented and lined with fabric.

...

Subd. 7. Cremated remains.

"Cremated remains" means the postcremation remains of a dead human body.

Subd. 8. Cremated remains container.

"Cremated remains container" means a receptacle in which postcremation remains are placed. For purposes of this chapter, "cremated remains container" is interchangeable with "urn" or similar keepsake storage jewelry.

Subd. 9. Cremation.

"Cremation" means the reduction of a dead human body to essential elements through direct exposure to intense heat and flame and the repositioning or movement of the body during the process to facilitate reduction, the processing of the remains after removal from the cremation chamber, placement of the processed remains in a cremated remains container, and release of the cremated remains to an appropriate party.

Subd. 10. Cremation chamber.

"Cremation chamber" means the enclosed space within which the cremation of a dead human body is performed.

Subd. 11. Cremation container.

"Cremation container" means a combustible, closed container that encases the body and can be made of materials like fiberboard or corrugated cardboard and into which a dead human body is placed prior to insertion into a cremation chamber for cremation. Cremation containers may be combustible "alternative containers" or combustible "caskets."

Subd. 12. Crematory.

"Crematory" means a building or structure containing one or more cremation chambers or retorts for the cremation of dead human bodies.

Subd. 12a. Crypt.

"Crypt" means a space in a mausoleum of sufficient size, used or intended to be used to entomb human remains, cremated remains, or hydrolyzed remains.

Subd. 12b. Direct alkaline hydrolysis.

"Direct alkaline hydrolysis" means a final disposition of a dead human body by alkaline hydrolysis, without formal viewing, visitation, or ceremony with the body present.

Subd. 13.**Direct cremation.**

"Direct cremation" means a final disposition of a dead human body by cremation, without formal viewing, visitation, or ceremony with the body present.

...

Subd. 16.**Final disposition.**

"Final disposition" means the acts leading to and the entombment, burial in a cemetery, alkaline hydrolysis, or cremation of a dead human body.

...

Subd. 23.**Funeral services.**

"Funeral services" means any services which may be used to: (1) care for and prepare dead human bodies for burial, alkaline hydrolysis, cremation, or other final disposition; and (2) arrange, supervise, or conduct the funeral ceremony or the final disposition of dead human bodies.

...

Subd. 24a.**Hydrolyzed remains.**

"Hydrolyzed remains" means the remains of a dead human body following the alkaline hydrolysis process. Hydrolyzed remains does not include pacemakers, prostheses, or similar foreign materials.

Subd. 24b.**Hydrolyzed remains container.**

"Hydrolyzed remains container" means a receptacle in which hydrolyzed remains are placed. For purposes of this chapter, a hydrolyzed remains container is interchangeable with "urn" or similar keepsake storage jewelry.

...

Subd. 26a.**Inurnment.**

"Inurnment" means placing hydrolyzed or cremated remains in a hydrolyzed or cremated remains container suitable for placement, burial, or shipment.

Subd. 27.**Licensee.**

"Licensee" means any person or entity that has been issued a license to practice mortuary science, to operate a funeral establishment, to operate an alkaline hydrolysis facility, or to operate a crematory by the Minnesota commissioner of health.

...

Subd. 32.**Person.**

"Person" means an individual or a firm, corporation, limited liability company, partnership, association, or other legal entity.

Subd. 32a.**Placement.**

"Placement" means the placing of a container holding hydrolyzed or cremated remains in a crypt, vault, or niche.

...

Subd. 34. Preparation of the body.

"Preparation of the body" means placement of the body into an appropriate cremation or alkaline hydrolysis container, embalming of the body or such items of care as washing, disinfecting, shaving, positioning of features, restorative procedures, application of cosmetics, dressing, and casketing.

Subd. 35. Processing.

"Processing" means the removal of foreign objects, drying or cooling, and the reduction of the hydrolyzed or cremated remains by mechanical means including, but not limited to, grinding, crushing, or pulverizing, to a granulated appearance appropriate for final disposition.

...

Subd. 37. Public transportation.

"Public transportation" means all manner of transportation via common carrier available to the general public including airlines, buses, railroads, and ships. For purposes of this chapter, a livery service providing transportation to private funeral establishments, alkaline hydrolysis facilities, or crematories is not public transportation.

...

Subd. 37c. Scattering.

"Scattering" means the authorized dispersal of hydrolyzed or cremated remains in a defined area of a dedicated cemetery or in areas where no local prohibition exists provided that the hydrolyzed or cremated remains are not distinguishable to the public, are not in a container, and that the person who has control over disposition of the hydrolyzed or cremated remains has obtained written permission of the property owner or governing agency to scatter on the property.

...

Subd. 39. Universal precautions.

"Universal precautions" means the universal blood and body fluid precautions recommended by the United States Public Health Service, Centers for Disease Control, to prevent transmission of blood-borne and body fluid-borne infectious diseases.

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Subd. 41. Vault.

"Vault" means a space in a mausoleum of sufficient size, used or intended to be used to entomb human remains, cremated remains, or hydrolyzed remains. Vault may also mean a sealed and lined casket enclosure.

149A.03 DUTIES OF COMMISSIONER.

The commissioner shall:

(1) enforce all laws and adopt and enforce rules relating to the:

...

(iv) licensing and operation of an alkaline hydrolysis facility; and

...

149A.54 LICENSE TO OPERATE AN ALKALINE HYDROLYSIS FACILITY.

Subdivision 1. License requirement.

Except as provided in section [149A.01](#), subdivision 3, a place or premise shall not be maintained, managed, or operated which is devoted to or used in the holding and alkaline hydrolysis of a dead human body without possessing a valid license to operate an alkaline hydrolysis facility issued by the commissioner of health.

Subd. 2. Requirements for an alkaline hydrolysis facility.

(a) An alkaline hydrolysis facility licensed under this section must consist of:

(1) a building or structure that complies with applicable local and state building codes, zoning laws and ordinances, and wastewater management and environmental standards, containing one or more alkaline hydrolysis vessels for the alkaline hydrolysis of dead human bodies;

(2) a method approved by the commissioner of health to dry the hydrolyzed remains and which is located within the licensed facility;

(3) a means approved by the commissioner of health for refrigeration of dead human bodies awaiting alkaline hydrolysis;

(4) an appropriate means of processing hydrolyzed remains to a granulated appearance appropriate for final disposition; and

(5) an appropriate holding facility for dead human bodies awaiting alkaline hydrolysis.

(b) An alkaline hydrolysis facility licensed under this section may also contain a display room for funeral goods.

Subd. 3. Application procedure; documentation; initial inspection.

An application to license and operate an alkaline hydrolysis facility shall be submitted to the commissioner of health. A completed application includes:

(1) a completed application form, as provided by the commissioner;

(2) proof of business form and ownership;

(3) proof of liability insurance coverage or other financial documentation, as determined by the commissioner, that demonstrates the applicant's ability to respond in damages for liability arising from the ownership, maintenance management, or operation of an alkaline hydrolysis facility; and

(4) copies of wastewater and other environmental regulatory permits and environmental regulatory licenses necessary to conduct operations.

Upon receipt of the application and appropriate fee, the commissioner shall review and verify all information. Upon completion of the verification process and resolution of any deficiencies in the application information, the commissioner shall conduct an initial inspection of the premises to be licensed. After the inspection and resolution

of any deficiencies found and any reinspections as may be necessary, the commissioner shall make a determination, based on all the information available, to grant or deny licensure. If the commissioner's determination is to grant the license, the applicant shall be notified and the license shall issue and remain valid for a period prescribed on the license, but not to exceed one calendar year from the date of issuance of the license. If the commissioner's determination is to deny the license, the commissioner must notify the applicant in writing of the denial and provide the specific reason for denial.

Subd. 4. Nontransferability of license.

A license to operate an alkaline hydrolysis facility is not assignable or transferable and shall not be valid for any entity other than the one named. Each license issued to operate an alkaline hydrolysis facility is valid only for the location identified on the license. A 50 percent or more change in ownership or location of the alkaline hydrolysis facility automatically terminates the license. Separate licenses shall be required of two or more persons or other legal entities operating from the same location.

Subd. 5. Display of license.

Each license to operate an alkaline hydrolysis facility must be conspicuously displayed in the alkaline hydrolysis facility at all times. Conspicuous display means in a location where a member of the general public within the alkaline hydrolysis facility is able to observe and read the license.

Subd. 6. Period of licensure.

All licenses to operate an alkaline hydrolysis facility issued by the commissioner are valid for a period of one calendar year beginning on July 1 and ending on June 30, regardless of the date of issuance.

Subd. 7. Reporting changes in license information.

Any change of license information must be reported to the commissioner, on forms provided by the commissioner, no later than 30 calendar days after the change occurs. Failure to report changes is grounds for disciplinary action.

Subd. 8. Notification to the commissioner.

If the licensee is operating under a wastewater or an environmental permit or license that is subsequently revoked, denied, or terminated, the licensee shall notify the commissioner.

Subd. 9. Application information.

All information submitted to the commissioner for a license to operate an alkaline hydrolysis facility is classified as licensing data under section [13.41, subdivision 5](#).

149A.55 RENEWAL OF LICENSE TO OPERATE AN ALKALINE HYDROLYSIS FACILITY.

Subdivision 1. Renewal required.

All licenses to operate an alkaline hydrolysis facility issued by the commissioner expire on June 30 following the date of issuance of the license and must be renewed to remain valid.

Subd. 2. Renewal procedure and documentation.

Licensees who wish to renew their licenses must submit to the commissioner a completed renewal application no later than June 30 following the date the license was issued. A completed renewal application includes:

- (1) a completed renewal application form, as provided by the commissioner; and

(2) proof of liability insurance coverage or other financial documentation, as determined by the commissioner, that demonstrates the applicant's ability to respond in damages for liability arising from the ownership, maintenance, management, or operation of an alkaline hydrolysis facility.

Upon receipt of the completed renewal application, the commissioner shall review and verify the information. Upon completion of the verification process and resolution of any deficiencies in the renewal application information, the commissioner shall make a determination, based on all the information available, to reissue or refuse to reissue the license. If the commissioner's determination is to reissue the license, the applicant shall be notified and the license shall issue and remain valid for a period prescribed on the license, but not to exceed one calendar year from the date of issuance of the license. If the commissioner's determination is to refuse to reissue the license, section [149A.09](#), subdivision 2, applies.

Subd. 3. Penalty for late filing.

Renewal applications received after the expiration date of a license will result in the assessment of a late filing penalty. The late filing penalty must be paid before the reissuance of the license and received by the commissioner no later than 31 calendar days after the expiration date of the license.

Subd. 4. Lapse of license.

Licenses to operate alkaline hydrolysis facilities shall automatically lapse when a completed renewal application is not received by the commissioner within 31 calendar days after the expiration date of a license, or a late filing penalty assessed under subdivision 3 is not received by the commissioner within 31 calendar days after the expiration of a license.

Subd. 5. Effect of lapse of license.

Upon the lapse of a license, the person to whom the license was issued is no longer licensed to operate an alkaline hydrolysis facility in Minnesota. The commissioner shall issue a cease and desist order to prevent the lapsed license holder from operating an alkaline hydrolysis facility in Minnesota and may pursue any additional lawful remedies as justified by the case.

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Subd. 6. Restoration of lapsed license.

The commissioner may restore a lapsed license upon receipt and review of a completed renewal application, receipt of the late filing penalty, and reinspection of the premises, provided that the receipt is made within one calendar year from the expiration date of the lapsed license and the cease and desist order issued by the commissioner has not been violated. If a lapsed license is not restored within one calendar year from the expiration date of the lapsed license, the holder of the lapsed license cannot be relicensed until the requirements in section [149A.54](#) are met.

Subd. 7. Reporting changes in license information.

Any change of license information must be reported to the commissioner, on forms provided by the commissioner, no later than 30 calendar days after the change occurs. Failure to report changes is grounds for disciplinary action.

Subd. 8. Application information.

All information submitted to the commissioner by an applicant for renewal of licensure to operate an alkaline hydrolysis facility is classified as licensing data under section [13.41, subdivision 5](#).

149A.65 FEES.

Subdivision 1. **Generally.**

This section establishes the fees for registrations, examinations, initial and renewal licenses, and late fees authorized under the provisions of this chapter.

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Subd. 6. **Alkaline hydrolysis facilities.**

The initial and renewal fee for an alkaline hydrolysis facility is \$425. The late fee charge for a license renewal is \$100.

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149A.70 BUSINESS PRACTICES.

Subdivision 1. **Use of titles.**

Only a person holding a valid license to practice mortuary science issued by the commissioner may use the title of mortician, funeral director, or any other title implying that the licensee is engaged in the business or practice of mortuary science. Only the holder of a valid license to operate an alkaline hydrolysis facility issued by the commissioner may use the title of alkaline hydrolysis facility, water cremation, water-reduction, biocremation, green-cremation, resomation, dissolution, or any other title, word, or term implying that the licensee operates an alkaline hydrolysis facility. Only the holder of a valid license to operate a funeral establishment issued by the commissioner may use the title of funeral home, funeral chapel, funeral service, or any other title, word, or term implying that the licensee is engaged in the business or practice of mortuary science. Only the holder of a valid license to operate a crematory issued by the commissioner may use the title of crematory, crematorium, green-cremation, or any other title, word, or term implying that the licensee operates a crematory or crematorium.

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149A.72 FUNERAL INDUSTRY PRACTICES; MISREPRESENTATIONS.

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Subd. 3. **Casket for alkaline hydrolysis or cremation provisions; deceptive acts or practices.**

In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for a funeral provider to represent that a casket is required for alkaline hydrolysis or cremations by state or local law or otherwise.

Subd. 3a. **Casket for alkaline hydrolysis provision; preventive measures.**

To prevent deceptive acts or practices, funeral providers must place the following disclosure in immediate conjunction with the prices shown for alkaline hydrolysis: "Minnesota law does not require you to purchase a casket for alkaline hydrolysis. If you want to arrange for alkaline hydrolysis, you can use an alkaline hydrolysis container. An alkaline hydrolysis container is a hydrolyzable or biodegradable closed container or pouch resistant to leakage of bodily fluids that encases the body and into which a dead human body is placed prior to insertion into an alkaline hydrolysis vessel. The containers we provide are (specify containers provided)." This disclosure is required only if the funeral provider arranges alkaline hydrolysis.

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149A.941 ALKALINE HYDROLYSIS FACILITIES AND ALKALINE HYDROLYSIS.

Subdivision 1. License required.

A dead human body may only be hydrolyzed in this state at an alkaline hydrolysis facility licensed by the commissioner of health.

Subd. 2. General requirements.

Any building to be used as an alkaline hydrolysis facility must comply with all applicable local and state building codes, zoning laws and ordinances, wastewater management regulations, and environmental statutes, rules, and standards. An alkaline hydrolysis facility must have, on site, a purpose built human alkaline hydrolysis system approved by the commissioner of health, a system approved by the commissioner of health for drying the hydrolyzed remains, a motorized mechanical device approved by the commissioner of health for processing hydrolyzed remains, and in the building a holding facility approved by the commissioner of health for the retention of dead human bodies awaiting alkaline hydrolysis. The holding facility must be secure from access by anyone except the authorized personnel of the alkaline hydrolysis facility, preserve the dignity of the remains, and protect the health and safety of the alkaline hydrolysis facility personnel.

Subd. 3. Lighting and ventilation.

The room where the alkaline hydrolysis vessel is located and the room where the chemical storage takes place shall be properly lit and ventilated with an exhaust fan that provides at least 12 air changes per hour.

Subd. 4. Plumbing connections.

All plumbing fixtures, water supply lines, plumbing vents, and waste drains shall be properly vented and connected pursuant to the Minnesota Plumbing Code. The alkaline hydrolysis facility shall be equipped with a functional sink with hot and cold running water.

Subd. 5. Flooring, walls, ceiling, doors, and windows.

The room where the alkaline hydrolysis vessel is located and the room where the chemical storage takes place shall have nonporous flooring, so that a sanitary condition is provided. The walls and ceiling of the room where the alkaline hydrolysis vessel is located and the room where the chemical storage takes place shall run from floor to ceiling and be covered with tile, or by plaster or sheetrock painted with washable paint or other appropriate material so that a sanitary condition is provided. The doors, walls, ceiling, and windows shall be constructed to prevent odors from entering any other part of the building. All windows or other openings to the outside must be screened, and all windows must be treated in a manner that prevents viewing into the room where the alkaline hydrolysis vessel is located and the room where the chemical storage takes place. A viewing window for authorized family members or their designees is not a violation of this subdivision.

Subd. 6. Equipment and supplies.

The alkaline hydrolysis facility must have a functional emergency eye wash and quick drench shower.

Subd. 7. Access and privacy.

(a) The room where the alkaline hydrolysis vessel is located and the room where the chemical storage takes place must be private and have no general passageway through it. The room shall, at all times, be secure from the entrance of unauthorized persons. Authorized persons are:

- (1) licensed morticians;

- (2) registered interns or students as described in section [149A.91, subdivision 6](#);
- (3) public officials or representatives in the discharge of their official duties;
- (4) trained alkaline hydrolysis facility operators; and
- (5) the person or persons with the right to control the dead human body as defined in section [149A.80, subdivision 2](#), and their designees.

(b) Each door allowing ingress or egress shall carry a sign that indicates that the room is private and access is limited. All authorized persons who are present in or enter the room where the alkaline hydrolysis vessel is located while a body is being prepared for final disposition must be attired according to all applicable state and federal regulations regarding the control of infectious disease and occupational and workplace health and safety.

Subd. 8. Sanitary conditions and permitted use.

The room where the alkaline hydrolysis vessel is located and the room where the chemical storage takes place and all fixtures, equipment, instruments, receptacles, clothing, and other appliances or supplies stored or used in the room must be maintained in a clean and sanitary condition at all times.

Subd. 9. Boiler use.

When a boiler is required by the manufacturer of the alkaline hydrolysis vessel for its operation, all state and local regulations for that boiler must be followed.

Subd. 10. Occupational and workplace safety.

All applicable provisions of state and federal regulations regarding exposure to workplace hazards and accidents shall be followed in order to protect the health and safety of all authorized persons at the alkaline hydrolysis facility.

Subd. 11. Licensed personnel.

A licensed alkaline hydrolysis facility must employ a licensed mortician to carry out the process of alkaline hydrolysis of a dead human body. It is the duty of the licensed alkaline hydrolysis facility to provide proper procedures for all personnel, and the licensed alkaline hydrolysis facility shall be strictly accountable for compliance with this chapter and other applicable state and federal regulations regarding occupational and workplace health and safety.

Subd. 12. Authorization to hydrolyze required.

No alkaline hydrolysis facility shall hydrolyze or cause to be hydrolyzed any dead human body or identifiable body part without receiving written authorization to do so from the person or persons who have the legal right to control disposition as described in section [149A.80](#) or the person's legal designee. The written authorization must include:

- (1) the name of the deceased and the date of death of the deceased;
- (2) a statement authorizing the alkaline hydrolysis facility to hydrolyze the body;
- (3) the name, address, telephone number, relationship to the deceased, and signature of the person or persons with legal right to control final disposition or a legal designee;
- (4) directions for the disposition of any nonhydrolyzed materials or items recovered from the alkaline hydrolysis vessel;
- (5) acknowledgment that the hydrolyzed remains will be dried and mechanically reduced to a granulated appearance and placed in an appropriate container and authorization to place any hydrolyzed remains that a selected urn or container will not accommodate into a temporary container;

(6) acknowledgment that, even with the exercise of reasonable care, it is not possible to recover all particles of the hydrolyzed remains and that some particles may inadvertently become commingled with particles of other hydrolyzed remains that remain in the alkaline hydrolysis vessel or other mechanical devices used to process the hydrolyzed remains;

(7) directions for the ultimate disposition of the hydrolyzed remains; and

(8) a statement that includes, but is not limited to, the following information: "During the alkaline hydrolysis process, chemical dissolution using heat, water, and an alkaline solution is used to chemically break down the human tissue and the hydrolyzable alkaline hydrolysis container. After the process is complete, the liquid effluent solution contains the chemical by-products of the alkaline hydrolysis process except for the deceased's bone fragments. The solution is cooled and released according to local environmental regulations. A water rinse is applied to the hydrolyzed remains which are then dried and processed to facilitate inurnment or scattering."

Subd. 13. Limitation of liability.

A licensed alkaline hydrolysis facility acting in good faith, with reasonable reliance upon an authorization to hydrolyze, pursuant to an authorization to hydrolyze and in an otherwise lawful manner, shall be held harmless from civil liability and criminal prosecution for any actions taken by the alkaline hydrolysis facility.

Subd. 14. Acceptance of delivery of body.

(a) No dead human body shall be accepted for final disposition by alkaline hydrolysis unless:

(1) encased in an appropriate alkaline hydrolysis container;

(2) accompanied by a disposition permit issued pursuant to section [149A.93](#), subdivision 3, including a photocopy of the completed death record or a signed release authorizing alkaline hydrolysis of the body received from the coroner or medical examiner; and

(3) accompanied by an alkaline hydrolysis authorization that complies with subdivision 12.

(b) An alkaline hydrolysis facility shall refuse to accept delivery of an alkaline hydrolysis container where there is:

(1) evidence of leakage of fluids from the alkaline hydrolysis container;

(2) a known dispute concerning hydrolysis of the body delivered;

(3) a reasonable basis for questioning any of the representations made on the written authorization to hydrolyze; or

(4) any other lawful reason.

Subd. 15. Bodies awaiting hydrolysis.

A dead human body must be hydrolyzed within 24 hours of the alkaline hydrolysis facility accepting legal and physical custody of the body.

Subd. 16. Handling of alkaline hydrolysis containers for dead human bodies.

All alkaline hydrolysis facility employees handling alkaline hydrolysis containers for dead human bodies shall use universal precautions and otherwise exercise all reasonable precautions to minimize the risk of transmitting any communicable disease from the body. No dead human body shall be removed from the container in which it is delivered.

Subd. 17. Identification of body.

All licensed alkaline hydrolysis facilities shall develop, implement, and maintain an identification procedure whereby dead human bodies can be identified from the time the alkaline hydrolysis facility accepts delivery of the

remains until the hydrolyzed remains are released to an authorized party. After hydrolyzation, an identifying disk, tab, or other permanent label shall be placed within the hydrolyzed remains container before the hydrolyzed remains are released from the alkaline hydrolysis facility. Each identification disk, tab, or label shall have a number that shall be recorded on all paperwork regarding the decedent. This procedure shall be designed to reasonably ensure that the proper body is hydrolyzed and that the hydrolyzed remains are returned to the appropriate party. Loss of all or part of the hydrolyzed remains or the inability to individually identify the hydrolyzed remains is a violation of this subdivision.

Subd. 18. Alkaline hydrolysis vessel for human remains.

A licensed alkaline hydrolysis facility shall knowingly hydrolyze only dead human bodies or human remains in an alkaline hydrolysis vessel, along with the alkaline hydrolysis container used for infectious disease control.

Subd. 19. Alkaline hydrolysis procedures; privacy.

The final disposition of dead human bodies by alkaline hydrolysis shall be done in privacy. Unless there is written authorization from the person with the legal right to control the disposition, only authorized alkaline hydrolysis facility personnel shall be permitted in the alkaline hydrolysis area while any dead human body is in the alkaline hydrolysis area awaiting alkaline hydrolysis, in the alkaline hydrolysis vessel, being removed from the alkaline hydrolysis vessel, or being processed and placed in a hydrolyzed remains container.

Subd. 20. Alkaline hydrolysis procedures; commingling of hydrolyzed remains prohibited.

Except with the express written permission of the person with the legal right to control the disposition, no alkaline hydrolysis facility shall hydrolyze more than one dead human body at the same time and in the same alkaline hydrolysis vessel, or introduce a second dead human body into an alkaline hydrolysis vessel until reasonable efforts have been employed to remove all fragments of the preceding hydrolyzed remains, or hydrolyze a dead human body and other human remains at the same time and in the same alkaline hydrolysis vessel. This section does not apply where commingling of human remains during alkaline hydrolysis is otherwise provided by law. The fact that there is incidental and unavoidable residue in the alkaline hydrolysis vessel used in a prior hydrolyzation is not a violation of this subdivision.

Subd. 21. Alkaline hydrolysis procedures; removal from alkaline hydrolysis vessel.

Upon completion of the alkaline hydrolysis process, reasonable efforts shall be made to remove from the alkaline hydrolysis vessel all of the recoverable hydrolyzed remains and nonhydrolyzed materials or items. Further, all reasonable efforts shall be made to separate and recover the nonhydrolyzed materials or items from the hydrolyzed human remains and dispose of these materials in a lawful manner, by the alkaline hydrolysis facility. The hydrolyzed human remains shall be placed in an appropriate container to be transported to the processing area.

Subd. 22. Drying device or mechanical processor procedures; commingling of hydrolyzed remains prohibited.

Except with the express written permission of the person with the legal right to control the final disposition or otherwise provided by law, no alkaline hydrolysis facility shall dry or mechanically process the hydrolyzed human remains of more than one body at a time in the same drying device or mechanical processor, or introduce the hydrolyzed human remains of a second body into a drying device or mechanical processor until processing of any preceding hydrolyzed human remains has been terminated and reasonable efforts have been employed to remove all fragments of the preceding hydrolyzed remains. The fact that there is incidental and unavoidable residue in the drying device, the mechanical processor, or any container used in a prior alkaline hydrolysis process, is not a violation of this provision.

Subd. 23. Alkaline hydrolysis procedures; processing hydrolyzed remains.

The hydrolyzed human remains shall be dried and then reduced by a motorized mechanical device to a granulated appearance appropriate for final disposition and placed in an alkaline hydrolysis remains container along with the appropriate identifying disk, tab, or permanent label. Processing must take place within the licensed alkaline hydrolysis facility. Dental gold, silver or amalgam, jewelry, or mementos, to the extent that they can be identified, may be removed prior to processing the hydrolyzed remains, only by staff licensed or registered by the commissioner of health; however, any dental gold and silver, jewelry, or mementos that are removed shall be returned to the hydrolyzed remains container unless otherwise directed by the person or persons having the right to control the final disposition. Every person who removes or possesses dental gold or silver, jewelry, or mementos from any hydrolyzed remains without specific written permission of the person or persons having the right to control those remains is guilty of a misdemeanor. The fact that residue and any unavoidable dental gold or dental silver, or other precious metals remain in the alkaline hydrolysis vessel or other equipment or any container used in a prior hydrolysis is not a violation of this section.

Subd. 24. Alkaline hydrolysis procedures; container of insufficient capacity.

If a hydrolyzed remains container is of insufficient capacity to accommodate all hydrolyzed remains of a given dead human body, subject to directives provided in the written authorization to hydrolyze, the alkaline hydrolysis facility shall place the excess hydrolyzed remains in a secondary alkaline hydrolysis remains container and attach the second container, in a manner so as not to be easily detached through incidental contact, to the primary alkaline hydrolysis remains container. The secondary container shall contain a duplicate of the identification disk, tab, or permanent label that was placed in the primary container and all paperwork regarding the given body shall include a notation that the hydrolyzed remains were placed in two containers. Keepsake jewelry or similar miniature hydrolyzed remains containers are not subject to the requirements of this subdivision.

Subd. 25. Disposition procedures; commingling of hydrolyzed remains prohibited.

No hydrolyzed remains shall be disposed of or scattered in a manner or in a location where the hydrolyzed remains are commingled with those of another person without the express written permission of the person with the legal right to control disposition or as otherwise provided by law. This subdivision does not apply to the scattering or burial of hydrolyzed remains at sea or in a body of water from individual containers, to the scattering or burial of hydrolyzed remains in a dedicated cemetery, to the disposal in a dedicated cemetery of accumulated residue removed from an alkaline hydrolysis vessel or other alkaline hydrolysis equipment, to the inurnment of members of the same family in a common container designed for the hydrolyzed remains of more than one body, or to the inurnment in a container or interment in a space that has been previously designated, at the time of sale or purchase, as being intended for the inurnment or interment of the hydrolyzed remains of more than one person.

Subd. 26. Alkaline hydrolysis procedures; disposition of accumulated residue.

Every alkaline hydrolysis facility shall provide for the removal and disposition in a dedicated cemetery of any accumulated residue from any alkaline hydrolysis vessel, drying device, mechanical processor, container, or other equipment used in alkaline hydrolysis. Disposition of accumulated residue shall be according to the regulations of the dedicated cemetery and any applicable local ordinances.

Subd. 27. Alkaline hydrolysis procedures; release of hydrolyzed remains.

Following completion of the hydrolyzation, the inurned hydrolyzed remains shall be released according to the instructions given on the written authorization to hydrolyze. If the hydrolyzed remains are to be shipped, they must be securely packaged and transported by a method which has an internal tracing system available and which provides for a receipt signed by the person accepting delivery. Where there is a dispute over release or disposition of the hydrolyzed remains, an alkaline hydrolysis facility may deposit the hydrolyzed remains with a court of competent jurisdiction pending resolution of the dispute or retain the hydrolyzed remains until the person with the legal right to control disposition presents satisfactory indication that the dispute is resolved.

Subd. 28. Unclaimed hydrolyzed remains.

If, after 30 calendar days following the inurnment, the hydrolyzed remains are not claimed or disposed of according to the written authorization to hydrolyze, the alkaline hydrolysis facility or funeral establishment may give written notice, by certified mail, to the person with the legal right to control the final disposition or a legal designee, that the hydrolyzed remains are unclaimed and requesting further release directions. Should the hydrolyzed remains be unclaimed 120 calendar days following the mailing of the written notification, the alkaline hydrolysis facility or funeral establishment may dispose of the hydrolyzed remains in any lawful manner deemed appropriate.

Subd. 29. Required records.

Every alkaline hydrolysis facility shall create and maintain on its premises or other business location in Minnesota an accurate record of every hydrolyzation provided. The record shall include all of the following information for each hydrolyzation:

- (1) the name of the person or funeral establishment delivering the body for alkaline hydrolysis;
- (2) the name of the deceased and the identification number assigned to the body;
- (3) the date of acceptance of delivery;
- (4) the names of the alkaline hydrolysis vessel, drying device, and mechanical processor operator;
- (5) the time and date that the body was placed in and removed from the alkaline hydrolysis vessel;
- (6) the time and date that processing and inurnment of the hydrolyzed remains was completed;
- (7) the time, date, and manner of release of the hydrolyzed remains;
- (8) the name and address of the person who signed the authorization to hydrolyze;
- (9) all supporting documentation, including any transit or disposition permits, a photocopy of the death record, and the authorization to hydrolyze; and
- (10) the type of alkaline hydrolysis container.

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Subd. 30. Retention of records.

Records required under subdivision 29 shall be maintained for a period of three calendar years after the release of the hydrolyzed remains. Following this period and subject to any other laws requiring retention of records, the alkaline hydrolysis facility may then place the records in storage or reduce them to microfilm, microfiche, laser disc, or any other method that can produce an accurate reproduction of the original record, for retention for a period of ten calendar years from the date of release of the hydrolyzed remains. At the end of this period and subject to any other laws requiring retention of records, the alkaline hydrolysis facility may destroy the records by shredding, incineration, or any other manner that protects the privacy of the individuals identified.

NORTH CAROLINA

SUBCHAPTER 34C - CREMATORIES

SECTION .0100 – GENERAL PROVISIONS

21 NCAC 34C .0101 ELECTION TO CREMATORY AUTHORITY

(a) Definitions. As used in this Rule:

- (1) "Crematory operator" shall have the same meaning as the term "crematory licensee" defined in G.S. 90-210.121(12).
- (2) "Return official envelope" shall mean the envelope in which the crematory operator places a completed ballot for election to the Crematory Authority to return to the Board.
- (3) "Seat subject to election" means the seat held by a member of the Crematory Authority whose term expires December 31 of the calendar year in which the election is held.

(b) The nomination and election of members of the Crematory Authority shall be conducted as follows:

- (1) Every crematory operator with a current North Carolina license shall be eligible to vote. The list of crematory operators with a current North Carolina license at the time ballots are prescribed shall constitute the registration list for elections. The Board shall keep an official list of all crematory operators in its office. The Board shall post a list of crematory operators indicating whether a return official envelope has been returned during each election.
- (2) Nomination of candidates for election shall be made to the Board by a written petition pursuant to 21 NCAC 34A .0103. Petitions for nomination must be filed with the Board between July 1 and August 1 of the calendar year preceding the expiration of the term of the seat subject to election. Any candidate who is nominated may withdraw his or her name after filing written notice with the Board prior to the closing of the polls in any election.
- (3) The following procedures shall apply to ballots for election to the Crematory Authority:
 - (A) The Board shall prescribe ballots and determine the time allowed for voting at its first meeting after nominations have closed. The ballots shall contain a listing of the nominees in alphabetical order; instructions for voting; a method of identification; and other information the Board deems necessary as required by law.
 - (B) At the same meeting where ballots are prescribed, the Board shall designate a day for ballots to be mailed; a deadline for the latest day and time for ballots to be returned; and the day and hour when ballots will be canvassed and counted. The Board shall set the deadline for ballots to be returned to be at least 10 days after the time ballots are mailed.
 - (C) The Board shall mail to each crematory operator a ballot; a return official envelope; a notice designating the latest day and hour for ballots to be received by the Board; a notice of when ballots will be canvassed and counted; and other information the Board deems necessary as required by law. The return official envelope shall be addressed to the Board; shall bear a serial number; and shall have printed on the left portion of its face the following:

"Serial No. of Envelope _____
Signature of Voter _____
Address of Voter _____

(Note: The enclosed ballot is not valid unless the signature of the voter is on this envelope)."

- (4) Ballots shall be canvassed publicly at the designated day and hour. Any eligible voter may be present. No ballot shall be canvassed unless it has been delivered in a sealed return official envelope to the Board by hand or by U.S. mail before the latest day and hour designated by the ballot for receipt.
- (5) Ballots shall be counted as follows:
 - (A) All return official envelopes shall be displayed to the persons present. Any person present may challenge the qualification of the voter whose signature appears on the return official envelope or the validity of the return official envelope. Any challenged return official envelope shall be set aside, and the Board may hear the challenge either immediately or after all unchallenged ballots have been counted.
 - (B) After all return official envelopes have been displayed, the Board shall open all unchallenged return official envelopes, extract the ballot without showing its marking as much as possible, and separate each ballot from its return official envelope.

- (C) After all ballots have been separated, the Board shall display all ballots. No ballot shall be valid if it is marked for more nominees than there are positions to be filled in that election; \provided that no ballot shall be rejected for any technical error unless it is impossible to determine the voter's choice or choices from the ballot. Any person present may challenge the validity of the ballot only on the grounds of defects appearing on the face of the ballot. The Board may hear the challenge either immediately or after all unchallenged ballots have been counted.
- (D) After all ballots have been displayed, all unchallenged ballots shall be counted, and all remaining challenges shall be resolved by the Board. The Board shall count the number of votes cast for each candidate and the total number of votes cast. If a candidate dies or withdraws his or her nomination before polls are closed in any election, he or she shall be eliminated from the contest, and any votes cast for him or her shall be disregarded and shall not count toward the total number of votes cast.
- (6) The following procedures shall apply to fill all seats subject to election:
 - (A) To determine a majority of votes cast when there is one seat subject to election, the total number of votes cast for all candidates shall be divided by two, and any candidate receiving a number of votes exceeding one half of the total number of votes cast shall be deemed to have received a majority of votes cast and shall be deemed elected. If no candidate receives a majority of votes cast, the candidate receiving the highest vote total shall be deemed elected.
 - (B) To determine the majority of votes cast when there are two seats subject to election, the total number of votes cast for all candidates shall be divided by four, and any candidate receiving a number of votes exceeding this sum shall be deemed to have received a majority of votes cast. Any candidate receiving a majority of votes cast shall be deemed elected, but if more than two candidates receive a majority of votes cast, the candidates receiving the two highest vote totals shall be deemed elected. If no candidate receives a majority of votes cast, the candidate receiving the highest vote total shall be deemed elected. If one candidate has been deemed elected but one seat remains vacant because no other candidate received a majority of votes cast, the candidate receiving the highest vote total among candidates who did not receive a majority of votes cast shall be deemed elected.
 - (C) In any election where a candidate was deemed elected but failed to receive a majority of votes cast, the candidate who received the next highest vote total but was not elected may file a written petition requesting a second election within ten days after the first election. The second election shall be between the petitioner and the candidate who was deemed elected but did not receive a majority of votes cast. The procedures in paragraphs (b)(1) through (6) of this Rule shall apply to the second election except where inconsistent with this subparagraph. The candidate receiving the majority of votes cast in the second election shall be deemed elected.
 - (D) If there is a tie vote between candidates in any election, the tie shall be resolved by a vote of the Board. If there is a tie after a vote of the Board, the President of the Board may break the tie.
 - (E) If, after nominations have closed, there is only one candidate for each seat subject to election, the Board shall declare the candidate or candidates elected without holding an election. If, after nominations have closed, there is no candidate for a seat subject to election or if a candidate receiving a majority of votes cast dies or withdraws after the election but before taking office, the Board shall fill the position by majority vote.
- (7) Each new member shall take office on the first day of his or her term unless the election to the Crematory Authority has not completed by the beginning of the term, in which case the new member shall take office immediately after the election has been completed.
- (8) If a member of the Board is nominated for election to the Crematory Authority and does not withdraw his or her name, he or she shall be disqualified from all matters pertaining to that election, and the remaining members of the Board shall proceed without his or her participation.
- (9) The Board shall keep the voting records required by 21 NCAC 34A .0104 for a period of six months following the election.

History Note: Authority G.S. 90-210.122(c); 90-210.134(a);
Eff. July 1, 1991;
Amended Eff. July 1, 2004;
Temporary Amendment Eff. June 30, 2005;
Amended Eff. April 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017.

21 NCAC 34C .0102 FORM OF DOCUMENTS

When any provision of Article 13F, Chapter 90, of the North Carolina General Statutes or any rule in this Subchapter requires a crematory or hydrolysis licensee to obtain any death certificate, report, authorization, waiver, statement or other document prior to cremation or hydrolysis, the crematory or hydrolysis licensee may accept the document in the form of the original, a photocopy, or by electronic or facsimile transmission.

History Note: Authority G.S. 90-210.127; 90-210.134(a); 90-210.136(d),(h);
Eff. July 1, 1991;
Amended Eff. July 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;
Temporary Amendment Eff. May 24, 2019;
Temporary Amendment Expired Eff. March 13, 2020;
Amended Eff. January 1, 2021.

21 NCAC 34C .0103 APPLICATION FORM FOR CREMATORY OR HYDROLYSIS LICENSE

All applications for a crematory or hydrolysis license shall be made on forms provided by the Board. The application shall state the following information:

- (1) the name of the applicant;
- (2) address;
- (3) type of business entity;
- (4) location of crematory or hydrolysis facility;
- (5) description of crematory or hydrolysis facilities and equipment;
- (6) name and address of each crematory or hydrolysis technician;
- (7) name and address of the crematory or hydrolysis manager; and
- (8) any criminal convictions of the applicant and manager.

History Note: Authority G.S. 90-210.123; 90-210.134(a); 90-210.36(d),(h);
Eff. July 1, 1991;
Amended Eff. August 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;
Temporary Amendment Eff. May 24, 2019;
Temporary Amendment Expired Eff. March 13, 2020;
Amended Eff. January 1, 2021.

21 NCAC 34C .0104 CREMATORY OR HYDROLYSIS LICENSE CERTIFICATE

The Board shall issue each crematory or hydrolysis licensee a certificate to operate a crematory or hydrolysis facility upon a finding that the licensee has complied with the rules of this Chapter.

History Note: Authority G.S. 90-210.123; 90-210.134(a); 90-210.136(d),(h);
Eff. July 1, 1991;
Amended Eff. August 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;
Temporary Amendment Eff. May 24, 2019;
Temporary Amendment Expired Eff. March 13, 2020;
Amended Eff. January 1, 2021.

21 NCAC 34C .0105 CREMATORY OR HYDROLYSIS INSPECTION FORM

History Note: Authority G.S. 90-210.123; 90-210.134(a); 90-210.136(d),(h);
Eff. July 1, 1991;
Amended Eff. August 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;
Temporary Amendment Eff. May 24, 2019;
Temporary Amendment Expired Eff. March 13, 2020;
Repealed Eff. January 1, 2021.

21 NCAC 34C .0106 DEFINITIONS

The following definitions shall apply for purposes of complying with the provisions of Article 13F, Chapter 90, of the North Carolina General Statutes and any rule in this Chapter:

- (1) "Hydrolysis operator" shall have the same meaning as the term "hydrolysis licensee" as defined by G.S. 90-210.136(a)(3).
- (2) "Aquamation" shall have the same meaning as "alkaline hydrolysis" as defined by G.S. 90-210.136(a)(1).
- (3) "Certificate of hydrolysis" means a certificate provided by the hydrolysis manager who performed the hydrolysis that meets the same minimum requirements for a "certificate of cremation" as set forth in G.S. 90-210.121(5).
- (4) "Cremation center" shall have the same meaning as "crematory" or "crematorium" as defined by G.S. 90-210.121(11).
- (5) "Final disposition" of human remains that have been hydrolyzed means the hydrolysis and the ultimate interment, entombment, inurnment, or scattering of the hydrolyzed remains or the return of the hydrolyzed remains by the hydrolysis licensee to the authorizing agent or such agent's designee as provided by Article 13F, Chapter 90, of the North Carolina General Statutes. Upon the written direction of the authorizing agent, hydrolyzed remains may take various forms.
- (6) "Hydrolysis container," as defined by G.S. 90-210.136(a)(2), shall be made of biodegradable material and also shall comply with the provisions of G.S. 90-210.121(9)f.
- (7) "Hydrolysis chamber," "hydrolysis unit," or "hydrolysis vessel" means the enclosed space within which the hydrolysis process occurs. Hydrolysis chambers regulated by Article 13F, Chapter 90, of the North Carolina General Statutes shall be used exclusively for the hydrolysis of human remains.
- (8) "Hydrolyzed remains" means all human remains recovered after the completion of the hydrolysis process, including pulverization, that leaves only bone fragments reduced to unidentifiable dimensions.
- (9) "Hydrolysis facility" or "hydrolysis center" means the building or buildings, or portion of a building or buildings, on a contiguous piece of property that houses the hydrolysis equipment, the holding and processing facilities, the business offices, and any other components of the hydrolysis business.
- (10) "Hydrolysis interment container" means a rigid outer container composed of concrete, steel, fiberglass, or some similar material in which an urn is placed prior to being interred in the ground and which is designed to withstand prolonged exposure to the elements and to support the earth above the urn.
- (11) "Hydrolysis manager" means the person who is responsible for the management and operation of the hydrolysis facility. A hydrolysis manager shall meet the same minimum requirements for a "crematory manager" as set forth in G.S. 90-210.121(13).
- (12) "Hydrolysis society" means any person, firm, corporation, or organization that is affiliated with a hydrolysis licensee licensed under Article 13F, Chapter 90, of the North Carolina General Statutes and provides hydrolysis information to consumers.
- (13) "Hydrolysis technician" means any employee of a hydrolysis licensee who has a certificate confirming that the hydrolysis technician has attended a training course approved by the Board.
- (14) "Resomation" shall have the same meaning as "alkaline hydrolysis" as defined by G.S. 90-210.136(a)(1).

*History Note: Authority G.S. 90-210.136;
Temporary Adoption Eff. May 24, 2019;
Temporary Adoption Expired Eff. March 13, 2020;
Readopted Eff. January 1, 2021.*

SECTION .0200 - EQUIPMENT AND PROCESSING

21 NCAC 34C .0201 HOLDING FACILITY; CREMATION OR HYDROLYSIS UNIT; PROCESSORS

(a) Every crematory licensee shall have the following:

- (1) a holding facility of suitable size to accommodate all human remains which are retained and awaiting cremation;
- (2) a commercially-manufactured cremation unit, within the crematory facility, made for the cremation of human remains, meeting the following minimum standards:
 - (A) an ash collection pan that is designed for the purpose of removing cremated remains from the cremation unit and to minimize the commingling of cremated remains of one human remains with another;
 - (B) a hearth or floor that has been maintained in accordance with recommended maintenance requirements specified by the machine's manufacturer or other maintenance service representative;
 - (C) a door safety switch to stop the burner operation when the front charging door is opened;
 - (D) a pollution monitoring system to monitor and detect smoke when the density exceeds applicable federal and state standards, whereupon the system will automatically stop the burner operation on a time setting of not less than three minutes; and
 - (E) approval by a testing agency such as Underwriters Laboratory.
- (3) a commercially-manufactured processor, within the crematory facility, made for the pulverization of cremated or hydrolyzed remains, meeting the following minimum standards:
 - (A) capable of processing cremated or hydrolyzed remains to unidentifiable dimensions;
 - (B) a dust-resistant processing chamber; and
 - (C) an exterior surface made of non-porous, non-corrosive material.

(b) Every hydrolysis licensee shall have the following:

- (1) a holding facility of suitable size to accommodate all human remains which are retained and awaiting hydrolysis;
- (2) a commercially-manufactured hydrolysis unit, within the hydrolysis facility, made for hydrolyzing human remains, and which meets the following minimum standards:
 - (A) a collection pan, tray, or other device that is designed for the purpose of removing hydrolyzed remains from the hydrolysis unit and to minimize the commingling of hydrolyzed remains of one human remains with another; and
 - (B) approval by a testing company, such as Underwriters Laboratory.
- (3) a commercially-manufactured processor, within the hydrolysis facility, that shall meet the same minimum standards set forth in Subparagraph (a)(3) of this Rule.

*History Note: Authority G.S. 90-210.121(11); 90-210.129(i),(j), 90-210.124(a); 90-210-136(d),(h);
Eff. July 1, 1991;
Recodified from Rule .0202 Eff. July 7, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,
2017;
Temporary Amendment Eff. May 24, 2019;
Temporary Amendment Expired Eff. March 13, 2020;
Amended Eff. January 1, 2021.*

21 NCAC 34C .0202 REFRIGERATION

(a) Crematory and hydrolysis licensees shall have located on its premises a refrigeration unit that:

- (1) is capable of storing at least three adult human bodies, each measuring up to seven feet in length and three hundred pounds in weight, in the holding facility;

- (2) is capable of maintaining an interior temperature of 40 degrees Fahrenheit while loaded with the maximum number of bodies for which it is designed;
 - (3) has sealed concrete, stainless steel, galvanized, aluminum, or other flooring in walk-in units; and
 - (4) has stainless steel, aluminum, or other non-corrosive materials for the remainder of all units.
- (b) A refrigeration unit in compliance with Subparagraphs (a)(1)-(4) of this Rule shall satisfy a crematory or hydrolysis licensee's compliance with Paragraph (a) of this Rule if the refrigeration unit is housed in a funeral establishment, crematory, or hydrolysis licensee sharing common ownership with, and located on the same contiguous piece of property as, the crematory or hydrolysis licensee.
- (c) Unembalmed human remains retained in the custody of a crematory or hydrolysis licensee for more than 24 hours prior to cremation or hydrolysis shall be kept in a refrigeration unit. Human remains stored in a refrigeration unit, as set forth in Paragraphs (a) and (c) of this Rule, must be kept in a container that complies with G.S. 90-210.121(9)(a)-(f). The Board shall allow a crematory or hydrolysis licensee to procure and maintain one or more temporary refrigeration units. Any such temporary refrigeration unit must satisfy the requirements set forth in Subparagraphs (a)(1)-(4) of this Rule. Any such temporary refrigeration unit not located inside the crematory shall be kept locked at all times when human remains are stored inside.
- (d) Prior to using a refrigeration unit that is not located on its premises, a crematory or hydrolysis licensee shall provide the Board with a written document that sets forth the following:
- (1) the name, contact information, and license number, if applicable, of the entity that owns the property on which the refrigeration unit is located;
 - (2) the physical address of the property on which the refrigeration unit is located;
 - (3) the name, contact information, and license number, if applicable, of the entity responsible for maintaining the refrigeration unit that meets the requirements of Subparagraphs (a)(1)-(4) of this Rule;
 - (4) certification from both the manager of the crematory and an officer, owner, member, or partner of the entity responsible for maintaining the refrigeration unit in compliance with Subparagraphs (a)(1)-(4) of this Rule, acknowledging that:
 - (A) the crematory or hydrolysis licensee shall use the refrigeration unit for the storage of human remains;
 - (B) the refrigeration unit complies with Subparagraphs (a)(1)-(4) of this Rule;
 - (C) a log documenting the chain of possession of human remains shall be maintained, which sets forth the name of the decedent, the funeral establishment or other entity for whom the human remains are being stored, and the date and time that human remains are placed inside and removed from the refrigeration unit;
 - (D) the Board inspectors shall have access to the refrigeration unit at all times; and
 - (E) any licensee or permit holder that uses or maintains a refrigeration unit that is not compliant with this Rule is subject to disciplinary action pursuant to G.S. 210.25(d)(4) and 90-210.25(e)(1)(j).

History Note: Authority G.S. 90-210.121(9),(12); 90-210.123(g); 90-210.134(a); 90-210.136(d),(h);
 Eff. July 1, 1991;
 Recodified from Rule .0201 Eff. July 7, 1992;
 Amended Eff. July 1, 2004;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;
 Temporary Amendment Eff. May 24, 2019;
 Temporary Amendment Expired Eff. March 13, 2020;
 Amended Eff. January 1, 2021;
 Emergency Amendment Eff. February 19, 2021;
 Temporary Amendment Eff. May 28, 2021;
 Amended Eff. October 1, 2021.

21 NCAC 34C .0203 PULVERIZATION
21 NCAC 34C .0204 CREMATION CONTAINERS

History Note: Authority G.S. 90-210.121(8),(9); 90-210.125(e); 90-210.134(a);
 Eff. July 1, 1991;

Amended Eff. January 1, 1995;
Repealed Eff. July 1, 2004.

21 NCAC 34C .0205 LABELS

In addition to the requirements of G.S. 90-210.29A, the crematory or hydrolysis licensee shall attach a typed or printed label to the initial container, urn or other permanent container at the time the cremated or hydrolyzed remains are placed therein. If an inside and outside container are used, then both shall be labelled. The label shall contain the name of the decedent, the date of cremation or hydrolysis, and the name of the crematory or hydrolysis licensee.

History Note: Authority G.S. 90-210.126; 90-210.134(a); 90.210.136(d),(h);
Eff. July 1, 1991;
Amended Eff. July 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;
Temporary Amendment Eff. May 24, 2019;
Temporary Amendment Expired Eff. March 13, 2020;
Amended Eff. January 1, 2021.

21 NCAC 34C .0206 CLEANLINESS

All areas of the crematory or hydrolysis licensee facilities devoted to the reception, storage and cremation or hydrolysis of human remains and to the pulverization and delivery of cremated or hydrolyzed remains, and all equipment located therein, shall be kept free of stains, disintegration, debris, and uncontained fluids and subject to inspection by the Board or its agents at all times.

History Note: Authority G.S. 90-210.121(11); 90-210.129(i),(j); 90-210.124(a); 90.210.136(d),(h);
Eff. July 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;
Temporary Amendment Eff. May 24, 2019;
Temporary Amendment Expired Eff. March 13, 2020;
Amended Eff. January 1, 2021.

21 NCAC 34C .0207 REMOVAL OF PACEMAKERS OR OTHER IMPLANTED DEVICES; AUTOPSIED REMAINS; COMMUNICABLE DISEASES

(a) No person other than an individual who is licensed by the Board as either an embalmer or funeral service licensee shall remove a pacemaker, defibrillator, or any other implanted device or material that must be removed from human remains prior to cremation or hydrolysis as set forth in G.S. 90-210.129(d). Any such device or material that must be removed pursuant to G.S. 90-210.129(d) shall be removed in accordance with the guidelines set by the manufacturer thereof.

(b) No person other than an individual who is licensed by the Board as either an embalmer or funeral service licensee shall handle, treat, or otherwise prepare for cremation or hydrolysis the viscera removed from human remains as the result of an autopsy.

(c) An hydrolysis licensee shall not remove from the outer case required by G.S. 130A-395(b) and 10A NCAC 41A .0212, or to hydrolyze, any decedent who is known or suspected to have been infected with the plague, smallpox, COVID-19, or severe acute respiratory syndrome (SARS), without first obtaining the written consent of the local health director.

History Note: Authority G.S. 90-210.125; 90-210.129; 90-210.134; 90-210.136(d),(h);
Temporary Adoption Eff. May 24, 2019;
Temporary Adoption Expired Eff. March 13, 2020;
Readopted Eff. January 1, 2021.

SECTION .0300 - AUTHORIZATIONS, REPORTS, RECORDS

21 NCAC 34C .0301 AUTHORIZATION TO CREMATE

History Note: Authority G.S. 90-210.124; 90-210.126(a); 90-210.134(a);
Eff. July 1, 1991;
Amended Eff. January 1, 1995;
Repealed Eff. July 1, 2004.

21 NCAC 34C .0302 WAIVER FORM

All waivers of the waiting period of cremation required by G.S. 90-210.129(e) shall be recorded on forms provided by the Board. The form shall require the official authorized to waive the waiting period for cremation to furnish the statutory basis for the waiver, the signature of the official authorized to waive the waiting period, and any other information the Board deems necessary as required by law.

History Note: Authority G.S. 90-210.123; 90-210.127; 90-210.134(a);
Eff. July 1, 1991;
Amended Eff. August 1, 2004.

21 NCAC 34C .0303 RECORDS OF CREMATION OR HYDROLYSIS AND DELIVERY

(a) All crematory or hydrolysis licensees shall complete receipts for human remains on Board forms and shall include the following information:

- (1) name of the crematory or hydrolysis licensee;
- (2) first, middle, and last name of the decedent;
- (3) date and time of death;
- (4) date and time the human remains were delivered to the crematory or hydrolysis licensee;
- (5) any affiliation by the person delivering remains with a funeral establishment or an individual licensed to practice funeral service under the provisions of G.S. 90-210.25(a2)(2), or crematory;
- (6) any affiliation with the crematory or hydrolysis licensee; and
- (7) first, middle, and last name and signature of the employee or agent of the crematory or hydrolysis licensee who received the human remains.

Every crematory or hydrolysis licensee shall furnish this receipt to the person who delivers the human remains to the crematory or hydrolysis licensee.

(b) All records documenting the release of human remains from a crematory or hydrolysis licensee to the person who receives the cremated or hydrolyzed remains shall be completed on Board forms and shall include the following information:

- (1) name of the crematory or hydrolysis licensee;
- (2) first, middle, and last name of the decedent;
- (3) date and time of release;
- (4) first, middle, and last name of the person who received the cremated or hydrolyzed remains;
- (5) place where cremated or hydrolyzed remains were received;
- (6) any affiliation by the person receiving remains with a funeral establishment or an individual licensed to practice funeral service under the provisions of G.S. 90-210.25(a2)(2) or other entity; and
- (7) signatures of the person delivering the remains and recipient of remains, and any mailing or handling instructions.

Crematory and hydrolysis licensees must provide evidence by signature or shipping receipt upon delivery of the cremated or hydrolyzed remains.

(c) All records documenting the release of human remains from a funeral establishment or an individual licensed to practice funeral service under the provisions of G.S. 90-210.25(a2)(2) ("unaffiliated practitioner") to the person who receives the cremated or hydrolyzed remains shall be completed on Board forms and shall include the following information:

- (1) name of the funeral establishment or unaffiliated practitioner;
- (2) first, last, and middle name of the decedent;
- (3) date and time of release;
- (4) person to whom the remains were released;
- (5) type of container in which the remains were released;
- (6) signatures of the parties delivering and receiving remains; and
- (7) any shipping or special handling instructions.

Funeral establishments must provide evidence by signature or shipping receipt upon delivery of the cremated or hydrolyzed remains. The provisions of this Paragraph shall not apply when the funeral establishment and crematory or hydrolysis licensee share common ownership and are physically located within one or more buildings on a contiguous piece of property that would qualify the funeral establishment to use "crematory," "crematorium," "cremation center," "hydrolysis facility," or "hydrolysis center" in its operating name; provided, however, that the crematory or hydrolysis licensee shall comply with Paragraphs (a), (b), and (d) or (e) of this Rule.

(d) All records documenting the process of cremation or hydrolysis from the time the remains are received at the crematory or hydrolysis licensee facility until the cremated or hydrolyzed remains are delivered, all crematory or hydrolysis licensees shall keep records on Board forms and shall include the following information:

- (1) first, middle, and last name of the crematory or hydrolysis licensee;
- (2) first, middle, and last name of the decedent;
- (3) description of the cremation or hydrolysis container used;
- (4) time and date the decedent was placed into the cremation or hydrolysis unit;
- (5) first, middle, and last name of person who placed the deceased in the cremation or hydrolysis unit;
- (6) time and date the cremated or hydrolyzed remains were removed from the cremation or hydrolysis unit;
- (7) type of container in which the cremated or hydrolyzed remains were placed;
- (8) time and date the cremated or hydrolyzed remains were processed; and
- (9) first, middle, and last name and signature of the person who processed the cremated or hydrolyzed remains and placed them into a container.

The crematory or hydrolysis licensee shall furnish this information to a funeral establishment, an individual licensed to practice funeral service under the provisions of G.S. 90-210.25(a2)(2), authorizing agent, or other person or entity authorized to receive the cremated or hydrolyzed remains from the crematory or hydrolysis licensee.

(e) In lieu of the separate forms required by Paragraphs (a), (b), and (d) of this Rule, a crematory or hydrolysis licensee may use a form prescribed by the Board that combines all information required by Paragraphs (a), (b), and (d) of this Rule.

(f) The crematory or hydrolysis licensee shall retain the completed forms required by this Rule for a period of three years and shall produce all cremation or hydrolysis forms for inspection or copying by the Board or its agents upon request. Unless otherwise permitted by this Rule, the funeral establishment or individual licensed to practice funeral service under the provisions of G.S. 90-210.25(a2)(2) shall retain a completed copy of each form required by this Rule and shall produce the forms for inspection or copying to the Board or its agents upon request.

*History Note: Authority G.S. 90-210.127; 90-210.134(a); 90.210.136(d),(h);
Eff. July 1, 1991;
Amended Eff. September 1, 2009; August 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;
Temporary Amendment Eff. May 24, 2019;
Temporary Amendment Expired Eff. March 13, 2020;
Amended Eff. January 1, 2021.*

21 NCAC 34C .0304 CREMATION AND DELIVERY FORM

*History Note: Authority G.S. 90-210.134(a);
Eff. July 1, 1991;
Repealed Eff. July 1, 2004.*

21 NCAC 34C .0305 MONTHLY REPORTS

No later than the tenth day of each month, every crematory licensee shall remit to the Board the per-cremation fees under 21 NCAC 34A .0201(b) for the cremations which the licensee performed during the immediately preceding calendar month. The fees shall be accompanied by a statement signed by an authorized representative of the crematory indicating the name of the crematory, each decedent's name, date of each cremation, the person or other entity for whom each cremation was performed, the number of cremations contained in the report and the total amount of fees remitted with the report.

History Note: Authority G.S. 90-210.132; 90-210.134(a);

Eff. July 1, 1991;
Amended Eff. February 1, 2009; July 1, 2004.

21 NCAC 34C .0306 RETENTION OF RECORDS

A copy of all death certificates, cremation or hydrolysis authorizations, waivers, statements, reports and other documents required by G.S. 90-210.120 through G.S. 90-210.134 and by the rules in this Subchapter shall be retained by the crematory or hydrolysis licensee and the funeral establishment or individual licensed to practice funeral service under the provisions of G.S. 90-210.25(a2)(2) for a period of three years and shall, during that period, be subject to inspection by the Board or its agents.

History Note: Authority G.S. 90-210.127; 90-210.134(a); 90.210.136(d),(h);
Eff. July 1, 1991;
Amended Eff. January 1, 2009; July 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,
2017;
Temporary Amendment Eff. May 24, 2019;
Temporary Amendment Expired Eff. March 13, 2020;
Amended Eff. January 1, 2021.

§ 90-210.136. Hydrolysis of human remains.

(a) The following definitions shall apply in this section:

- (1) Alkaline hydrolysis. – The technical process using water, heat, and other chemicals to destroy, dissolve, or reduce human remains to simpler or essential elements.
- (2) Hydrolysis container. – A container, other than a casket, designed to enclose human remains and made of suitable material to be easily destroyed during hydrolysis and to resist spillage and leakage. A hydrolysis container may be a cremation container or any other container that meets the requirements of this subdivision.
- (3) Hydrolysis licensee. – A person or entity licensed to hydrolyze human remains and perform hydrolysis.
- (4) Liquid waste. – Any liquid remaining after hydrolysis that does not contain any trace elements of human tissue.

(b) No person, cemetery, funeral establishment, corporation, partnership, joint venture, voluntary organization, or other entity shall hydrolyze human remains without first obtaining a license from the Board.

(c) Except as otherwise provided by this section, a license for the hydrolysis of human remains shall have the same requirements and fees as for the licensing of crematories under this Article. The hydrolysis of human remains shall be conducted in compliance with all requirements for cremation, and the licensee shall pay the same fees for monthly reports for each hydrolysis as crematories under this Article.

(d) The Board shall have the same powers to regulate, enforce, discipline, and inspect hydrolysis licensees and the practice of hydrolysis that have been granted under this Article for the regulation, enforcement, discipline, and inspection of crematories and the practice of cremation.

(e) Any solid remains or residue remaining after hydrolysis shall be treated and disposed of as cremated remains under this Article. Disposal of liquid waste shall be subject to all applicable health and environmental laws and regulations.

(f) Human remains shall be hydrolyzed in a hydrolysis container and shall not be required to be hydrolyzed in a casket.

(g) Unless specified otherwise by the manufacturer of the equipment used for hydrolysis, human remains may be hydrolyzed without first removing a pacemaker or defibrillator. Any other potentially hazardous implanted device or material shall be handled in accordance with G.S. 90-210.129(d).

(h) The Board shall promulgate rules necessary to effectuate the licensing of alkaline hydrolysis. (2018-78, s. 20; 2019-207, s. 1(g).)

NEVADA

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CHAPTER 451 - DEAD BODIES

DEFINITIONS

[NRS 451.005](#) “Human remains” and “remains” defined.

DETERMINATION OF DEATH

[NRS 451.007](#) Requirements for determination.
[NRS 451.008](#) Consent not required for determination; prohibition on withholding or withdrawal of organ-sustaining treatment in certain circumstances; notice.

MISCELLANEOUS PROVISIONS

[NRS 451.010](#) Dissection of dead human bodies: Limitations; penalty.
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- [NRS 451.535](#) “Part” defined.
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- [NRS 451.547](#) “Procurement organization” defined.
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NRS 451.695	Disposition of cremated remains: Responsibility; operator of crematory.
NRS 451.700	Disposition of cremated remains: Restrictions on manner and location.
NRS 451.705	Effect of execution of order for cremation; liability for article of value delivered with remains.
NRS 451.710	Refusal to accept or cremate remains or to release cremated remains pending resolution of dispute.
NRS 451.715	Unlawful acts; abatement of unlawful crematory as public nuisance.

DEFINITIONS

NRS 451.005 “Human remains” and “remains” defined. As used in [NRS 451.010](#) to [451.470](#), inclusive, unless the context otherwise requires, “human remains” or “remains” means the body of a deceased person, and includes the body in any stage of decomposition and the cremated remains of a body.
(Added to NRS by [1961, 254](#); A [1969, 161](#); [2003, 1881](#); [2015, 569](#); [2017, 327](#))

DETERMINATION OF DEATH

NRS 451.007 Requirements for determination.

1. For legal and medical purposes, a person is dead if the person has sustained an irreversible cessation of:
 - (a) Circulatory and respiratory functions; or
 - (b) All functions of the person’s entire brain, including his or her brain stem.
 2. A determination of death made under:
 - (a) Paragraph (a) of subsection 1 must be made in accordance with accepted medical standards.
 - (b) Paragraph (b) of subsection 1 must be made in accordance with the applicable guidelines set forth in:
 - (1) “Evidence-based Guideline Update: Determining Brain Death in Adults: Report of the Quality Standards Subcommittee of the American Academy of Neurology,” published June 8, 2010, by the American Academy of Neurology, or any subsequent revisions approved by the American Academy of Neurology or its successor organization; or
 - (2) “Guidelines for the Determination of Brain Death in Infants and Children: An Update of the 1987 Task Force Recommendations,” published January 27, 2012, by the Pediatric Section of the Society of Critical Care Medicine, or any subsequent revisions approved by the Pediatric Section of the Society of Critical Care Medicine or its successor organization.
- (Added to NRS by [1979, 226](#); A [1985, 130](#); [2017, 1728](#))

NRS 451.008 Consent not required for determination; prohibition on withholding or withdrawal of organ-sustaining treatment in certain circumstances; notice.

1. A determination of the death of a person made pursuant to paragraph (b) of subsection 1 of [NRS 451.007](#) is a clinical decision that does not require the consent of the person’s authorized representative or the family member with the authority to consent or withhold consent.
 2. Organ-sustaining treatment must not be withheld or withdrawn from a person determined to be dead pursuant to paragraph (b) of subsection 1 of [NRS 451.007](#) who is known to the attending physician to be:
 - (a) Pregnant, so long as it is probable that the fetus will develop to the point of live birth with continued application of organ-sustaining treatment; or
 - (b) A donor or potential donor of an anatomical gift, for the amount of time necessary to successfully recover the anatomical gift.
 3. After a determination of the death of a person is made pursuant to paragraph (b) of subsection 1 of [NRS 451.007](#), reasonable efforts must be made:
 - (a) By the person’s provider of health care to notify a family member or other authorized representative of the person of the determination of death; and
 - (b) By the health care facility in which the determination of death was made to inform a family member or other authorized representative of the person that the potential costs of continuing to administer organ-sustaining treatment may become the responsibility of the person’s estate or family.
 4. As used in this section:
 - (a) “Anatomical gift” has the meaning ascribed to it in [NRS 451.513](#).
 - (b) “Organ-sustaining treatment” means a medical procedure or intervention conducted after a person has been determined to be dead pursuant to paragraph (b) of subsection 1 of [NRS 451.007](#) that serves only to prolong the viability of the organs of the person or a fetus carried by the person.
- (Added to NRS by [2017, 1728](#))

MISCELLANEOUS PROVISIONS

NRS 451.010 Dissection of dead human bodies: Limitations; penalty.

1. The right to dissect the dead body of a human being is limited to cases:
 - (a) Specially provided by statute or by the direction or will of the deceased.
 - (b) Where a coroner is authorized under [NRS 259.050](#) or an ordinance enacted pursuant to [NRS 244.163](#) to hold an inquest upon the body, and then only as the coroner may authorize dissection.
 - (c) Where the spouse or next of kin charged by law with the duty of burial authorize dissection for the purpose of ascertaining the cause of death, and then only to the extent so authorized.
 - (d) Where authorized by the provisions of [NRS 451.350](#) to [451.470](#), inclusive.
 - (e) Where authorized by the provisions of [NRS 451.500](#) to [451.598](#), inclusive.
2. Every person who makes, causes or procures to be made any dissection of the body of a human being, except as provided in subsection 1, is guilty of a gross misdemeanor.
[1911 C&P § 208; RL § 6473; NCL § 10156]—(NRS A [1963, 198, 534](#); [1969, 161](#); [1989, 432](#); [2007, 793](#); [2017, 794](#))

NRS 451.015 Commercial use of aborted embryo or fetus prohibited; penalty. Any person who uses, or makes available for the use of another, the remains of an aborted embryo or fetus for any commercial purpose shall be fined not less than \$250 nor more than \$5,000.

(Added to NRS by [1985, 1902](#))

NRS 451.020 Burial or cremation within reasonable time after death; transportation and disposal of residue of cremated body.

1. Except in cases of dissection provided for in [NRS 451.010](#), and where a dead body shall rightfully be carried through or removed from the State for the purpose of burial elsewhere, every dead body of a human being lying within this state, and the remains of any dissected body after dissection, shall be decently buried or cremated within a reasonable time after death.

2. The residue resulting from the cremation of the body of a deceased person may be transported in this state in any manner, without any permit therefor, and may be disposed of in any manner desired, or directed by the decedent, by the person charged by law with the duty of burying the body.

[1911 C&P § 208; RL § 6473; NCL § 10156]—(NRS A [1969, 716](#))

NRS 451.023 Responsibility of surviving spouse or parent for burial or cremation of deceased spouse or child. The spouse of a minor child or the parent of an unmarried or otherwise unemancipated minor child shall be primarily responsible for the decent burial or cremation of his or her spouse or such child within a reasonable time after death.

(Added to NRS by [1971, 131](#); A [2017, 794](#))

NRS 451.024 Persons authorized to order burial or cremation; order of priority of such persons; acceptance of legal and financial responsibility does not give rise to claim against estate or other person; transfer of authority to another person; unavailability of authorized person.

1. The following persons, in the following order of priority, may order the burial or cremation of human remains of a deceased person:

(a) A person designated as the person with authority to order the burial or cremation of the human remains of the decedent in a legally valid document or in an affidavit executed in accordance with subsection 9;

(b) If the decedent was, at the time of death, on active duty as a member of the Armed Forces of the United States, a reserve component thereof or the National Guard, a person designated by the decedent in the United States Department of Defense Record of Emergency Data, DD Form 93, or its successor form, as the person authorized to direct disposition of the human remains of the decedent;

(c) The spouse of the decedent;

(d) An adult son or daughter of the decedent;

(e) Either parent of the decedent;

(f) An adult brother or sister of the decedent;

(g) A grandparent of the decedent;

(h) A guardian of the person of the decedent at the time of death; and

(i) A person who meets the requirements of subsection 2.

2. Any other person may order the burial or cremation of the human remains of the decedent if the person:

(a) Is at least 18 years of age; and

(b) Executes an affidavit affirming:

(1) That he or she knew the decedent;

(2) The length of time that he or she knew the decedent;

(3) That he or she does not know the whereabouts of any of the persons specified in paragraphs (a) to (h), inclusive, of subsection 1; and

(4) That he or she willingly accepts legal and financial responsibility for the burial or cremation of the human remains of the decedent.

3. If a person with authority to order the burial or cremation of the human remains of a decedent pursuant to paragraphs (c) to (h), inclusive, of subsection 1 has been arrested for or charged with murder, as defined in [NRS 200.010](#), or voluntary manslaughter, as defined in [NRS 200.050](#), in connection with the death of the decedent, the authority of the person to order the disposition of the human remains of the decedent is automatically relinquished and passes to the next person in order of priority pursuant to subsection 1.

4. If there is more than one person authorized to order the burial or cremation of the human remains of a decedent within a particular priority class pursuant to paragraphs (d) to (h), inclusive, of subsection 1, a funeral establishment or direct cremation facility may require a majority of the members of the priority class to agree upon a disposition of the remains of the decedent.

5. A person who accepts legal and financial responsibility for the burial or cremation of the human remains of a decedent as described in subparagraph (4) of paragraph (b) of subsection 2 does not have a claim against the estate of the decedent or against any other person for the cost of the burial or cremation.

6. If the deceased person was an indigent or other person for whom the final disposition of the decedent's remains is a responsibility of a county or the State, the appropriate public officer may order the burial or cremation of the remains and provide for the respectful disposition of the remains.

7. If the deceased person donated his or her body for scientific research or, before the person’s death, a medical facility was made responsible for the final disposition of the person, a representative of the scientific institution or medical facility may order the burial or cremation of his or her remains.

8. A living person may order the burial or cremation of human remains removed from his or her body or the burial or cremation of his or her body after death. In the latter case, any person acting pursuant to his or her instructions is an authorized agent.

9. A person 18 years of age or older wishing to authorize another person to order the burial or cremation of his or her human remains in the event of the person’s death may include such an authorization in a validly executed will or durable power of attorney or may execute an affidavit before a notary public in substantially the following form:

State of Nevada }
County of }
}ss
(Date)

I, (person authorizing another person to order the burial or cremation of his or her human remains in the event of his or her death) do hereby designate (person who is being authorized to order the burial or cremation of the human remains of a person in the event of his or her death) to order the disposition of my human remains upon my death.

Subscribed and sworn to before me this
day of the month of of the year

.....
(Notary Public)

10. If the authorized person is not reasonably available or is unable to act as the authorized person, the right of the person to be the authorized person shall pass to the next person or category of persons in the order of priority pursuant to subsection 1.

11. It shall be presumed that an authorized person is not reasonably available to act as an authorized person in accordance with subsection 10 if the crematory, cemetery, funeral establishment or direct cremation facility, after exercising due diligence, has been unable to contact the person, or if the person has been unwilling or unable to make final arrangements for the burial or cremation of the human remains of the decedent, within 30 days after the initial contact or attempt to contact by the crematory, cemetery, funeral establishment or direct cremation facility.

12. If a person with a lower authorization priority than another person pursuant to subsection 1 has been authorized to order the burial or cremation of the human remains of a decedent and, subsequently, a person with a higher authorization priority makes an initial contact with the crematory, cemetery, funeral establishment or direct cremation facility and is available to perform the duties of an authorized person pursuant to this section before the final disposition of the decedent, the person with the higher authorization priority is the authorized person to order the burial or cremation of the human remains of the decedent.

(Added to NRS by [2003, 1880](#); A [2011, 193, 197](#); [2015, 1966](#); [2017, 1698](#))

NRS 451.025 Reimbursement for burial expenses paid with public money. If the governing body of any county, city or town within the State of Nevada must arrange for and order the decent burial of any person dying within such county, city or town, leaving a spouse or parent in whose custody such person remained at the time he or she died, which spouse or parent is not indigent and not otherwise eligible for assistance as a poor person and expenses for a decent burial have been paid out of public funds pursuant to such an order, the county, city or town must be reimbursed for its expenses of burial of the dead body of such person by the spouse or parent charged by law with the duty of burial.

(Added to NRS by [1971, 131](#); A [1983, 139](#); [2017, 794](#))

NRS 451.027 Duty of county agency responsible for remains of indigent person believed to be veteran to report name of person to Department of Veterans Services; Department to determine eligibility for interment at national or veterans’ cemetery; disposition of remains; immunity from liability for certain acts or omissions.

1. If the county agency that is responsible for interring or cremating the remains of indigent persons obtains custody of the unclaimed human remains of a deceased person whom the county agency knows, has reason to know or reasonably believes is a veteran, the county agency shall report the name of the deceased person to the Department of Veterans Services as soon as practicable after obtaining custody of the remains.

2. Upon receipt of a report made pursuant to subsection 1, the Department of Veterans Services shall determine whether the deceased person is a veteran who is eligible for interment at a national cemetery pursuant to 38 U.S.C. § 2402 or a veterans’ cemetery pursuant to [NRS 417.210](#). The Department shall provide notice of the determination to the county agency.

3. If the Department of Veterans Services provides notice pursuant to subsection 2 to a county agency of a determination that a deceased person is a veteran who:

(a) Is eligible for interment at a national cemetery or a veterans' cemetery, the county agency shall arrange for the proper disposition of the veteran's remains with:

- (1) A national cemetery or veterans' cemetery; or
- (2) The Department of Veterans Services.

(b) Is not eligible for interment at a national cemetery or a veterans' cemetery and is indigent, the county agency shall cause the veteran's remains to be decently interred or cremated in the county.

4. A county agency that is responsible for interring or cremating the remains of indigent persons is immune from civil or criminal liability for any act or omission with respect to complying with the provisions of this section.

5. As used in this section, "veteran" has the meaning ascribed to it in [NRS 176A.090](#).
(Added to NRS by [2015, 568](#))

NRS 451.030 Removal of remains for sale or dissection; purchases; punishment.

1. A person who removes the dead body of a human being, or any part thereof, from a grave, vault or other place where it has been buried or deposited awaiting burial or cremation, without authority of law, with the intent to sell it, or for the purpose of securing a reward for its return, or for dissection, or from malice or wantonness, is guilty of a category D felony and shall be punished as provided in [NRS 193.130](#).

2. A person who purchases or receives, except for burial or cremation, any such dead body, or any part thereof, knowing that it has been removed contrary to the provisions of subsection 1, is guilty of a category D felony and shall be punished as provided in [NRS 193.130](#).

3. A person who opens a grave or other place of interment, temporary or otherwise, or a building where such a dead body is deposited while awaiting burial or cremation, without authority of law, with the intent to remove the body or any part thereof, for the purpose of selling or demanding money for it, for dissection, from malice or wantonness, or with the intent to sell or remove the coffin or any part thereof or anything attached thereto, or any vestment or other article interred or intended to be interred with the body, is guilty of a category D felony and shall be punished as provided in [NRS 193.130](#).

[1911 C&P § 210; RL § 6475; NCL § 10158]—(NRS A [1967, 581](#); [1979, 1470](#); [1989, 576](#); [1995, 1279](#))

NRS 451.040 Seizure of remains for debt; interference with dead body; penalty.

1. Every person who shall arrest or attach the dead body of a human being upon a debt or demand, or shall detain or claim to detain it for any debt or demand or upon any pretended lien or charge, shall be guilty of a misdemeanor.

2. Every person who, without authority of law, shall obstruct or detain a person engaged in carrying or accompanying the dead body of a human being to a place of burial or cremation shall be guilty of a misdemeanor.

[1911 C&P § 211; RL § 6476; NCL § 10159]

NRS 451.045 Permit for disinterment or removal of human remains within State.

1. Except as otherwise provided in [NRS 451.050](#), the local health officer may issue a permit for the disinterment or removal of human remains. The permit must indicate the name of the cemetery, mausoleum, columbarium or other place of burial where the remains will be interred, inurned or buried.

2. Except as otherwise provided in subsection 4, a person in charge of a cemetery, mausoleum, columbarium or other place of burial shall not disinter or remove or permit disinterment or removal of human remains unless the person has received a copy of such a permit.

3. A person who violates the provisions of this section is guilty of a misdemeanor.

4. A county coroner is not required to obtain a permit from the local health officer for the disinterment, removal or transportation of human remains while carrying out his or her duties as the county coroner.

(Added to NRS by [1961, 254](#); A [1989, 381](#))

NRS 451.050 Permit for disinterment or removal of human remains out of State.

1. Any person, company, association or corporation in this State who shall exhume or disinter, or who shall cause to be exhumed or disinterred, any human remains, or any part of such remains, which have been buried in the ground in this State, for the purpose of transporting the same to any other state or foreign country, except under the conditions provided in subsection 2, shall be guilty of a misdemeanor.

2. The boards of county commissioners of the several counties in which human remains are buried or interred, as provided in subsection 1, are authorized to grant and to issue written permits for the disinterment and removal of any such human remains referred to in subsection 1, whenever in their judgment the public health will not be endangered by such disinterment and removal; but no such permit shall be granted or issued under any circumstances or at any time where the person or persons buried or interred have died from or with any contagious or loathsome disease.

[1911 C&P § 287; RL § 6552; NCL § 10235] + [1911 C&P § 288; RL § 6553; NCL § 10236]—(NRS A [1967, 582](#))

NRS 451.060 Penalties for noncompliance of common carrier.

1. Any transportation company or common carrier transporting or carrying, or accepting through its agents or employees for transportation or carriage, the body of any deceased person, without an accompanying permit issued in accordance with law, shall be punished by a fine of not more than \$250. If the death occurred outside of the State and the body is accompanied by a burial, removal or transit permit issued in accordance with the law or board of health regulations in force where the death occurred, such burial, removal or transit permit may be held to authorize the transportation or carriage of the body into or through the State.

2. Any railroad, transportation or express company which receives for transportation and shipment any dead human body, unless the body has been prepared by a regularly licensed embalmer of the State of Nevada, with the removal permit, his or her name and the number of the embalmer's license attached thereon, and unless the body shall reach its destination within the boundaries of this state and within 30 hours from time of death, shall be punished by a fine of not more than \$500.

[Part 10:28:1909; A [1917, 66](#); 1919 RL § 4454; NCL § 2674] + [Part 21:199:1911; RL § 2972; NCL § 5255]
—(NRS A [1967, 582](#); [1979, 1470](#))

NRS 451.065 Unlawful to require remains to be embalmed or otherwise prepared before disposition; exceptions; penalty.

1. Except as otherwise provided in subsections 2 and 3, no crematory, funeral home, cemetery or other place that accepts human remains for disposition may require the remains to be embalmed or otherwise prepared before their disposition by cremation, interment or otherwise, or before their removal from or into any registration district.

2. The State Board of Health may require embalming or other preparations if necessary to protect the public.

3. If embalming is not required by the State Board of Health pursuant to subsection 2, the Nevada Funeral and Cemetery Services Board may authorize the embalming of a body if it determines that it is necessary to preserve the body and the crematory, funeral home, cemetery or other place that accepts human remains for disposition:

(a) Has held the body for at least 72 hours;

(b) Is unable to notify a member of the family or other authorized person to obtain approval to embalm the body; and

(c) Has no reason to believe that the family or other authorized person does not wish to have the body embalmed.

4. Any person who violates this section is guilty of a misdemeanor.

(Added to NRS by [1973, 192](#); A [1977, 361](#); [1993, 2606](#); [1997, 2580](#); [2003, 1279](#))

NRS 451.067 Designation of family cemetery; notification of Division of Public and Behavioral Health of designation.

1. The board of county commissioners of a county whose population is less than 55,000 may adopt an ordinance allowing one or more natural persons to designate as a family cemetery an area of land owned by any of those persons for the interment in that area without charge of any member of the family of any of them or any other person.

2. Before the first interment in a family cemetery designated in accordance with an ordinance adopted pursuant to subsection 1, a member of the family or a representative of the family shall notify the Division of Public and Behavioral Health of the Department of Health and Human Services of the designation of the family cemetery and its specific location on the land owned by the family.

(Added to NRS by [2001, 988](#); A [2011, 1277](#))

REMOVAL OF HUMAN REMAINS BY CEMETERY AUTHORITY

NRS 451.069 “Cemetery authority” defined. As used in [NRS 451.069](#) to [451.330](#), inclusive, “cemetery authority” means any natural person, partnership, association, corporation or public entity, including the Nevada System of Higher Education or any cemetery district, owning or leasing the land or other property of a cemetery or operating a cemetery as a business in this State.

(Added to NRS by [1979, 1561](#); A [1993, 405](#); [2001, 988](#); [2017, 327](#))

NRS 451.070 Authority to order disinterment and removal of human remains. Except as otherwise provided in [NRS 451.075](#), a cemetery authority may order the disinterment and removal of all human remains interred in all or any part of any cemetery if:

1. A governmental authority other than the cemetery authority determines that:

(a) The maintenance of all or any part of the cemetery as a burial place for the human dead is not in accordance with the health, safety, comfort or welfare of the public;

(b) The cemetery authority is unable to restore the cemetery or part of the cemetery to a condition where the maintenance of the cemetery as a burial place for the human dead is in accordance with the health, safety, comfort and welfare of the public; and

(c) The cemetery authority is unable, at current market rates, to sell or lease the cemetery to or enter into a contract with another cemetery authority that will maintain the cemetery as a burial place for the human dead in accordance with the health, safety, comfort and welfare of the public; or

2. The cemetery authority determines that financial provision must be made for future care of gravesites within a specified area.

(Added to NRS by [1961, 459](#); A [1979, 1561](#); [2001, 989](#); [2017, 327](#))

NRS 451.075 Prohibition on certain acts by cemetery authority concerning burial plot owned in fee simple. Notwithstanding any other provision of law, including, without limitation, any provision of [NRS 451.069](#) to [451.330](#), inclusive, a cemetery authority shall not:

1. Order the disinterment and removal of human remains interred in a burial plot that is owned in fee simple by a person other than the cemetery authority; or

2. Sell, mortgage or encumber or require the sale, mortgage or encumbrance of such a burial plot.

(Added to NRS by [2017, 327](#))

NRS 451.080 Regulations governing manner of removal and reinterment; time for removal and reinterment.

1. The cemetery authority may prescribe reasonable regulations governing the manner of making disinterments and removals and providing for reinterment in a portion of the existing cemetery or in any other cemetery or for deposit of the remains in any memorial mausoleum or columbarium or for providing appropriate future care.

2. The cemetery authority must prescribe a reasonable time of not less than 1 year after the date on which it orders the disinterment and removal of remains pursuant to [NRS 451.070](#), after which the cemetery authority may proceed to disinter and remove the remains and reinter them in a portion of the existing cemetery or another cemetery or deposit them in a memorial mausoleum or columbarium.

(Added to NRS by [1961, 459](#); A [1979, 1561](#); [2001, 989](#); [2017, 328](#))

NRS 451.110 Notice of determination to remove human remains.

1. Notice of a determination to remove the human remains from all or any part of any cemetery must be given by publication in a newspaper of general circulation published in the city, or the county if the cemetery is in an unincorporated area, in which the cemetery or the portion from which removals are to be made is situated. Publication must be at least once a week for 4 consecutive weeks.

2. The notice must specify the period after which the cemetery authority may remove the remains.

(Added to NRS by [1961, 460](#); A [2001, 989](#))

NRS 451.130 Posting of copies of notice in cemetery. Copies of the notice shall, within 10 days after the first publication, be posted in at least three conspicuous places in the cemetery or the portion from which removals are to be made.

(Added to NRS by [1961, 460](#))

NRS 451.140 Mailing of copy of notice to owner of plot or heir of person interred.

1. A copy of the notice must be mailed to every person who owns, holds, or has the right of interment in, any plot in the cemetery or part affected, whose name appears upon the records of the cemetery or upon the real property assessment roll of the county in which the cemetery is located. The notice must be addressed to the last known post office address of the plot owner as it appears from the records of the cemetery or county assessor, and if the owner's address does not appear or is not known, then to him or her in the city in which the cemetery is situated.

2. The notice must also be mailed to each known living heir at law of any person whose remains are interred in the cemetery, if his or her address is known.

(Added to NRS by [1961, 460](#); A [1979, 1562](#))

NRS 451.150 Notice to cemetery authority by friend or relative. At any time before the date fixed for the removal of remains by the cemetery authority, any relative or friend of any person whose remains are interred in the cemetery from which removals are to be made may give the cemetery authority written notice that the relative or friend desires to be present when the remains are disinterred or are reinterred.

(Added to NRS by [1961, 460](#))

NRS 451.160 Notice to cemetery authority by friend or relative: Contents. The notice to the cemetery authority shall specify:

1. The name of the person whose remains are to be disinterred.

2. As accurately as possible, the plot where the remains are interred.

3. The date of interment.

4. An address at which the required notices may be given by the cemetery authority.

(Added to NRS by [1961, 461](#))

NRS 451.170 Notice to cemetery authority by friend or relative: Manner of delivery. The notice may be delivered, or forwarded by registered or certified mail, to the office or principal place of business of the cemetery authority proposing to make removals.

(Added to NRS by [1961, 461](#); A [1969, 95](#))

NRS 451.180 Notice by cemetery authority; manner of service on friend or relative. After receipt of such notice before the date fixed for the removal of the remains by the cemetery authority, it shall give written notice to the person requesting it of the time when the remains shall be disinterred. This notice shall be given by delivery, or by mail, to the person requesting it at least 10 days prior to the date specified for the disinterment of the remains.

(Added to NRS by [1961, 461](#))

NRS 451.190 Notice to cemetery authority by friend or relative: Effect. Whenever a request of notice is given by a relative or friend, the cemetery authority shall not disinter the remains referred to until the notice of the time of disinterment is given the relative or friend, as provided in [NRS 451.150](#) to [451.180](#), inclusive.

(Added to NRS by [1961, 461](#))

NRS 451.260 Removal of human remains. After the completion of notice and after the expiration of the period specified in the notice, the cemetery authority may cause the removal of all human remains interred in the cemetery or portion from which the remains have been ordered removed, and may reinter such remains in other cemeteries in this state where interments are permitted, without further notice to any person claiming any interest in the cemetery, or portion affected, or in the remains interred therein.

(Added to NRS by [1961, 462](#); A [2001, 989](#))

NRS 451.270 Manner and time of reinterment.

1. The remains of each person reinterred shall be placed in a separate and suitable receptacle and decently and respectfully interred not later than 1 year after the date on which the remains are disinterred under rules and regulations adopted by the cemetery authority making the removal.

2. A receptacle shall be deemed suitable for the purposes of subsection 1 if the receptacle:

(a) Is capable of withstanding weather and movement of the earth that may affect the receptacle for at least 100 years; or

(b) Has been approved by the closest living relative of the decedent.

(Added to NRS by [1961, 462](#); A [2017, 328](#))

NRS 451.280 Disposal of land by cemetery authority; authority to sell and encumber. Whenever human remains have been ordered removed under the provisions of [NRS 451.069](#) to [451.330](#), inclusive, and the cemetery authority has made and published notice of the determination to remove such remains, the portions of the cemetery in which no interments have been made, and those portions from which all human remains have been removed, may be sold, mortgaged or otherwise encumbered as security for any loan or loans made to the cemetery authority.

(Added to NRS by [1961, 462](#); A [1979, 1562](#); [2001, 989](#))

NRS 451.290 Sale or encumbrance of land; confirmation by district court of sale by cemetery corporation or association. No order of any court shall be required prior to the making of any such sale, mortgage or other encumbrance of such lands; but any sale of such cemetery lands made by any cemetery corporation or association controlled by a governing body shall be fairly conducted and the price paid shall be fair and reasonable and all such sales shall be confirmed, as to the fairness and reasonableness of the price paid, by the district court of the county in which the lands are situated.

(Added to NRS by [1961, 462](#))

NRS 451.300 Petition for confirmation; notice of hearing. Petitions for confirmation of sales shall be made to the district court of the county in which such lands are situated, and the clerk of the court shall fix a day for and give notice of hearing by publication on three dates of publication prior to the hearing, and if the newspaper is published oftener than once a week there shall be at least 10 days from the first to last dates of publication (both first and last days included).

(Added to NRS by [1961, 462](#); A [1977, 274](#))

NRS 451.310 Confirmation of sale agreed upon before receipt of notice of determination that further maintenance of cemetery is not in accordance with health, safety, comfort or welfare of public. If, before receiving notice of any determination made by a governmental authority pursuant to [NRS 451.070](#), any cemetery authority has in good faith entered into any agreement to sell or has granted any option to buy all or any portion of its cemetery lands for a price reasonable at the time the agreement to sell was made, or the option granted, the district court shall confirm the sale at the price stipulated in the agreement to sell or the option to buy.

(Added to NRS by [1961, 462](#); A [1979, 1562](#); [2001, 990](#))

NRS 451.320 Declaration of removal by cemetery authority: Filing; acknowledgment; effect of subsequent conveyance.

1. After the removal of all human remains interred in any part of the whole of the cemetery lands, the cemetery authority may file for record in the office of the county recorder of the county in which the lands are situated a written declaration reciting that all human remains have been removed from the lands described in the declaration.

2. The declaration shall be acknowledged in the manner of the acknowledgment of deeds to real property by the president and secretary, or other corresponding officers of the cemetery authority, or by the person owning or controlling the cemetery lands, and thereafter any deed, mortgage or other conveyance of any part of such lands is conclusive evidence in favor of grantee or mortgagee named in it, and his or her successor or assigns, of the fact of the complete removal of all human remains therefrom.

(Added to NRS by [1961, 463](#))

NRS 451.330 Removal of dedication; notice of hearing and proof. After all remains have been removed from a cemetery in accordance with the provisions of [NRS 451.069](#) to [451.330](#), inclusive, the dedication may be removed from all or any part of such cemetery lands by an order and decree of the district court of the county in which the property is situated, in a proceeding brought for that purpose and upon notice of hearing and proof satisfactory to the court:

1. That all bodies have been removed, or that no interments were made; and
2. That the property is no longer used or required for interment.

(Added to NRS by [1961, 463](#); A [1979, 1563](#); [2001, 990](#))

REMOVAL OF HUMAN REMAINS INTERRED IN RELIGIOUS CEMETERY

NRS 451.340 Disinterment by heir or relative must comply with requirements of religious denomination, society or church; authority of officer, representative or agent of church or religious society.

1. The heirs, relatives or friends of any decedent whose remains have been interred in any cemetery owned, governed or controlled by any religious corporation or by any church or religious society of any denomination or by any corporation sole administering temporalities of any religious denomination, society or church, or owned, governed or controlled by any person or persons as trustee or trustees for any religious denomination, society or church shall not disinter, remove, reinter or dispose of any such remains except in accordance with the rules, regulations and discipline of such religious denomination, society or church.

2. The officers, representatives or agents of the church or religious society shall be the sole judge of the requirements of the rules, regulations and discipline of such religious denomination, society or church.

(Added to NRS by [1961, 463](#))

ANATOMICAL DISSECTION

NRS 451.350 "Committee" defined. As used in [NRS 451.350](#) to [451.470](#), inclusive, "Committee" means the Committee on Anatomical Dissection established by the Nevada System of Higher Education.

(Added to NRS by [1963, 531](#); A [1969, 161](#); [1993, 405](#))

NRS 451.360 Establishment and composition of Committee; election and terms of Chair and Secretary.

1. The Nevada System of Higher Education may establish a Committee on Anatomical Dissection consisting of:

(a) One member who is a physician licensed to practice medicine pursuant to the provisions of [chapter 630](#) of NRS, appointed by the Nevada State Medical Association.

(b) One member who is an osteopathic physician licensed to practice osteopathic medicine pursuant to the provisions of [chapter 633](#) of NRS, appointed by the Nevada Osteopathic Medical Association.

(c) One member who is a dentist licensed to practice dentistry pursuant to the provisions of [chapter 631](#) of NRS, appointed by the Nevada Dental Association.

(d) One member who is a pathologist, appointed by the Nevada Society of Pathologists.

(e) One member appointed by the President of the University of Nevada, Reno, from the faculty of the University of Nevada, Reno.

(f) One member appointed by the President of the University of Nevada, Las Vegas, from the faculty of the University of Nevada, Las Vegas.

(g) One member appointed by the President of the Touro University College of Osteopathic Medicine, Nevada, or its successor, from the faculty of the Touro University College of Osteopathic Medicine, Nevada.

(h) The Chief Medical Officer, or a designee of the Chief Medical Officer.

(i) One member appointed by the Nevada Funeral Service Association.

2. The Committee shall elect:

(a) The member appointed by the President of the University of Nevada, Reno, or the member appointed by the President of the University of Nevada, Las Vegas, to serve as Chair of the Committee; and

- (b) A Secretary from among its members.
 3. The Chair and Secretary shall hold office for a term of 1 year.
 (Added to NRS by [1963, 531](#); A [1969, 1442](#); [1993, 405](#); [2005, 601](#))

NRS 451.370 Meetings, records and budget of Committee.

1. The Committee shall meet:
 (a) At least twice annually and at other times specified by a call of the Chair of the Committee or a majority of its members; and
 (b) At places specified by the Chair.
 2. The Committee shall keep full and complete minutes and an audio recording or transcript of each meeting of the Committee and a complete record of all dead human bodies received and distributed by it and of the persons to whom the bodies may be distributed. The minutes, audio recordings, transcripts and records must be open at all times for inspection by each member of the Committee and by the district attorney of any county within the State.
 3. The Secretary of the Committee is responsible for keeping the minutes of each meeting of the Committee and preparing and maintaining a complete file of the minutes, audio recordings, transcripts and records of the Committee.
 4. The Committee shall prepare and approve an annual budget for the Committee.
 (Added to NRS by [1963, 531](#); A [1969, 1443, 1458](#); [1993, 405](#); [2005, 602, 1414](#); [2013, 1625](#))

NRS 451.380 Compensation of members of Committee. The members of the Committee shall serve without salary.
 (Added to NRS by [1963, 532](#))

NRS 451.390 Regulations of Committee. The Committee shall adopt such regulations as it may deem necessary for the performance of its duties, including, without limitation, regulations concerning the persons and entities that are eligible to receive dead bodies pursuant to [NRS 451.450](#).
 (Added to NRS by [1963, 532](#); A [1983, 1444](#); [2005, 602](#))

NRS 451.400 Notification of Committee or its designee concerning dead human body which is unclaimed or required to be buried at public expense; delivery of body as designated by Committee.

1. All public officers, agents or employees of every county, city or town, every person in charge of any prison, morgue, hospital, funeral parlor or mortuary, and all other persons coming into possession, charge or control of any dead human body which is unclaimed or which is required to be buried at public expense are hereby required to notify immediately the Committee or its designee.
 2. Except as otherwise provided in [NRS 451.420](#), every person required to notify the Committee or its designee of the person's possession, charge or control of a dead human body pursuant to subsection 1 shall, upon the request of the Committee and without fee, deliver such a dead body to the Committee, or to such agent, institution or person as the Committee may designate.
 (Added to NRS by [1963, 532](#); A [2003, 385](#); [2005, 602](#))

NRS 451.410 Retention of bodies received by Committee; referral of excess or unfit bodies to board of county commissioners for burial or cremation. Each dead human body received by the Committee shall be retained in a receiving vault for a period of not less than 30 days before allowing its use for medical science. If at any time more bodies are made available to the Committee than can be used for medical science under its jurisdiction, or a body shall be deemed by the Committee to be unfit for anatomical purposes, the Committee may notify, in writing, the board of county commissioners of the county where the death occurred. Upon receiving such notification, the board of county commissioners shall direct a person to take charge of such body and cause it to be buried or cremated in accordance with the existing rules, laws and practices for disposing of unclaimed bodies within such county.
 (Added to NRS by [1963, 532](#); A [2005, 603](#))

NRS 451.420 Committee to receive notice of death for unclaimed indigent person; limitations on delivery of bodies to Committee.

1. Notice of death must be given to the Committee in all cases of unclaimed indigent persons.
 2. If any relative, by blood or marriage, claims the body for burial at the expense of the relative, the body must not be delivered to the Committee, but must be surrendered to the claimant for interment.
 3. No such body may be delivered to the Committee if any friend of the deceased, any representative of a fraternal society of which the deceased was a member, any representative of a veterans' organization recognized by the Director of the Department of Veterans Services, or any representative of any charitable or religious organization claims the body for burial at its expense.
 4. If the deceased person was an honorably discharged member of the Armed Forces of the United States or the State, the body must not be delivered to the Committee, but must be buried in accordance with the provisions

of the existing laws. If a veterans' organization claims the body of a deceased veteran pursuant to subsection 3, the veterans' organization must provide a military funeral.

(Added to NRS by [1963, 532](#); A [2003, 385](#))

NRS 451.430 Delivery of body by Committee to friend or other claimant; payment of expenses; military funeral required by veterans' organization that claims body. Any dead human body which has been delivered to the Committee may be claimed by any friend of the deceased, any representative of a fraternal society of which the deceased was a member, a veterans' organization recognized by the Director of the Department of Veterans Services, or any representative of any charitable or religious organization. Upon receipt of such a claim, the body must be surrendered to the claimant by the Committee after the payment to the Committee of the expenses incurred in obtaining and handling the body. If a veterans' organization claims the body of a deceased veteran pursuant to this section, the veterans' organization must provide a military funeral.

(Added to NRS by [1963, 532](#); A [2003, 386](#))

NRS 451.440 Contract for delivery of body to Committee prohibited; Committee authorized to accept body left by will.

1. The Committee is prohibited from entering into any contract, oral or written, whereby any sum of money shall be paid to any living person in exchange for which the body of such person shall be delivered to the Committee when such living person dies.

2. If any person executes a will leaving the person's body to the Committee for the advancement of medical science and such person dies within the geographical limits of the State, the Committee is hereby empowered to accept and receive such body.

(Added to NRS by [1963, 532](#))

NRS 451.450 Distribution of bodies among schools, teaching hospitals and other persons or entities; fees; penalty.

1. The Committee or its duly authorized agent shall take and receive the bodies delivered to it pursuant to the provisions of [NRS 451.350](#) to [451.470](#), inclusive, and shall distribute such bodies proportionately and equitably, among schools, teaching hospitals in which there is a resident training program that requires cadaveric material for study, and such other person or entity as the Committee may determine to be eligible to receive such bodies.

2. The Committee shall charge and collect:

(a) From a university, state college, community college or medical school within the Nevada System of Higher Education and any other medical school in this State to which the Committee distributes a dead human body in accordance with subsection 1, a fee in an amount not to exceed the expenses of the Committee to obtain, handle and distribute the body delivered to it pursuant to the provisions of [NRS 451.350](#) to [451.470](#), inclusive; and

(b) From any other person or entity to which the Committee distributes a dead human body in accordance with subsection 1:

(1) A fee in an amount not to exceed the expenses of the Committee to obtain, handle and distribute the body delivered to it pursuant to the provisions of [NRS 451.350](#) to [451.470](#), inclusive; and

(2) An additional fee of \$200 for each body distributed to the person or entity which must be used by the Committee to carry out the provisions of [NRS 451.350](#) to [451.470](#), inclusive.

3. A person or entity may not receive a dead body for the promotion of medical science unless the Committee has determined that the person or entity is eligible to receive the dead body. A person or entity who receives a dead body in violation of this subsection is guilty of a gross misdemeanor.

(Added to NRS by [1963, 533](#); A [1969, 161](#); [2005, 603](#))

NRS 451.460 Recipient of body received from Committee required to give bond; approval, amount and conditions of bond. The Committee shall not distribute a body delivered to it pursuant to the provisions of [NRS 451.350](#) to [451.470](#), inclusive, to a university, school, college, teaching hospital or entity pursuant to [NRS 451.450](#) until the university, school, college, teaching hospital or entity submits a bond, in a form approved by the Attorney General, to the Committee. Such bond must be in the penal sum of \$1,000 conditioned that all such bodies received by such university, school, college, teaching hospital or entity must be used for no other purpose than the promotion of medical science within this State.

(Added to NRS by [1963, 533](#); A [2005, 603](#))

NRS 451.470 Disposal of remains after use. At any time any body, or part of any body accepted by the Committee, has been used and deemed of no further value to medical or dental science, the person having charge of such body or parts of such body shall dispose of the remains by cremation or as otherwise specified under prior mutually agreed special conditions of acceptance.

(Added to NRS by [1963, 533](#); A [1969, 161](#); [2005, 604](#))

ANATOMICAL GIFTS (UNIFORM ACT)

NRS 451.500 Short title. [NRS 451.500](#) to [451.598](#), inclusive, may be cited as the Revised Uniform Anatomical Gift Act.

(Added to NRS by [1969, 158](#); A [1977, 449](#); [1979, 351](#); [1989, 433](#); [2007, 794](#))

NRS 451.503 Applicability of Act. [NRS 451.500](#) to [451.598](#), inclusive, apply to an anatomical gift or amendment to, revocation of or refusal to make an anatomical gift, whenever made.

(Added to NRS by [1989, 432](#); A [2007, 794](#); [2019, 2766](#))

NRS 451.505 Uniformity of application and construction. In applying and construing the Revised Uniform Anatomical Gift Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

(Added to NRS by [1969, 158](#); A [1989, 433](#); [2007, 794](#))

NRS 451.510 Definitions. As used in [NRS 451.500](#) to [451.598](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 451.511](#) to [451.5545](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by [1969, 158](#); A [1987, 316](#); [1989, 433](#); [1991, 482](#); [2007, 794](#); [2019, 2766](#))

NRS 451.511 “Adult” defined. “Adult” means a natural person who is at least 18 years of age.

(Added to NRS by [2007, 780](#))

NRS 451.512 “Agent” defined. “Agent” means a natural person:

1. Authorized to make health-care decisions on the principal’s behalf by a power of attorney for health care;

or

2. Expressly authorized to make an anatomical gift on the principal’s behalf by any other record signed by the principal.

(Added to NRS by [2007, 781](#))

NRS 451.513 “Anatomical gift” defined. “Anatomical gift” means a donation of all or part of a human body to take effect after the donor’s death for the purpose of transplantation, therapy, research or education.

(Added to NRS by [1989, 431](#); A [2007, 794](#))

NRS 451.520 “Decedent” defined. “Decedent” means a deceased natural person whose body or part is or may be the source of an anatomical gift. The term includes a stillborn infant and, subject to restrictions imposed by law other than [NRS 451.500](#) to [451.598](#), inclusive, a fetus.

(Added to NRS by [1969, 158](#); A [1989, 433](#); [2007, 794](#))

NRS 451.522 “Disinterested witness” defined. “Disinterested witness” means a witness other than the spouse, child, parent, sibling, grandchild, grandparent or guardian of the natural person who makes, amends, revokes or refuses to make an anatomical gift, or another adult who exhibited special care and concern for the natural person. The term does not include a person to which an anatomical gift could pass under [NRS 451.571](#).

(Added to NRS by [2007, 781](#))

NRS 451.523 “Document of gift” defined. “Document of gift” means a donor card or other record used to make an anatomical gift. The term includes a statement or symbol on a driver’s license, identification card or donor registry.

(Added to NRS by [1989, 431](#); A [1991, 482](#), [2172](#); [2003, 828](#); [2007, 794](#))

NRS 451.525 “Donor” defined. “Donor” means a natural person whose body or part is the subject of an anatomical gift.

(Added to NRS by [1969, 158](#); A [1989, 433](#); [2007, 794](#))

NRS 451.526 “Donor registry” defined. “Donor registry” means a database that contains records of anatomical gifts and amendments to or revocations of anatomical gifts. The term includes, without limitation, a donor registry that has entered into a contract with the Department of Motor Vehicles pursuant to [NRS 483.340](#) or [483.840](#).

(Added to NRS by [2007, 781](#))

NRS 451.528 “Driver’s license” defined. “Driver’s license” means a license or permit issued by the Department of Motor Vehicles to operate a vehicle, whether or not conditions are attached to the license or permit.

(Added to NRS by [2007, 781](#))

NRS 451.5285 “Eye bank” defined. “Eye bank” means a person that is licensed, accredited or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage or distribution of human eyes or portions of human eyes.

(Added to NRS by [2007, 781](#))

NRS 451.529 “Guardian” defined. “Guardian” means a person appointed by a court to make decisions regarding the support, care, education, health or welfare of a natural person. The term does not include a guardian ad litem.

(Added to NRS by [2007, 781](#))

NRS 451.530 “Hospital” defined. “Hospital” means a facility licensed as a hospital under the laws of any state or a facility operated as a hospital by the United States, a state or a subdivision of a state.

(Added to NRS by [1969, 158](#); A [1989, 433](#); [2007, 795](#))

NRS 451.532 “Identification card” defined. “Identification card” means an identification card issued by the Department of Motor Vehicles pursuant to [chapter 483](#) of NRS.

(Added to NRS by [1991, 482](#); A [2001, 2624](#))

NRS 451.533 “Know” defined. “Know” means to have actual knowledge.

(Added to NRS by [2007, 781](#))

NRS 451.5335 “Minor” defined. “Minor” means a natural person who is under 18 years of age.

(Added to NRS by [2007, 781](#))

NRS 451.534 “Organ procurement organization” defined. “Organ procurement organization” means a person designated by the Secretary of the United States Department of Health and Human Services as an organ procurement organization.

(Added to NRS by [2007, 781](#))

NRS 451.5345 “Parent” defined. “Parent” means a parent whose parental rights have not been terminated.

(Added to NRS by [2007, 781](#))

NRS 451.535 “Part” defined. “Part” means an organ, an eye or any tissue of a human being. The term does not include the whole body.

(Added to NRS by [1969, 158](#); A [1989, 433](#); [2007, 795](#))

NRS 451.540 “Person” defined. “Person” means a natural person, corporation, business trust, estate, trust, partnership, limited-liability company, association, joint venture, public corporation, government or governmental subdivision, agency or instrumentality, or any other legal or commercial entity.

(Added to NRS by [1969, 158](#); A [1985, 517](#); [2007, 795](#))

NRS 451.545 “Physician” defined. “Physician” means a natural person authorized to practice medicine or osteopathy under the laws of any state.

(Added to NRS by [1969, 158](#); A [1977, 962](#); [1985, 499](#); [1989, 433](#); [2007, 795](#))

NRS 451.547 “Procurement organization” defined. “Procurement organization” means an eye bank, organ procurement organization or tissue bank.

(Added to NRS by [1989, 431](#); A [2007, 795](#))

NRS 451.5475 “Prospective donor” defined. “Prospective donor” means a natural person who is dead or near death and has been determined by a procurement organization to have a part that could be medically suitable for transplantation, therapy, research or education. The term does not include a natural person who has made a refusal.

(Added to NRS by [2007, 781](#))

NRS 451.548 “Reasonably available” defined. “Reasonably available” means able to be contacted by a procurement organization without undue effort and willing and able to act in a timely manner consistent with existing medical criteria necessary for the making of an anatomical gift.

(Added to NRS by [2007, 781](#))

NRS 451.5485 “Recipient” defined. “Recipient” means a natural person into whose body a decedent’s part has been or is intended to be transplanted.

(Added to NRS by [2007, 781](#))

NRS 451.549 “Record” defined. “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(Added to NRS by [2007, 781](#))

NRS 451.5493 “Refusal” defined. “Refusal” means a record created under [NRS 451.561](#) that expressly states an intent to bar other persons from making an anatomical gift of a natural person’s body or part.

(Added to NRS by [2007, 781](#))

NRS 451.5497 “Sign” defined. “Sign” means, with the present intent to authenticate or adopt a record:

1. To execute or adopt a tangible symbol; or
2. To attach to or logically associate with the record an electronic symbol, sound or process.

(Added to NRS by [2007, 782](#))

NRS 451.550 “State” defined. “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.

(Added to NRS by [1969, 158](#); A [1989, 433](#); [2007, 795](#))

NRS 451.553 “Technician” defined. “Technician” means a natural person determined to be qualified to remove or process parts by an appropriate organization that is licensed, accredited or regulated under federal or state law. The term includes an enucleator.

(Added to NRS by [1989, 431](#); A [2007, 795](#))

NRS 451.5535 “Tissue” defined. “Tissue” means a portion of the human body other than an organ or an eye. The term does not include blood unless the blood is donated for the purpose of research or education.

(Added to NRS by [2007, 782](#))

NRS 451.554 “Tissue bank” defined. “Tissue bank” means a person that is licensed, accredited or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage or distribution of tissue.

(Added to NRS by [2007, 782](#))

NRS 451.5545 “Transplant hospital” defined. “Transplant hospital” means a hospital that furnishes organ transplants and other medical and surgical specialty services required for the care of transplant patients.

(Added to NRS by [2007, 782](#))

NRS 451.556 Persons authorized to make anatomical gift before death of donor. Subject to [NRS 451.562](#), an anatomical gift of a donor’s body or part may be made during the life of the donor for the purpose of transplantation, therapy, research or education in the manner provided in [NRS 451.558](#) by:

1. The donor, if the donor is an adult or if the donor is a minor and is:
 - (a) Emancipated; or
 - (b) Authorized under state law to apply for a driver’s license because the donor is at least 16 years of age;
2. An agent of the donor, unless the power of attorney for health care or other record prohibits the agent from making an anatomical gift;
3. A parent of the donor, if the donor is an unemancipated minor; or
4. The donor’s guardian.

(Added to NRS by [2007, 782](#))

NRS 451.558 Manner of making anatomical gift before death of donor.

1. A donor may make an anatomical gift:
 - (a) By authorizing a statement or symbol indicating that the donor has made an anatomical gift to be imprinted on the donor’s driver’s license or identification card;
 - (b) In a will;
 - (c) During a terminal illness or injury of the donor, by any form of communication addressed to at least two adults, at least one of whom is a disinterested witness; or
 - (d) As provided in subsection 2.
2. A donor or other person authorized to make an anatomical gift under [NRS 451.556](#) may make a gift by a donor card or other record signed by the donor or other person making the gift or by authorizing that a statement or symbol indicating that the donor has made an anatomical gift be included on a donor registry. If the donor or other person is physically unable to sign a record, the record may be signed by another natural person at the direction of the donor or other person and must:
 - (a) Be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person; and
 - (b) State that it has been signed and witnessed as provided in paragraph (a).

3. An anatomical gift made in the manner described in paragraph (a) of subsection 1 by a donor who is at least 16 years of age but less than 18 years of age is valid and may not be revoked by a parent or guardian if the donor and his or her parent or guardian sign a form prescribed by the Department of Motor Vehicles which indicates that unless the anatomical gift is amended or revoked by the donor before his or her death, the anatomical gift may not be amended or revoked by the parent or guardian of the donor.

4. Revocation, suspension, expiration or cancellation of a driver's license or identification card upon which an anatomical gift is indicated does not invalidate the gift.

5. An anatomical gift made by will takes effect upon the donor's death whether or not the will is probated. Invalidation of the will after the donor's death does not invalidate the gift.

(Added to NRS by [2007, 782](#); A [2013, 435](#))

NRS 451.559 Amending or revoking anatomical gift before death of donor.

1. Subject to [NRS 451.562](#), a donor or other person authorized to make an anatomical gift under [NRS 451.556](#) may amend or revoke an anatomical gift by:

(a) A record signed by:

(1) The donor;

(2) The other person; or

(3) Subject to subsection 2, another natural person acting at the direction of the donor or the other person if the donor or other person is physically unable to sign; or

(b) A later-executed document of gift that amends or revokes a previous anatomical gift or portion of an anatomical gift, either expressly or by inconsistency.

2. A record signed pursuant to subparagraph (3) of paragraph (a) of subsection 1 must:

(a) Be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person; and

(b) State that it has been signed and witnessed as provided in paragraph (a).

3. Subject to [NRS 451.562](#), a donor or other person authorized to make an anatomical gift under [NRS 451.556](#) may revoke an anatomical gift by the destruction or cancellation of the document of gift, or the portion of the document of gift used to make the gift, with the intent to revoke the gift.

4. A donor may amend or revoke an anatomical gift that was not made in a will by any form of communication during a terminal illness or injury addressed to at least two adults, at least one of whom is a disinterested witness.

5. A donor who makes an anatomical gift in a will may amend or revoke the gift in the manner provided for amendment or revocation of wills or as provided in subsection 1.

(Added to NRS by [2007, 783](#))

NRS 451.561 Refusal to make anatomical gift; effect of refusal.

1. A natural person may refuse to make an anatomical gift of his or her body or part by:

(a) A record signed by:

(1) Him or her; or

(2) Subject to subsection 2, another natural person acting at his or her direction if he or she is physically unable to sign;

(b) The natural person's will, whether or not the will is admitted to probate or invalidated after his or her death; or

(c) Any form of communication made by the natural person during his or her terminal illness or injury addressed to at least two adults, at least one of whom is a disinterested witness.

2. A record signed pursuant to subparagraph (2) of paragraph (a) of subsection 1 must:

(a) Be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the natural person; and

(b) State that it has been signed and witnessed as provided in paragraph (a).

3. A natural person who has made a refusal may amend or revoke the refusal:

(a) In the manner provided in subsection 1 for making a refusal;

(b) By subsequently making an anatomical gift pursuant to [NRS 451.558](#) that is inconsistent with the refusal; or

(c) By destroying or cancelling the record evidencing the refusal, or the portion of the record used to make the refusal, with the intent to revoke the refusal.

4. Except as otherwise provided in subsection 8 of [NRS 451.562](#), in the absence of an express, contrary indication by the natural person set forth in the refusal, a natural person's unrevoked refusal to make an anatomical gift of his or her body or part bars all other persons from making an anatomical gift of the natural person's body or part.

(Added to NRS by [2007, 783](#))

NRS 451.562 Preclusive effect of anatomical gift, amendment or revocation.

1. Subject to the provisions of subsections 6 and 7, in the absence of an express, contrary indication by the donor, a person other than the donor is barred from making, amending or revoking an anatomical gift of a donor's

body or part if the donor made an anatomical gift of the donor's body or part under [NRS 451.558](#) or an amendment to an anatomical gift of the donor's body or part under [NRS 451.559](#).

2. A donor's revocation of an anatomical gift of the donor's body or part under [NRS 451.559](#) is not a refusal and does not bar another person specified in [NRS 451.556](#) or [451.566](#) from making an anatomical gift of the donor's body or part under [NRS 451.558](#) or [451.568](#).

3. If a person other than the donor makes an unrevoked anatomical gift of the donor's body or part under [NRS 451.558](#) or an amendment to an anatomical gift of the donor's body or part under [NRS 451.559](#), another person may not make, amend or revoke the gift of the donor's body or part under [NRS 451.568](#).

4. A revocation of an anatomical gift of a donor's body or part under [NRS 451.559](#) by a person other than the donor does not bar another person from making an anatomical gift of the body or part under [NRS 451.558](#) or [451.568](#).

5. In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift under [NRS 451.556](#), an anatomical gift of a part is neither a refusal to give another part nor a limitation on the making of an anatomical gift of another part at a later time by the donor or another person.

6. In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift under [NRS 451.556](#), an anatomical gift of a part for one or more of the purposes set forth in [NRS 451.556](#) is not a limitation on the making of an anatomical gift of the part for any of the other purposes by the donor or any other person under [NRS 451.558](#) or [451.568](#).

7. Except as otherwise provided in [NRS 451.558](#), if a donor who is an unemancipated minor dies, a parent or guardian of the donor who is reasonably available may revoke or amend an anatomical gift of the donor's body or part.

8. If an unemancipated minor who signed a refusal dies, a parent or guardian of the minor who is reasonably available may revoke the minor's refusal.

(Added to NRS by [2007, 784](#); A [2013, 436](#))

NRS 451.566 Persons authorized to make anatomical gift of body or part of decedent.

1. Subject to subsections 2 and 3 and unless barred by [NRS 451.561](#) or [451.562](#), an anatomical gift of a decedent's body or part for the purpose of transplantation, therapy, research or education may be made by any member of the following classes of persons who is reasonably available, in the order of priority listed:

(a) An agent of the decedent at the time of death who could have made an anatomical gift under subsection 2 of [NRS 451.556](#) immediately before the decedent's death;

(b) The spouse of the decedent;

(c) Adult children of the decedent;

(d) Parents of the decedent;

(e) Adult siblings of the decedent;

(f) Adult grandchildren of the decedent;

(g) Grandparents of the decedent;

(h) An adult who exhibited special care and concern for the decedent;

(i) The persons who were acting as the guardians of the person of the decedent at the time of death; and

(j) Any other person having the authority to dispose of the decedent's body.

2. If there is more than one member of a class listed in paragraphs (a), (c), (d), (e), (f), (g) or (i) of subsection 1 entitled to make an anatomical gift, an anatomical gift may be made by a member of the class unless that member or a person to which the gift may pass under [NRS 451.571](#) knows of an objection by another member of the class. If an objection is known, the gift may be made only by a majority of the members of the class who are reasonably available.

3. A person may not make an anatomical gift if, at the time of the decedent's death, a person in a prior class under subsection 1 is reasonably available to make or to object to the making of an anatomical gift.

(Added to NRS by [2007, 784](#))

NRS 451.568 Manner of making, amending or revoking anatomical gift of body or part of decedent.

1. A person authorized to make an anatomical gift under [NRS 451.566](#) may make an anatomical gift by a document of gift signed by the person making the gift or by that person's oral communication that is electronically recorded or is contemporaneously reduced to a record and signed by the natural person receiving the oral communication.

2. Subject to subsection 3, an anatomical gift by a person authorized under [NRS 451.566](#) may be amended or revoked orally or in a record by any member of a prior class who is reasonably available. If more than one member of the prior class is reasonably available, the gift made by a person authorized under [NRS 451.566](#) may be:

(a) Amended only if a majority of the reasonably available members agree to the amending of the gift; or

(b) Revoked only if a majority of the reasonably available members agree to the revoking of the gift or if they are equally divided as to whether to revoke the gift.

3. A revocation under subsection 2 is effective only if, before an incision has been made to remove a part from the donor's body or before invasive procedures have begun to prepare the recipient, the procurement organization, transplant hospital or physician or technician knows of the revocation.

(Added to NRS by [2007, 785](#))

NRS 451.571 Persons who may receive anatomical gift; purpose of anatomical gift.

1. An anatomical gift may be made to the following persons named in the document of gift:
 - (a) A hospital, accredited medical school, dental school, college, university, organ procurement organization or other appropriate person, for research or education;
 - (b) Subject to subsection 2, a natural person designated by the person making the anatomical gift if the natural person is the recipient of the part; or
 - (c) An eye bank or tissue bank.
2. If an anatomical gift to a natural person under paragraph (b) of subsection 1 is not medically suitable for transplantation into the natural person, the gift, in the absence of an express, contrary indication by the person making the gift:
 - (a) If it is medically suitable for transplantation or therapy for other natural persons, must be used for transplantation or therapy, and the gift passes in accordance with subsection 8.
 - (b) If it is not medically suitable for transplantation or therapy for other natural persons, may be used for research or education and, if so used, the gift passes to the appropriate procurement, research or educational organization or other appropriate person for research or education.
3. If an anatomical gift of one or more specific parts or of all parts is made in a document of gift that does not name a person described in subsection 1 but identifies the purpose for which an anatomical gift may be used, the following rules apply:
 - (a) If the part is an eye and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate eye bank.
 - (b) If the part is tissue and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate tissue bank.
 - (c) If the part is an organ and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate organ procurement organization as custodian of the organ.
 - (d) If the part is an organ, an eye or tissue and the gift is for the purpose of research or education, the gift passes to the appropriate procurement, research or educational organization or other appropriate person for research or education.
4. For the purpose of subsection 3, if there is more than one purpose of an anatomical gift set forth in the document of gift but the purposes are not set forth in any priority, the gift, in the absence of an express, contrary indication by the person making the gift:
 - (a) If it is medically suitable for transplantation or therapy, must be used for transplantation or therapy, and the gift passes in accordance with paragraphs (a), (b) and (c) of subsection 3.
 - (b) If it is not medically suitable for transplantation or therapy, may be used for research or education and, if so used, the gift passes to the appropriate procurement, research or educational organization or other appropriate person for research or education.
5. If an anatomical gift of one or more specific parts is made in a document of gift that does not name a person described in subsection 1 and does not identify the purpose of the gift, the gift, in the absence of an express, contrary indication by the person making the gift:
 - (a) If it is medically suitable for transplantation or therapy, must be used for transplantation or therapy, and the gift passes in accordance with subsection 8.
 - (b) If it is not medically suitable for transplantation or therapy, may be used for research or education and, if so used, the gift passes to the appropriate procurement, research or educational organization or other appropriate person for research or education.
6. If a document of gift specifies only a general intent to make an anatomical gift by words such as “donor” or “organ donor” or by a symbol or statement of similar import, the gift, in the absence of an express, contrary indication by the person making the gift:
 - (a) If it is medically suitable for transplantation or therapy, must be used for transplantation or therapy, and the gift passes in accordance with subsection 8.
 - (b) If it is not medically suitable for transplantation or therapy, may be used for research or education and, if so used, the gift passes to the appropriate procurement, research or educational organization or other appropriate person for research or education.
7. If a document of gift specifies only a general intent to make an anatomical gift by words such as “body donor” or by a symbol or statement of similar import, the gift, in the absence of an express, contrary indication by the person making the gift:
 - (a) If any part is medically suitable for transplantation or therapy, must be used for transplantation or therapy, and the gift passes in accordance with subsection 8.
 - (b) If any part is not medically suitable for transplantation or therapy, may be used for research or education and, if so used, the gift passes to the appropriate procurement, research or educational organization or other appropriate person for research or education.
8. For purposes of subsections 2, 5, 6 and 7, if an anatomical gift is medically suitable for transplantation or therapy, the following rules apply:

(a) If a family member of the donor resides in this State and is a medically suitable recipient for the gift, the gift passes to the family member.

(b) If no family member exists as described in paragraph (a):

(1) If the part is an eye, the gift passes to the appropriate eye bank.

(2) If the part is tissue, the gift passes to the appropriate tissue bank.

(3) If the part is an organ, the gift passes to the appropriate organ procurement organization as custodian of the organ.

9. An anatomical gift of an organ for transplantation or therapy, other than an anatomical gift under paragraph (b) of subsection 1, passes to the organ procurement organization as custodian of the organ.

10. If an anatomical gift does not pass pursuant to subsections 1 to 9, inclusive, or the decedent's body or part is not used for transplantation, therapy, research or education, custody of the body or part passes to the person under obligation to dispose of the body or part.

11. A person may not accept an anatomical gift if the person knows that the gift was not effectively made under [NRS 451.558](#) or [451.568](#) or if the person knows that the decedent made a refusal under [NRS 451.561](#) that was not revoked. For purposes of this subsection, if a person knows that an anatomical gift was made on a document of gift, the person is deemed to know of any amendment or revocation of the gift or any refusal to make an anatomical gift on the same document of gift.

12. Except as otherwise provided in paragraph (b) of subsection 1 and subsection 8, nothing in [NRS 451.500](#) to [451.598](#), inclusive, affects the allocation of organs for transplantation or therapy.

13. As used in this section, "family member" means a person who is related to the donor within the fourth degree of consanguinity or affinity.

(Added to NRS by [2007, 785](#); A [2011, 1007](#))

NRS 451.572 Search and notification.

1. The following persons shall make a reasonable search of a natural person who the person reasonably believes is dead or near death for a document of gift or other information identifying the natural person as a donor or as a natural person who made a refusal:

(a) A law enforcement officer, firefighter, paramedic or other emergency rescuer finding the natural person; and

(b) If no other source of the information is immediately available, a hospital, as soon as practical after the natural person's arrival at the hospital.

2. If a document of gift or a refusal to make an anatomical gift is located by the search required by paragraph (a) of subsection 1 and the natural person or deceased natural person to whom it relates is taken to a hospital, the person responsible for conducting the search shall send the document of gift or refusal to the hospital.

3. A person is not subject to criminal or civil liability for failing to discharge the duties imposed by this section but may be subject to administrative sanctions.

(Added to NRS by [2007, 787](#))

NRS 451.578 Delivery of document of gift not required; right to examine.

1. A document of gift need not be delivered during the donor's lifetime to be effective.

2. Upon or after a natural person's death, a person in possession of a document of gift or a refusal to make an anatomical gift with respect to the natural person shall allow examination and copying of the document of gift or refusal by a person authorized to make or object to the making of an anatomical gift with respect to the natural person or by a person to which the gift could pass under [NRS 451.571](#).

(Added to NRS by [2007, 788](#))

NRS 451.579 Rights and duties of procurement organization and others.

1. When a hospital refers a natural person at or near death to a procurement organization, the organization shall make a reasonable search of the records of any donor registry that it knows exists for the geographical area in which the natural person resides to ascertain whether the natural person has made an anatomical gift.

2. When a hospital refers a natural person at or near death to a procurement organization, the organization may conduct any reasonable examination necessary to ensure the medical suitability of a part that is or could be the subject of an anatomical gift for transplantation, therapy, research or education from a donor or a prospective donor. During the examination period, measures necessary to ensure the medical suitability of the part may not be withdrawn unless the hospital or procurement organization knows that the natural person expressed a contrary intent.

3. Unless prohibited by law other than [NRS 451.500](#) to [451.598](#), inclusive, at any time after a donor's death, the person to which a part passes under [NRS 451.571](#) may conduct any reasonable examination necessary to ensure the medical suitability of the body or part for its intended purpose.

4. Unless prohibited by law other than [NRS 451.500](#) to [451.598](#), inclusive, an examination under subsection 2 or 3 may include an examination of all medical and dental records of the donor or prospective donor.

5. Upon the death of a minor who was a donor or had signed a refusal, unless a procurement organization knows the minor is emancipated, the procurement organization shall conduct a reasonable search for the parents

of the minor and provide the parents with an opportunity to revoke or amend the anatomical gift or revoke the refusal.

6. Upon referral by a hospital under subsection 1, a procurement organization shall make a reasonable search for any person listed in [NRS 451.566](#) having priority to make an anatomical gift on behalf of a prospective donor. If a procurement organization receives information that an anatomical gift to any other person was made, amended or revoked, it shall promptly advise the other person of all relevant information.

7. Subject to subsection 10 of [NRS 451.571](#) and [451.597](#), the rights of the person to which a part passes under [NRS 451.571](#) are superior to the rights of all others with respect to the part. The person may accept or reject an anatomical gift in whole or in part. Subject to the terms of the document of gift and [NRS 451.500](#) to [451.598](#), inclusive, a person that accepts an anatomical gift of an entire body may allow embalming, burial or cremation, and use of remains in a funeral service. If the gift is of a part, the person to which the part passes under [NRS 451.571](#), upon the death of the donor and before embalming, burial or cremation, shall cause the part to be removed without unnecessary mutilation.

8. Neither the physician who attends the decedent at death nor the physician who determines the time of the decedent's death may participate in the procedures for removing or transplanting a part from the decedent.

9. A physician or technician may remove a donated part from the body of a donor that the physician or technician is qualified to remove.

10. In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift, if an anatomical gift of a part has been made for the purpose of transplantation or therapy and the part is medically suitable for that purpose, the appropriate procurement organization shall discuss with a person authorized to make an anatomical gift under [NRS 451.556](#) the person's willingness to make an anatomical gift of any other part for the purpose of research or education.

(Added to NRS by [2007, 788](#))

NRS 451.584 Coordination of procurement and use. Each hospital in this State shall enter into agreements or affiliations with procurement organizations for coordination of procurement and use of anatomical gifts.

(Added to NRS by [2007, 789](#))

NRS 451.587 Nontransplant anatomical donation organizations: Certification; standards and guidelines; fee for application for issuance or renewal of certificate; duties of Division; penalty.

1. Each nontransplant anatomical donation organization that procures a human body or part in this State shall:

(a) Be certified by the Division;

(b) Follow the standards and guidelines established by the State Board of Health pursuant to subsection 2; and

(c) Report to the Division, in a manner and frequency prescribed by the State Board of Health, the number and disposition of human bodies or parts procured by the nontransplant anatomical donation organization.

2. The State Board of Health shall:

(a) Adopt regulations that establish standards and guidelines for nontransplant anatomical donation organizations which must be substantially based upon federal laws and regulations relating to the procurement of human bodies and parts, [NRS 451.500](#) to [451.598](#), inclusive, and the best standards and practices in the industry; and

(b) Adopt any regulations necessary to carry out the provisions of this section, including, without limitation, regulations that establish a fee for an application for the issuance or renewal of a certification as a nontransplant anatomical donation organization.

3. Before adopting or amending any regulation pursuant to subsection 2, the State Board of Health shall seek input from each procurement organization and nontransplant anatomical donation organization in this State.

4. The Division shall:

(a) Collect and analyze information from each nontransplant anatomical donation organization in this State on the number and disposition of human bodies and parts procured by the nontransplant anatomical donation organization and make such information available to the Governor and the Legislature upon request; and

(b) Monitor all nontransplant anatomical donation organizations in this State for compliance with federal and state laws and regulations.

5. A person who engages in the activity of a nontransplant anatomical donation organization without being certified by the Division pursuant to this section or who violates the standards and guidelines adopted by the State Board of Health pursuant to subsection 2 is guilty of a category C felony and shall be punished as provided in [NRS 193.130](#), or by a fine of not more than \$50,000, or by both fine and the punishment provided in [NRS 193.130](#).

6. As used in this section:

(a) "Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) "Nontransplant anatomical donation organization" means a person who engages in the recovery, screening, testing, processing, storage or distribution of human bodies or parts for a purpose other than

transplantation, including, without limitation, education, research or the advancement of medical, dental or mortuary science.

(Added to NRS by [2019, 2765](#))

NRS 451.590 Sale or purchase of parts prohibited; penalties.

1. Except as otherwise provided in subsection 2, a person shall not knowingly, for valuable consideration, purchase or sell a part of a natural person for transplantation or therapy if removal of the part from the natural person is or was intended to occur after the natural person's death.

2. A person may charge a reasonable amount for the removal, processing, preservation, quality control, storage, transportation, implantation or disposal of a part.

3. A person who violates this section is guilty of a category C felony and shall be punished as provided in [NRS 193.130](#), or by a fine of not more than \$50,000, or by both fine and the punishment provided in [NRS 193.130](#).

(Added to NRS by [1989, 432](#); A [1995, 1280](#); [2007, 795](#))

NRS 451.591 Other prohibited acts; penalties.

1. A person shall not, in order to obtain a financial gain, intentionally falsify, forge, conceal, deface or obliterate a document of gift, an amendment or revocation of a document of gift or a refusal.

2. A person who violates this section is guilty of a category C felony and shall be punished as provided in [NRS 193.130](#), or by a fine of not more than \$50,000, or by both fine and the punishment provided in [NRS 193.130](#).

(Added to NRS by [2007, 789](#))

NRS 451.592 Immunity.

1. A person that acts in accordance with [NRS 451.500](#) to [451.598](#), inclusive, or with the applicable anatomical gift law of another state, or attempts in good faith to do so, is not liable for the act in a civil action, criminal prosecution or administrative proceeding.

2. Neither the person making an anatomical gift nor the donor's estate is liable for any injury or damage that results from the making or use of the gift.

3. In determining whether an anatomical gift has been made, amended or revoked under [NRS 451.500](#) to [451.598](#), inclusive, a person may rely upon representations of a natural person listed in paragraph (b), (c), (d), (e), (f), (g) or (h) of subsection 1 of [NRS 451.566](#) relating to the natural person's relationship to the donor or prospective donor unless the person knows that the representation is untrue.

(Added to NRS by [2007, 789](#); A [2019, 2766](#))

NRS 451.593 Law governing validity; choice of law as to execution of document of gift; presumption of validity.

1. A document of gift is valid if executed in accordance with:

(a) The provisions of [NRS 451.500](#) to [451.598](#), inclusive;

(b) The laws of the state or country where it was executed; or

(c) The laws of the state or country where the person making the anatomical gift was domiciled, has a place of residence or was a national at the time the document of gift was executed.

2. If a document of gift is valid under this section, the law of this State governs the interpretation of the document of gift.

3. A person may presume that a document of gift or amendment of an anatomical gift is valid unless that person knows that it was not validly executed or was revoked.

(Added to NRS by [2007, 790](#); A [2019, 2766](#))

NRS 451.594 Donor registry.

1. A person shall not create or maintain a donor registry unless the donor registry complies with the provisions of [NRS 451.500](#) to [451.598](#), inclusive, and all other applicable provisions of federal and state law.

2. A donor registry must:

(a) Allow a donor or other person authorized under [NRS 451.556](#) to include on the donor registry a statement or symbol that the donor has made, amended or revoked an anatomical gift;

(b) Be accessible to a procurement organization to allow it to obtain relevant information on the donor registry to determine, at or near death of the donor or a prospective donor, whether the donor or prospective donor has made, amended or revoked an anatomical gift; and

(c) Be accessible for purposes of paragraphs (a) and (b) 7 days a week on a 24-hour basis.

3. Personally identifiable information on a donor registry about a donor or prospective donor may not be used or disclosed without the express consent of the donor, prospective donor or person that made the anatomical gift for any purpose other than to determine, at or near death of the donor or prospective donor, whether the donor or prospective donor has made, amended or revoked an anatomical gift.

4. This section does not apply to a donor registry that is created to contain records of anatomical gifts and amendments to or revocations of anatomical gifts of only the whole body of a donor for the purpose of research

or education.

(Added to NRS by [2007, 790](#); A [2019, 2767](#))

NRS 451.595 Effect of anatomical gift on advance health-care directive.

1. As used in this section:

(a) "Advance health-care directive" means a power of attorney for health care or other record signed by a prospective donor, or executed in the manner set forth in [NRS 162A.790](#), containing the prospective donor's direction concerning a health-care decision for the prospective donor.

(b) "Declaration" means a record signed by a prospective donor, or executed as set forth in [NRS 449A.433](#), specifying the circumstances under which life-sustaining treatment may be withheld or withdrawn from the prospective donor. The term includes a Provider Order for Life-Sustaining Treatment form executed pursuant to [NRS 449A.500](#) to [449A.581](#), inclusive.

(c) "Health-care decision" means any decision made regarding the health care of the prospective donor.

2. If a prospective donor has a declaration or advance health-care directive and the terms of the declaration or advance health-care directive and the express or implied terms of the potential anatomical gift are in conflict concerning the administration of measures necessary to ensure the medical suitability of a part for transplantation or therapy:

(a) The attending physician of the prospective donor shall confer with the prospective donor to resolve the conflict or, if the prospective donor is incapable of resolving the conflict, with:

(1) An agent acting under the declaration or advance health-care directive of the prospective donor; or

(2) If an agent is not named in the declaration or advance health-care directive or the agent is not reasonably available, any other person authorized by law, other than by a provision of [NRS 451.500](#) to [451.598](#), inclusive, to make a health-care decision for the prospective donor.

(b) The conflict must be resolved as expeditiously as practicable.

(c) Information relevant to the resolution of the conflict may be obtained from the appropriate procurement organization and any other person authorized to make an anatomical gift of the prospective donor's body or part under [NRS 451.556](#).

(d) Before the resolution of the conflict, measures necessary to ensure the medical suitability of the part may not be withheld or withdrawn from the prospective donor, if withholding or withdrawing the measures is not medically contraindicated for the appropriate treatment of the prospective donor at the end of his or her life.

(Added to NRS by [2007, 790](#); A [2009, 211](#); [2013, 2292](#); [2017, 464, 1773](#))

NRS 451.596 Cooperation between coroner and procurement organization.

1. A coroner shall cooperate with procurement organizations to maximize the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research or education.

2. If a coroner receives notice from a procurement organization that an anatomical gift might be available or was made with respect to a decedent whose body is under the jurisdiction of the coroner and a postmortem examination is going to be performed, unless the coroner denies recovery in accordance with [NRS 451.597](#), the coroner or designee shall conduct a postmortem examination of the body or the part in a manner and within a period compatible with its preservation for the purposes of the gift.

3. A part may not be removed from the body of a decedent under the jurisdiction of a coroner for transplantation, therapy, research or education unless the part is the subject of an anatomical gift or such removal is authorized or required by other law. The body of a decedent under the jurisdiction of the coroner may not be delivered to a person for research or education unless the body is the subject of an anatomical gift or such delivery is authorized or required by [NRS 451.350](#) to [451.470](#), inclusive, or other law. This subsection does not preclude a coroner from performing the medicolegal investigation upon the body or parts of a decedent under the jurisdiction of the coroner.

(Added to NRS by [2007, 791](#))

NRS 451.597 Facilitation of anatomical gift from decedent whose body is under jurisdiction of coroner.

1. Upon request of a procurement organization, a coroner shall release to the procurement organization the name, contact information and available medical and social history of a decedent whose body is under the jurisdiction of the coroner. If the decedent's body or part is medically suitable for transplantation, therapy, research or education, the coroner shall release postmortem examination results to the procurement organization. The procurement organization may make a subsequent disclosure of the postmortem examination results or other information received from the coroner only if relevant to transplantation or therapy.

2. The coroner may conduct a medicolegal examination by reviewing all medical records, laboratory test results, X-rays, other diagnostic results and other information that any person possesses about a donor or prospective donor whose body is under the jurisdiction of the coroner which the coroner determines may be relevant to the investigation.

3. A person that has any information requested by a coroner pursuant to subsection 2 shall provide that information as expeditiously as possible to allow the coroner to conduct the medicolegal investigation within a period compatible with the preservation of parts for the purpose of transplantation, therapy, research or education.

4. If an anatomical gift has been or might be made of a part of a decedent whose body is under the jurisdiction of the coroner and a postmortem examination is not required, or the coroner determines that a postmortem examination is required but that the recovery of the part that is the subject of an anatomical gift will not interfere with the examination, the coroner and procurement organization shall cooperate in the timely removal of the part from the decedent for the purpose of transplantation, therapy, research or education.

5. If an anatomical gift of a part from the decedent under the jurisdiction of the coroner has been or might be made, but the coroner or designee initially believes that the recovery of the part could interfere with the postmortem investigation into the decedent's cause or manner of death, the coroner or designee shall consult with the procurement organization or the physician or technician designated by the procurement organization to remove the part about the proposed recovery. After consultation, the coroner or designee may allow the recovery by the procurement organization to proceed and may attend and witness all procedures before, during and after removal of the part.

6. Following the consultation under subsection 5, if the coroner or designee still intends to deny recovery, the coroner or designee, at the request of the procurement organization, shall consult additionally with the physician or technician designated by the procurement organization to remove the part before making a final determination not to allow the procurement organization to recover the part. The additional consultation must be based on the protocols developed pursuant to subsection 10 to resolve conflicts and to maximize the recovery of parts for the purpose of transplantation or therapy, except that the coroner retains the right to deny recovery based on clear need for the postmortem examination, including, without limitation, preservation of the part. After such additional consultation, the coroner or designee may:

(a) Allow recovery by the procurement organization to proceed and may attend and witness all procedures before, during and after removal of the part; or

(b) If the coroner or designee reasonably believes that the part may be involved in determining the decedent's cause or manner of death, deny recovery by the procurement organization.

7. If the coroner or designee denies recovery under subsection 6:

(a) The coroner or designee shall:

(1) Document in a record the specific reasons for not allowing recovery of the part;

(2) Include the specific reasons in the records of the coroner; and

(3) Share such records, including, without limitation, the specific reasons documented by the coroner or designee for not allowing recovery of the part, with the procurement organization in the interest of improving the protocols developed pursuant to subsection 10; and

(b) The procurement organization shall include in its records the specific reasons documented by the coroner or designee for not allowing recovery of the part.

8. If the coroner or designee allows recovery of a part under subsection 4, 5 or 6, the procurement organization, upon request, shall cause the physician or technician who removes the part to provide the coroner, in a timely manner, with a record describing the condition of the part, a biopsy, a photograph and any other information and observations that would assist in the postmortem examination.

9. If a coroner or designee elects to attend and witness a removal procedure under subsection 5 or 6, the procurement organization requesting the recovery of the part shall, upon request by the coroner or designee, reimburse the coroner or designee for the additional costs incurred in attending and witnessing the removal procedure.

10. For purposes of subsection 6, the coroner and the procurement organization shall develop mutually agreed-upon protocols to resolve conflicts between the coroner and the procurement organization regarding the recovery of parts. The protocols:

(a) Must focus on maximizing the recovery of parts for the purpose of transplantation or therapy;

(b) Must allow the coroner the right to deny recovery of a part where recovery of the part could interfere with the postmortem investigation into the decedent's cause or manner of death; and

(c) May include, without limitation, requirements and procedures concerning:

(1) Consultations and cooperation between the coroner or designee and the physician or technician designated by the procurement organization to remove the part;

(2) The taking of photographs before, during and after removal of the part;

(3) Video recording the removal procedure; and

(4) The taking of tissue samples from the part and the conducting of biopsies, testing or other examinations of the part.

(Added to NRS by [2007, 791](#))

NRS 451.598 Relation to Electronic Signatures in Global and National Commerce Act. [NRS 451.500](#) to [451.598](#), inclusive, modify, limit and supersede the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq., but do not modify, limit or supersede Section 101(a) of that Act, 15 U.S.C. § 7001(a), or authorize electronic delivery of any of the notices described in Section 103(b) of that Act, 15 U.S.C. § 7003(b).

(Added to NRS by [2007, 793](#))

CREMATION

NRS 451.600 Definitions. As used in [NRS 451.600](#) to [451.715](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 451.605](#) to [451.630](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by [1993, 2601](#); A [2017, 2735](#))

NRS 451.605 “Agent” defined. “Agent” means, with respect to a particular deceased person, a person authorized to order the cremation of his or her human remains.

(Added to NRS by [1993, 2601](#))

NRS 451.607 “Alkaline hydrolysis” defined. “Alkaline hydrolysis” means the:

1. Reduction of human remains to bone fragments through a water-based process of dissolution using alkaline chemicals and agitation to accelerate natural decomposition; and
2. Processing of the hydrolyzed human remains after their removal from the container in which the process of dissolution occurs.

(Added to NRS by [2017, 2735](#))

NRS 451.610 “Communicable disease” defined. “Communicable disease” has the meaning ascribed to it in [NRS 441A.040](#).

(Added to NRS by [1993, 2601](#))

NRS 451.615 “Container” defined. “Container” means a vessel, whether or not a casket, in which human remains are placed for cremation.

(Added to NRS by [1993, 2601](#))

NRS 451.617 “Cremation” defined. “Cremation” means the technical process that reduces human remains to bone fragments by using alkaline hydrolysis or incineration.

(Added to NRS by [2017, 2735](#))

NRS 451.620 “Human remains” defined. “Human remains” means the body of a deceased person, or part of the body which has been removed from a living person, in any stage of decomposition.

(Added to NRS by [1993, 2601](#))

NRS 451.625 “Operator” defined. “Operator” of a crematory means the person licensed to conduct its business.

(Added to NRS by [1993, 2601](#))

NRS 451.630 “Urn” defined. “Urn” means a vessel in which cremated remains can be placed and which can be closed to prevent leaking or spilling of the remains or the entrance of foreign material.

(Added to NRS by [1993, 2601](#))

NRS 451.635 Requirements for licensing of crematories and certification of persons operating crematory equipment.

1. No person may cremate human remains except in a crematory whose operator is licensed by the Nevada Funeral and Cemetery Services Board.

2. The licensed operator of a crematory shall ensure that all persons physically operating the crematory equipment have completed a crematory certification program approved by the Board and maintain proof of completion of the program at the site where the crematory equipment operated by the person is located. Such proof of completion must be made available to the Board upon request or as part of any inspection or investigation conducted by the Board.

3. Except as otherwise provided in subsection 4, if a crematory is proposed to be located in an incorporated city whose population is 60,000 or more or in an unincorporated town that is contiguous to such an incorporated city, the Board shall not issue a license to the applicant unless the proposed location of all structures associated with the crematory are:

- (a) In an area which is zoned for mixed, commercial or industrial use; and
- (b) At least 1,500 feet from the boundary line of any parcel zoned for residential use.

4. If a crematory proposes to cremate human remains only through alkaline hydrolysis, the Board may issue a license to the applicant regardless of the location if the board of county commissioners of the county or the governing body of the city or town, as applicable, in which the crematory is proposed to be located provides written notice to the Board consenting to the proposed location of the crematory.

5. The Board shall prescribe and furnish forms for application for licensing. An application must be in writing and contain:

- (a) The name and address of the applicant and the location or proposed location of the crematory;
- (b) A description of the structure and equipment to be used in operating the crematory; and
- (c) Any further information that the Board may reasonably require.

6. An application must be signed by the applicant personally, by one of the partners if the applicant is a partnership, or by an authorized officer if the applicant is a corporation or other form of business organization.

7. The Board shall examine the structure and equipment and, if applicable, the location and shall issue the license if:

(a) It appears that the proposed operation will meet the requirements of [NRS 451.600](#) to [451.715](#), inclusive; and

(b) The applicant has paid all fees related to the application.

8. If the ownership of a crematory is to be changed, the proposed operator shall apply for licensing at least 30 days before the change.

(Added to NRS by [1993, 2601](#); A [2003, 1279](#); [2013, 236](#); [2015, 1968](#); [2017, 2735](#))

NRS 451.637 Operator of crematory to provide notice to certain entities concerning equipment for alkaline hydrolysis; entity that receives notice to ensure compliance with state and local requirements.

1. After obtaining a license pursuant to [NRS 451.635](#) and at least 90 days before the operator of a crematory purchases equipment for alkaline hydrolysis for cremation, the operator must provide to the Division of Environmental Protection of the State Department of Conservation and Natural Resources and any private, public or cooperative operator of a sanitary sewer in the area in which the crematory is located written notice containing:

(a) The date on which the equipment for alkaline hydrolysis is proposed to be purchased; and

(b) A list of the equipment that is proposed to be purchased.

2. The Division and each operator of a sanitary sewer notified pursuant to subsection 1 shall ensure that the equipment which the operator proposes to purchase for alkaline hydrolysis complies with the provisions of [NRS 445A.300](#) to [445A.730](#), inclusive, and any local law, ordinance or regulation.

(Added to NRS by [2017, 2735](#))

NRS 451.640 Adoption of regulations; injunctive relief.

1. The Nevada Funeral and Cemetery Services Board shall adopt regulations for the administration of [NRS 451.600](#) to [451.715](#), inclusive. Unless governed by the regulations of the State Board of Health, the regulations of the Nevada Funeral and Cemetery Services Board must include, without limitation:

(a) The conditions under which the remains of a person who has died from a communicable or otherwise dangerous disease may be transported to a crematory for cremation; and

(b) The minimum standards for sanitation, required equipment and protection from fire.

2. The Nevada Funeral and Cemetery Services Board may bring legal proceedings to enjoin any person who violates any provision of [NRS 451.600](#) to [451.715](#), inclusive, any regulation adopted pursuant thereto or any order of the Board from operating a crematory. Any person who is so enjoined is liable to the Board for attorney's fees and court costs.

(Added to NRS by [1993, 2602](#); A [2003, 1279](#); [2017, 2736](#))

NRS 451.645 Authority of cemetery or funeral home to erect and conduct crematory; placement.

1. A cemetery or funeral home may erect and conduct a crematory if licensed as the operator.

2. Except as otherwise provided in subsections 3 and 4 of [NRS 451.635](#), a crematory may be erected on or adjacent to the premises of a cemetery or funeral establishment if the location is zoned for commercial or industrial use, or at any other location where the local zoning permits. A crematory must conform to all local building codes and environmental standards.

(Added to NRS by [1993, 2602](#); A [2013, 237](#); [2015, 1969](#); [2017, 2737](#))

NRS 451.655 Order of person for cremation and disposition of remains.

1. A prepaid contract for services to be rendered upon the death of a beneficiary which includes cremation must specify the disposition of the cremated remains, and that portion of the contract must be initialed by the person paying for the services. If no additional or different instructions are given by the agent at the time of the beneficiary's death, the operator of a crematory may dispose of the remains as specified. Upon that disposition, the operator has no further liability with respect to the remains.

2. A person may order his or her own cremation and the disposition of his or her own cremated remains. The order must be signed by the person and by two witnesses. The order may designate the crematory. A copy of the order must be retained by the signer and a copy sent to the crematory if designated. The signer may revoke the order or change the designation of the crematory, and must provide written notice of the action to the operator of the crematory if designated.

3. When a person who has ordered his or her own cremation dies, a person in possession of the order and a person charged with arranging for disposition of the decedent's body who is aware of the order shall use their best efforts to ensure that the decedent is cremated, and the cremated remains are disposed of, according to the order.

4. If a completed order for cremation, executed before death, and the human remains to which it pertains are in the possession of the operator of a crematory, and the operator has received payment for the cremation and the disposition of the cremated remains, the operator shall perform those acts as ordered and incurs no liability by their performance.

(Added to NRS by [1993, 2602](#))

NRS 451.660 Requirements for death certificate and written authorization; delegation of authority of authorized agent; unavailability of authorized agent.

1. The operator of a crematory shall not cremate human remains until a death certificate has been signed and, except as otherwise provided in [NRS 451.655](#), without first receiving a written authorization, on a form provided by the operator, signed by the agent or by the living person from whom the remains have been removed:

- (a) Identifying the deceased person or the remains removed;
- (b) Stating whether or not death occurred from a communicable or otherwise dangerous disease;
- (c) Stating the name and address of the agent and the agent's relation to the deceased person;
- (d) Representing that the agent is aware of no objection to cremation of the remains by any person who has a right to control the disposition of the deceased person's remains; and
- (e) Stating the name of the person authorized to claim the cremated remains or the name of the cemetery or person to whom the remains are to be sent.

2. An authorized agent may delegate his or her authority to another person by a written and signed statement containing the agent's name, address and relationship to the deceased person and the name and address of the person to whom the agent's authority is delegated. The operator of a crematory incurs no liability by relying upon a signed order for cremation received by mail or upon a delegation of authority.

3. If the authorized agent is not reasonably available or is unable to act as the authorized agent, the person's right to be the authorized agent shall pass to the next person or category of persons in the order of priority pursuant to subsection 1 of [NRS 451.024](#).

4. It shall be presumed that an authorized person is not reasonably available to act as an authorized agent in accordance with subsection 3 if the crematory, cemetery, funeral establishment or direct crematory facility, after exercising due diligence, has been unable to contact the person, or if the person has been unwilling or unable to make final arrangements for the disposition of the deceased person's remains, within 30 days after the initial contact or attempted contact by the crematory, cemetery, funeral establishment or direct cremation facility.

5. If a person with a lower authorization priority than another person pursuant to subsection 1 of [NRS 451.024](#) has been designated as the authorized agent to order the disposition of the deceased person's remains and, subsequently, a person with a higher authorization priority makes an initial contact with the crematory, cemetery, funeral establishment or direct crematory facility and is available to perform the duties of an authorized agent pursuant to [NRS 451.024](#) before the final disposition of the remains, the person with the higher authorization priority shall be deemed to be the authorized agent to order the disposition of the remains.

(Added to NRS by [1993, 2603](#); A [2015, 1969](#))

NRS 451.665 Maintenance of records; identification of remains.

1. The operator of a crematory, funeral establishment or direct cremation facility shall keep a record of:

- (a) Each authorization received;
- (b) The name of each person whose human remains are received;
- (c) The date and time of receipt, and a description of the container in which received;
- (d) The date of cremation; and
- (e) The final disposition of the cremated remains.

2. The operator of a crematory shall not accept unidentified human remains. If the remains are received in a container, the operator shall place appropriate identification upon the exterior of the container.

3. If a permit for transportation of human remains to the crematory is required by the local health authority, the operator shall file the permit in his or her records.

(Added to NRS by [1993, 2603](#); A [2015, 1970](#))

NRS 451.670 Prohibition against requiring placement of remains in casket; construction and incineration or dissolution of container.

1. No operator of a crematory may require that human remains be placed in a casket, or refuse to accept human remains for cremation because they are not in a casket.

2. The container used must:

- (a) Consist of readily combustible materials or, if alkaline hydrolysis will be used to cremate the human remains, materials that are readily dissolvable by alkaline hydrolysis;
- (b) Cover the human remains completely when closed;
- (c) Resist leaking or spilling;
- (d) Be rigid enough for easy handling or, if alkaline hydrolysis will be used to cremate the human remains, be properly supported during transport; and
- (e) Protect the health and safety of employees of the operator.

3. Unless otherwise ordered in writing by the agent, the operator shall incinerate or dissolve the container, as applicable, as the remains are cremated.

(Added to NRS by [1993, 2604](#); A [2017, 2737](#))

NRS 451.675 Holding of remains awaiting cremation.

1. If the operator of a crematory cannot cremate human remains immediately after receiving them, the operator shall place them in a holding facility within or adjacent to the crematory which:

- (a) Preserves the dignity of the remains;
- (b) Protects for the health and safety of employees of the operator; and
- (c) Is secure from access by anyone other than those employees, except a laborer in the ordinary course of his or her work.

2. If human remains are not embalmed, they may not be held longer than 24 hours unless the holding facility is refrigerated.

3. An operator need not accept for holding a container from which there is any evidence of leakage of bodily fluids.

(Added to NRS by [1993, 2604](#))

NRS 451.680 Procedure and space for cremation.

1. The agent, or the person charged with arranging for disposition of the body of a person who has ordered his or her own cremation, shall ensure that any artificial device that would be dangerous if incinerated or subjected to alkaline hydrolysis, as applicable, is removed from the human remains before their cremation. If he or she is unable to arrange for its removal before the remains are delivered to a crematory, he or she shall inform the operator of the crematory.

2. The space within a crematory where cremation takes place must be enclosed and must not be used for any other purpose than the cremation of human remains. Immediately before a container is placed in this chamber, the identification of the human remains within it must be verified by the operator and any identifying document or label for the urn must be removed from the container and kept near the control panel until cremation is complete.

3. Upon the completion of cremation, the operator shall:

- (a) Remove the recoverable residue from the chamber;
- (b) Place the bone fragments in an urn with proper identification and insofar as practicable place no other material with them unless authorized by the agent; and
- (c) Dispose of the remaining residue.

4. If the cremated remains will not fit in the urn selected by the agent, the operator of the crematory shall hold the remains until the agent selects an urn or urns in which the remains will fit.

(Added to NRS by [1993, 2604](#); A [2017, 2737](#))

NRS 451.685 Allowance of persons near remains awaiting cremation; simultaneous cremation of remains of more than one person.

1. The operator of a crematory shall not permit a person to be present near human remains awaiting cremation, being cremated, or being removed from the chamber unless the presence of the person is within the normal scope of his or her work or his or her presence is authorized by the family of the deceased.

2. The operator of a crematory shall not simultaneously cremate the remains of more than one person in the same chamber unless so authorized in writing by the agent for each person whose remains are to be so cremated. Such a written authorization releases the operator from liability for commingling of the cremated remains.

(Added to NRS by [1993, 2605](#))

NRS 451.690 Delivery and transportation of cremated remains.

1. When cremated remains are called for or delivered, the person receiving the remains and a representative of the operator of the crematory shall sign a receipt showing the name of the person whose remains are received and the date, time and place of receipt. The operator shall retain the receipt. Thereafter, the remains may be transported in any manner, with a permit if required by the local health authority.

2. If a temporary urn is used to deliver the cremated remains to the person authorized to claim them, that urn must be placed in a suitable outer box to increase its security and integrity. The temporary urn must be marked with the name of the person whose remains it contains and the name of the operator of the crematory.

3. If cremated remains are to be shipped, the urn must be packed in a sealed package. A method of shipment must be used which has an internal tracing system and provides a receipt signed by the person accepting delivery.

(Added to NRS by [1993, 2605](#))

NRS 451.695 Disposition of cremated remains: Responsibility; operator of crematory.

1. Except as otherwise provided in subsection 2:

(a) The agent who orders cremation is responsible for the disposition of cremated remains. If within 30 days after cremation the person named in the authorization has not claimed the cremated remains and no other disposition is specified in the authorization, the operator of a crematory may place the vessel containing the cremated remains in a common compartment with other unclaimed cremated remains. The operator may charge a fee for storage when the cremated remains are claimed.

(b) If within 2 years after cremation the agent has not claimed the cremated remains or specified their ultimate disposition, the operator may dispose of the cremated remains in any manner not prohibited by [NRS 451.700](#). The agent is liable to the operator for all reasonable expenses of disposition.

2. If cremation was ordered pursuant to subsection 6 of [NRS 451.024](#):

- (a) The operator may dispose of the cremated remains in any manner not prohibited by [NRS 451.700](#), if the cremated remains are not claimed by the agent within 1 year after cremation.
 - (b) The operator has a claim against the estate of the decedent for the reasonable expenses of the disposition if those expenses are not paid by the State or a political subdivision of the State.
 - (c) The operator shall not charge a public officer a fee for storage of the cremated remains.
3. An operator who complies with subsection 1 or 2, or both, has no further legal liability concerning the cremated remains so treated.
(Added to NRS by [1993, 2605](#); A [1997, 2580](#); [2015, 1970](#))

NRS 451.700 Disposition of cremated remains: Restrictions on manner and location.

1. Except as otherwise provided in subsection 2 or authorized by the agent who ordered the cremation, no person may:
- (a) Scatter cremated remains in such a manner or location that the remains are commingled with those of another person; or
 - (b) Place the cremated remains of more than one person in the same urn unless the persons are friends or members of the same family and the urn is designed for the remains of more than one person.
2. Cremated remains may be scattered at sea or over a public waterway, or by air, from individual closed vessels, or scattered in an area of a dedicated cemetery from which there is no means of location or recovery and which is used exclusively for this purpose.
3. Cremated remains may be disposed of in any manner upon private property if the agent who ordered the cremation so directs and the owner of the property consents in writing.
4. Cremated remains for disposition pursuant to subsection 2 or 3 must be, and any other cremated remains may be, reduced to particles no larger than 1/8 of an inch.
(Added to NRS by [1993, 2605](#))

NRS 451.705 Effect of execution of order for cremation; liability for article of value delivered with remains.

1. The signer of an order for the cremation of human remains warrants the truth of the facts set forth in the order, including the identity of the person whose remains are to be cremated, and his or her own authority to order cremation. The signer is personally liable for any damage resulting from the falsity of a warranted fact or from his or her lack of authority.
2. The operator of a crematory may cremate human remains upon receipt of an order signed by the agent. The operator has no liability for cremating the remains or releasing the cremated remains pursuant to the order.
3. The operator of a crematory is not liable for any article of value delivered with human remains.
(Added to NRS by [1993, 2606](#))

NRS 451.710 Refusal to accept or cremate remains or to release cremated remains pending resolution of dispute.

1. The operator of a crematory incurs no liability by refusing to accept or to cremate human remains until the operator receives a court order or other suitable confirmation that a dispute has been settled:
- (a) If the operator is aware of a dispute concerning cremation of the remains;
 - (b) If the operator has a reasonable basis for questioning any of the representations made by the agent; or
 - (c) For any other lawful reason.
2. If the operator of a crematory is aware of a dispute concerning the release or disposition of cremated human remains, the operator may refuse to release the remains until the dispute has been resolved or the operator receives a court order authorizing the release or disposition of the remains. The operator incurs no liability by such a refusal.
(Added to NRS by [1993, 2606](#))

NRS 451.715 Unlawful acts; abatement of unlawful crematory as public nuisance.

1. It is unlawful for any person to:
- (a) Hold himself or herself out to the public as the operator of a crematory without being licensed pursuant to [NRS 451.635](#);
 - (b) Sign an order for cremation knowing that the order contains incorrect information; or
 - (c) Violate any other provision of [NRS 451.600](#) to [451.715](#), inclusive, any regulation adopted pursuant thereto or any order of the Nevada Funeral and Cemetery Services Board.
2. It is unlawful for the operator of a crematory to perform a cremation without an order signed by a person authorized to order the cremation pursuant to [NRS 451.024](#) or [451.655](#).
3. If a crematory is operated in this State in violation of any provision of [NRS 451.600](#) to [451.715](#), inclusive, any regulation adopted pursuant thereto or any order of the Nevada Funeral and Cemetery Services Board, the crematory is a public nuisance and may be abated as such.
(Added to NRS by [1993, 2606](#); A [1995, 715](#); [2003, 1280](#); [2015, 1971](#); [2017, 2738](#))

OREGON

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RULES COMPILATION

CHAPTER 830
Mortuary and Cemetery Board



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DIVISION 1

PROCEDURAL RULES

830-001-0000

Model Rules of Procedure and Notice of Proposed Rulemaking

(1) The Attorney General's Model Rules of Procedure under the Administrative Procedures Act, which became effective January 1, 2012, are by this reference adopted as rules of administrative procedure of the Board and shall be controlling except as otherwise required by statute or rule.

(2) Prior to the adoption, amendment or repeal of any rule, the Mortuary and Cemetery Board shall give notice of the intended action:

(a) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 21 days before the effective date of the rule;

(b) By mailing, or if requested, emailing a copy of the notice to persons on the Mortuary and Cemetery Board's mailing list established pursuant to ORS 183.335(8) at least 28 days before the effective date of the rule;

(c) By mailing, emailing, or furnishing a copy of the notice to the United Press International and Associated Press, Oregon Funeral Directors Association and the Cemetery Association of Oregon;

(d) By mailing, emailing, or furnishing a copy of the notice to licensees, certificate holders of the Board, State Medical Examiner, the Center for Health Statistics of the State Health Division, District Attorneys within the state;

(e) By emailing a copy of the notice to the legislators specified in ORS 183.335(15) at least 49 days before the effective date of the intended action.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or Mortuary Board.]

Statutory/Other Authority: ORS 183.341, 183.545, 692.160, 692.320

Statutes/Other Implemented: ORS 183.335, 183.360

History: MCB 1-2013, f. 3-25-13, cert. ef. 3-29-13; MCB 1-2009, f. & cert. ef. 7-1-09; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-1986, f. & ef. 10-21-86; SMB 1-1984, f. & ef. 10-22-84; FDB 1-1980, f. & ef. 3-28-80; FDB 2-1979, f. & ef. 2-21-79; FDB 15, f. & ef. 10-15-76

DIVISION 11

GENERAL INFORMATION

830-011-0000

Definitions

(1) "Alkaline hydrolysis" is a final disposition process involving dissolution of human remains by placing the remains in a dissolution chamber containing water and chemical solution including potassium hydroxide or sodium hydroxide, or a combination of both, and introducing heat to break down the remains until bone fragments that may be pulverized and liquid remain.

(2) "Alternative Disposition" Alternative disposition is a board-authorized method of final disposition of human remains other than burial, entombment, burial at sea, cremation or removal from the state, and includes dissolution.

(3) "Alternative Disposition Facility" An alternative disposition facility is a facility containing equipment designed for the final disposition of human remains through alternative methods authorized by the board including, but not limited to, dissolution.

(4) "Alternative Disposition Facility Authority" An Alternative Disposition Facility Authority is any person, partnership or corporation with a Certificate of Authority to operate a dissolution chamber or other alternative disposition equipment as authorized by the Board by rule.

(5) "Apprentice" has the same meaning as "Trainee" as used in ORS692 and either term may be used interchangeably by Board Licensees, Applicants or Registrants in practice.

(6) "At Need" As used in this chapter, means arrangements entered into after a death has occurred, "at the time of need."

(7) "Authorizing Agent" An authorizing agent is a person legally entitled to order the arrangements and disposition of

human remains and cremated remains.

(8) "Burial Vault" A burial vault is a container designed to protect the contents from the intrusion of outside elements, and support the weight of the surrounding earth and maintenance equipment.

(9) "Certificate of Authority" A Certificate of Authority is a certificate issued to an entity responsible for the operation of a cemetery, crematory, or alternative disposition facility.

(10) "Cremated Remains" and "Alternative Disposition Remains" Cremated remains or alternative disposition remains are the remaining bone fragments after the act of cremation or alternative disposition is completed.

(11) "Cremated Remains Container" and "Alternative Disposition Remains Container" A cremated remains or alternative disposition remains container is a container in which processed cremated remains can be placed and closed to prevent leakage.

(12) "Cremation" Cremation is the technical heating process that reduces human remains to ash and bone fragments.

(13) "Cremation Chamber" A cremation chamber is the enclosed space in which the cremation process takes place.

(14) "Cremation Container" A cremation container is the container, if any, in which the human remains are placed for a cremation. The container must meet all the requirements of the crematorium.

(15) "Crematory Authority" The Crematory Authority is the legal entity or the authorized representative of the legal entity who conducts the cremation.

(16) "Crematory or Crematorium" A crematory or crematorium is any person, partnership, or corporation with a Certificate of Authority to operate a cremation chamber.

(17) "Death Care Consultant" A death care consultant is an individual who, for payment, provides consultations related to funeral or final disposition arrangements to the person or persons who are acting as a funeral service practitioner under ORS Chapter 432. For purposes of this definition, the consultations include any conference, information, guidance or advice either at the time of death or when the death is soon to occur.

(18) "Death Care Industry" Death care industry means funeral service and final disposition practitioners and facilities.

(19) "Disinfectant Solution" A disinfectant solution is a chemical agent capable of destroying pathogens or their products when applied with sufficient time and concentration.

(20) "Disposition" Disposition is final disposition by burial, entombment, burial at sea, cremation, removal from the state, dissolution or other alternative disposition as authorized by board rule.

(21) "Dissolution" Dissolution includes, but is not limited to, alkaline hydrolysis.

(22) "Dissolution Chamber" A dissolution chamber is a purpose-built vessel that is closed and sealed on all sides when human remains are placed inside and the dissolution process takes place.

(23) "Dissolution Container" A dissolution container is the container, if any, in which human remains are placed for the purpose of placement in the dissolution chamber.

(24) "Embalmed" Human remains are considered embalmed when sufficient disinfectant solution or preservative fluid has been injected into the circulatory system or applied externally, or both, to help eliminate the danger of spreading disease or infection.

(25) "Final Processing" Final Processing is the processing of bone fragments to an unidentifiable dimension following the cremation or dissolution process.

(26) "Grave Liner" A grave liner is a burial container either in sectional or box form, built and designed to be installed in a grave to support the weight of the earth and maintenance equipment.

(27) "Holder of a Certificate of Registration" A "Holder of a Certificate of Registration" means the same as "Certified Provider" as defined in ORS 97.923(2).

(28) "Holding Room" A holding room is a suitable room constructed in accordance with OAR 830-040-0020(2), (4) and (5) which licensed funeral establishments use for the care, storage, or holding of human remains prior to effecting disposition. This room must be of sufficient size to accommodate at least one table for a casketed remains and an attendant. The room may be used by the funeral establishment to care for or repair remains in those facilities that do not offer on premises embalmings. This room would be other than a chapel, viewing or visitation room, office supply room, closet or a room normally open to the public.

- (29) "Human Remains" Human remains means a dead human body.
- (30) "Identification Viewing" Identification viewing means viewing human remains for the purpose of identifying the remains, regardless of whether the remains have been washed or otherwise prepared.
- (31) "Identifying Metal Disc" An identifying metal disc is a metal disc, approximately one inch in diameter with a number assigned by the State Registrar's Office, each with a different number, for the purpose of accompanying human remains through the disposition process and to serve as a means of permanent identification of those remains.
- (32) "Intern Apprentice" or "Intern" or "Intern Trainee" An intern apprentice is any student enrolled in an accredited funeral service education program who is serving his/her three-month internship under the supervision of a combination-licensed funeral service practitioner/embalmer at a participating funeral establishment.
- (33) "Licensed Facility" A licensed facility is any licensed business governed by ORS Chapter 692.
- (34) "Licensee" Licensee means any individual or facility licensed under ORS Chapter 692 and any preneed salesperson registered under ORS 97.931.
- (35) "Minimum Preparation of Human Remains" Minimum preparation of human remains means the human remains are completely washed as defined in this section.
- (36) "Offensive Treatment of Human Remains" As used in this rule and in ORS Chapter 692, offensive treatment of human remains is treatment offensive to the generally accepted standards of the community.
- (37) "Prearrangement" As used in this chapter, prearrangement has the same meaning as used in ORS 97.923.
- (38) "Preneed Funds" Preneed funds are specified amounts paid for funeral, cemetery or cremation goods and/or services that are sold in advance of need but not delivered.
- (39) "Preneed Salesperson" As used in these rules, "preneed salesperson" means an individual registered under ORS 97.931 and employed by a certified provider authorized by the Department of Consumer & Business Services to engage in the sale of prearrangement or preconstruction sales contracts on behalf of the certified provider.
- (40) "Preparation Room" As used in these rules, preparation room means the same as embalming facility as used in ORS Chapter 692.
- (41) "Principal" Principal means a person who has controlling authority over the licensed facility, including but not limited to:
- (a) Managers or other persons who have decision-making authority and whose primary duties include control over the operation of the licensed facility;
 - (b) Officers or directors who have some degree of responsibility for the operation of the licensed facility;
 - (c) General Partners, limited and joint ventures;
 - (d) Sole proprietors;
 - (e) Stockholders holding a majority of outstanding shares of stock; and
 - (f) Members of a Limited Liability Company.
- (42) "Processed Cremated or Alternative Disposition Remains" As used in this chapter, processed cremated or alternative disposition remains are the result of pulverization, where the residual from the cremation or alternative disposition, such as dissolution, process is reduced to unidentifiable dimensions.
- (43) "Public Viewing" Public viewing means the human remains have, at minimum, been washed, as defined in this section, and the remains are placed in a viewing room, church, chapel or other suitable place for viewing of the remains.
- (44) "Receptacle" As used in this chapter, a receptacle means a container for human remains including but not limited to a casket, alternative container, or cloth or plastic container.
- (45) "Refrigeration Unit" As used in this chapter, a refrigeration unit is one used in licensed facilities to store dead human remains that meets commercial standards.
- (46) "Registration" Registration may refer to the registration of a cemetery that does not fall under the category of "Operating Cemetery" as defined in ORS 692.010(7) or it may refer to the "registration" of preneed salespersons. Registration of non-operating cemeteries and preneed salespersons is required for compliance with Oregon Laws.
- (47) "Sanitary Condition" Sanitary includes, but is not limited to, being clean from dirt, foreign particles, bloodstains, offensive odors or insects.

(48) "Sealed Casket" A sealed casket is one that is designed by a manufacturer to be sealed prior to final disposition.

(49) "Solicitation" Solicitation is defined as actively endeavoring to obtain business or clientele through means such as telephone or personal contact.

(50) "Visitation" Visitation means a specific time and place to gather where the human remains are present, except for graveside service.

(51) "Washed" Human remains are considered washed and brought to a sanitary condition when the entire surface of the human remains has been bathed with a disinfectant solution and the mouth, nose, and other body orifices have been washed and, when necessary, packed with cotton saturated with a disinfectant solution.

Statutory/Other Authority: ORS 97.931, 692.320, 2015 HB 2471

Statutes/Other Implemented: ORS 97.931, 692.320, 2015 HB 2471

History: MCB 1-2015, f. 12-31-15, cert. ef. 1-1-16; MCB 1-1986, f. & ef. 10-21-86; MCB 1-1988, f. & cert. ef. 2-10-88; MCB 1-1989, f. & cert. ef. 2-6-89; Renumbered from 830-030-0010(1)(a) - (k) & 830-030-0020; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-1994, f. 6-28-94, cert. ef. 8-1-94; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-2001(Temp), f. 12-12-01, cert. ef. 1-1-02 thru 6-29-02; MCB 1-2002, f. 5-30-02, cert. ef. 6-30-02; MCB 1-2009, f. & cert. ef. 7-1-09; MCB 1-2010(Temp), f. & cert. ef. 4-1-10 thru 9-27-10; MCB 2-2010, f. 9-23-10, cert. ef. 9-24-10; MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11; MCB 1-2012, f. 3-27-12, cert. ef. 4-1-12

830-011-0010

Employees, Meetings, Officers of the Board

(1) The Board shall employ an executive director, investigator, inspector and other office personnel to maintain the office of the Board, answer correspondence, and perform those duties necessary in carrying out the provisions of the law and of these rules.

(2) The Board shall meet at least six times per year, at a date, time, and place determined by the Board. Special meetings may be called by the president as deemed applicable.

(3) The Board, at its regular meeting in January of each year, shall elect from its members a president, a vice-president, and a secretary-treasurer to serve until the next election. Special elections may be held at the discretion of the Board. The president, or, in his absence, the vice-president, shall preside at all meetings, appoint all committees, and perform all functions incidental to the president of the Board.

(4) The executive director shall act under instruction of the president of the Board, and in his/her absence the vice-president and shall be responsible for supervising and monitoring the activities of the Board's office and staff. The executive director is authorized by the Board to sign correspondence, legal documents and other necessary papers to carry out Board mandates.

Statutory/Other Authority: ORS 692.300, 692.310, 692.320

Statutes/Other Implemented: ORS 676.300, 676.306, 692.300, 692.310, 692.320

History: MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11; FDB 13, f. 9-9-74, ef. 3-1-75; FDB 16, f. & ef. 6-30-77; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0005; MCB 2-1988, f. & cert. ef. 9-9-88; MCB 1-1989, f. & cert. ef. 2-6-89; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97

830-011-0020

Trainee (Apprenticeship) — Generally

(1) Apprenticeship for embalmer, funeral service practitioner, or intern apprentice must be served under persons who are and have been licensed and working in Oregon for at least one year.

(a) A funeral service practitioner may supervise up to three apprentices at a time and an embalmer may supervise up to three apprentices at a time.

(b) Notwithstanding (a), a combination embalmer/funeral service practitioner may supervise no more than three persons with any combination of trainee (apprentice) licenses.

(c) Notwithstanding (a), a funeral service practitioner, an embalmer or a combination embalmer/funeral service practitioner may serve as preceptor for intern apprentices from an accredited funeral service education provider in

addition to any trainee (apprentice) embalmers or funeral service practitioners; if that individual's license meets the requirements for the internship program as identified by the educational institution; however, no licensee may have more than a total of three trainees (apprentices) or interns at any one time.

(d) The licensee who supervises an apprentice must be working and located in the same licensed facility or facilities as the trainee (apprentice) he or she is supervising.

(2) To qualify for a license as an embalmer, an apprentice embalmer must assist in the embalming of at least 35 human remains during the apprenticeship period under the direct supervision of a licensed embalmer and must meet the time and competency requirements published by the Board at the time of initial application.

(a) An apprentice embalmer must maintain a log book of embalmings under supervision, with accurate and current entries, and the apprentice and his or her supervisor must furnish this record to the Board upon request. The apprentice may use a supplemental page to log any arrangements or other competencies performed at an alternate facility as directed by their supervisor. Such page MUST be brought back and included in the log at the end of that specific assignment. The log book must be retained for a period of one year after full licensure as an embalmer, or, if not licensed as an embalmer, for six years after the last log entry and must include the following:

(A) Name of the deceased;

(B) Date of death;

(C) Date and place of embalming;

(D) Name of licensed facility making the embalming arrangements;

(E) Supervisor's written confirmation for each embalming performed by their apprentice; and

(F) Number of hours worked per week.

(3) To qualify for a license as a funeral service practitioner, an apprentice funeral service practitioner must assist in the planning of at least 25 funerals or dispositions per year through some form of direct contact with the family or representative of the deceased and must meet the time and competency requirements published by the Board at the time of initial application.

(a) An apprentice funeral service practitioner must keep a log book on the premises of the licensed facility where he or she is supervised, showing all arrangements made or participated in by the apprentice. The apprentice may use a supplemental page to log any arrangements or other competencies performed at an alternate facility as directed by their supervisor. Such page MUST be brought back and included in the log at the end of that specific assignment. The apprentice, under supervision, must make accurate and current entries. The apprentice and his or her supervisor must furnish the log book to the Board upon request.

(b) The log book must be retained for a period of one year after licensure as a funeral service practitioner, or, if not licensed, for six years from the last log entry, and must include the following:

(A) Name of deceased and person authorizing final disposition arrangements;

(B) Date of death;

(C) Date and place arrangements were made;

(D) Description of apprentice's direct participation with family;

(E) Number of days and hours worked per week;

(F) Specific competency demonstrated;

(G) Supervisor's written confirmation for each arrangement made by their apprentice; and

(H) Name of the licensed facility responsible for the final disposition arrangements.

(4) Intern apprentices must serve their apprenticeships in accordance with the internship guidelines established by an accredited funeral service education program and as recognized and approved by the Board. A copy of the guidelines is available from the Board upon request.

(5) Applicants for an apprenticeship certificate must make application in accordance with ORS Chapter 692. The application must be made on the most current form provided by the Board and be accompanied by the fee prescribed by OAR 830-020-0040, a certified copy of the applicant's birth certificate, and satisfactory proof of high school graduation or equivalency. If an applicant for an apprentice certificate does not have a high school diploma, he or she must present

satisfactory evidence that he or she possesses the equivalent of a high school education received in a private, public, or trade school, or he or she must successfully pass the high school equivalency test (General Education Development Test) given by the local high school, or some similar equivalency test conducted by a similar agency. Prior to becoming licensed as a funeral service practitioner, apprentices must provide a certified copy of a transcript from a school accredited by an Association of Schools and Colleges demonstrating completion of an Associate's degree or higher degree. Prior to becoming licensed as an embalmer, apprentices must provide proof of completion of an accredited course of funeral service education.

(6) The effective date of the apprenticeship will be the date the completed application, fee, and the required certificates are received and validated in the office of the Board and the application is approved by the Board. A letter will be sent notifying the apprentice of the status of his or her apprenticeship or application.

(7) The certificate of apprenticeship must be issued to the applicant as a trainee (apprentice) to a specified licensee in good standing. If the apprentice intends to change the licensee to whom apprenticed, he or she must immediately file a request for approval of the transfer with the Board and pay the required fee. A certificate must be reissued upon payment of an administrative charge. When an apprentice ceases to work under a specific licensee, the apprenticeship certificate becomes null and void. It is the responsibility of the supervising licensee to notify the Board's office of any termination in employment or supervision of the apprentice.

(8) Trainee (Apprentice) funeral service practitioner and embalmer certificates will not be granted to any person for a period longer than 48 aggregate months. When an apprentice has completed his or her apprenticeship, he or she will no longer be licensed as an apprentice, but must qualify either as a licensed embalmer or licensed funeral service practitioner.

(9) Notwithstanding (8), the Board may consider a request for extension of the apprenticeship period for reasonable and extenuating circumstances beyond the control of the trainee (apprentice).

(10) Trainee (Apprentice) supervisors are responsible for all assigned activities and any arrangements made by the trainee (apprentice) at any location.

(11) In lieu of meeting apprenticeship requirements, an applicant for Oregon funeral service practitioner or embalmer licensure is deemed to have satisfied the respective apprenticeship requirement upon submitting satisfactory proof to the Board that the person has practiced, respectively, as a funeral service practitioner or embalmer licensed in good standing in this state or another state identified by the Board to have requirements substantially similar to Oregon: For a minimum of one year.

(12) Embalmer applicants who meet the requirements set forth in section (10) of this rule may be required to demonstrate competency by way of a practical examination at a time and place designated by the Board.

(13) Funeral service practitioner applicants who meet the requirements set forth in section (10) of this rule must successfully complete a written examination and receive a score of not less than 75 percent, based on the total number of questions.

(14) An applicant or licensee whose application for license has been denied or revoked or who voluntarily surrendered the license may not reapply for a minimum period of three years unless otherwise specified in a Board order denying, revoking or accepting a voluntarily surrender of the application or license.

Statutory/Other Authority: ORS 692.160, 692.320, 2015 HB 2471

Statutes/Other Implemented: ORS 692.045, 692.070, 692.105, 692.130, 692.190, 2015 HB 2471

History: MCB 1-2015, f. 12-31-15, cert. ef. 1-1-16; FDB 13, f. 9-9-74, ef. 3-1-75; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0050; MCB 2-1988, f. & cert. ef. 9-9-88; MCB 1-1989, f. & cert. ef. 2-6-89; MCB 1-1992, f. & cert. ef. 2-11-92; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-1994, f. 6-28-94, cert. ef. 8-1-94; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-2009, f. & cert. ef. 7-1-09; MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11; MCB 1-2012, f. 3-27-12, cert. ef. 4-1-12

830-011-0040

Completion of Funeral Service Practitioner and Embalmer Apprenticeship and Examination

(1) Once an apprenticeship has been completed and verified by the Board, the individual may sit for the applicable exam. An FSP trainee (apprentice) may choose to take the exam before completion and certification of their apprenticeship, but may not apply for license as a funeral service practitioner until both the exam is successfully passed and their apprenticeship completed and verified by the Board.

(2) An embalmer trainee (apprentice) may either take the Oregon embalmer examination or he may submit to the Board proof of passing the National Board Examination written by the Conference of Funeral Service Examining Boards of the United States, Inc. in lieu of the Oregon embalmer examination. In either case an average score of at least 75 percent as described in OAR 830-020-0000(2)(b) will be required for passing. An embalmer trainee (apprentice) may either take the Oregon embalmer examination or he may submit to the Board proof of passing the National Board Examination written by the Conference of Funeral Service Examining Boards of the United States, Inc. in lieu of the Oregon embalmer examination. In either case an average score of at least 75 percent as described in OAR 830-020-0000(2)(b) will be required for passing.

Statutory/Other Authority: ORS 183.341, 183.545, 692.160, 692.320, 2015 HB 2471

Statutes/Other Implemented: ORS 692.105, 692.045, 692.190, 2015 HB 2471

History: MCB 1-2015, f. 12-31-15, cert. ef. 1-1-16; FDB 1-1978, f. & ef. 6-30-78; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0060; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-2009, f. & cert. ef. 7-1-09

830-011-0050

Background Investigation Required Prior to Oregon Licensure

(1) All applicants for individual or facility licenses and principals of facilities seeking or holding a license must submit to a background investigation. The background investigation may include, but is not limited to, information solicited from the Law Enforcement Data Systems, other government agencies or courts, personal references, former employers, and credit checks. The Board may require the applicant or principal to furnish any information necessary to perform a background investigation.

(2) The Board may deny, suspend or refuse to issue or renew a license or certificate when a condition exists in relation to any principal of a licensed facility which constitutes grounds for refusing to issue or renew a license or certificate or for suspension of a license.

Statutory/Other Authority: ORS 692.320

Statutes/Other Implemented: ORS 692.025

History: MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11; MCB 2-2010, f. 9-23-10, cert. ef. 9-24-10; MCB 1-2010(Temp), f. & cert. ef. 4-1-10 thru 9-27-10; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1994, f. 6-28-94, cert. ef. 8-1-94; MCB 1-1988, f. & cert. ef. 2-10-88; MCB 1-1986, f. & ef. 10-21-86

830-011-0065

Temporary Burial Permit

(1) The Oregon Mortuary and Cemetery Board (Board) may grant a temporary burial permit authorizing interment in a cemetery that does not hold a current, valid license or registration for the sole purpose of facilitating an at-need burial in accordance with ORS 692.025, Sec. 1, and only when the normal procedures for licensing or registration of a cemetery authority cannot be completed before burial must take place.

(2) The burial permit request must be made on the most current application form provided by the Board and must include copies of all pre-qualifying pre-arrangement documents as well as evidence of the verification of plot location to be considered. A permit will not be granted when pre-arrangements or plot location cannot be produced or verified or when such documents are disputed.

(a) Applicants must be directly associated with the cemetery authority, with a licensed party to the pre-arrangements, or with another qualifying person in accordance with ORS 692.025, Sec. 1, and

(b) Must be working on behalf of person(s) requesting burial.

(c) The application must also include the specific details of the planned burial and evidence that it will be performed by

persons qualified to do so, and

(d) All paperwork will be kept with the permit that was issued for the burial and filed at the OMCB with the copy of the permit until a permanent place can be decided upon. If the cemetery authority is not a party to the interment, the Board will maintain the records and provide to the appropriate party identified by the Board on the permit.

(3) Permit holder shall only be responsible for any issues related to the permitted interment and not for any pre-existing conditions, contract terms or document errors made by the Cemetery Authority, nor for the condition of and continuing maintenance of the plot after closing.

(4) Sections (1) and (2) shall be repealed on January 1, 2018.

Statutory/Other Authority: ORS 692.025

Statutes/Other Implemented: ORS 692.025

History: MCB 4-2017, f. 7-13-17, cert. ef. 8-1-17; MCB 1-2017, f. & cert. ef. 1-12-17; Reverted to MCB 2-2015, f. 12-31-15, cert. ef. 1-1-16; MCB 1-2016(Temp), f. & cert. ef. 7-6-16 thru 1-1-17; MCB 2-2015, f. 12-31-15, cert. ef. 1-1-16

830-011-0070

Registration of Preneed Salespersons and Endowment Care Cemetery Salespersons

(1) Applicants for registration as a preneed salesperson must apply on the most current form provided by the Board, pay the preneed salesperson fees set forth in OAR 830-020-0040 and submit to a background investigation. The background investigation may include, but is not limited to, information solicited from the Department of State Police, Law Enforcement Data System, Oregon Department of Motor Vehicles, other government agencies including local law enforcement agencies, the courts and prior employers.

(2) A certificate of registration will be issued to an approved preneed salesperson applicant. An applicant may not make preneed sales or engage in preneed sales activity, including, but not limited to, marketing and participating in sales presentations, other than as an observer, until a certificate of registration has been issued to the applicant by the Board. It is the responsibility of the salesperson to provide written notice to the Board of any address changes within 30 days of the change.

(3) All preneed salesperson certificates of registration will expire on March 1 in even-numbered years unless renewed as provided in this section.

(4) On or before December 31 of each odd numbered year, the Board will mail to each registered preneed salesperson a form containing notice that the renewal fee is due and payable. The renewal form will be mailed to the most current address filed with the Board by the preneed salesperson. If the renewal form is not returned and the renewal fee is not paid by the renewal date the certificate of registration will lapse.

(5) Upon lapse of a preneed salesperson certificate of registration, the Board will send notice of the lapse by registered or certified mail to the most current address filed with the Board by the preneed salesperson.

(6) The Board may reinstate a certificate of registration if the preneed salesperson applies for reinstatement on a form provided by the Board not later than the 90th day after the lapse and pays the renewal fee as well as the reinstatement fee established in OAR 830-020-0040.

(7) The Board will not issue or renew the registration for a preneed salesperson that owes outstanding civil penalties to the Board.

Statutory/Other Authority: ORS 97.931

Statutes/Other Implemented: ORS 97.931

History: MCB 1-2012, f. 3-27-12, cert. ef. 4-1-12; MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11; MCB 1-2002, f. 5-30-02, cert. ef. 6-30-02; MCB 1-2001(Temp), f. 12-12-01, cert. ef. 1-1-02 thru 6-29-02; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1994, f. 6-28-94, cert. ef. 8-1-94

830-011-0080

Grounds for Civil Penalty, Revocation, Suspension or Refusal to Issue or Renew a Preneed Salespersons Registration

(1) In accordance with ORS 97.933(5), the Holder of a Certificate of Registration is responsible for the conduct of their preneed salespersons. Therefore, the Board may take disciplinary action against a licensee that is the Holder of the

Certificate of Registration for the misconduct of their preneed salespersons. It is the responsibility of the Holder of the Certificate of Registration to insure that sound sales and business practices are used in the training and supervision of their preneed salespersons.

(2) Upon complaint or upon its own motion, the Board may investigate any complaint concerning a preneed salesperson, a preneed salesperson applicant or an individual engaged in preneed sales activity without registration. For any of the causes described in ORS 692.180(1) or OAR 830-050-0050, or upon a determination that a registered preneed salesperson, applicant or unregistered individual has not complied with the provisions of ORS 97.923 to 97.949 or ORS Chapter 692 or any rules adopted thereunder, the Board may impose a civil penalty of up to \$1000 per violation or suspend, revoke or refuse to issue or renew a registration.

Statutory/Other Authority: ORS 97.931, 692.320

Statutes/Other Implemented: ORS 97.931

History: MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11; MCB 1-2002, f. 5-30-02, cert. ef. 6-30-02; MCB 1-2001(Temp), f. 12-12-01, cert. ef. 1-1-02 thru 6-29-02; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1994, f. 6-28-94, cert. ef. 8-1-94

DIVISION 20

EXAMINATION AND LICENSURE

830-020-0000

Applications and Examinations for Funeral Service Practitioner and Embalmer Licenses

(1) All applications for funeral service practitioner and embalmer licenses by examination, accompanied by the examination fee prescribed by ORS Chapter 692, must be received in the office of the Board at least 14 days before the examination is held, or be postmarked before midnight of that date.

(2) The funeral service practitioner and embalmer examinations shall be scheduled no less than twice each year:

(a) Applicants for a funeral service practitioner license shall be required to successfully complete a written examination and receive a score of not less than 75 percent, based on the total number of questions;

(b) Applicants for an embalmer's license shall be required to successfully complete a written examination that will include two sections, funeral service arts and funeral service sciences, and must receive an average score of at least 75 percent on the sections with not less than 70 percent on either of these two sections; and

(c) If the Board deems it necessary, the applicant for an embalmer's license may also be required to pass an examination testing his or her qualifications as to the practical application of his knowledge.

(3) Upon successful completion of the funeral service practitioner's examination, an appropriate license for the current year will be issued to the examinee after fulfilling the apprenticeship and upon payment of the annual license fee prescribed by ORS Chapter 692. An applicant for an embalmer's license may be examined by the Board after first providing evidence of graduation from a funeral service program accredited by the American Board of Funeral Service Education, but shall not receive an embalmer's license until he or she has fulfilled his or her apprenticeship and paid the required fee as prescribed in ORS Chapter 692.

(4) If an applicant for a funeral service practitioner or embalmer license fails to satisfactorily complete the examination, he or she may retake the examination the next time it is given upon payment of the full examination fee. Such fee must be received in the office of the Board at least 14 days before the examination is given.

(5) The examination fee shall not be returned to an examinee once he or she takes the examination.

(6) Test results will be mailed to examinees within 30 days after completion of the examination. Exams are not reviewable by examinee, pursuant to the Public Records Act, ORS Chapter 192.

Statutory/Other Authority: ORS 692.160, 692.320, 2015 HB 2471

Statutes/Other Implemented: ORS 692.045, 692.070, 692.130, 692.140, 692.320, 2015 HB 2471

History: MCB 1-2015, f. 12-31-15, cert. ef. 1-1-16; FDB 13, f. 9-9-74, ef. 3-1-75; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0100; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-2010(Temp), f. & cert. ef. 4-1-10 thru 9-27-10; MCB 2-2010, f. 9-23-10, cert. ef. 9-24-10; MCB

1-2011, f. 7-29-11, cert. ef. 8-1-11

830-020-0010

License Fee Due After Examination

A license fee which is not received at the office of the Board within 30 days following receipt of notice of successful completion of the examination and completion of the apprenticeship for funeral service practitioner or embalmer shall be considered delinquent and shall be subject to the reinstatement provisions of ORS 692.170 for lapsed licenses.

Statutory/Other Authority: ORS 692.320

Statutes/Other Implemented: ORS 692.148, 692.160

History: MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11; FDB 1-1978, f. & ef. 6-30-78; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0101; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1998, f. & cert. ef. 6-22-98

830-020-0015

Disaster Mutual Aid Agreement

In instances of a State emergency or disaster, it is the intention of the Oregon State Mortuary and Cemetery Board to allow funeral service practitioners and embalmers similarly licensed in other states, who are members of a disaster mortuary team and volunteering to appropriately care for deceased victims to practice in Oregon until the disaster or emergency has subsided. Individual volunteers shall be a member of a "Disaster Mortuary Team" authorized by local or federal authorities to provide such services. Only funeral service practitioners and/or embalmers licensed in Oregon shall sign death certificates.

Statutory/Other Authority: ORS 183.341, 692.320

Statutes/Other Implemented: ORS 692.320

History: MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97

830-020-0020

Funeral Service Practitioner and Embalmer Licenses; Military Leave

(1) Funeral service practitioners and embalmers shall be licensed only after compliance with ORS Chapter 692, and rules adopted thereunder. Licenses for funeral service practitioner and embalmer will not be issued or renewed unless assessed civil penalties have been paid.

(2) A license issued pursuant to ORS Chapter 692 shall not be transferable.

(3) The Board shall publish, on its internet website, a list of the Board's licensees.

(4) A person licensed under ORS Chapter 692 shall not be required to renew his or her individual funeral service practitioner or embalmer license while in active military service unless the person is required by that branch of the military service to maintain an active license from the state in which he or she is licensed in order to perform those services for that branch of the service. Such person shall notify the Board in writing of the date he or she will begin active military duty. The Board will not require this person to pay renewal licensing fees until completion of military duty. After release from active duty under honorable conditions, this person shall notify the Board in writing within 60 days of such discharge and may then be restored to former status. The Board shall not impose any fees until the following renewal period.

Statutory/Other Authority: ORS 692.320

Statutes/Other Implemented: ORS 692.190

History: MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11; FDB 13, f. 9-9-74, ef. 3-1-75; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0105; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-2010(Temp), f. & cert. ef. 4-1-10 thru 9-27-10; MCB 2-2010, f. 9-23-10, cert. ef. 9-24-10

830-020-0030

Reciprocal Licensure

(1) An applicant for reciprocal licensure must apply to the Board on the most current form provided by the Board. The

application must be accompanied by the following:

- (a) The reciprocal fee as prescribed by OAR 830-020-0040;
 - (b) A certified copy of the applicant's birth certificate;
 - (c) A certified copy of transcripts from a school accredited by an Association of Schools and Colleges demonstrating completion of an Associate's degree or higher degree (for funeral service practitioner licensure) or proof of passing an accredited course of funeral service education (for embalmer licensure);
 - (d) A certification from the state(s) the applicant is or was licensed in that includes: length of apprenticeship, if any, examination score, date licensed, status of license at the present time, and whether the applicant's license has ever been suspended or revoked or other disciplinary action taken;
 - (e) Proof that the applicant is or was licensed and has practiced, respectively, as a funeral service practitioner or an embalmer in another state with substantially similar requirements as identified by the Board for at least one full year before the respective application date; and
- (2) An applicant for reciprocal funeral service practitioner license must pass the Board's funeral service practitioner examination as a means of providing satisfactory proof to the Board that the applicant has the requisite qualifications for licensing as a funeral service practitioner in this state. The examination must include questions related to:
- (a) Oregon and federal laws, rules and regulations relating to the care, preparation, disposition and transportation of human remains; and survivor death benefits.
 - (b) Reciprocal applicants for funeral service practitioner license must receive a score of not less than 75 percent, based on the total number of questions, in order to pass the examination. Reciprocal applicants are eligible to take the examination at the regularly scheduled examination dates if their examination application is received at least 14 days prior to the examination date.
- (3) Applicants for reciprocal embalmer licensure must show evidence satisfactory to the Board that the applicant has successfully passed the National Board Examination as administered by the Conference of Funeral Service Examining Boards or an equivalent examination written by the Conference of Funeral Service Examining Boards. The examination must include two sections, funeral service arts and funeral service sciences, and the applicant must receive a cumulative average score of at least 75 percent on the sections with not less than 70 percent on either of these two sections. The applicant may be required to also take an exam on applicable Oregon laws.
- (4) A license must not be issued to a reciprocal applicant before a complete background check has been performed and Board approval has been received.

Statutory/Other Authority: ORS 692.160, 692.320, 2015 HB 2471

Statutes/Other Implemented: ORS 692.140, 2015 HB 2471

History: MCB 1-2015, f. 12-31-15, cert. ef. 1-1-16; MCB 1-2013, f. 3-25-13, cert. ef. 3-29-13; MCB 1-2012, f. 3-27-12, cert. ef. 4-1-12; MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11; MCB 1-2009, f. & cert. ef. 7-1-09; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-1986, f. & ef. 10-21-86

830-020-0040

License, Certificate and Registration Fees

- (1) Initial application fees:
 - (a) Funeral establishment, immediate disposition company, crematory, alternative disposition facility or a cemetery that performs more than ten interments annually — \$150 (includes first principal) plus \$50 for each additional principal;
 - (b) Cemetery that performs ten or fewer interments annually — an initial fee of \$100 and a fee not to exceed \$50 for registration of all principals regardless of the total number of principals
 - (c) Change of principal — \$50 per licensed facility;
 - (d) Trainee (Apprentice) funeral service practitioner or trainee (apprentice) embalmer — \$50;
 - (e) Reciprocal funeral service practitioner or reciprocal embalmer — \$160;
 - (f) Intern Trainee (Apprentice) — \$25;

- (g) Preneed Salesperson — \$150;
 - (h) Certificate of Removal Registration — \$30;
 - (i) Funeral Service Practitioner — \$80 per year;
 - (j) Embalmer — \$80 per year;
 - (k) Death Care Consultant — \$80 per year.
- (2) Renewal application fees:
- (a) Funeral establishment or immediate disposition company — \$350 per year, payable biennially;
 - (b) Crematory or Alternative Disposition Facility — \$100 per year plus \$2 per disposition performed during the two calendar years preceding the year in which the current license expires, payable biennially;
 - (c) Cemetery — \$4 per interment performed during the two calendar years preceding the year in which the current license expires up to a maximum of 150 interments or \$600 per year, payable biennially; (Cemeteries with ten or fewer interments annually are not required to pay a renewal fee in accordance with ORS 692.275.)
 - (d) Funeral service practitioner — \$80 per year, payable biennially;
 - (e) Embalmer — \$80 per year, payable biennially;
 - (f) Combination funeral service practitioner/embalmer — \$160 per year, payable biennially;
 - (g) Trainee (Apprentice) funeral service practitioner — \$25 per year, payable annually;
 - (h) Trainee (Apprentice) embalmer — \$25 per year, payable annually;
 - (i) Preneed salesperson — \$25 per year, payable biennially;
 - (j) Death care consultant — \$80 per year, payable biennially.
- (3) Exam fees:
- (a) Funeral service practitioner exam — \$100;
 - (b) Embalmer exam (written or practical) — \$130 to \$400 (depending on the cost to the Board).
 - (c) Death care consultant exam — \$100.
- (4) License, certificate and registration reissue fees:
- (a) Transfer of apprenticeship, replacement license, name change or manager change — \$25;
 - (b) Licensed facility location change — \$250.
- (5) Reinstatement of lapsed license, certificate or registration — \$50 each.
- (6) Funeral service practitioners, embalmers, and preneed salespersons must renew their licenses on even numbered years. Facilities must renew on odd numbered years.
- (7) Fees paid under this section are not refundable or transferable.
- (8) Notwithstanding the above, a registrant for the funeral service practitioner examination may notify the Board in writing that he or she is withdrawing the application for the examination and request a refund of the examination fee at any time before the date of the examination. Examination fee refunds will be refunded to the person that paid the examination fee to the board; fees paid by cred-it card will be refunded to the credit card holder, fees paid by money order or cashier's check will be refunded to the applicant.

Statutory/Other Authority: ORS 692.160, 692.320, 97.931, 2015 HB 2471

Statutes/Other Implemented: ORS 692.160, 97.931, 2015 HB 2471

History: MCB 1-2015, f. 12-31-15, cert. ef. 1-1-16; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1985(Temp), f. & ef. 7-3-85; MCB 2-1985(Temp), f. & ef. 11-5-85; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0110; MCB 2-1989(Temp), f. 10-2-89, cert. ef. 11-1-89; MCB 3-1989, f. 12-4-89, cert. ef. 12-1-89; MCB 1-1992, f. & cert. ef. 2-11-92; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 3-1993, f. 10-28-93, cert. ef. 11-1-93; MCB 1-1994, f. 6-28-94, cert. ef. 8-1-94; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-2001(Temp), f. 12-12-01, cert. ef. 1-1-02 thru 6-29-02; MCB 1-2002, f. 5-30-02, cert. ef. 6-30-02; MCB 1-2004, f. 9-30-04, cert. ef. 11-1-04; MCB 1-2010(Temp), f. & cert. ef. 4-1-10 thru 9-27-10; MCB 2-2010, f. 9-23-10, cert. ef. 9-24-10; MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11; MCB 1-2012, f. 3-27-12, cert. ef. 4-1-12; MCB 1-2013, f. 3-25-13, cert. ef. 3-29-13

830-020-0050

Administrative Fees

(1) The Mortuary and Cemetery Board may charge a fee reasonably calculated to reimburse the agency for costs of providing and conveying copies of public records. A schedule of administrative fees will be approved as necessary by the Board and will be made available to the public.

(2) All fees and charges must be paid before public records may be made available for inspection or copies provided.

Statutory/Other Authority: ORS 692.160, 692.320

Statutes/Other Implemented: ORS 692.160

History: MCB 1-2012, f. 3-27-12, cert. ef. 4-1-12; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1994, f. 6-28-94, cert. ef. 8-1-94; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93

DIVISION 30

DUTIES OF FUNERAL SERVICE PRACTITIONER CREMATORY AUTHORITY — CEMETERY AUTHORITY — ALTERNATIVE DISPOSITION FACILITY AUTHORITY

830-030-0000

In General

(1) No licensee, operator of a licensed facility, or their agent may interfere with another licensee, operator of a licensed facility, or their agent who has been legally called to take care of human remains, or perform services relating to the disposition of human remains. The choice of licensed facility or licensed person must be left entirely to the individual with the legal right to control final disposition

(2) Alternative Disposition Facility Authorities must comply with the requirements in this division (Division 30) for the handling and tracking of human remains prior to, during, and after cremation as if the Alternative Disposition Facility Authority is a Crematory Authority, the alternative disposition remains are cremated remains and the dissolution chamber is a cremation chamber.

(3) Alternative Disposition Facility Authorities using alkaline hydrolysis for dissolution must comply with the following requirements:

(a) The Alternative Disposition Facility Authority must only employ a purpose-built vessel as a dissolution chamber.

(b) Dissolution systems which operate above atmospheric pressure must only employ an American Society of Mechanical Engineers' (ASME) certified pressure vessel as a dissolution chamber.

(c) The dissolution system must use parameters of heat, time and solution circulation sufficient to achieve complete dissolution of all tissue remains.

(d) The Alternative Disposition Facility Authority must ensure that the discharge liquid that is a byproduct of the dissolution process meets the facility's sewage collection and treatment facility requirements regarding acceptable temperature and pH level.

(4) It is the responsibility of the funeral service practitioner or person acting as a funeral service practitioner as that term is defined in ORS Chapter 432.005(11) to ensure that an identifying metal disc with a number assigned by the State Registrar's Office imprinted on the disc is attached to the casket or other receptacle containing human remains, or is attached to the remains if there is no receptacle.

(a) When human remains are to be cremated the identifying metal disc must be secured to the head end of the receptacle, or to the remains if no receptacle is used, at all times until the remains are placed in the cremation chamber.

(b) When human remains are going to be buried or entombed, the identifying metal disc must be attached to the head end of the casket or receptacle, or to the remains if no receptacle is used.

(c) The number on the identifying metal disc must be written or typed on the certificate of death and final disposition permit by the responsible funeral service practitioner or person acting as a funeral service practitioner as that term is defined in ORS Chapter 432.005(11).

(5) It is the responsibility of the Crematory Authority to see that the identifying metal disc accompanies human remains through the cremation process.

(6) It is the responsibility of the Cemetery Authority or Crematory Authority to see that the identifying metal disc is

properly secured to each receptacle containing human remains, or, when no receptacle is used, to the remains, when remains are delivered to the facility and that the number on the identifying metal disc is the number recorded on the final disposition permit. The Cemetery Authority or Crematory Authority must sign the final disposition permit verifying this fact prior to accepting the remains. The Cemetery Authority or Crematory Authority may not accept remains without the proper identifying metal disc unless death occurred in a state other than Oregon.

(7) If, when the human remains are delivered to the crematory, cemetery or alternative disposition facility, no metal disc is attached to the receptacle or remains as required, or the disc number does not match the permit number as required, the funeral service practitioner or person acting as a funeral service practitioner as that term is defined in ORS Chapter 432.005(11) must retain responsibility for the proper care and storage of the remains until the correct disc is obtained and ensure it is affixed to the receptacle or remains. If the discrepancy cannot be resolved prior to any scheduled service, the funeral service practitioner or person acting as a funeral service practitioner as that term is defined in ORS Chapter 432.005(11), must take responsibility for notifying the person with the legal right to control final disposition that the disposition is postponed.

(8) If human remains or partial human remains, other than processed cremated remains, are discovered in a presumed unoccupied grave or crypt when opening the grave or crypt for purposes of an interment, the following is the responsibility of the cemetery authority:

- (a) The cemetery authority must report the discovery to the Board on a form that has been approved by the Board.
- (b) The cemetery authority must exercise diligence under the circumstances to identify the human remains.
- (c) If positive identification of the remains is made, and if disinterment is not authorized pursuant to ORS 97.220 or 146.045, the human remains must not be further disturbed, the interment space must be immediately closed and the cemetery authority must update the cemetery records for that grave or crypt to include all relevant information known to the cemetery authority regarding the human remains, as outlined in OAR 830-040-0000 and ORS 97.720.
- (d) If the human remains cannot be identified, and if disinterment is not authorized pursuant to ORS 97.220 or 146.045, the human remains must not be further disturbed, the interment space must be immediately closed, and the cemetery records must reflect that the interment space is occupied by unidentified remains, the date of discovery, and indicate that the space is not available for further interments.
- (e) If the human remains are positively identified as remains that were originally interred in a grave adjacent to the opened grave but entered the opened grave during excavation or due to the operation of natural forces underground, the cemetery authority must make a reasonable effort to return all soil, human remains, and funerary objects to the interment space from which the material originated. The cemetery authority, if feasible, may then proceed with opening the unoccupied grave for interment.

(9) If processed cremated remains are discovered in a presumed unoccupied grave, crypt or niche when opening the grave, crypt or niche the following is the responsibility of the cemetery authority:

- (a) The cemetery authority must report the discovery to the Board on a form that has been approved by the Board.
- (b) If the cremated remains are identified, the cemetery authority must use reasonable diligence under the circumstances to determine if such cremated remains were placed with the permission of the cemetery authority. If no such permission was given, the cemetery authority must attempt to deliver the cremated remains to a person within the first applicable listed class in ORS 97.130(2).
- (c) If the cremated remains cannot be identified or if the cemetery authority is unable to deliver the cremated remains to a person within a listed class under ORS 97.130(2), the cemetery authority must hold the cremated remains indefinitely and at a minimum, place the cremated remains in a common grave, crypt or niche, and record the specific location of the remains therein.
- (d) The cemetery authority must retain a permanent record of the known circumstances of the cremated remains including at a minimum: The original location where the cremated remains were discovered, the steps taken to identify and deliver the cremated remains, and the ultimate re-disposition of the cremated remains.

(10) When a licensee arranges for the scattering of cremated remains, the licensee must include in the licensee's permanent records the final location of the cremated remains and make the identifying metal disc a part of the licensee's

permanent record.

(11) It is the responsibility of the funeral establishment or immediate disposition company licensee handling the disposition of human remains to pay the death certificate filing fee as required in ORS 432.312(1). This fee must be paid within 30 days after the billing and, in no case longer than 90 days after the billing. Failure to pay death certificate filing fees is cause for disciplinary action by the Board.

(12) It is the responsibility of each licensed facility to assign a manager for each facility and to notify the Board in writing within 30 days of the assignment. In the case of funeral establishments and immediate disposition companies, the manager must be an Oregon licensed funeral service practitioner.

(13) Upon providing written notification to the Board, a funeral service practitioner may be permitted to manage two funeral establishments or two immediate disposition companies, or one of each. A funeral service practitioner may be authorized by the Board to manage more than two funeral establishments or immediate disposition companies, or a combination of same, upon providing a written request to the Board that describes the basis for the request. The Board may approve the request after consideration of relevant facts or circumstances including, but not limited to, information that the Board may request from the funeral service practitioner.

Statutory/Other Authority: ORS 692.160, 692.320

Statutes/Other Implemented: ORS 692.180, 692.405

History: MCB 1-2013, f. 3-25-13, cert. ef. 3-29-13; FDB 13, f. 9-9-74, ef. 3-1-75; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0150; MCB 1-1989, f. & cert. ef. 2-6-89; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-2009, f. & cert. ef. 7-1-09; MCB 1-2012, f. 3-27-12, cert. ef. 4-1-12

830-030-0004

Scope of Practice

The purpose of this rule is to establish an acceptable scope of practice for licensed funeral service practitioners, embalmers, and preneed salespersons.

(1) Only a funeral service practitioner or funeral service practitioner trainee (apprentice) shall:

(a) Work directly with at need persons to arrange for the disposition of human remains; and

(b) Coordinate and direct the various tasks associated with performing funeral services for at need persons including but not limited to: taking all vital information on the deceased for the purpose of filing the death certificate; arranging for transportation of the remains; coordinating the services for final disposition; supervising or otherwise controlling the care, preparation, processing and handling of human remains.

(2) Only a registered preneed salesperson or other funeral service licensee shall engage in prearrangement or preconstruction sales.

(3) A preneed funeral service salesperson shall not engage in at need funeral arrangements or sales.

(4) Only a licensed embalmer or embalmer trainee (apprentice) may provide the necessary handling and preparation of human remains, e.g. washing, disinfecting, setting features, embalming, repair and supervising dressing.

Statutory/Other Authority: ORS 692.320, 2015 HB 2471

Statutes/Other Implemented: 2015 HB 2471, ORS 692.025

History: MCB 1-2015, f. 12-31-15, cert. ef. 1-1-16; MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97

830-030-0008

Scope of License

The purpose of this rule is to establish an acceptable scope of license for funeral establishments and immediate disposition companies.

(1) Only a licensed funeral establishment may:

(a) Have facilities for the care and preparation, processing and handling of human remains before the remains undergo disposition;

(b) Offer embalming, employ a licensed embalmer, have on premises either a preparation room or holding room to care for and prepare human remains; and

(c) Offer viewing of human remains.

(2) An Immediate Disposition Company may only arrange for immediate final dispositions without viewing or visitation, or a ceremony with the human remains present except for a graveside service.

Statutory/Other Authority: ORS 183.341, 692.320

Statutes/Other Implemented: ORS 692.025

History: MCB 1-2012, f. 3-27-12, cert. ef. 4-1-12; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97

830-030-0010

Care of Human Remains

(1) All human remains that will be embalmed must be disinfected by approved disinfecting solutions in such manner to help eliminate the danger of spreading diseases or infection. All human remains that are not going to be embalmed must be wrapped in a sheet. If human remains are to be held longer than 24 hours, the remains must, at minimum, either be embalmed or refrigerated at 36 degrees F. or less until final disposition.

(2) It is the duty of funeral service practitioners and embalmers to see that every precaution is taken to prevent the spread of infections from persons who have died of or with communicable diseases.

(3) An embalmer must not embalm human remains without obtaining written or oral permission of a person who has the right to control the disposition of the remains. When oral permission is received to embalm, the licensee obtaining the oral permission must document the oral permission in writing. Documentation must include the name and phone number of the authorizing agent, relationship to the deceased, date and time oral permission was obtained, and printed name and signature of the licensee or facility representative acquiring the oral authorization. An authorizing agent must confirm the oral permission on a written, signed embalming authorization form as outlined in OAR 830-040-0000(7).

(4) All human remains must undergo final disposition within ten days after a licensed funeral establishment takes possession of the remains. If human remains are going to be kept longer than a ten-day period due to exigent circumstances, it is the responsibility of the licensee responsible for those human remains to notify the Board's office.

Statutory/Other Authority: ORS 692.160, 692.320

Statutes/Other Implemented: ORS 97.130, 692.025

History: MCB 1-2012, f. 3-27-12, cert. ef. 4-1-12; FDB 13, f. 9-9-74, ef. 3-1-75; FDB 1-1979, f. & ef. 2-21-79; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0155; MCB 1-1989, f. & cert. ef. 2-6-89; Renumbered (1)(a) thru (k) to 830-011-0000; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-1994, f. 6-28-94, cert. ef. 8-1-94; MCB 1-1998, f. & cert. ef. 6-22-98

830-030-0030

Removal and Identification of Human Remains

(1) In accordance with the identifying requirements established in ORS 692.405, the Crematory Authority must, immediately upon taking custody of human remains, verify that the human remains bear a means of identification attached as described in OAR 830-030-0000(4), (5), (6) and (7). A Crematory Authority must not cremate human remains without an identifying metal disc unless death occurred in a state other than Oregon.

(2) Documents identifying the human remains placed in the custody of a Crematory Authority prior to cremation must contain the following information:

(a) Name of deceased;

(b) Date of death;

(c) Place of death;

(d) Name and relationship of authorizing agent; and

(e) Name of authorizing agent or firm engaging crematory services.

(3) If the Crematory Authority takes custody subsequent to the human remains being placed within a cremation

container, the Crematory Authority must satisfy itself that identification has been made as described in section (2) of this rule, and thereafter must place a similar appropriate identification upon the exterior of the cremation container.

Statutory/Other Authority: ORS 692.320

Statutes/Other Implemented: ORS 692.405

History: MCB 1-2012, f. 3-27-12, cert. ef. 4-1-12; MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11; MCB 1-1986, f. & ef. 10-21-86

830-030-0040

Holding Human Remains for Cremation and Cremation of Human Remains

- (1) All persons operating cremation or dissolution equipment must be properly trained on the operation of the equipment. If relevant, each operator must obtain and maintain all required permits or certifications for operating the equipment.
- (2) The Crematory Authority must not proceed with disposition of human remains without obtaining written permission of the person who has right to control the disposition of the remains.
- (3) When the Crematory Authority is unable to proceed with disposition of the human remains immediately upon taking custody, the Crematory Authority must place the remains in a room that must be marked as "Private" or "Authorized Entry Only".
- (4) Human remains held at a crematory that are not embalmed must be held only within a refrigerated facility in accordance with OAR 830-030-0010(1) and 830-030-0060(1).
- (5) The unauthorized simultaneous cremation of more than one human remains within the same cremation chamber is specifically forbidden. It may be done only when authorized as provided in section (7) of this rule.
- (6) Immediately prior to being placed within the cremation chamber, the identification of the human remains must be verified by the Crematory Authority staff. For Oregon deaths, confirmation includes verification that the number on the identifying metal disc is the number recorded on the final disposition permit. The identifying metal disc must be attached to the outside of the cremation chamber where it must remain until the cremation process is complete.
- (7) A Crematory Authority may only permit the simultaneous cremation of more than one human remains within the same cremation chamber upon having received such written authorization to do so from the authorizing agent of each human remains. A written authorization exempts the Crematory Authority from all liability for commingling the remains.

Statutory/Other Authority: ORS 692.320

Statutes/Other Implemented: ORS 692.025, 692.275, 692.405

History: MCB 1-2012, f. 3-27-12, cert. ef. 4-1-12; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1989, f. & cert. ef. 2-6-89; MCB 1-1988, f. & cert. ef. 2-10-88; MCB 1-1986, f. & ef. 10-21-86

830-030-0050

Processing of Cremated Remains

In order to protect the public's interests and to prevent any misrepresentation in the conduct of doing business, the crematory authority must process cremated remains in the following manner:

- (1) Upon completion of the cremation, insofar as is possible, all residual of the cremation process must be removed from the cremation chamber and the chamber swept clean. The residual must be placed within a container or tray that will prevent commingling with other cremated remains and the identification removed from the cremation chamber and attached to the container or tray to await final processing;
- (2) All residual of the cremation process must undergo final processing;
- (3) The entire processed cremated remains must be placed in a cremated remains container. The identifying metal disc must be placed on or in the container. The cremated remains must not contain any other object unrelated to the cremation process unless specific authorization has been received from the authorizing agent;
- (4) If the entire processed cremated remains will not fit within the dimensions of the cremated remains container, the remainder must be returned either in a separate container, or, upon written permission of the authorizing agent, be disposed of according to the established procedures of the Crematory Authority; and,

(5) The following information will be affixed to the temporary receptacle or attached to the permanent receptacle for cremated remains: deceased name, date of death, identifying metal disc number, name of funeral home, and name of crematory.

Statutory/Other Authority: ORS 183.341, 183.545, 692.320

Statutes/Other Implemented: ORS 692.025, 692.275

History: MCB 1-2012, f. 3-27-12, cert. ef. 4-1-12; MCB 1-2009, f. & cert. ef. 7-1-09; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-1986, f. & ef. 10-21-86

830-030-0060

Rules for Transportation of Human Remains (Does Not Include Removal of Deceased from Place of Death to Funeral Establishment, Cemetery, Crematory or Other Holding Facility)

(1) When an unembalmed human remains is to be transported to a destination after 24 hours after death the remains may be removed from refrigeration and transported as described in OAR 830-030-0080(1) providing that the remains can be transported to its destination within the six hour time-frame. If the remains cannot be transported to its destination within the six hour time-frame, it shall be embalmed or placed in a sealed rigid container.

(2) No disinterred human remains shall be transported from one cemetery to another within the State of Oregon or transported out of the state, except by permit of the State Health Division. A disinterred human remains shall be any human remains removed from one cemetery to another cemetery (this does not apply to cremated remains).

Statutory/Other Authority: ORS 183.341, 183.545, 692.160

Statutes/Other Implemented: ORS 432.317, 692.025

History: MCB 1-2009, f. & cert. ef. 7-1-09; FDB 13, f. 9-9-74, ef. 3-1-75; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0160; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1998, f. & cert. ef. 6-22-98

830-030-0070

Transportation and Care of Persons Who Have Died of or With Communicable Diseases

(1) Except for transportation of human remains from place of death to a licensed facility or other holding facility, transportation of persons who have died of or with communicable diseases specified by the Oregon Health Authority shall be permitted only under the following conditions: the human remains shall be thoroughly embalmed with approved disinfectant solution; all orifices shall be closed with absorbent cotton; and the body shall be washed.

(2) Communicable diseases which apply to this section are as follows:

- (a) Acquired immunodeficiency syndrome;
- (b) Diphtheria;
- (c) Hepatitis B;
- (d) Hepatitis C;
- (e) Hepatitis, delta;
- (f) Human immunodeficiency virus;
- (g) Plague;
- (h) Rabies;
- (i) Tularemia; and
- (j) Tuberculosis.

(3) If religious custom or the conditions of the remains prohibit embalming, human remains shall be received for transportation by a common carrier if the human remains are placed in a sealed impervious container enclosed in a strong transportation case or in a sound container designed for that that purpose enclosed in a sealed impervious transportation case.

(4) Notwithstanding (1), (2) and (3), the Oregon Health Authority (OHA) may provide additional or different requirements for the handling of human remains to the Board in response to a public health or emergency event. Any such additional or overriding requirements will be sent immediately to all effective licensees electronically, and will be

posted to the Board's website. The new requirements are in effect upon issuance by OHA, and are considered ongoing requirements unless otherwise specified, or until repealed or revoked in writing by OHA.

Statutory/Other Authority: ORS 692.160, 692.320

Statutes/Other Implemented: ORS 692.025

History: MCB 2-2017, f. 7-13-17, cert. ef. 8-1-17; MCB 1-2013, f. 3-25-13, cert. ef. 3-29-13; MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-1986, f. & ef. 10-21-86

830-030-0080

Requirements for the Holding of Funerals

(1) If a public or private funeral service and/or public viewing is desired over an unembalmed refrigerated human remains, the unembalmed human remains shall not be removed from refrigeration for longer than a total of six hours. No public or private funeral service or public viewing shall be held over the remains of an unwashed, human remains.

(2) No public viewing shall be held over the unembalmed remains of persons who have died of or with any communicable diseases referred to in OAR 830-030-0070 and/or cited by Oregon Health Authority, Public Health Division in cases of emerging/changing public health concerns.

(3) Nothing in this section is meant to limit or discourage identification or private viewing of an unwashed, unembalmed human remains by family members or hinder religious customs.

Statutory/Other Authority: ORS 183.341, 183.545, 692.160, 692.320

Statutes/Other Implemented: ORS 692.025

History: MCB 3-2017, f. 7-13-17, cert. ef. 8-1-17; FDB 13, f. 9-9-74, ef. 3-1-75; FDB 1-1979, f. & ef. 2-21-79; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0165; MCB 1-1989, f. & cert. ef. 2-6-89; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1998, f. & cert. ef. 6-22-98

830-030-0090

Standards of Practice

Every licensee or agent of a licensed facility of the Oregon Mortuary and Cemetery Board (Board) must abide by the accepted standards of the Death Care Industry and the minimum standards, including but not limited to the following standards of practice set forth by the Board. Violations of the following may be cause for Board action.

(1) Every licensee or agent of a licensed facility must:

(a) Comply with Oregon Revised Statutes relating to death care in ORS Chapters 97, 432 and 692; and comply with the Oregon Public Health Laws;

(b) Implement and follow through with contractual arrangements with the person with the legal right to control final disposition;

(c) Assign persons to perform functions for which they are licensed and which are within their scope of practice/scope of duties;

(d) Supervise trainees (apprentices) and unlicensed persons to whom tasks regulated by this Board are assigned;

(e) Report conduct violating paragraphs (1)(a) by any death care industry licensee to the Board or the appropriate law enforcement agency;

(f) Respect the dignity and rights of clients, regardless of social or economic status, age, race, religion, gender, gender identity, sexual orientation, national origin, nature of health problems or disability; and

(g) Respect the dignity of dead human remains by appropriate handling, including but not limited to, transporting, refrigerating, embalming, dressing or performing final disposition.

(2) Principals are responsible for the actions of employees related to the operation of a licensed facility;

(3) A licensed embalmer or embalmer trainee (apprentice) must supervise and be responsible for the required sanitizing of the preparation room or holding room including, but not limited to, embalming tables, work surfaces, sinks, floors, instruments, and disposal of contaminated waste. A preparation room or holding room must be sanitized after the use of

the room.

(4) Unacceptable conduct by a licensee or agent of a licensed facility includes:

- (a) Abusing a corpse, as defined in ORS 166.085 and 166.087;
- (b) Abusing a client. The definition of abuse includes, but is not limited to, causing physical or emotional discomfort or intimidating, threatening or harassing a client;
- (c) Failing to report actual or suspected incidents of client or corpse abuse through the proper channels in the work place and to the Board or appropriate law enforcement agencies;
- (d) Using the death care industry practitioner/client relationship to exploit the client by gaining property or items of value from the client for personal gain beyond the compensation for services;
- (e) Aiding, abetting, or assisting any individual to violate or circumvent any law, rule or regulation intended to guide the conduct of the death care industry;
- (f) Failing to perform death care services for the living or the deceased without discrimination on the basis of social or economic status, age, race, religion, gender, gender identity, sexual orientation, national origin, nature of health problems or disability;
- (g) Inaccurate or incomplete record keeping as required by the Board;
- (h) Providing false information on facility records including, but not limited to, filling in another person's omissions without consent, signing another person's name or on their behalf without authority, recording services or merchandise not provided or that a party did not agree to, or falsifying data;
- (i) Altering a facility record including but not limited to changing the words, letters, or numbers from the original document except in the case of a contract modified in accord with the terms of the contract;
- (j) Destroying any document related to a death care service that must be preserved by law; or
- (k) Directing another person to modify, alter or destroy any document related to death care without legal authority to do so.

(5) No licensee may:

- (a) Practice without an appropriate Oregon license/certificate or registration;
- (b) Allow another person to use one's license, certificate or registration;
- (c) Use another's license, certificate or registration;
- (d) Make false or misleading statements or use fraud or misrepresentation in communications with the Board.
- (e) Disclose the contents of the licensure examination or solicit, accept or compile information regarding the contents of the examination, before, during or after its administration.
- (f) Fail to provide the Board with requested documents or information within the Board's jurisdiction;
- (g) Fail to cooperate or answer truthfully or completely inquiries regarding matters within the Board's jurisdiction; or
- (h) Have an impairment as defined in ORS 676.303.

Statutory/Other Authority: ORS 692.160, 692.320, 2015 HB 2471

Statutes/Other Implemented: ORS 692.320, 2015 HB 2471

History: MCB 1-2015, f. 12-31-15, cert. ef. 1-1-16; FDB 13, f. 9-9-74, ef. 3-1-75; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0170; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-2010(Temp), f. & cert. ef. 4-1-10 thru 9-27-10; MCB 2-2010, f. 9-23-10, cert. ef. 9-24-10; MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11; MCB 1-2012, f. 3-27-12, cert. ef. 4-1-12

830-030-0100

Misleading Business Practices

The following practices are prohibited and are considered misrepresentation in the conduct of doing business:

- (1) Any sales presentation or practice that conceals or misstates a material fact is considered a misrepresentation in the conduct of doing business.
- (2) Any guarantee or representation that the prospective purchase would realize a profit by reselling at a later date.
- (3) Any use of interment space used for the interment of human remains including cremated remains, other than those of

the owner of that space or interment rights thereto, or placement of other materials belonging to a person other than the owner, without the prior written authorization by the owner of such space or interment rights. If the person authorizing such interment or placement of materials represents that he or she has authority to direct the interment or placement, a licensee is not in violation of this rule if, after due diligence, the licensee reasonably believes such person may direct the interment or placement of materials.

(4) Any failure to comply with the terms of the sales contracts or state or local law requirements, with respect to irrevocable permanent care, and failure to comply with any other applicable laws and regulations relating to cemeteries.

(5) Any advertising or other presentation or indication that a licensee is in any way connected with the federal government, any other government agency, or any veterans' or other organization. If a veterans' organization or government agency is referred to in any advertisement, sales program or presentation the licensee must include a disclaimer in bold type to the effect that "This facility is not financed or connected in any manner with any government agency or veteran's or other organization".

(6) Any use of advertisements, printed materials, forms, or any other materials that resemble or suggest official government documents or publications.

(7) In addition to the provisions of ORS 97.943(8), which provides the purchaser may cancel a revocable prearrangement contract at any time prior to death and receive a full refund including earnings, a licensee must, in a preneed sales contract, include a reasonable period of not less than five business days during which the purchasers may cancel the funeral or cemetery contract for delivered goods that are unused and undamaged, and during which the purchaser may cancel any contract for interment rights.

Statutory/Other Authority: ORS 692.320

Statutes/Other Implemented: ORS 692.025, 692.180

History: MCB 1-2013, f. 3-25-13, cert. ef. 3-29-13; MCB 1-2012, f. 3-27-12, cert. ef. 4-1-12; MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-1986, f. & ef. 10-21-86

DIVISION 40

FUNERAL ESTABLISHMENTS, IMMEDIATE DISPOSITION COMPANIES, CREMATORIUMS, CEMETERIES, ALTERNATIVE DISPOSITION FACILITIES AND OPERATORS OF SAME

830-040-0000

General Principles

(1) Every licensee is responsible for complying with the provisions of ORS Chapter 692 and rules adopted thereunder, and any other law pertaining to the duties and responsibilities of the funeral service practitioner or the operation or licensing of funeral establishments, immediate disposition companies, cemeteries, crematoriums and alternative disposition facilities.

(2) Alternative Disposition Facility Authorities must comply with the requirements in this division (division 40) for Crematory Authorities and cremated remains, as if alternative disposition remains are cremated remains, as if the facility is a Crematory Authority, and as if dissolution is cremation.

(3) The Board may refuse to allow use of any facility name that is misleading as to the nature of the facility's purpose.

(4) When a person, firm, partnership or corporation applies to the Board for a facility license, the name on the application must identify the primary activity of the facility. This name must be the registered name with the Board and must also be used as the advertised name of the facility.

(5) Each licensed facility must provide the Board with its true corporate, firm or individual name. Applications for all licensed facilities must be made on the most current application and specify the names of all principals. If the principal is a corporation, the application must include the names of all principals of that corporation.

(6) When there is a change in any principal of the licensed facility, the licensee must provide the Board with the name of the new principal(s) on the most current form provided by the Board within 30 days of the change. If the new principal is a corporation, the licensee must provide the names of the principals of that corporation to the Board on the most current

form provided by the Board.

(7) All licensees and licensed facilities must keep a detailed, accurate, and permanent record of all transactions that are performed for the care, preparation and final disposition of human remains. The record must set forth as a minimum:

(a) Name of decedent and, when applicable, the identifying metal disc number provided by the State Registrar's office;

(b) Date of death;

(c) Name of person arranging for delivery of goods and services and the person authorizing the final disposition;

(d) Name of place of disposition. In cemetery records, the "name of place" means exact location of the interment of human remains by crypt, niche, or by grave, lot and plot;

(e) The name of the funeral service practitioner, cemetery, crematory or alternative disposition facility personnel responsible for making and executing the arrangements pertaining to the delivery of goods and services;

(f) The name of the embalmer and funeral establishment responsible for embalming (applies only to funeral establishment records); and

(g) Written permission for embalming, final disposition and scattering services from the person who has the right to control disposition of the human remains pursuant to ORS 97.130(1) and (2). The record of such authorization must include at a minimum: printed name, signature and phone number of the authorizing agent and relationship to the deceased, date and time permission was obtained, and printed name and signature of the licensee or facility representative acquiring the authorization.

(8) In the case of cremation, the licensee responsible for making the cremation arrangements must require the authorizing agent making the cremation arrangements to provide the licensee with a signed statement specifying the action to be taken regarding delivery of the cremated remains. A copy of this statement must be retained in the permanent records of the responsible licensee.

(9) If cremated remains are not retained by the licensee accepting initial responsibility for the remains, the licensee must, upon delivery of such cremated remains to another individual, obtain a signed receipt from that individual. The receipt must include as a minimum: printed name of the individual receiving the cremated remains, the name of the deceased, and the date of delivery of the cremated remains, the receiving individual's signature and the printed name and signature of the licensee or the licensee's representative releasing the cremated remains.

(10) No licensee or operator of a licensed facility or a licensee's agent may:

(a) Fail to preserve required records for inspection by the Board; or

(b) Alter, cancel or obliterate entries in records required by law to be made, maintained or preserved.

(11) After human remains are released to the Cemetery Authority, they must be placed in their designated grave, crypt or vault within 24 hours after taking possession unless exigent circumstances exist. After human remains are released to the Crematory Authority, those remains must be cremated and processed within 48 hours unless exigent circumstances exist. In such exigent circumstances, the facility must notify both the funeral service practitioner responsible for the arrangements and the office of the Board. The licensed facility, funeral service practitioner, or person acting as the funeral service practitioner under ORS Chapter 432, responsible for the arrangements for that deceased, must notify the family of such exigent circumstances and, at the request of the cemetery or crematory, pick up and arrange for proper storage of the remains within 24 hours of notification.

(12) No licensee or employee or agent of a licensed facility, may pay, cause to be paid or offer to pay, and no person, firm or corporation may receive, directly or indirectly, any commission, bonus, rebate or other thing of value in consideration for recommending or causing human remains to be taken to any specific funeral establishment.

(13) Facilities must post their facility license and certificates of apprenticeship in a conspicuous location for public viewing. Other individual licenses will be available for inspection upon request.

(14) Every Cemetery Authority, Crematory Authority and Alternative Disposition Facility Authority must keep the Board's office informed of the location of their permanent records. These records must be made available for random inspections by the Board at any reasonable time.

Statutory/Other Authority: ORS 692.160, 692.320

Statutes/Other Implemented: ORS 692.025, 692.160

History: MCB 1-2012, f. 3-27-12, cert. ef. 4-1-12; FDB 13, f. 9-9-74, ef. 3-1-75; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0200; MCB 1-1988, f. & cert. ef. 2-10-88; MCB 1-1989, f. & cert. ef. 2-6-89; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-2009, f. & cert. ef. 7-1-09; MCB 1-2010(Temp), f. & cert. ef. 4-1-10 thru 9-27-10; MCB 2-2010, f. 9-23-10, cert. ef. 9-24-10

830-040-0005

Contract Requirements

(1) It is the responsibility of each licensed facility entering into contracts, either at need, prearrangement or preconstruction, for death care goods and services to have printed (in a minimum 10-point print) at the bottom of each contract "This facility is licensed and regulated by the Oregon Mortuary and Cemetery Board" followed immediately by the current area code and phone number of the Oregon Mortuary and Cemetery Board.

(2) Each licensed facility must ensure that all contracts (at need, prearrangement or preconstruction) for death care goods and services have the registered business name and physical location of the facility printed, in a minimum 10-point font, on the front of the contract.

Statutory/Other Authority: ORS 692.320

Statutes/Other Implemented: ORS 692.320

History: MCB 1-2013, f. 3-25-13, cert. ef. 3-29-13; MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97

830-040-0010

Inspection of Licensed Facilities or Location Where Records Are Kept: Investigations

(1) Facilities must keep their premises sanitary at all times.

(2) Every licensee must accommodate the inspector or investigator of the Board in making his or her inspections unless the licensee can clearly demonstrate that such accommodations will negatively impact the ability to provide scheduled services to consumers or that exigent circumstances exist. In such cases and upon the request of the Board, the licensee must make the reasons known to the Board in writing within ten days following the attempted inspection. When entry is refused under this section, the Board may obtain and execute warrant for inspection.

(3) No licensee or employee of a licensed facility may give false or misleading information to an inspector, investigator or any other member of the Board while investigating a possible violation of law or administrative rules.

(4) Every licensee must provide the Board inspector or investigator a copy of all documents as requested relevant to the inspection or investigation.

(5) No person, licensee, or any agent of a licensee, may interfere with any inspection or investigation conducted by an agent of the Board.

(6) The Board may inform a licensee of the nature of any complaint against the licensee that is being investigated except when the Board finds that disclosure of the potential violation would impede the effectiveness of the investigation, or that a serious danger to the public health or safety exists.

Statutory/Other Authority: ORS 692.160, 692.320

Statutes/Other Implemented: ORS 692.180

History: MCB 1-2012, f. 3-27-12, cert. ef. 4-1-12; MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-1986, f. & ef. 10-21-86

830-040-0020

Requirements and Specifications for Preparation Rooms

(1) The preparation room must be of sufficient size to accommodate an operating or embalming table, a sink with running water and proper sewerage connections or systems, an instrument table, and a cabinet or shelves.

(2) The following is required of preparation and holding rooms:

(a) The interior of the room, all furnishings, and equipment must be finished with materials that are impervious to

hazardous materials.

(b) Outside ventilation must be provided for by windows or transoms or forced air ventilation. The installation must be so arranged that it is not be a menace to public health or offensive to the public.

(c) The room must be private and the entry door must be locked at all times. The entry door must be labeled as "private" or "authorized entry only". This sign must be conspicuous and readable and must be permanently affixed to the door. The lettering on the sign must not be smaller than one inch high.

(d) All windows and exterior doors are to be screened or permanently closed and must be installed in such a manner that the room must be obstructed from view from the outside and so that fumes and odors are prevented from entering other parts of the building.

(3) The equipment for preparation rooms must include the following:

(a) An embalming table which provides suitable drainage;

(b) A covered waste can, a sink with running water and sewerage connections, disinfectants and antiseptics;

(c) A first aid emergency kit for personnel use which must contain the minimum first aid supplies as specified under the Oregon Safe Employment Act and implementing regulations; and

(d) At least one eye wash station meeting the requirements of the Oregon Safe Employment Act and implementing regulations and any additional stations as may be required under those laws.

(4) Instruments used during an embalming or other preparation must be cleaned and sterilized (either in a steam sterilizer or by chemicals) after each embalming or preparation. Instruments must be free of stains and foreign particles.

(5) The preparation room or holding room must be kept in a sanitary condition at all times.

(6) All facilities must have a mortuary or hospital refrigeration unit available which is suitable for the storage of human remains. The refrigeration unit must be in good operating condition and must be maintained in a sanitary condition at all times. The refrigeration must be no more than 45 miles from the licensed facility and must comply with all death care laws.

Statutory/Other Authority: ORS 692.160, 692.320

Statutes/Other Implemented: ORS 692.025

History: MCB 1-2012, f. 3-27-12, cert. ef. 4-1-12; FDB 13, f. 9-9-74, ef. 3-1-75; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0205; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11

830-040-0030

Name Registered with Board

Each licensed facility shall be registered with the State Mortuary and Cemetery Board by its true corporate, firm or individual name. In addition, one assumed business name, as registered with the Secretary of State Corporation Division, may be used by such licensed facility and shall be promptly reported to the Board.

Statutory/Other Authority: ORS 692.320

Statutes/Other Implemented: ORS 692.025

History: MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11; FDB 1-1978, f. & ef. 6-30-78; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0210

830-040-0040

Change of Ownership

(1) Prior to a change of ownership, the prospective new owner must apply to the Board for the issuance of a new license on the most current forms provided by the Board in the new owner's name. (Refer to section (4) of this rule). A funeral establishment, immediate disposition company, cemetery, crematory, or alternative disposition facility must not be operated without the appropriate license or certificate of authority to operate. The appropriate fees and disclosures must accompany the application.

(2) All licensed facilities must receive Board approval prior to the sale or change of ownership of a licensed facility and provide the Board with a full disclosure of ownership of that licensed facility including percentages of ownership.

(3) All licensed facilities must be licensed by the Board and all applications for licenses must specify the real and true names of the person(s) who own or have an interest in the business proposed to be licensed by the Board, and must be signed by such person(s) or in the case of corporations, by a duly authorized officer or agent.

(4) Licenses issued under ORS 692.146 and 692.275 are not transferable. Prior to a change of ownership, sales or purchase agreements pertaining to such must be conditioned upon the prospective new purchaser's ability to apply for and obtain the necessary license or certificate of authority to operate. All licensed or certificated facilities are subject to the inspection and approval of the Board. Before opening a new facility or continuing the operation of an existing facility under new ownership, the prospective operator or new owner must apply to the Board on the most current form provided by the Board with all ownership and, if applicable, corporate information. Prior to a transfer of ownership, the prospective new purchaser and seller must notify the Department of Consumer and Business Services, giving notice of sale to that office, and give the approximate or intended date of the change of ownership.

(5) The purchase of a controlling interest (a majority) of assets or stock of an existing licensed facility will constitute a sale or change of ownership. The person or persons who own the stock of a licensed facility is considered the ownership of the licensed facility. Any one person who owns a majority of the stock is considered an owner. When percentages of stock ownership change any person moving into a majority position must be required to submit an application on the most current form provided by the Board for change of ownership.

(6) Corporate Licenses:

(a) The corporate licensee must notify the Board in writing whenever a person intends to acquire or accumulate ownership or control of ten percent or more of any class of stock in a licensed facility, except for stock in a publicly traded corporation;

(b) Except for publicly traded corporations, the corporate licensee must notify the Board immediately in writing when there has been a change in an officer or director;

(c) The Board may disapprove a change or acquisition described in this rule for any of the grounds for which a license may be denied.

(7) Partnership licensees:

(a) For the purposes of this rule, a partnership is an association of two or more persons who carry on a business jointly and who demonstrate an intent to be treated as partners by signing a partnership agreement, or by entering into a lease or contract under a name different from their real and true names.

(b) The licensee must obtain prior written approval from the Board whenever a person intends to become a general partner in a partnership or intends to acquire or control ten percent or more of the total investment commitment in a licensed limited partnership.

(c) The licensee must notify the Board in writing whenever an existing approved partner increases or decreases his/her investment interest.

(d) The Board may disapprove a change or acquisition described in this rule for any of the grounds for which a license may be denied.

(8) Co-licensees: For purposes of this rule, whenever two or more persons intend to carry on the business jointly other than as a corporation, partnership, or other approved legal entity, they will be treated as co-licensees. Corporations, partnerships, individuals, or other legal entities may become co-licensees. If corporations or partnerships become co-licensees, they must comply with the requirements pertaining to corporate and partnership licensees.

Statutory/Other Authority: ORS 183.341, 183.545, 692.160, 692.320

Statutes/Other Implemented: ORS 692.025, 692.160

History: MCB 1-2012, f. 3-27-12, cert. ef. 4-1-12; FDB 1-1978, f. & ef. 6-30-78; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0215; MCB 1-1993, 4-14-93, cert. ef. 4-16-93; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-2009, f. & cert. ef. 7-1-09

830-040-0050

Advertising

(1) Any licensed facility advertising through any media (including but not limited to telephone books, newspapers, direct mail, bill boards, etc.) must include the licensed facility's registered name and physical address as it appears on the Board's records.

(2) No person, firm or corporation may advertise, promote, or market at need or preneed funeral arrangements without first having received a license from the Board.

(3) No cemetery or cremation facility, or person, firm or corporation may advertise, promote, or market at need or preneed cemetery or cremation plans without first having received a certificate of authority to operate that cemetery or crematorium.

(4) No person, firm or corporation may advertise, promote, or market at need or preneed immediate disposition or alternative disposition arrangements without having first registered with the Board.

(5) Any advertisement or marketing materials which intentionally conceals or misstates a material fact is considered misrepresentation

(6) Whenever a funeral establishment states a price for "funeral good" or "funeral service", as these terms are defined in the Federal Trade Commission Funeral Rule, 16 CFR 453.1, on the facility's website, the facility must include a hyperlink to the facility's complete General Price List for funeral goods and services in effect at that time.

Statutory/Other Authority: ORS 692.160, 692.320

Statutes/Other Implemented: ORS 692.160

History: MCB 1-2013, f. 3-25-13, cert. ef. 3-29-13; FDB 1-1978, f. & ef. 6-30-78; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0220; MCB 1-1989, f. & cert. ef. 2-6-89; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-2010(Temp), f. & cert. ef. 4-1-10 thru 9-27-10; MCB 2-2010, f. 9-23-10, cert. ef. 9-24-10; MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11; MCB 1-2012, f. 3-27-12, cert. ef. 4-1-12

830-040-0060

Listing of Employees — Name

(1) All licensed facilities shall report to the Board, on a form provided for such purpose, a complete list of all licensed employees (full-time, part-time, and licensed independent contractors) at the time of renewal of license.

(2) Any listing of names of licensed employees of a licensed facility in connection with that facility shall use the facility's registered name as it appears on the Board's records.

Statutory/Other Authority: ORS 692.160, 692.320

Statutes/Other Implemented: ORS 692.025

History: MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11; FDB 1-1978, f. & ef. 6-30-78; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0225; MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97

830-040-0070

Multiple Establishments at Single Location

The following criteria shall apply to the operation of more than one funeral establishment at a single location:

(1) One or more of the establishments shall give prompt written notice to the Board of the commencement of the use of the single location and shall give such further notice thereof as the Board deems reasonable in the circumstances to apprise interested persons thereof.

(2) For purposes of funeral establishment inspection sheets, each of the establishments shall be considered as if they constituted a single establishment.

(3) In issuing a license to each establishment, the other establishments shall be named as associated therewith.

Statutory/Other Authority: ORS 692.320

Statutes/Other Implemented: ORS 692.025, 692.180

History: MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11; FDB 1-1978, f. & ef. 6-30-78; FDB 1-1979, f. & ef. 2-21-79; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0230; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97

830-040-0080

Rental Cover

Where an establishment offers an outside cover for reuse which is to be used in conjunction with a burial or cremation container, the items shall be represented as separate and distinct items. The "cover" is defined as a partial enclosure which appears similar to a casket.

Statutory/Other Authority: ORS 692.320

Statutes/Other Implemented: ORS 692.320

History: MCB 1-1986, f. & ef. 10-21-86, Renumbered from 830-010-0235; SMB 1-1984, f. & ef. 10-22-84; FDB 1-1979, f. & ef. 2-21-79; FDB 1-1978, f. & ef. 6-30-78

830-040-0090

Reimbursement for Cost of Services Performed and Supplies Provided for Disposition of Unclaimed Indigent Bodies

(1) A licensed funeral establishment, hereafter referred to as claimant, shall submit to the Oregon Mortuary & Cemetery Board (OMCB) an itemized statement of expenses for services performed and supplies provided for disposition of unclaimed indigent bodies. For the purpose of this section, "funeral establishment" also includes immediate disposition companies and persons acting as funeral service practitioners as defined in ORS 432.

(a) Claims must be submitted to the OMCB within 90 days of final disposition of the decedent, except in cases where application to other state or federal agencies has been made and decision is pending;

(b) In cases where application for reimbursement for cost of services performed and supplies provided has been denied by other state or federal agency, claimant may submit application for reimbursement to OMCB within 30 days of denial by other state or federal agency.

(2) Each itemized statement shall be accompanied by the claimant's certification that services for which reimbursement is claimed were in accordance with stipulations in ORS 97.170.

(3) The OMCB shall make the Form FS 23-154 or similar document containing all pertinent information available at its office and on its website.

(4) The OMCB shall disburse funds to eligible claimants upon receipt and verification of a claim.

(a) In accordance with ORS 413.825, the maximum reimbursement will equal the invoice amount or the currently published annual reimbursement rate, whichever is less; and

(b) The claimant must be current on all invoiced filing fees.

(c) If the fund amount at the close of the accounting period is insufficient to pay the eligible claims for the month, the OMCB pay the claims using the collected funds referenced in ORS 413.825(1).

(d) If the fund amount at the close of the accounting period exceeds the total amount of claimants' itemized statements or the maximum per claim, the remaining funds will carry forward to the next accounting period and be made available to pay future claims up to the allowable maximum reimbursement or to repay the funds borrowed from the OMCB.

(5) Fraudulent submission of Form 23-154 or similar document will result in penalties set forth in ORS 692.180.

(6) An eligible reimbursement claim must include all expenses related to the case, and must include documentation of any reimbursement, in all or part, by any entity or person already made at time of filing. If a claimant receives payment from any other entity or person after a claim is filed, the claimant must:

(a) Amend the claim, if not yet paid;

(b) If already paid, the claimant must submit a reimbursement form and accompanying payment to the fund within 90 days of receiving any amount from any other entity or person.

(7) In accordance with ORS 413.825(2), the OMCB shall set the annual reimbursement rate at the beginning of each biennium with an annual adjustment based on historical data and mortality projections. The reimbursement rate must be published by the OMCB on or before June 30, which becomes effective July 1 of each year.

Statutory/Other Authority: ORS 97.170

Statutes/Other Implemented: ORS 97.170

History: MCB 5-2017, f. 7-13-17, cert. ef. 8-1-17; Renumbered from 333-012-0500 by MCB 3-2015, f. 12-31-15, cert. ef.

1-1-16; PH 1-2010, f. & cert. ef. 1-14-10; PH 7-2009(Temp), f. & cert. ef. 7-20-09 thru 1-15-10; HD 2-1994, f. & cert. ef. 1-12-94; HD 14-1993(Temp), f. 10-14-93, cert. ef. 10-15-93

830-040-0095

Lists Maintained by the Oregon Mortuary & Cemetery Board

(1) Pursuant to ORS 97.190, the Board will maintain a list of person or persons authorized to grant consent for an exception to the moratorium on post mortem examination of bodies under ORS 97.170, as well as instructions for requesting the exception.

(2) Pursuit to ORS 97.170(2) and (3)(G)(b), the Board will maintain a list of institutions that may accept or process bodies for education or research purposes. The Board will also provide information on how to contact these institutions. The Board may alternately name a person or persons to whom maintaining this list is delegated.

Statutory/Other Authority: 2015 HB 3243

Statutes/Other Implemented: 2015 HB 3243

History: MCB 3-2015, f. 12-31-15, cert. ef. 1-1-16

DIVISION 50

UNPROFESSIONAL CONDUCT

830-050-0000

Failure to Comply with Rules

(1) Failure to comply with ORS Chapter 692 and these rules shall be considered unprofessional conduct.

(2) It is considered unprofessional conduct for any person or licensee to directly or indirectly cause any other person or licensee to be in violation of any section of applicable rule or law.

Statutory/Other Authority: ORS 183.341, 692.320

Statutes/Other Implemented: ORS 692.320

History: MCB 1-1993, f. 4-14-93, cert. ef. 4-16-93; FDB 13, f. 9-9-74, ef. 3-1-75; SMB 1-1984, f. & ef. 10-22-84; MCB 1-1986, f. & ef. 10-21-86; Renumbered from 830-010-0250

830-050-0050

Cause for Disciplinary Action

The following circumstances may be considered grounds for reprimand, assessment of civil penalty, or refusal to grant, refusal to renew, revocation, or suspension of an applicant's or a licensee's license, certificate, or registration.

(1) Conviction of a crime whose facts and circumstances have a demonstrable bearing upon the standards of the profession.

(2) Inability to appropriately conduct duties for which license or registration was issued.

(3) Disciplinary action by Oregon or another state against a person or a personal, professional or business license, including but not limited to a death care industry license, where the conduct upon which the disciplinary action was based bears a demonstrable relationship to death care industry practices or operations.

(4) Violating any provision of ORS Chapter 692, or any rule adopted by the Board, a Board Order, or failing to comply with a Board request.

(5) Directly or indirectly causing any person or licensee to be in violation of any section of applicable law related to the death care industry.

(6) Allowing an unlicensed, uncertificated or non-registered individual to perform the duties of licensed individuals including but not limited to, making arrangements with consumers, making preneed arrangements, assisting with embalmings, etc.

Statutory/Other Authority: ORS 692.320, ORS 97.931

Statutes/Other Implemented: ORS 97.931, 692.180, 692.320

History: MCB 1-2011, f. 7-29-11, cert. ef. 8-1-11; MCB 1-2002, f. 5-30-02, cert. ef. 6-30-02; MCB 1-2001(Temp), f. 12-12-01, cert. ef. 1-1-02 thru 6-29-02; MCB 1-1998, f. & cert. ef. 6-22-98; MCB 1-1997, f. 6-18-97, cert. ef. 7-1-97; MCB 1-

DIVISION 60

DEATH CARE CONSULTANTS LICENSURE, EXAMINATION AND SCOPE OF PRACTICE

830-060-0010

Initial Applications, Background, Examination, License Renewal

(1) Any individual who practices as a death care consultant must be licensed under this chapter.

(a) This chapter does not apply to persons who provide general information on funeral or final disposition arrangements via education classes or workshops, publications (printed or electronic materials) or speaking engagements or to persons who practice law under ORS Chapter 9.160.

(b) The Board shall not take action against an individual for practicing without a death care consultant license based on conduct that occurs before the Board distributes the results of the first death care consultant examination administered by the Board if the individual had submitted a license application before the exam and the individual pays the appropriate fees and sits for the first death care consultant examination administered by the Board.

(2) Application Requirements:

(a) Applicants for licensure as a death care consultant must apply on the most current application form available at the time the applicant submits the application. Applicants may obtain the most current application via the Board's website, at the Board's office, or request the Board send the application by mail.

(b) Applicants for licensure as a death care consultant must pay all appropriate fees established by the Board under OAR 830-020-0040.

(c) Applicants for licensure as a death care consultant are, prior to licensure, required to successfully complete a written examination established by the Board, and receive a score of not less than 75 percent, based on the total number of questions.

(d) Applicants for licensure, prior to completing the written examination for death care consultant licensure, must be at least 18 years old.

(e) All applicants for licensure as a death care consultant licensure must submit to a background investigation pursuant to OAR 830-011-0050 and ORS 692.025(8).

(3) Examinations:

(a) All applications for death care consultant examination, accompanied by the examination fee established under OAR 830-020-0040, must be received in the office of the Board at least 14 days before the examination is held, or be postmarked before midnight of that date.

(b) The examination fee will not be returned to an applicant/examinee once the examination begins.

(c) If an applicant for a death care consultant's license fails to successfully complete the examination, that person may retake the examination the next time it is given upon payment of the full examination fee. The examination fee must be received in the office of the Board at least 14 days before the examination is given.

(d) The examinations for death care consultants shall be given at least twice each year.

(e) Examination results will be distributed within 30 days after the examination.

(f) Examination questions and answers are not reviewable by examinee pursuant to the Public Records Act, ORS Chapter 162.

(4) Renewing Licenses, Lapsed Licenses

(a) All death care consultant licenses issued will expire two years from the date of licensure unless renewed as provided in this section.

(b) It is the responsibility of the death care consultant to keep the Board's office advised, in writing, of any address changes within 30 days of the change.

(c) At least sixty (60) days prior to the expiration of the death care consultant's two-year license, the Board will mail to the licensed death care consultant a form stating that the renewal fee is due and payable. The renewal notice will be mailed to the most current address filed with the Board by the death care consultant. If the renewal form is not returned

and the renewal fee is not paid by the renewal date the license will lapse.

(d) Upon lapse of a death care consultant license, the Board will send notice of the lapse to the most current address filed with the Board by the death care consultant.

(e) The Board may reinstate a lapsed license if the death care consultant applies for reinstatement on a form provided by the Board not later than the 90th day after the lapse and pays the renewal fee as well as the reinstatement fee established in OAR 830-020-0040.

Statutory/Other Authority: ORS 692.143, 692.320, 2009 SB 796

Statutes/Other Implemented: ORS 692.025, 692.143, 692.160, 692.170

History: MCB 2-2010, f. 9-23-10, cert. ef. 9-24-10; MCB 1-2010(Temp), f. & cert. ef. 4-1-10 thru 9-27-10

830-060-0020

Death Care Consultant Scope of Practice, Records, Price List, General

(1) A death care consultant may provide information or advice on matters related to funeral or final disposition arrangements including those matters subject to State or Federal regulatory requirements.

(2) Death care consultants may not provide any direct physical assistance with, or supervision of, the handling of the remains unless the individual also holds the proper license or licenses under this chapter and ORS 692.

(3) Death care consultants shall maintain legible permanent records of all transactions or contracts for services provided including, at a minimum, the following information:

(a) The name, address and telephone number of the person acting as the funeral service practitioner

(b) The name, address and telephone number of the person having the right to control final disposition of the remains pursuant to ORS 97.130

(c) The date or dates the consultation services are provided

(d) The physical location or locations the consultation services are provided

(4) Death care consultants shall maintain a general price list of all consultation services offered for sale. The death care consultant must give the general price list to any consumer, for their retention, before entering into discussions about consultation services. The general price list must contain, at a minimum, the following information:

(a) The death care consultant's name and, if applicable, their business name as registered with the Secretary of State Corporation Division

(b) The effective date of the price list

(c) The consultation services offered with their prices

(d) On the first page of the price list, in prominent type, the death care consultant's license number must be printed in the following format: "Oregon Mortuary and Cemetery Board License No. DC-____"

(5) A death care consultant may practice under any lawful business title not otherwise protected by law, as long as they indicate proper licensure on the general price list.

(6) Death care consultant permanent records and price lists shall be submitted to the Board upon request for inspection or investigation.

Statutory/Other Authority: ORS 692.025, 692.143, 692.320, 692.160, 692.170

Statutes/Other Implemented: ORS 692.160

History: MCB 2-2010, f. 9-23-10, cert. ef. 9-24-10; MCB 1-2010(Temp), f. & cert. ef. 4-1-10 thru 9-27-10

UTAH

Effective 5/4/2022

58-1-102 Definitions.

For purposes of this title:

- (1) "Ablative procedure" is as defined in Section 58-67-102.
- (2) "Cosmetic medical procedure":
 - (a) is as defined in Section 58-67-102; and
 - (b) except for Chapter 67, Utah Medical Practice Act, and Chapter 68, Utah Osteopathic Medical Practice Act, does not apply to the scope of practice of an individual licensed under this title if the individual's scope of practice includes the authority to operate or perform surgical procedures.
- (3) "Department" means the Department of Commerce.
- (4) "Director" means the director of the Division of Professional Licensing.
- (5) "Division" means the Division of Professional Licensing created in Section 58-1-103.
- (6) "Executive director" means the executive director of the Department of Commerce.
- (7) "Licensee" includes any holder of a license, certificate, registration, permit, student card, or apprentice card authorized under this title.
- (8)
 - (a)
 - (i) "Nonablative procedure" means a procedure that is expected or intended to alter living tissue, but not intended or expected to excise, vaporize, disintegrate, or remove living tissue.
 - (ii) Notwithstanding Subsection (8)(a)(i), nonablative procedure includes hair removal.
 - (b) "Nonablative procedure" does not include:
 - (i) a superficial procedure;
 - (ii) the application of permanent make-up; or
 - (iii) the use of photo therapy and lasers for neuromusculoskeletal treatments that are performed by an individual licensed under this title who is acting within their scope of practice.
- (9) "Pain clinic" means:
 - (a) a clinic that advertises its primary purpose is the treatment of chronic pain; or
 - (b) a clinic in which greater than 50% of the clinic's annual patient population receive treatment primarily for non-terminal chronic pain using Schedule II-III controlled substances.
- (10) "Superficial procedure" means a procedure that is expected or intended to temporarily alter living skin tissue and may excise or remove stratum corneum but have no appreciable risk of damage to any tissue below the stratum corneum.
- (11) "Unlawful conduct" has the meaning given in Subsection 58-1-501(1).
- (12) "Unprofessional conduct" has the meaning given in Subsection 58-1-501(2).

Amended by Chapter 415, 2022 General Session

WASHINGTON

Chapter 308-47 WAC
CREMATION, ALKALINE HYDROLYSIS, AND NATURAL ORGANIC REDUCTION

Last Update: 4/6/20

WAC

308-47-010	Definitions.
308-47-020	Receipt and identification of human remains.
308-47-030	Holding human remains for cremation.
308-47-035	Holding human remains for alkaline hydrolysis or natural organic reduction.
308-47-040	Reduction of human remains.
308-47-050	Processing human remains following reduction.
308-47-060	Packaging and storage of human remains following reduction.
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308-47-100	Reduction facilities—Inspections.
308-47-110	Regulatory fees due for change of ownership for reduction facilities.

WAC 308-47-010 Definitions. (1) "**Alkaline hydrolysis**" or "**hydrolysis**" means the reduction of human remains to bone fragments and essential elements in a licensed hydrolysis facility using heat, pressure, water and base chemical agents.

(2) "**Authorizing agent**" means the person(s) legally entitled to control the disposition of the human remains.

(3) "**Body parts**" means limbs and other portions of human anatomy that have been removed from a person or human remains for medical purposes during treatment, surgery, biopsy, autopsy, or medical research.

(4) "**Cadaver**" means human remains or any part thereof, which have been donated to science for medical research purposes.

(5) "**Commingling**" means the mixing of human remains following cremation, alkaline hydrolysis, or natural organic reduction of more than one deceased person.

(6) "**Cremation**" means the reduction of human remains to bone fragments in a crematory by means of incineration.

(7) "**Cremation container**" means a rigid, combustible container which encloses human remains for cremation.

(8) "**Crematory**" means a building or area of a building that houses one or more cremation chambers, to be used for the cremation of human remains.

(9) "**Crematory authority, alkaline hydrolysis authority, or natural organic reduction authority**" means the legal entity and their authorized representatives, licensed to reduce human remains through cremation, alkaline hydrolysis, or natural organic reduction.

(10) "**Effluent**" means the liquid end-product following alkaline hydrolysis.

(11) "**Funeral establishment**" means a place of business licensed in accordance with RCW 18.39.145, that provides for any aspect of the care, shelter, transportation, embalming, preparation, and arrangements for the disposition of human remains and includes all areas of such entity and all equipment, instruments, and supplies used in the care, shelter, transportation, preparation, and embalming of human remains.

(12) "**Holding facility**" means an area designated for the care, storage, and holding of human remains prior to disposition.

(13) "**Human remains**" means the body of a deceased person, including remains following the process of cremation, alkaline hydrolysis, or natural organic reduction.

(14) **"Hydrolysis facility"** means a structure, room, or other space in a building or structure containing one or more hydrolysis vessels, to be used for alkaline hydrolysis.

(15) **"Natural organic reduction"** means the contained, accelerated conversion of human remains to soil.

(16) **"Natural organic reduction facility"** means a structure, room, or other space in a building or real property where natural organic reduction of a human body occurs.

(17) **"Processing"** is the removal of foreign objects from human remains following cremation, alkaline hydrolysis, or natural organic reduction and may include pulverization.

(18) **"Pulverization"** is the reduction of identifiable bone fragments to unidentifiable dimensions by manual or mechanical means during or following cremation, alkaline hydrolysis, or natural organic reduction.

(19) **"Reduced human remains"** means human remains after the reduction process.

(20) **"Reduction"** means an accelerated conversion of human remains into bone fragments, essential elements, or soil by cremation, alkaline hydrolysis, or natural organic reduction.

(21) **"Reduction chamber"** means the enclosed space in a crematory, alkaline hydrolysis vessel, or natural organic reduction facility in which the reduction process takes place.

(22) **"Reduction facility"** means a crematory, or hydrolysis facility, or natural organic reduction facility that is solely devoted to the reduction of human remains.

(23) **"Reduction facility operator"** means the person(s) registered with the board who operates a crematory, alkaline hydrolysis equipment, or natural organic reduction facility.

(24) **"Residue"** means the products that may unavoidably remain in the reduction chamber after manual cleaning techniques are performed.

(25) **"Shroud"** means a leak resistant covering for human remains prior to alkaline hydrolysis, or natural organic reduction to ensure privacy and respectful handling of human remains.

[Statutory Authority: RCW 68.05.105 and 18.39.175. WSR 20-09-031, § 308-47-010, filed 4/6/20, effective 5/7/20. Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. WSR 07-03-027, § 308-47-010, filed 1/5/07, effective 2/5/07. Statutory Authority: RCW 18.39.175(4). WSR 02-19-019, § 308-47-010, filed 9/9/02, effective 10/10/02.]

WAC 308-47-020 Receipt and identification of human remains.

(1)(a) A reduction facility must not take custody of unidentified human remains. Before accepting human remains, the reduction facility must verify that identification is attached to the container, shroud, or human remains.

(b) A reduction facility operator may unwrap human remains prior to reduction for the sole purpose of verifying identification. If any action beyond identification is required, that action must be performed by a properly licensed individual.

(2) The reduction facility must assign an identification number for each human remains to be inscribed on a metal disc or metal tag.

(3) The metal identification disc or tag must include the name of the facility and accompany the human remains through each phase of the reduction, processing, and packaging.

[Statutory Authority: RCW 68.05.105 and 18.39.175. WSR 20-09-031, § 308-47-020, filed 4/6/20, effective 5/7/20. Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. WSR 07-03-027, § 308-47-020, filed 1/5/07, effective 2/5/07. Statutory Authority: RCW 18.39.175(4). WSR 02-19-019, § 308-47-020, filed 9/9/02, effective 10/10/02.]

WAC 308-47-030 Holding human remains for cremation. (1) A crematory must not accept or hold human remains unless the human remains are contained in a cremation container which meets the following requirements:

(a) Assure protection to the health and safety of the crematory operator;

(b) Provide proper covering for the human remains; and

(c) Be resistant to leakage or spillage of bodily fluids.

(2) The holding facility must:

(a) Comply with WAC 246-500-020 and all applicable public health laws;

(b) Preserve the dignity of the human remains;

(c) Recognize the health and safety of crematory operators and others; and

(d) Be secure from access by anyone other than authorized personnel.

(3) If human remains are delivered to a crematory in a noncombustible container, the transfer of the remains to a combustible container must be performed by a properly licensed individual and in accordance with WAC 308-48-030.

(4) When a container is delivered and shows evidence of bodily fluid leakage, it must be returned to the contracting funeral establishment or transferred to a new container by a properly licensed individual.

(5) Human remains that are not embalmed must be held only within a mechanically or commercially acceptable refrigerated facility of adequate capacity, with a maximum temperature of 48 degrees Fahrenheit, and otherwise meet the requirements of chapter 246-500 WAC.

(6) If the crematory requires the removal of implanted devices, the devices must be removed by an embalmer or embalmer intern prior to delivery of the human remains to the crematory.

[Statutory Authority: RCW 68.05.105 and 18.39.175. WSR 20-09-031, § 308-47-030, filed 4/6/20, effective 5/7/20. Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. WSR 07-03-027, § 308-47-030, filed 1/5/07, effective 2/5/07. Statutory Authority: RCW 18.39.175(4). WSR 02-19-019, § 308-47-030, filed 9/9/02, effective 10/10/02.]

WAC 308-47-035 Holding human remains for alkaline hydrolysis or natural organic reduction. (1) A hydrolysis facility or natural organic reduction facility must not accept or hold human remains unless the human remains are in a container or shroud that is resistant to leakage or spillage of bodily fluids.

(2) The holding facility must:

(a) Comply with WAC 246-500-020 and all applicable public health laws;

(b) Preserve the dignity of the human remains;

(c) Recognize the health and safety of the hydrolysis facility or natural organic reduction facility operators and others; and

(d) Be secure from access by anyone other than authorized personnel.

(3) If human remains are delivered to a hydrolysis facility or natural organic reduction facility in a container or shroud that is not suitable for placement in the reduction vessel, the transfer of the remains to the vessel must be performed by a properly licensed individual and in accordance with WAC 308-48-030.

(4) When a container or shroud is delivered and shows evidence of bodily fluid leakage, it must be returned to the contracting funeral establishment or transferred to a new container or shroud by a properly licensed individual.

(5) Human remains that are not embalmed must be held only within a mechanically or commercially acceptable refrigerated facility of adequate capacity, with a maximum temperature of 48 degrees Fahrenheit, and otherwise meet the requirements of chapter 246-500 WAC.

(6) If the hydrolysis facility or natural organic reduction facility requires the removal of implanted devices, the devices must be removed by an embalmer or embalmer intern prior to delivery of the human remains to the facility.

[Statutory Authority: RCW 68.05.105 and 18.39.175. WSR 20-09-031, § 308-47-035, filed 4/6/20, effective 5/7/20.]

WAC 308-47-040 Reduction of human remains. (1) Reduction must not take place until the burial transit permit and authorization for the reduction method are obtained.

(2) Immediately prior to being placed within the reduction chamber, the identification of the human remains must be verified by the reduction facility operator. Appropriate identification of the human remains will be placed near the reduction chamber in such a way as to identify the human remains being reduced. The metal identification disc or metal tag must be placed in the reduction chamber, with the human remains.

(3) Simultaneous reduction of more than one human remains within the same reduction chamber is not permitted, unless written authorization is obtained from the authorizing agent(s). Such written authorization will exempt the reduction facility from all liability for commingling the products of the reduction process.

(4) Simultaneous reduction of more than one human remains within the same reduction chamber may be performed without the authorizations required in subsection (3) of this section, if:

(a) Equipment, techniques, and other devices are employed that keep the human remains separate and distinct, before and during the reduction process;

(b) Recoverable human remains following reduction are kept separate and distinct after the reduction process.

(5) Reduction facilities licensed by the state funeral and cemetery board will not be used for any other purpose than the reduction of human remains, cadavers, or human body parts.

[Statutory Authority: RCW 68.05.105 and 18.39.175. WSR 20-09-031, § 308-47-040, filed 4/6/20, effective 5/7/20. Statutory Authority: RCW 18.39.175(4). WSR 02-19-019, § 308-47-040, filed 9/9/02, effective 10/10/02.]

WAC 308-47-050 Processing human remains following reduction.

(1) Upon completion of the reduction process, the end products must be removed from the reduction chamber, with the exception of residue.

(2) The end products must be placed within an individual container or tray in such a way that will prevent commingling with other human remains following reduction.

(3) Identification must be attached to the container or tray.

(4) All human remains following reduction must undergo processing to comply with applicable legal requirements.

(5) Processing of human remains following reduction may not be required if human remains are placed in a cemetery, mausoleum, or columbarium, or if religious or cultural beliefs oppose the practice.

(6) All body prostheses, bridgework, or similar items removed from the human remains following reduction during processing will be disposed of by the reduction facility, as directed by the authorizing agent.

(7) If the reduction facility recycles metals or implants found during processing, the authorizing agent(s) must be advised in writing prior to reduction.

[Statutory Authority: RCW 68.05.105 and 18.39.175. WSR 20-09-031, § 308-47-050, filed 4/6/20, effective 5/7/20. Statutory Authority: RCW 18.39.175(4). WSR 02-19-019, § 308-47-050, filed 9/9/02, effective 10/10/02.]

WAC 308-47-060 Packaging and storage of human remains following reduction.

(1) Human remains following reduction must be packaged in a sealable container or containers as may have been ordered or supplied by the authorizing agent or the reduction facility.

(2) The packaged human remains will be identified. The metal identification disc or metal tag must stay with the human remains.

(3) If the entire human remains will not fit within the designated container, the remainder of the human remains must be returned to the authorizing agent in additional containers, clearly identified as being part of, and together with the designated container. Upon written consent of the authorizing agent, excess human remains may be disposed of in any legal manner.

[Statutory Authority: RCW 68.05.105 and 18.39.175. WSR 20-09-031, § 308-47-060, filed 4/6/20, effective 5/7/20. Statutory Authority: RCW 18.39.175(4). WSR 02-19-019, § 308-47-060, filed 9/9/02, effective 10/10/02.]

WAC 308-47-065 Recordkeeping requirements. (1) A crematory, hydrolysis facility, or natural organic reduction facility must keep a permanent record of all reductions performed and the disposition or release of the human remains following cremation, alkaline hydrolysis, or natural organic reduction. The record must include the following information:

(a) Name of deceased;

(b) Date of death;

(c) Place of death;

(d) Burial transit permit disposition date;

(e) Date of delivery of human remains to the reduction facility;

(f) Name(s) of authorizing agent;

- (g) Relationship of authorizing agent(s);
- (h) Name of entity that contracts with the reduction facility;
- (i) Starting date of reduction process;
- (j) Name of reduction facility operator;
- (k) Name of person performing packaging;
- (l) Date of packaging human remains following reduction;
- (m) Date of release of the reduced human remains following reduction and the name of the individual(s) to whom the human remains were released; and/or

(n) Date and location of disposition of the human remains.

(2) In addition to the recordkeeping requirements listed above, natural organic reduction facilities must also keep a permanent record of:

(a) The ending date of the reduction process; and

(b) The daily temperature data for each natural organic reduction process, including records showing that the minimum temperature of 131 degrees Fahrenheit was reached for seventy-two consecutive hours.

[Statutory Authority: RCW 68.05.105 and 18.39.175. WSR 20-09-031, § 308-47-065, filed 4/6/20, effective 5/7/20.]

WAC 308-47-070 Disposition of unclaimed reduced human remains.

(1) When reduced human remains have been in the possession of a reduction facility, funeral establishment or cemetery for a period of ninety days or more, the entity holding the human remains following reduction may arrange for disposition in any legal manner, provided the entity:

(a) Attempts to contact the authorizing agent for disposition instructions by U.S. mail to the last known address;

(b) Informs the authorizing agent(s) of the procedures that will be followed if disposition instructions are not received;

(c) Informs the authorizing agent(s) that disposition will take place if disposition instructions are not received within sixty days of initiation of the contact process;

(d) Informs the authorizing agent(s) that recovery of the human remains following reduction, after the disposition, may or may not be possible; and

(e) Maintains a permanent record of the location of the disposition.

(2) No entity making disposition of human remains following reduction under subsection (1) of this section will be liable for the disposition or nonrecoverability of the human remains.

[Statutory Authority: RCW 68.05.105 and 18.39.175. WSR 20-09-031, § 308-47-070, filed 4/6/20, effective 5/7/20. Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. WSR 07-03-027, § 308-47-070, filed 1/5/07, effective 2/5/07. Statutory Authority: RCW 18.39.175(4). WSR 02-19-019, § 308-47-070, filed 9/9/02, effective 10/10/02.]

WAC 308-47-075 Reduction facility requirements. (1) Crematory facilities must:

(a) Only use a commercially produced crematory unit(s); and

(b) Employ a licensed crematory operator or operators.

(2) Hydrolysis facilities must:

- (a) Only use a purpose built vessel as a reduction chamber which meets generally accepted standards of the death care profession;
 - (b) Employ a licensed alkaline hydrolysis operator or operators;
- and
- (c) Comply with all other applicable local, state, and federal laws and regulations.
- (3) Natural organic reduction facilities must:
- (a) Only use a contained reduction vessel that is designed to promote aerobic reduction and minimizes odors and vectors;
 - (b) Employ a licensed natural organic reduction facility operator;
 - (c) Comply with all other applicable local, state, and federal laws and regulations; and
 - (d) Reach a minimum temperature of 131 degrees Fahrenheit for seventy-two consecutive hours during the reduction process.

[Statutory Authority: RCW 68.05.105 and 18.39.175. WSR 20-09-031, § 308-47-075, filed 4/6/20, effective 5/7/20.]

WAC 308-47-080 Facility licensure requirements for crematories, hydrolysis facilities, and natural organic reduction facilities. (1) A license or endorsement is required in order to operate a crematory, hydrolysis facility, or natural organic reduction facility. Each applicant shall:

- (a) Submit an application on a form approved by the funeral and cemetery board; and
 - (b) Pay a fee as determined by the director per RCW 43.24.086.
- (2) The annual license renewal date for reduction facilities is January 31st.
- (3) The regulatory fees for reduction facilities are collected at the time of renewal.
- (4) All licenses must be posted at the reduction facility.

[Statutory Authority: RCW 68.05.105 and 18.39.175. WSR 20-09-031, § 308-47-080, filed 4/6/20, effective 5/7/20.]

WAC 308-47-090 Operator licensure for those who conduct cremations, alkaline hydrolysis, or natural organic reduction. (1) Licenses are required for operators of each method of reduction. In order to operate a crematory, a hydrolysis facility, or a natural organic reduction facility, applicants must submit:

- (a) An application on a form prescribed by the board;
 - (b) A nonrefundable application fee as defined in WAC 308-48-800;
- and
- (c) A certificate of completion of operator training provided by the equipment manufacturer, or other provider generally accepted by the death care profession, or as approved by the board.
- (2) Each operator license will expire annually on the operator's birth date and may be renewed by paying the renewal fee.
- (3) Operators of equipment used to perform cremation, alkaline hydrolysis, or natural organic reduction must provide proof of current operator training every five years at the time of the license renewal.
- (4) All licenses must be posted at the reduction facility.

[Statutory Authority: RCW 68.05.105 and 18.39.175. WSR 20-09-031, § 308-47-090, filed 4/6/20, effective 5/7/20.]

WAC 308-47-100 Reduction facilities—Inspections. (1) Crematories, alkaline hydrolysis facilities, and natural organic reduction facilities regulated under the authority of chapters 18.39 and 68.05 RCW are subject to inspection at least once each year by the inspector of funeral establishments, crematories, alkaline hydrolysis, and natural organic reduction facilities, funeral directors, and embalmers to ensure compliance with Washington state laws and regulations related to health or the handling or disposition of human remains.

(2) Inspections shall cover compliance with applicable statutes and rules. Reduction facilities will be open for inspection during normal business hours. If the facility is not open, the ownership must identify someone to the department that can open the facility for an unannounced inspection, or provide a method of access to the inspector.

[Statutory Authority: RCW 68.05.105 and 18.39.175. WSR 20-09-031, § 308-47-100, filed 4/6/20, effective 5/7/20.]

WAC 308-47-110 Regulatory fees due for change of ownership for reduction facilities. (1) The regulatory fees for crematories, alkaline hydrolysis facilities, and natural organic reduction are calculated per disposition and collected at the time of renewal of the license, permit, or endorsement.

(2) For a change of ownership, the selling entity is required to submit the regulatory fee for all dispositions performed by reduction facilities up to the date of transfer of ownership.

(3) Seller must pay the regulatory fees within thirty days after the date of the transfer of ownership.

[Statutory Authority: RCW 68.05.105 and 18.39.175. WSR 20-09-031, § 308-47-110, filed 4/6/20, effective 5/7/20.]

WAC 308-47-010 Definitions. (1) **"Alkaline hydrolysis"** or **"hydrolysis"** means the reduction of human remains to bone fragments and essential elements in a licensed hydrolysis facility using heat, pressure, water and base chemical agents.

(2) **"Authorizing agent"** means the person(s) legally entitled to control the disposition of the human remains.

(3) **"Body parts"** means limbs and other portions of human anatomy that have been removed from a person or human remains for medical purposes during treatment, surgery, biopsy, autopsy, or medical research.

(4) **"Cadaver"** means human remains or any part thereof, which have been donated to science for medical research purposes.

(5) **"Commingling"** means the mixing of human remains following cremation, alkaline hydrolysis, or natural organic reduction of more than one deceased person.

(6) **"Cremation"** means the reduction of human remains to bone fragments in a crematory by means of incineration.

(7) **"Cremation container"** means a rigid, combustible container which encloses human remains for cremation.

(8) **"Crematory"** means a building or area of a building that houses one or more cremation chambers, to be used for the cremation of human remains.

(9) **"Crematory authority, alkaline hydrolysis authority, or natural organic reduction authority"** means the legal entity and their authorized representatives, licensed to reduce human remains through cremation, alkaline hydrolysis, or natural organic reduction.

(10) **"Effluent"** means the liquid end-product following alkaline hydrolysis.

(11) **"Funeral establishment"** means a place of business licensed in accordance with RCW 18.39.145, that provides for any aspect of the care, shelter, transportation, embalming, preparation, and arrangements for the disposition of human remains and includes all areas of such entity and all equipment, instruments, and supplies used in the care, shelter, transportation, preparation, and embalming of human remains.

(12) **"Holding facility"** means an area designated for the care, storage, and holding of human remains prior to disposition.

(13) **"Human remains"** means the body of a deceased person, including remains following the process of cremation, alkaline hydrolysis, or natural organic reduction.

(14) **"Hydrolysis facility"** means a structure, room, or other space in a building or structure containing one or more hydrolysis vessels, to be used for alkaline hydrolysis.

(15) **"Natural organic reduction"** means the contained, accelerated conversion of human remains to soil.

(16) **"Natural organic reduction facility"** means a structure, room, or other space in a building or real property where natural organic reduction of a human body occurs.

(17) **"Processing"** is the removal of foreign objects from human remains following cremation, alkaline hydrolysis, or natural organic reduction and may include pulverization.

(18) **"Pulverization"** is the reduction of identifiable bone fragments to unidentifiable dimensions by manual or mechanical means during or following cremation, alkaline hydrolysis, or natural organic reduction.

(19) **"Reduced human remains"** means human remains after the reduction process.

(20) "**Reduction**" means an accelerated conversion of human remains into bone fragments, essential elements, or soil by cremation, alkaline hydrolysis, or natural organic reduction.

(21) "**Reduction chamber**" means the enclosed space in a crematory, alkaline hydrolysis vessel, or natural organic reduction facility in which the reduction process takes place.

(22) "**Reduction facility**" means a crematory, or hydrolysis facility, or natural organic reduction facility that is solely devoted to the reduction of human remains.

(23) "**Reduction facility operator**" means the person(s) registered with the board who operates a crematory, alkaline hydrolysis equipment, or natural organic reduction facility.

(24) "**Residue**" means the products that may unavoidably remain in the reduction chamber after manual cleaning techniques are performed.

(25) "**Shroud**" means a leak resistant covering for human remains prior to alkaline hydrolysis, or natural organic reduction to ensure privacy and respectful handling of human remains.

[Statutory Authority: RCW 68.05.105 and 18.39.175. WSR 20-09-031, § 308-47-010, filed 4/6/20, effective 5/7/20. Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. WSR 07-03-027, § 308-47-010, filed 1/5/07, effective 2/5/07. Statutory Authority: RCW 18.39.175(4). WSR 02-19-019, § 308-47-010, filed 9/9/02, effective 10/10/02.]

WYOMING

Funeral Service Practitioners, Board of

Funeral Service Practitioners, Board of

Chapter 1: General Authority

Effective Date: 07/25/2016 to Current

Rule Type: Current Rules & Regulations

Reference Number: 035.0001.1.07252016



CHAPTER 1

GENERAL AUTHORITY

Section 1. Authority. These rules and regulations are promulgated by the Wyoming Board of Funeral Service Practitioners pursuant to their authority under the Funeral Service Practitioners Act, W.S. 33-16-501 through 33-16-537.

Section 2. Terms Defined Herein.

- (a) “Authorizing agent” means the individual(s) holding the right of disposition.
- (b) “Dissolution chamber” is a purpose-built vessel that is closed and sealed on all sides when human remains are placed inside and the chemical disposition process takes place.
- (c) “Final processing” means bone fragments and non-combustible items, such as metal debris, are separated by hand or by magnet. The bone fragments are placed into a cylindrical processor and further pulverized (or crushed) into small, uniform fragments.
- (d) “Supervision” means that the licensed funeral service practitioner is in the embalming room generally, and in all cases in the funeral establishment, while the apprentice is assisting with the preparation of the dead human body.

Section 3. Board. The Board shall elect one (1) of its members as president during the annual meeting to be held at the Board office, 2001 Capitol Avenue, Room 104, Cheyenne, Wyoming, on the second Tuesday in June beginning at 10:00 a.m. The Board may meet at other times as deemed necessary to transact business.

Section 4. Incorporation by Reference.

- (a) For any code, standard, rule, regulation, or statute incorporated by reference in these rules:
 - (i) The Board has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules;
 - (ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (b) of this section;
 - (iii) The incorporated code, standard, rule, regulation or statute is maintained at 2001 Capitol Avenue, Room 104, Cheyenne, WY 82002 and is available for public inspection and copying at cost at the same location;
- (b) Each code, standard, rule, regulation or statute incorporated by reference in these Board Rules is further identified as follows:

(i) The code incorporated by reference in Chapter 10, Section 2 of these Board Rules is the National Funeral Directors Association (NFDA) Code of Professional Conduct as existing on April 21, 2015. Copies of this code can be obtained from the NFDA at the following location <http://fspboard.wyo.gov>.

Funeral Service Practitioners, Board of

Funeral Service Practitioners, Board of

Chapter 4: Practice of Professional Funeral Service

Effective Date: 01/08/2015 to Current

Rule Type: Current Rules & Regulations

Reference Number: 035.0001.4.01082015

CHAPTER 4

PRACTICE OF PROFESSIONAL FUNERAL SERVICE

Section 1. Inspection of Facility. The Inspector appointed by the Board shall have the powers and duties prescribed by law and shall at all times carry the certificate of his appointment and authority issued by the Board and signed by the President of the Board, which he shall present upon demand when engaged in the business of the Board. The Inspector shall make a full and complete confidential report of all inspections and investigations made by him and shall leave with the person in charge of each funeral establishment inspected or investigated by him a certificate showing the date of the inspection, a copy of the certificate signed by the person in charge of the establishment at the time of the completion of the inspection or investigation, shall be transmitted by the Inspector of the Board. Whenever any inspection or investigation is made by a member of the Board, the foregoing provisions of this rule shall apply to the member of the Board.

(a) A funeral director licensed prior to July 1, 2014, or a funeral service practitioner must maintain at all times within each funeral establishment owned, managed or controlled by him, a preparation room furnished with a sanitary floor of either tile, vinyl, inlaid linoleum, or other impervious flooring material; sufficient drainage and forced air ventilation, a sanitary embalming table, and the other furnishings and instruments as are required for the proper care and preparation of a dead human body. If a hydro aspirator is in use in the preparation room, the hydro aspirator must have a vacuum breaker attached thereto.

(b) All hearses and first call or removal vehicles and the equipment therein shall be kept clean and sanitary and free from deleterious odors at all times.

(c) All funeral establishments must stock a minimum of six (6) adult caskets of varying degrees of price and quality for sale and must also have on hand at least one each of shipping containers, and alternative containers for cremation.

Section 2. Consumer Protection. A funeral director or funeral service practitioner who violates Wyoming Statutes relating to consumer protection, Sections 40-12-101, et seq., or consumer credit, Section 40-14-101, et seq., or any other statute of the State pertinent to the practice of funeral service shall be subject to revocation or suspension of his license.

Section 3. Itemized Prices, Written Disclosure Statements, and Cash Advances. The Board hereby adopts the Federal Trade Commission's funeral service rule of April 30, 1984, along with the Federal Trade Commission's amended federal service rule of July 19, 1994, with regard to itemized prices, written disclosure statements, and cash advances.

Section 4. Embalming Practice.

(a) The use of embalming fluids, hardening compounds and preservatives for the preparation of human remains, containing mineral poisons, is strictly prohibited in the State of Wyoming.

(b) Every person while actually engaged in embalming a dead human body shall be attired in a clean and sanitary smock, gown, or apron covering the person from the neck to below the knees, and shall while so engaged, wear rubber impervious gloves. The dead human body shall not be allowed to remain unnecessarily nude or indecently exposed at any time during the embalming operation or while reposing in the preparation room.

(c) Every preparation room shall be stocked or furnished with proper and convenient receptacles for refuse, bandages, cotton and other waste materials. All such discarded items shall be destroyed by incineration or other sanitary means.

(d) Every preparation room shall be kept and maintained in a clean and sanitary condition and all embalming tables, hoppers, sinks, receptacles, instruments and other appliances used in embalming dead human bodies shall be thoroughly cleaned and disinfected after use.

(e) The bodies of those who have died of a contagious communicable infectious disease shall not be transported nor accepted for transportation unless prepared by being thoroughly disinfected and embalmed by:

(i) Arterial and cavity injection with an effective disinfecting and embalming fluid;

(ii) Disinfecting and stopping all orifices with dry, absorbent cotton;

(iii) Washing the human remains with a disinfectant.

(f) Those who have died in such a manner as to prevent arterial and cavity embalming, and were infected with a communicable disease at the time of death, must be hypodermically and topically treated with an effective disinfecting and preserving fluid and/or powder. The human remains must then be placed in a container which is resistant to the flow of air and fluids, a disaster pouch being the minimum container with a zipper sealed with a good sealant.

(g) Bodies which are badly burned, mangled or mutilated to the a degree that they cannot be embalmed by conventional arterial and cavity embalming, shall be treated by hypodermic injections and topical applications of strong disinfectants and preservatives. After the treatments, they shall be placed in a container which resists the flow of air and fluids, a minimum of a disaster pouch. Before transportation is made by common carrier, the minimum container must be placed in a shipping container or regular casket to prevent the minimum container from being damaged during shipment.

Section 5. Requirement for Cremation, Chemical Disposition, Burial, Embalming or Refrigeration. All bodies in possession of the funeral service practitioner or funeral director must be properly refrigerated, cremated, chemically disposed, buried, or embalmed within thirty-six (36) hours after receipt thereof. No dead human body may be cremated or chemically

disposed of in under twenty-four (24) hours without the written permission of the county coroner of the county in which the death occurred.

Section 6. Requirement for Shipment of Bodies out of Wyoming. No human remains may be removed from the state of Wyoming by a funeral service practitioner of another state without first obtaining the services of a permitted Wyoming funeral establishment, for the purpose of the filing of a death certificate and obtaining a burial-transit permit.

(a) Bodies dead of communicable diseases which could present a public health risk to the funeral service practitioner, other persons handling the dead human body, or to persons in attendance at a funeral service must be embalmed prior to removal from this state.

(b) Bodies dead of causes other than from communicable diseases may be removed from this state unembalmed if they are:

(i) Placed in a container which is resistant to the flow of fluids and air, a minimum of which would be a disaster pouch;

(ii) If shipment will take place after thirty-six (36) hours from the time of death, then the dead human body must be refrigerated or embalmed before shipment.

Section 7. Requirements for Bodies Being Shipped into Wyoming. Dead bodies may be shipped into the state to a licensed funeral service practitioner under the following conditions:

(a) Bodies dead of causes other than communicable diseases may be shipped into this state unembalmed if they are incased in a container which is resistant to the flow of air and fluids, a minimum of which would be disaster pouch, and the bodies will be buried, cremated, chemically disposed, refrigerated or embalmed within thirty-six (36) hours of death.

(b) Bodies dead of communicable diseases which could present a public health risk to the funeral service practitioners, other persons handling the dead human body, or to persons in attendance at the funeral service must be embalmed before they are brought into this state.

Section 8. Requirements for Bodies shipped to Foreign Countries. All dead human bodies being shipped into any foreign country must be prepared and shipped in accordance with the laws, rules and regulations of the country to which that dead human body is being shipped.

Section 9. Burial when Death Caused by Communicable Disease.

(a) It shall be the responsibility of the funeral service practitioner, apprentice or removal person to ascertain the cause of death prior to removal from the place of death. If the person has died from a potentially infectious disease, the funeral service practitioner shall follow the recommendations of the state health officer in regards to permissible types of disposition.

(b) Procedure for removal. It shall be the duty of any licensee caring for the body of a person who had died of a potentially infectious disease proceed in the following manner: At the

time of the first visit to the location where the deceased is found, the licensee shall cause the dead human body to be placed in a container which is resistant to the flow of air and fluids.

Funeral Service Practitioners, Board of

Funeral Service Practitioners, Board of

Chapter 6: Crematory or Chemical Disposition Facility

Effective Date: 10/07/2015 to Current

Rule Type: Current Rules & Regulations

Reference Number: 035.0001.6.10072015

CHAPTER 6

CREMATORY OR CHEMICAL DISPOSITION FACILITY

Section 1. Permit Required. Any licensed funeral service practitioner, funeral director, firm, association, or corporation before operating a crematory or chemical disposition facility in Wyoming shall apply for and receive a permit from the Board. The permit shall be displayed in a conspicuous place on the premises of the crematory or chemical disposition facility.

Section 2. Qualifications for Permit. An applicant for a permit to operate a crematory or chemical disposition facility in Wyoming shall:

(a) Be a licensed funeral service practitioner or funeral director who is a shareholder or officer in or is directly employed by a permitted funeral establishment. If the applicant is an organization, it shall be a funeral establishment permitted by the board that employs at least one (1) licensed funeral service practitioner assigned as the funeral service licensee responsible for the crematory or chemical disposition facility.

(b) Hold a chemical disposer license if applying for a chemical disposition facility permit. A licensed funeral service practitioner may obtain a chemical disposer license by submitting the following:

(i) A complete and notarized official application form accompanied by the application fee; and

(ii) Evidence of training that demonstrates that:

(A) The applicant has completed training in performing cremation services and received a certification by a reputable organization approved by the Board;

(B) The applicant has completed training in performing chemical disposition services and received a certification by a reputable organization approved by the Board.

(C) All individuals holding a funeral service practitioner license as of July 1, 2014 who are not certified to operate a crematory or dissolution chamber shall have one year to obtain certification.

(D) New licensees shall be certified prior to being allowed to operate a crematory or dissolution chamber.

Section 3. Application Procedures. An applicant for a crematory or chemical disposition facility permit shall submit the following:

(a) A complete and notarized application that includes:

- (i) The name of licensed funeral service practitioner responsible for the crematory or chemical disposition facility; and
- (ii) The location of the crematory or chemical disposition facility;
- (b) Application fee; and
- (c) An inspection report completed and signed by the Board or its designee.

Section 4. Crematory or Chemical Disposition Facility. The funeral service practitioner or funeral director listed on the crematory or chemical disposition permit is responsible for the maintenance, employee training, and safe operation of cremator or chemical disposition equipment used in cremations or chemical disposition.

- (a) All crematory or chemical disposition facilities shall be kept and maintained in a clean and sanitary condition and all appliances used in the preparation for cremation or chemical disposition of dead human bodies shall be thoroughly cleaned after each use.
- (b) When the crematory or chemical disposition facility is unable to cremate or dissolve the human remains immediately upon taking custody, the human remains shall be placed in a holding area which shall be marked “Private” or “Authorized Personnel Only.”
- (c) If the human remains are not embalmed, they shall not be held longer than twenty-four (24) hours from the time of possession to cremation or chemical disposition without refrigeration.
- (d) A crematory or chemical disposition facility shall be inspected by the Board or its designee during business hours at least once each year.

Section 5. Cremation Casket/Container.

(a) The crematory facility, at its discretion, has the right to remove noncombustible materials such as handles or rails from caskets or containers prior to cremation and to discard them with similar materials from other cremations and other refuse in a non-recoverable manner. Materials at the facility shall be placed in a storage area not available to the public view.

Section 6. Chemical Disposition Facility. Chemical disposition facilities using alkaline hydrolysis for chemical disposition must comply with the following requirements:

- (a) The licensed funeral service practitioner or funeral director shall use a purpose-built vessel as a dissolution chamber.
- (b) Chemical disposition systems which operate above atmospheric pressure shall use an American Society of Mechanical Engineers (ASME) certified pressure vessel as a dissolution chamber.

(c) The chemical disposition system shall use parameters of heat, time, and solution circulation sufficient to achieve complete dissolution of all tissue remains.

(d) The licensed funeral service practitioner or funeral director shall ensure that the discharge liquid that is a byproduct of the chemical disposition process meets the facility's sewage collection and treatment facility requirements regarding acceptable temperature and pH level.

Section 7. Cremation or Chemical Disposal of Human Remains. The funeral service practitioner or other person having charge of the preparation of the human remains for burial or the last rites and committal services shall have the right to be present, either in person or by his employees, at any stage of the cremation or chemical disposition of the human remains. Unauthorized persons may not be permitted in the retort area while any human remains are awaiting cremation or chemical disposition, in the process of cremation or chemical disposition, or being removed from the cremation or dissolution chamber.

(a) No crematorium or chemical disposition facility shall accept human remains for cremation or chemical disposition until it has received a burial-transit permit required by law and an authorization for cremation or chemical disposition signed by the nearest legal next of kin.

(b) Upon completing the cremation or chemical disposition process, all residual of the cremation or chemical disposition process shall be removed from the cremation or dissolution chamber and the chamber swept clean. The residual remains shall be placed in a container or tray in such a way that will ensure against commingling with other cremated or chemically processed remains. The identifier shall be attached to the container or tray to await final processing. All residual of the cremation or chemical disposition process shall undergo final processing.

(c) Should the cremated or chemically processed remains not adequately fill the container's interior dimensions, the extra space may be filled with packing material that will not become intermingled with the cremated or chemically processed remains and then securely closed.

(d) The outside of the container used to return the cremated or chemically processed remains shall be clearly identified with the name of the deceased person whose cremated or chemically processed remains are contained therein.

(e) If the cremated or chemically processed remains are to be shipped, the temporary container or designated receptacle ordered by the authorizing agent must be packed securely in a suitable, sturdy, pressure resistant, and properly sealed container.

(f) Cremated or chemically processed remains may be shipped only by a method that has an internal tracing system available and that provides a receipt signed by the person accepting the delivery.

Section 8. Identification. The licensed funeral service practitioner is responsible for the identification of cremated or chemically processed remains. A crematory or chemical disposition facility shall not accept unidentified human remains.

(a) The licensed funeral service practitioner shall attach an identifying metal disc to each receptacle containing human remains. When human remains are to be cremated or chemically processed, the disc shall be secured to the top of the head end of the casket or alternate container, or, when no receptacle is used, to the human remains.

(b) The identifying metal disc shall accompany the human remains through the cremation or chemical disposition process.

(c) The identifying metal disc shall be held on the inside of the cremator or dissolution chamber until the body of the deceased is cremated or chemically processed and the cremated or chemically processed remains are placed in a container as directed by these rules and applicable law. The disc shall then be placed inside the urn or, in the case of a temporary urn, on the outside of the temporary urn.

(d) The identifying metal disc shall be properly secured to a receptacle containing cremated or chemically processed remains.

Section 9. Removal of Human Remains. Human remains delivered to a crematorium or chemical disposition facility shall not be removed from the casket or other container without the written authorization of the person giving the consent to or requesting the cremation or chemical disposition of the human remains.

Section 10. Records of Crematories or Chemical Disposition Facilities. Upon the receipt of human remains for cremation or chemical disposition, the crematory or chemical disposition facility shall deliver to the funeral service practitioner or his agent who delivers the human remains to the crematory or chemical disposition facility a receipt showing the date of delivery, name and signature of the funeral service practitioner from whom the human remains are received, and the name of the deceased. Each crematory or chemical disposition facility shall maintain a record of each cremation or chemical disposition of human remains disclosing the name of the person cremated or chemically processed, the name of the person authorizing the cremation or chemical disposition, the date the human remains were received, the date the cremation or chemical disposition was performed and such other information as the Board may require. The record shall be kept at the crematory or chemical disposition facility for inspection by the Board which may also require copies thereof to be filed with it containing the information necessary for the use of the Board.

Section 11. Prohibitions.

(a) Removing or possessing dental gold or dental silver from deceased persons is prohibited.

(b) Human remains may not be cremated with a pacemaker or other potentially hazardous implant, including any toxic or explosive-type sealed implants, in place. The authorizing agent is responsible for disclosing the existence of any pacemakers or other hazardous implants. Medical devices and implants may be recovered for recycling at the conclusion of the chemical disposition process.

(c) The unauthorized, simultaneous cremation or chemical disposition of human remains of more than one (1) person within the same cremation or dissolution chamber is prohibited unless the crematory or chemical disposition facility has received express written authorization from all appropriate authorizing agents for the human remains to be cremated or chemically processed simultaneously. A written authorization exempts the crematory or chemical disposition facility from liability for commingling of the product of the cremation or chemical disposition process provided the authorization is complied with.

(d) No licensed funeral service practitioner may refuse to release cremated or chemically processed remains to the authorized agent.

(e) It is prohibited to cremate or chemically process fetuses, limbs, and body parts from private or public health agencies, medical doctors, or colleges and universities without appropriate permits and releases. Copies of such permits and releases shall remain with the crematory or chemical disposition facility.

(f) Cremation or chemical disposition of animals or pets of any type, is strictly forbidden in a crematory or chemical disposition facility designed for the cremation or chemical disposition of human remains.

VIRGINIA –
CURRENT LAWS AND
REGULATIONS REGARDING
DISPOSITION AND FUNERAL
SERVICES

Virginia Administrative Code
Title 18. Professional And Occupational Licensing
Agency 65. Board of Funeral Directors And Embalmers
Chapter 20. Regulations Governing the Practice of Funeral Services

Part I. General Provisions

18VAC65-20-10. Definitions.

Words and terms used in this chapter shall have the definitions ascribed in § 54.1-2800 of the Code of Virginia or in 16 CFR Part 453, Funeral Industry Practices, of the Federal Trade Commission, which is incorporated by reference in this chapter. In addition, the following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Affiliation" or "affiliated" means a relationship involving a degree of common or subsidiary ownership between two establishments or entities.

"Branch" or "chapel" means a funeral service establishment that is affiliated with a licensed main establishment and that conforms with the requirements of § 54.1-2811 of the Code of Virginia.

"Courtesy card" means the card issued by the board that grants limited and restricted funeral service privileges in the Commonwealth to out-of-state funeral service licensees, funeral directors, and embalmers.

"Cremation container" means a container in which human remains are transported to the crematory and placed in the retort for cremation.

"Cremation urn" means a wood, metal, stone, plastic, or composition container or a container of other material, which is designed for encasing cremated ashes.

"Cremation vault" or "cremation outer burial container" means any container that is designed for encasement of an inner container or urn containing cremated ashes. Also known as a cremation box.

"FTC" means the Federal Trade Commission.

"Manager of record" means a funeral service licensee or licensed funeral director who is responsible for the direct supervision and management of a funeral service establishment or branch facility.

Statutory Authority

§§54.1-2400 and 54.1-2803 of the Code of Virginia.

Historical Notes

Derived from VR320-01-2 § 1.1, eff. October 24, 1990; amended, Virginia Register Volume 8, Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; Volume 15, Issue 7, eff. January 20, 1999; Volume 20, Issue 8, eff. January 28, 2004; Volume 25, Issue 20, eff. July 8, 2009; Volume 37, Issue 12, eff. March 3, 2021.

18VAC65-20-15. Criteria for delegation of informal fact-finding proceedings to an agency subordinate.

A. Decision to delegate. In accordance with § 54.1-2400 (10) of the Code of Virginia, the board may delegate an informal fact-finding proceeding to an agency subordinate upon determination that probable cause exists that a practitioner may be subject to a disciplinary action.

B. Criteria for delegation. Cases that may not be delegated to an agency subordinate, except with the concurrence of a committee of the board, are those that involve:

1. Intentional or negligent conduct that causes or is likely to cause injury;
2. Conducting the practice of funeral services in such a manner as to constitute a danger to the health, safety, and well-being of the staff or the public;
3. Impairment with an inability to practice with skill and safety;
4. Inappropriate handling of dead human bodies;
5. Sexual misconduct;
6. Misappropriation of funds;
7. Aiding or abetting unauthorized practice; or
8. Felony conviction by an applicant.

C. Criteria for an agency subordinate.

1. An agency subordinate authorized by the board to conduct an informal fact-finding proceeding may include board members deemed knowledgeable by virtue of their training and experience in administrative proceedings involving the regulation and discipline of health professionals.
2. The executive director shall maintain a list of appropriately qualified persons to whom an informal fact-finding proceeding may be delegated.
3. The board may delegate to the executive director the selection of the agency subordinate who is deemed appropriately qualified to conduct a proceeding based on the qualifications of the subordinate and the type of case being heard.

Statutory Authority

§§ 54.1-2400 and 54.1-2803 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 21, Issue 18, eff. June 15, 2005; amended, Virginia Register Volume 24, Issue 24, eff. September 3, 2008.

18VAC65-20-20. (Repealed.)

Historical Notes

Derived from VR320-01-2 §§ 1.2 to 1.4, eff. October 24, 1990; amended, Virginia Register Volume 8, Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; repealed, Virginia Register Volume 15, Issue 7, eff. January 20, 1999.

Statutory Authority

Historical Notes

18VAC65-20-50. Posting of license.

A. Each licensee shall post an original or photocopy of his license in a place conspicuous to consumers of funeral services in each establishment or branch where he practices.

B. The establishment license shall be posted in a place conspicuous to consumers of funeral services.

Statutory Authority

§§54.1-2400 and 54.1-2803 of the Code of Virginia.

Historical Notes

Derived from VR320-01-2 § 2.1, eff. October 24, 1990; amended, Virginia Register Volume 8, Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; Volume 15, Issue 7, eff. January 20, 1999; Volume 20, Issue 8, eff. January 28, 2004; Volume 37, Issue 12, eff. March 3, 2021.

18VAC65-20-60. Accuracy of information.

A. All changes in the address of record or the public address, if different from the address of record, or in the name of a licensee or registrant shall be furnished to the board within 30 days after the change occurs.

B. Any change in ownership or manager of record for an establishment or crematory shall be reported to the board within 14 days of the change.

C. A surface transportation and removal service shall notify the board within 14 days of any change in the name of the manager of record with the board.

D. All notices required by law and by this chapter to be provided by the board to any registrant or licensee shall be validly given when mailed to the latest address of record on file with the board and shall not relieve the licensee, funeral service intern, establishment, crematory, or firm of obligation to comply. Renewal notices may be mailed or sent electronically by the board.

Statutory Authority

§§54.1-2400 and 54.1-2803 of the Code of Virginia.

Historical Notes

Derived from VR320-01-2 § 2.2, eff. October 24, 1990; amended, Virginia Register Volume 8, Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; Volume 15, Issue 7, eff. January 20, 1999; Volume 22, Issue 21, eff. July 26, 2006; Volume 24, Issue 24, eff. September 3,

2008; Volume 25, Issue 17, eff. July 1, 2009; Volume 25, Issue 20, eff. July 8, 2009; Volume 31, Issue 26, eff. September 23, 2015; Volume 37, Issue 12, eff. March 3, 2021.

18VAC65-20-70. Required fees.

A. The following fees shall apply for initial licensure or registration:

1. License to practice funeral service or as a funeral director or an embalmer	\$325
2. Funeral service establishment license	\$600
3. Surface transportation and removal service registration	\$325
4. Courtesy card	\$325
5. Crematory	\$250
6. Waiver of full-time manager requirement	\$150

B. The following fees shall apply for renewal of licensure or registration:

1. License to practice funeral service or as a funeral director or an embalmer	\$225
2. Funeral service establishment license	\$400
3. Surface transportation and removal service registration	\$300
4. Courtesy card	\$300
5. Crematory	\$200
6. Waiver of full-time manager requirement	\$100
7. Inactive funeral service, funeral director, or embalmer license	\$115

C. The following fees shall apply for late renewal of licensure or registration up to one year following expiration:

1. License to practice funeral service or as a funeral director or an embalmer	\$75
2. Funeral service establishment license	\$135
3. Surface transportation and removal service registration	\$100
4. Courtesy card	\$100
5. Crematory	\$75
6. Waiver of full-time manager requirement	\$35
7. Inactive funeral service, funeral director, or embalmer license	\$40

D. The following fees shall apply for reinstatement of licensure or registration:

1. License to practice funeral service or as a funeral director or an embalmer	\$400
2. Establishment license	\$635
3. Surface transportation and removal service registration	\$425
4. Courtesy card	\$425
5. Crematory	\$275
6. Reinstatement following suspension	\$1,000
7. Reinstatement following revocation	\$2,000

E. Other fees.

1. Change of manager or establishment name	\$100
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2. Verification of license or registration to another state	\$50
3. Duplicate license, registration, or courtesy card	\$25
4. Duplicate wall certificates	\$60
5. Change of ownership	\$100
6. Nonroutine reinspection (i.e., structural change to preparation room, change of location or ownership)	\$400

F. Fees for approval of continuing education providers.

1. Application or renewal for continuing education provider	\$400
2. Late renewal of continuing education provider approval	\$100
3. Review of additional courses not included on initial or renewal application (per application for review of additional courses not per individual course)	\$300

Statutory Authority

§§54.1-2400 and 54.1-2803 of the Code of Virginia.

Historical Notes

Derived from VR320-01-2 § 3.1, eff. October 24, 1990; amended, Virginia Register Volume 8, Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; Volume 15, Issue 4, eff. December 9, 1998; Volume 16, Issue 7, eff. January 19, 2000; Volume 19, Issue 19, eff. July 2, 2003; Volume 20, Issue 8, eff. January 28, 2004; Volume 23, Issue 7, eff. January 10, 2007; Volume 31, Issue 8, eff. January 14, 2015; Volume 37, Issue 12, eff. March 3, 2021.

18VAC65-20-80. (Repealed.)

Historical Notes

Derived from VR320-01-2 §§ 3.2 to 3.4, eff. October 24, 1990; amended, Virginia Register Volume 8, Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; repealed, Virginia Register Volume 15, Issue 4, eff. December 9, 1998.

Statutory Authority

Historical Notes

18VAC65-20-110. Additional fee information.

A. There shall be a handling fee of \$50 for returned checks or dishonored credit cards or debit cards.

B. Fees shall not be refunded once submitted.

C. The fee for the Virginia State Board Examination shall be paid directly to the examination service contracted by the board for its administration.

Statutory Authority

§ 54.1-2400 of the Code of Virginia.

Historical Notes

Derived from VR320-01-2 § 3.5, eff. October 24, 1990; amended, Virginia Register Volume 8, Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; Volume 15, Issue 7, eff. January 20, 1999; Volume 22, Issue 12, eff. March 22, 2006; Volume 36, Issue 11, eff. March 5, 2020.

Part II. Renewals and Reinstatement

18VAC65-20-120. Expiration dates.

- A. A funeral service establishment license, crematory registration, or surface transportation and removal service registration shall expire on March 31 of each calendar year.
- B. The funeral service license, funeral director license, or embalmer license shall expire on March 31 of each calendar year.
- C. Courtesy cards expire on March 31 of each calendar year.

Statutory Authority

§§ 54.1-2400 and 54.1-2803 of the Code of Virginia.

Historical Notes

Derived from VR320-01-2 § 4.1, eff. October 24, 1990; amended, Virginia Register Volume 8, Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; Volume 15, Issue 7, eff. January 20, 1999; Volume 16, Issue 7, eff. January 19, 2000; Volume 24, Issue 24, eff. September 3, 2008.

18VAC65-20-130. Renewal of license; registration.

A. A person, establishment, crematory, courtesy card holder, or surface transportation and removal service that desires to renew its license or registration for the next year shall, not later than the expiration date as provided in 18VAC65-20-120, submit the renewal form and applicable fee.

1. In order to renew an active funeral service, funeral director, or embalmer license, a licensee shall be required to comply with continuing competency requirements set forth in 18VAC65-20-151.
2. The board shall not renew a license for any licensee who fails to attest to compliance with continuing competency requirements on the renewal form.
3. In order to renew a courtesy card, the courtesy card holder shall provide documentation of current, unrestricted licensure for funeral service, funeral directing, or embalming from the licensing authority in the states in which the courtesy card holder is licensed to practice.

B. A person who or entity that desires to renew an expired license for up to one year following expiration shall comply with requirements of subsection A of this section and also submit the applicable fee for late renewal.

C. A person who or entity that fails to renew a license, registration, or courtesy card by the expiration dates prescribed in 18VAC65-20-120 shall be deemed to have an invalid license, registration, or courtesy card and continued practice may subject the licensee to disciplinary action by the board.

Statutory Authority

§§54.1-2400 and 54.1-2803 of the Code of Virginia.

Historical Notes

Derived from VR320-01-2 § 4.2, eff. October 24, 1990; amended, Virginia Register Volume 8, Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; Volume 15, Issue 7, eff. January 20, 1999; Volume 16, Issue 7, eff. January 19, 2000; Volume 19, Issue 19, eff. July 2, 2003; Volume 23, Issue 7, eff. January 10, 2007; Volume 24, Issue 24, eff. September 3, 2008; Volume 26, Issue 3, eff. November 11, 2009; Volume 37, Issue 12, eff. March 3, 2021.

18VAC65-20-140. Reinstatement of expired license or registration.

A. The board may consider reinstatement of an expired license or registration that has not been renewed within one year of expiration for up to three years following expiration. An application request for reinstatement shall be submitted to the board and shall include payment of the reinstatement fee prescribed in 18VAC65-20-70.

B. If the Virginia license of a funeral service provider, funeral director and embalmer is lapsed three years or less and the applicant is seeking reinstatement, he shall provide evidence of having completing the number of continuing competency hours required for the period in which the license has been lapsed.

C. When a license is not reinstated within three years of its expiration date, an applicant shall reapply for licensure and pass the state examination.

Statutory Authority

§ 54.1-2400 of the Code of Virginia.

Historical Notes

Derived from VR320-01-2 § 4.3, eff. October 24, 1990; amended, Virginia Register Volume 8, Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; Volume 15, Issue 7, eff. January 20, 1999; Volume 19, Issue 19, eff. July 2, 2003; Volume 23, Issue 7, eff. January 10, 2007; Volume 26, Issue 3, eff. November 11, 2009.

18VAC65-20-150. (Repealed.)

Historical Notes

Derived from VR320-01-2 § 4.4, eff. October 24, 1990; amended, Virginia Register Volume 8, Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; Volume 15, Issue 7, eff. January 20, 1999; repealed, Virginia Register Volume 19, Issue 19, eff. July 2, 2003.

Statutory Authority

18VAC65-20-151. Continued competency requirements for renewal of an active license.

A. Funeral service licensees, funeral directors, or funeral embalmers shall be required to have completed a minimum of five hours per year of continuing education offered by a board-approved sponsor for licensure renewal in courses that emphasize the ethics, standards of practice, preneed contracts, and funding, or federal or state laws and regulations governing the profession of funeral service.

1. One hour per year shall cover compliance with laws and regulations governing the profession, and at least one hour per year shall cover preneed funeral arrangements. The one-hour requirement on compliance with laws and regulations may be met once every two years by attendance at a meeting of the board or at a committee of the board or an informal conference or formal hearing.

2. One hour of the five hours required for annual renewal may be satisfied through delivery of professional services, without compensation, to low-income individuals receiving health services through a local health department or a free clinic organized in whole or primarily for the delivery of those services. One hour of continuing education may be credited for one hour of providing such volunteer services, as documented by the health department or free clinic. For the purposes of continuing education credit for volunteer service, an approved sponsor shall be a local health department or free clinic.

B. Courses must be directly related to the scope of practice of funeral service. Courses for which the principal purpose is to promote, sell, or offer goods, products, or services to funeral homes are not acceptable for the purpose of credit toward renewal.

C. The board may grant an extension for good cause of up to one year for the completion of continuing education requirements upon written request from the licensee prior to the renewal date. Such extension shall not relieve the licensee of the continuing education requirement.

D. The board may grant an exemption for all or part of the continuing education requirements for one renewal cycle due to circumstances determined by the board to be beyond the control of the licensee.

E. A licensee shall be exempt from the continuing education requirements for the first renewal following the date of initial licensure by examination in Virginia.

Statutory Authority

§§54.1-2400 and 54.1-2803 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 19, Issue 19, eff. July 2, 2003; amended, Virginia Register Volume 24, Issue 22, eff. August 6, 2008; Volume 28, Issue 26, eff. September 26, 2012; Volume 33, Issue 11, eff. March 9, 2017; Volume 35, Issue 5, eff. November 28, 2018; Volume 37, Issue 12, eff. March 3, 2021.

18VAC65-20-152. Continuing education providers.

A. Unless disqualified by action of the board, courses offered by the following providers are approved for continuing education credit:

1. Local, state, or federal government agencies;
2. Regionally accredited colleges and universities; or
3. Board-recognized national, regional, state, and local associations or organizations as follows:
 - a. National Funeral Directors Association and state chapters;
 - b. National Funeral Directors and Morticians Association and state chapters;
 - c. Association of Independent Funeral Homes of Virginia;
 - d. Cremation Association of North America;
 - e. American Board of Funeral Service Education;
 - f. International Conference of Funeral Service Examining Boards;
 - g. Virginia Morticians Association; and
 - h. Other similar associations or organizations as approved by action of the board.

B. Course providers not listed in subsection A of this section may apply for approval by the board as continuing education providers.

1. To be considered for board approval, a continuing education provider shall submit 60 days prior to offering a continuing education course:
 - a. Documentation of an instructional plan and course objectives for the continuing education course that meets the criteria set forth in 18VAC65-20-151 B;
 - b. A syllabus of the course to be offered with the credentials of the course instructors, a description of each session, including number of continuing education hours; and
 - c. The continuing education provider fee set forth under 18VAC65-20-70.
2. Board approval of continuing education providers under this subsection shall expire on July 1 of each year and may be renewed upon resubmission of documentation on courses and instructors and the provider fee as required by the board.
3. Renewed approval of a continuing education provider may be granted without submission of an additional course review fee if the provider submits a statement that courses and instructors offered for the coming year will not change from the previous year. If there will be additions or alterations to the continuing education offerings of a provider, resubmission of course documentation and an additional course review fee is required.
4. If additional courses are submitted for board approval beyond those courses submitted with

an initial or renewal application, the continuing education provider shall remit the fee for review under 18VAC65-20-70.

C. Continuing education providers approved under subsection A or B of this section shall:

1. Maintain and provide to the board upon request documentation of the course titles and objectives and of licensee attendance and completion of courses for a period of two years;
2. Monitor attendance at classroom or similar educational experiences for compliance with law and regulations; and
3. Provide a certificate of completion for licensees who successfully complete a course.

Statutory Authority

§§54.1-2400 and 54.1-2803 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 19, Issue 19, eff. July 2, 2003; amended, Virginia Register Volume 26, Issue 26, eff. September 29, 2010; Volume 37, Issue 12, eff. March 3, 2021.

18VAC65-20-153. Documenting compliance with continuing education requirements.

A. All licensees with active status are required to maintain original documentation of continuing education for a period of two years after the corresponding annual renewal period.

B. After the end of each renewal period, the board may conduct a random audit of licensees to verify compliance with the requirement for that renewal period.

C. Upon request, a licensee shall provide documentation within 14 days as follows:

1. Official transcripts showing credit hours earned from an accredited institution; or
2. Certificates of completion from approved providers.

D. Compliance with continuing education requirements, including the subject and purpose of the courses as prescribed in 18VAC65-20-151 B, the maintenance of records and the relevance of the courses to the category of licensure is the responsibility of the licensee. The board may request additional information if such compliance is not clear from the transcripts or certificates.

E. Continuing education hours required by disciplinary order shall not be used to satisfy renewal requirements.

Statutory Authority

§§54.1-2400 and 54.1-2803 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 19, Issue 19, eff. July 2, 2003; amended, Virginia Register Volume 24, Issue 24, eff. September 3, 2008; Volume 37, Issue 12, eff. March 3, 2021.

18VAC65-20-154. Inactive license.

A. A funeral service licensee, a funeral director, or an embalmer who holds a current, unrestricted license in Virginia shall, upon a request for inactive status on the renewal application and submission of the required renewal fee, be issued an inactive license.

1. An inactive licensee shall not be entitled to perform any act requiring a license to practice funeral service in Virginia.
2. The holder of an inactive license shall not be required to meet continuing education requirements, except as may be required for reactivation in subsection B of this section.

B. A funeral service licensee, a funeral director, or an embalmer who holds an inactive license may reactivate his license by:

1. Paying the difference between the renewal fee for an inactive license and that of an active license for the year in which the license is being reactivated; and
2. Providing proof of completion of the number of continuing competency hours required for the period in which the license has been inactive, not to exceed three years.

Statutory Authority

§§54.1-2400 and 54.1-2803 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 19, Issue 19, eff. July 2, 2003; amended, Virginia Register Volume 23, Issue 7, eff. January 10, 2007; Volume 31, Issue 8, eff. January 14, 2015; Volume 37, Issue 12, eff. March 3, 2021.

18VAC65-20-160. (Repealed.)

Historical Notes

Derived from VR320-01-2 § 5.1, eff. October 24, 1990; amended, Virginia Register Volume 8, Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; repealed, Virginia Register Volume 15, Issue 7, eff. January 20, 1999.

Statutory Authority

Historical Notes

Part III. Requirements for Licensure

18VAC65-20-170. Requirements for an establishment license.

A. No person shall maintain, manage, or operate a funeral service establishment in the Commonwealth, unless such establishment holds a license issued by the board. The name of the funeral service licensee or licensed funeral director designated by the ownership to be manager of record for the establishment shall be included on the license.

B. Except as provided in § 54.1-2810 of the Code of Virginia, every funeral service establishment

and every branch or chapel of such establishment, regardless of how owned, shall have a separate manager of record who has responsibility for the establishment as prescribed in 18VAC65-20-171. The owner of the establishment shall not abridge the authority of the manager of record relating to compliance with the laws governing the practice of funeral services and regulations of the board.

C. At least 30 days prior to opening an establishment, an owner or licensed manager seeking an establishment license shall submit simultaneously a completed application, any additional documentation as may be required by the board to determine eligibility, and the applicable fee. An incomplete package will be returned to the licensee. A license shall not be issued until an inspection of the establishment has been completed and approved.

D. Within 30 days following a change of ownership, the owner or licensed manager shall request a reinspection of the establishment, submit an application for a new establishment license with documentation that identifies the new owner, and pay the licensure and reinspection fees as required by 18VAC65-20-70. Reinspection of the establishment may occur on a schedule determined by the board, but shall occur no later than one year from the date of the change.

E. The application for licensure of a branch or chapel shall specify the name of the main establishment and contain an attestation of the affiliation of the branch or chapel and the main establishment.

F. In the event of an emergency requiring the evacuation or discontinued use of a funeral establishment, the impacted establishment may be approved by the board to continue operations out of another licensed funeral establishment for a period of no more than 60 days. The impacted establishment may request an extension of emergency operations for an additional 30 days upon good cause shown. In requesting approval for conducting emergency operations under this section, the impacted funeral establishment shall submit documentation that identifies the manager of record for both the impacted establishment and establishment for emergency operations and any agreement for emergency usage.

Statutory Authority

§§54.1-2400 and 54.1-2803 of the Code of Virginia.

Historical Notes

Derived from VR320-01-2 § 5.2, eff. October 24, 1990; amended, Virginia Register Volume 8, Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; Volume 15, Issue 7, eff. January 20, 1999; Volume 20, Issue 8, eff. January 28, 2004; Volume 24, Issue 24, eff. September 3, 2008; Volume 27, Issue 10, eff. March 3, 2011; Volume 29, Issue 25, eff. September 26, 2013; Volume 37, Issue 12, eff. March 3, 2021.

18VAC65-20-171. Responsibilities of the manager of record.

A. Every funeral establishment shall have a manager of record who is employed full time by and in charge of the establishment.

B. The manager shall be fully accountable for the operation of the establishment as it pertains to

the laws and regulations governing the practice of funeral services, to include:

1. Maintenance of the facility within standards established in this chapter;
2. Retention of reports and documents as prescribed by the board in 18VAC65-20-700 during the period in which he serves as manager of record;
3. Reporting to the board of any changes in information as required by 18VAC65-20-60; and
4. Correcting or seeking corrections of any deficiencies identified during the course of an inspection of the establishment.

Statutory Authority

§§54.1-2400 and 54.1-2803 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 24, Issue 24, eff. September 3, 2008; amended, Virginia Register Volume 29, Issue 25, eff. September 26, 2013; Volume 37, Issue 12, eff. March 3, 2021.

18VAC65-20-180. (Repealed.)

Historical Notes

Derived from VR320-01-2 §§ 5.3 to 5.8, eff. October 24, 1990; amended, Virginia Register Volume 8, Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; repealed, Virginia Register Volume 15, Issue 7, eff. January 20, 1999.

Statutory Authority

Historical Notes

18VAC65-20-235. Approval of educational programs.

All applicants for funeral service licensure are required to have graduated from a funeral service program offered by a school of mortuary science or funeral service accredited by the American Board of Funeral Service Education, Incorporated.

Statutory Authority

§ 54.1-2400 and Chapter 28 (§ 54.1-2800 et seq.) of Title 54.1 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 15, Issue 7, eff. January 20, 1999.

18VAC65-20-236. Requirements for students assisting with embalming.

In accordance with § 54.1-2805 of the Code of Virginia, a student who is duly enrolled in a mortuary education program in the Commonwealth and who is not registered with the board as a funeral intern may assist in embalming in a funeral service establishment provided the following requirements are met:

1. The funeral establishment holds a current, unrestricted license issued by the board;
2. The funeral establishment and funeral service licensee or embalmer providing student supervision meet the accreditation standards of the American Board of Funeral Service Education and the Commission on Accreditation for off-campus embalming instruction;
3. Students shall receive instruction and shall observe embalming of a dead human body prior to assisting with an embalming in a funeral service establishment and shall assist with embalming in conjunction with an embalming laboratory course;
4. A funeral service licensee or embalmer may supervise up to three students under his immediate supervision, which shall mean the supervisor is physically and continuously present in the preparation room with the students to supervise each task to be performed;
5. A funeral service establishment shall include on the form granting permission to embalm information disclosing that the establishment is a training facility for mortuary education students and that a student may be assisting the licensee with embalming; and
6. The embalming report shall include the names of students assisting with an embalming and shall be signed by the supervisor.

Statutory Authority

§§ 54.1-2400 and 54.1-2805 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 35, Issue 10, eff. February 21, 2019.

18VAC65-20-240. Requirements for funeral service licensure by examination.

A. Application requirements. Applicants shall submit official mortuary school transcripts and national examination board scores as part of an application package, including the required fee and any additional documentation as may be required to determine eligibility.

B. National examination requirements. Prior to applying for licensure by examination, every applicant shall pass the National Board Examination of the International Conference of Funeral Service Examining Boards.

C. State examination requirements. All applicants shall pass the Virginia State Board Examination.

Statutory Authority

§§ 54.1-2400 and 54.1-2803 of the Code of Virginia.

Historical Notes

Derived from VR320-01-2 § 5.9, eff. October 24, 1990; amended, Virginia Register Volume 8, Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; Volume 15, Issue 7, eff. January 20, 1999; Volume 24, Issue 24, eff. September 3, 2008; Volume 26, Issue 3, eff. November 11, 2009; Volume 26, Issue 18, eff. June 9, 2010; Volume 37, Issue 12, eff. March 3, 2021.

18VAC65-20-250. (Repealed.)

Historical Notes

Derived from VR320-01-2 §§ 5.10 to 5.19, eff. October 24, 1990; amended, Virginia Register Volume 8, Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; repealed, Virginia Register Volume 15, Issue 7, eff. January 20, 1999.

Statutory Authority

Historical Notes

18VAC65-20-350. Requirements for licensure by reciprocity or endorsement.

A. Licenses for the practice of funeral service or its equivalent issued by other states, territories, or the District of Columbia may be recognized by the board and the holder of such license or licenses may be granted a license to practice funeral service within the Commonwealth.

Licenses may be granted to applicants by the board on a case-by-case basis if the applicant holds a valid license for the practice of funeral service or its equivalent in another state, territory, or the District of Columbia and possesses credentials which are substantially similar to or more stringent than required by the Commonwealth for initial licensure at the time the applicant was initially licensed.

B. An applicant for licensure by reciprocity or endorsement shall pass the Virginia State Board Examination.

Statutory Authority

§§ 54.1-2400 and 54.1-2803 of the Code of Virginia.

Historical Notes

Derived from VR320-01-2 § 5.20, eff. October 24, 1990; amended, Virginia Register Volume 8, Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; Volume 15, Issue 7, eff. January 20, 1999; Volume 20, Issue 8, eff. January 28, 2004; Volume 24, Issue 24, eff. September 3, 2008.

18VAC65-20-360. (Repealed.)

Historical Notes

Derived from VR320-01-2 §§ 5.21 and 6.1 to 6.3, eff. October 24, 1990; amended, Virginia Register Volume 8, Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; repealed, Virginia Register Volume 15, Issue 7, eff. January 20, 1999.

Statutory Authority

Historical Notes

Part IV. Registration

18VAC65-20-400. Registration of surface transportation and removal services.

All persons applying to own or operate a surface transportation and removal service, according to requirements of § 54.1-2819 of the Code of Virginia, shall submit an application package for registration which shall include:

1. A completed and signed application;
2. The fee prescribed in 18VAC65-20-70 A 3;
3. Additional documentation as may be required by the board to determine eligibility of the applicant, including evidence of training of the service manager and staff in compliance with standards of the Occupational Safety and Health Administration (OSHA) for universal precautions and bloodborne pathogens, and proof of bonding or liability insurance coverage related to the operation of the service; and
4. The name of the manager for the service.

Statutory Authority

§§54.1-2400 and 54.1-2803 of the Code of Virginia.

Historical Notes

Derived from VR320-01-2 § 7.1, eff. October 24, 1990; amended, Virginia Register Volume 8, Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; Volume 15, Issue 7, eff. January 20, 1999; Volume 20, Issue 8, eff. January 28, 2004; Volume 29, Issue 25, eff. September 26, 2013; Volume 31, Issue 26, eff. September 23, 2015; Volume 37, Issue 12, eff. March 3, 2021.

18VAC65-20-410. (Repealed.)

Historical Notes

Derived from VR320-01-2 § 7.2, eff. October 24, 1990; amended, Virginia Register Volume 8, Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; repealed, Virginia Register Volume 15, Issue 7, eff. January 20, 1999.

Statutory Authority

Historical Notes

18VAC65-20-420. Misrepresentation.

A person employed or operating a surface transportation and removal service shall not in any manner misrepresent himself to the public as being an official of any local jurisdiction, the Commonwealth, federal, or any other governmental body unless granted such authority. This shall include the name and title of the company or service, uniforms, equipment, vehicles, and any other instruments used or proffered by the services or its agents.

Statutory Authority

§§ 54.1-2400 and 54.1-2803 of the Code of Virginia.

Historical Notes

Derived from VR320-01-2 § 7.3, eff. October 24, 1990; amended, Virginia Register Volume 8, Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; Volume 24, Issue 24, eff. September 3, 2008.

18VAC65-20-430. (Repealed.)

Historical Notes

Derived from VR320-01-2 § 7.4, eff. October 24, 1990; amended, Virginia Register Volume 8, Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; repealed, Virginia Register Volume 15, Issue 7, eff. January 20, 1999.

Statutory Authority

Historical Notes

18VAC65-20-435. Registration of crematories.

A. At least 30 days prior to opening a crematory, any person intending to own or operate a crematory shall apply for registration with the board by submitting a completed application and fee as prescribed in 18VAC65-20-70. The name of the individual designated by the ownership to be the crematory manager shall be included on the application. The owner of the crematory shall not abridge the authority of the crematory manager relating to compliance with the laws governing the practice of funeral services and regulations of the board. The designated crematory manager may be the manager of record of a funeral establishment colocated on the same premises.

B. Every crematory, regardless of how owned, shall have a manager who has (i) achieved certification by the Cremation Association of North America (CANA); the International Cemetery, Cremation and Funeral Association (ICCFA); or other certification recognized by the board and (ii) received training in compliance with standards of the Occupational Health and Safety Administration (OSHA) for universal precautions and bloodborne pathogens.

C. The manager shall be fully accountable for the operation of the crematory as it pertains to the laws and regulations governing the practice of funeral services, to include but not be limited to:

1. Maintenance of the facility within standards established in this chapter;
2. Retention of reports and documents as prescribed by the board in 18VAC65-20-436 during the period in which he serves as crematory manager; and
3. Reporting to the board of any changes in information as required by 18VAC65-20-60.

D. All persons who operate the retort in a crematory shall have certification by the Cremation Association of North America (CANA); the International Cemetery, Cremation and Funeral Association (ICCFA); or other certification recognized by the board. Persons receiving training toward certification to operate a retort shall be allowed to work under the supervision of an operator who holds certification for a period not to exceed six months.

E. A crematory providing cremation services directly to the public shall also be licensed as a funeral service establishment or shall be a branch of a licensed establishment.

F. When a crematory application is pending and the conduct of a cremation is necessary to ensure the proper function of retort equipment, the board may authorize the crematory to conduct a test cremation prior to registration. Once the crematory equipment is deemed functional and an initial crematory inspection is completed, the board may issue the crematory a registration to operate.

G. The board may take disciplinary action against a crematory registration for a violation of § 54.1-2818.1 of the Code of Virginia or for the inappropriate handling of dead human bodies or remains.

Statutory Authority

§§54.1-2400 and 54.1-2803 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 16, Issue 7, eff. January 19, 2000; amended, Virginia Register Volume 25, Issue 20, eff. July 8, 2009; Volume 27, Issue 10, eff. March 3, 2011; Volume 29, Issue 25, eff. September 26, 2013; Volume 37, Issue 12, eff. March 3, 2021.

18VAC65-20-436. Standards for registered crematories or funeral establishments relating to cremation.

A. Authorization to cremate.

1. A crematory shall require a cremation authorization form executed in person or electronically in a manner that provides a copy of an original signature in accordance with § 54.1-2818.1 of the Code of Virginia.

2. The cremation authorization form shall include an attestation of visual identification of the deceased from a viewing of the remains or a photograph of the remains signed by the person making the identification. Visual identification may be made by viewing unique identifiers or markings on the remains. The identification attestation shall either be given on the cremation authorization form or on an identification form attached to the cremation authorization form.

3. In the event visual identification is not feasible, a crematory may use other positive identification of the deceased in consultation with law enforcement, a medical examiner, or medical personnel as a prerequisite for cremation pursuant to § 54.1-2818.1 of the Code of Virginia.

B. Standards for cremation. The following standards shall be required for every crematory:

1. Every crematory shall provide evidence at the time of an inspection of a permit to operate issued by the Department of Environmental Quality (DEQ).

2. A crematory shall not knowingly cremate a body with a pacemaker, defibrillator, or other potentially hazardous implant in place.

3. A crematory shall not cremate the human remains of more than one person simultaneously in the same chamber of the retort or cremation unit, unless the crematory has received specific

written authorization to do so from the person signing the cremation authorization form.

4. A crematory shall not cremate nonhuman remains in a retort permitted by DEQ for cremation of human remains.

5. Whenever a crematory is unable to cremate the remains within 24 hours upon taking custody thereof, the crematory shall maintain the remains in refrigeration at approximately 40° Fahrenheit or less, unless the remains have been embalmed.

C. Handling of human remains.

1. Human remains shall be transported to a crematory in a cremation container and shall not be removed from the container unless the crematory has been provided with written instructions to the contrary by the person who signed the authorization form. A cremation container shall substantially meet all the following standards:

- a. Be composed of readily combustible materials suitable for cremation;
- b. Be able to be closed in order to provide complete covering for the human remains;
- c. Be resistant to leakage or spillage; and
- d. Be rigid enough for handling with ease.

2. No crematory shall require that human remains be placed in a casket before cremation nor shall it require that the cremains be placed in a cremation urn, cremation vault, or receptacle designed to permanently encase the cremains after cremation. Cremated remains shall be placed in a plastic bag inside a rigid container provided by the crematory or by the next of kin for return to the funeral establishment or to the next of kin. If cremated remains are placed in a biodegradable container, a biodegradable bag shall be used. If placed in a container designed for scattering, the cremated remains may be placed directly into the container if the next of kin so authorized in writing.

3. The identification of the decedent shall be physically attached to the remains, and appropriate identification placed on the exterior of the cremation container. The crematory operator shall verify the identification on the remains with the identification attached to the cremation container and with the identification attached to the cremation authorization. The crematory operator shall also verify the identification of the cremains and place evidence of such verification in the cremation record.

D. Recordkeeping. A crematory shall maintain the records of cremation for a period of three years from the date of the cremation that indicate the name of the decedent, the date and time of the receipt of the body, and the date and time of the cremation and shall include:

1. The cremation authorization form signed by the person authorized by law to dispose of the remains and the form on which the next of kin or the person authorized by § 54.1-2818.1 of the Code of Virginia to make the identification has made a visual identification of the deceased or evidence of positive identification if visual identification is not feasible;
2. The permission form from the medical examiner;

3. The DEQ permit number of the retort used for the cremation and the name of the retort operator; and

4. The form verifying the release of the cremains, including date and time of release, the name of the person and the entity to whom the cremains were released, and the name of the decedent.

Statutory Authority

§§54.1-2400 and 54.1-2803 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 25, Issue 20, eff. July 8, 2009; amended, Virginia Register Volume 27, Issue 18, eff. June 8, 2011; Volume 29, Issue 25, eff. September 26, 2013; Volume 30, Issue 22, eff. July 30, 2014; Volume 32, Issue 6, eff. December 16, 2015; Volume 32, Issue 6, eff. January 15, 2016; Volume 37, Issue 12, eff. March 3, 2021.

Part V. Issuance of Courtesy Cards

18VAC65-20-440. Courtesy cards.

A. An out-of-state person applying for a courtesy card pursuant to § 54.1-2801 B of the Code of Virginia shall hold a valid license for funeral service, funeral directing, or embalming in another state, territory, or the District of Columbia.

B. An applicant for a courtesy card shall submit:

1. A completed application and prescribed fee; and
2. Verification of current, unrestricted licensure for funeral service, funeral directing, or embalming from the licensing authorities in the states in which the courtesy card holder is licensed to practice.

C. The holder of a Virginia courtesy card shall only engage in the practice for which he is currently licensed in another jurisdiction. The privilege to practice shall not include the right to establish or engage generally in the business of funeral directing and embalming in Virginia.

Statutory Authority

§§54.1-2400 and 54.1-2803 of the Code of Virginia.

Historical Notes

Derived from VR320-01-2 § 8.1, eff. October 24, 1990; amended, Virginia Register Volume 8, Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; Volume 15, Issue 7, eff. January 20, 1999; Volume 20, Issue 8, eff. January 28, 2004; Volume 24, Issue 24, eff. September 3, 2008; Volume 37, Issue 12, eff. March 3, 2021.

18VAC65-20-450. (Repealed.)

Historical Notes

Derived from VR320-01-2 §§ 8.2 to 8.5 and 9.1, eff. October 24, 1990; amended, Virginia Register Volume 8, Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; repealed, Virginia Register Volume 15, Issue 7, eff. January 20, 1999.

Statutory Authority

Historical Notes

Part VI. Refusal, Suspension, Revocation, and Disciplinary Action

18VAC65-20-500. Disciplinary action.

In accordance with the provisions of § 54.1-2806 of the Code of Virginia, the following practices are considered unprofessional conduct and may subject the licensee to disciplinary action by the board:

1. Breach of confidence. The unnecessary or unwarranted disclosure of confidences by the funeral licensee.
2. Unfair competition.
 - a. Interference by a funeral service licensee, funeral director, or registered surface transportation and removal service when another has been called to take charge of a dead human body and the caller or agent of the caller has the legal right to the body's disposition.
 - b. Consent by a funeral service licensee or funeral director to take charge of a body unless authorized by the person or his agent having the legal right to disposition.
3. False advertising.
 - a. No licensee or registrant shall make, publish, disseminate, circulate, or place before the public, or cause directly or indirectly to be made, an advertisement of any sort regarding services or anything so offered to the public that contains any promise, assertion, representation, or statement of fact which is untrue, deceptive, or misleading.
 - b. The following practices, both written and verbal, shall constitute false, deceptive, or misleading advertisement within the meaning of subdivision 4 of § 54.1-2806 of the Code of Virginia:
 - (1) Advertising containing inaccurate statements; and
 - (2) Advertisement which gives a false impression as to ability, care, and cost of conducting a funeral, or that creates an impression of things not likely to be true.
 - c. The following practices are among those that shall constitute an untrue, deceptive, and misleading representation or statement of fact:
 - (1) Representing that funeral goods or services will delay the natural decomposition of human remains for a long term or indefinite time; and
 - (2) Representing that funeral goods have protective features or will protect the body from

gravesite substances over or beyond that offered by the written warranty of the manufacturer.

4. Inappropriate handling and storage of dead human bodies, consistent with § 54.1-2811.1 of the Code of Virginia and regulations of the board. Transportation and removal vehicles shall be of such nature as to eliminate exposure of the deceased to the public during transportation. During the transporting of a human body, consideration shall be taken to avoid unnecessary delays or stops during travel.
5. Failure to furnish price information disclosing the cost to the purchaser for each of the specific funeral goods and funeral services used in connection with the disposition of deceased human bodies.
6. Conducting the practice of funeral services in such a manner as to constitute a danger to the health, safety, and well-being of the staff or the public.
7. Inability to practice with skill or safety because of physical, mental, or emotional illness, or substance abuse.
8. Failure to register as a supervisor for a funeral service intern or failure to provide reports to the board as required by the Code of Virginia and 18VAC65-40-320.
9. Failure to comply with applicable federal and state laws and regulations, including requirements for continuing education.
10. Inappropriate sexual contact between a supervisor and a funeral service intern if the sexual contact is a result of the exploitation of trust, knowledge, or influence derived from the professional relationship or if the contact has had or is likely to have an adverse effect on the practice of funeral services or on intern training.

Statutory Authority

§§54.1-2400 and 54.1-2803 of the Code of Virginia.

Historical Notes

Derived from VR320-01-2 § 10.1, eff. October 24, 1990; amended, Virginia Register Volume 8, Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; Volume 15, Issue 7, eff. January 20, 1999; Volume 19, Issue 19, eff. July 2, 2003; Volume 22, Issue 21, eff. July 26, 2006; Volume 24, Issue 24, eff. September 3, 2008; Volume 26, Issue 26, eff. September 29, 2010; Volume 37, Issue 12, eff. March 3, 2021

Part VII. Standards for Embalming and Refrigeration

18VAC65-20-510. Embalming.

A. In accordance with the provisions of subdivision 26 of § 54.1-2806 and subsection B of § 54.1-2811.1 of the Code of Virginia, express permission by a next of kin for embalming means written authorization to embalm as a specific and separate statement on a document or contract provided by the funeral establishment. Express permission may include direct, verbal

authorization to embalm, provided it is followed as soon as possible by a written document or statement signed by the next of kin confirming the verbal authorization to embalm and including the time, date, and name of the person who gave verbal authorization.

B. Every funeral establishment shall record and maintain a separate, identifiable report for each embalming procedure conducted, which shall at a minimum include the following information:

1. The name of the deceased and the date of death;
2. The date and location of the embalming;
3. The name and signature of the embalmer and the Virginia license number of the embalmer;
4. If the embalming was performed by a funeral service intern, the name and signature of the supervisor; and
5. The name of each student and the signature of the supervisor of any mortuary science student who assisted in the embalming.

Statutory Authority

§§54.1-2400 and 54.1-2803 of the Code of Virginia.

Historical Notes

Derived from VR320-01-2 § 11.1, eff. October 24, 1990; amended, Virginia Register Volume 8, Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; Volume 15, Issue 7, eff. January 20, 1999; Volume 24, Issue 24, eff. September 3, 2008; Volume 35, Issue 7, eff. December 26, 2018; Volume 37, Issue 12, eff. March 3, 2021.

18VAC65-20-520. (Repealed.)

Historical Notes

Derived from VR320-01-2 § 11.2, eff. October 24, 1990; amended, Virginia Register Volume 8, Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; repealed, Virginia Register Volume 15, Issue 7, eff. January 20, 1999.

Statutory Authority

Historical Notes

18VAC65-20-530. Documentation of embalming.

Statutory Authority

Historical Notes

Derived from VR320-01-2 § 11.3, eff. October 24, 1990; amended, Virginia Register Volume 8, Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; Volume 15, Issue 7, eff. January 20, 1999; repealed, Virginia Register Volume 26, Issue 26, eff. September 29, 2010.

18VAC65-20-540. Preparation room requirements.

A. Every funeral service establishment at which embalming of dead human bodies is performed shall have at least one room used exclusively for embalming or preparation of the body.

B. The following are required of the preparation room or rooms:

1. The walls shall extend floor to ceiling;

2. The floor and wall surfaces shall be of a material or covered by a material impervious to water; and

3. The material shall extend from wall to wall with all joints tight and sanitary.

C. All functions connected with embalming shall be performed within the preparation room.

Statutory Authority

§ 54.1-2400 and Chapter 28 (§ 54.1-2800 et seq.) of Title 54.1 of the Code of Virginia.

Historical Notes

Derived from VR320-01-2 § 11.4, eff. October 24, 1990; amended, Virginia Register Volume 8, Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; Volume 15, Issue 7, eff. January 20, 1999.

18VAC65-20-550. (Repealed.)

Historical Notes

Derived from VR320-01-2 §§ 11.5 and 11.6, eff. October 24, 1990; amended, Virginia Register Volume 8, Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; repealed, Virginia Register Volume 15, Issue 7, eff. January 20, 1999.

Statutory Authority

Historical Notes

18VAC65-20-570. Condition of preparation room.

A. The preparation room or rooms shall be kept in a clean and sanitary condition at all times, subject to inspection.

B. Inventories of embalming and preparation materials shall be stored in a container and in a manner that makes them impervious to water and protects them from contamination.

C. Any items or supplies not directly used in an embalming procedure shall not be stored in the preparation room.

Statutory Authority

§ 54.1-2400 and Chapter 28 (§ 54.1-2800 et seq.) of Title 54.1 of the Code of Virginia.

Historical Notes

Derived from VR320-01-2 § 11.7, eff. October 24, 1990; amended, Virginia Register Volume 8,

Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; Volume 20, Issue 8, eff. January 28, 2004; Errata 20:10 VA.R. 1060 January 26, 2004.

18VAC65-20-580. Preparation room equipment.

The preparation room or rooms shall be equipped with:

1. A ventilation system which operates and is appropriate to the size and function of the room;
2. Running hot and cold water;
3. Flush or slop sink connected with public sewer or with septic tank where no public sewer is available;
4. Metal, fiberglass, or porcelain morgue table;
5. Covered waste container;
6. Instruments and apparatus for the embalming process;
7. A means or method for the sterilization or disinfection of reusable instruments by chemical bath or soak; autoclave (steam); or ultraviolet light;
8. Disinfectants and antiseptic solutions;
9. Clean gowns or aprons, preferably impervious to water;
10. Rubber gloves for each embalmer, intern, or student using the room;
11. An electric aspirator or hydroaspirator equipped with a vacuum breaker;
12. An eye wash station that is readily accessible; and
13. A standard first aid kit, that is immediately accessible, either in the preparation room or outside the door to the preparation room.

Statutory Authority

§§54.1-2400 and 54.1-2803 of the Code of Virginia.

Historical Notes

Derived from VR320-01-2 § 11.8, eff. October 24, 1990; amended, Virginia Register Volume 8, Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; Volume 15, Issue 7, eff. January 20, 1999; Volume 20, Issue 8, eff. January 28, 2004; Volume 22, Issue 21, eff. July 26, 2006; Volume 29, Issue 25, eff. September 26, 2013; Volume 37, Issue 12, eff. March 3, 2021.

18VAC65-20-581. Refrigeration requirements.

A. If a dead human body is to be in the possession of a funeral establishment or crematory for more than 48 hours from the time the funeral establishment or crematory takes physical possession of the body until embalming, cremation, or burial, the body shall be placed and maintained in refrigeration in a mechanical refrigeration unit suitable for storing human remains in accordance with subsection B of § 54.1-2811.1 of the Code of Virginia.

B. The mechanical refrigeration unit may be located in the funeral establishment or crematory, or the funeral establishment or crematory may enter into an agreement or contract with another funeral establishment, crematory, or other licensed entity for refrigeration in a mechanical refrigeration unit.

C. Evidence of compliance with the requirement for refrigeration shall be maintained as a log entry or other documentation indicating times of placement in and removal of a body from refrigeration.

Statutory Authority

§§ 54.1-2400 and 54.1-2803 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 35 Issue 7, eff. December 26, 2018.

18VAC65-20-590. Disposal of waste materials.

Disposal of all waste materials shall be in conformity with local, state, and federal law and regulations to avoid contagion and the possible spread of disease. Upon inspection, the establishment shall provide evidence of compliance, such as a copy of a contract with a medical waste disposal company.

Statutory Authority

§§ 54.1-2400 and 54.1-2803 of the Code of Virginia.

Historical Notes

Derived from VR320-01-2 § 11.9, eff. October 24, 1990; amended, Virginia Register Volume 8, Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; Volume 15, Issue 7, eff. January 20, 1999; Volume 20, Issue 8, eff. January 28, 2004; Volume 24, Issue 24, eff. September 3, 2008.

18VAC65-20-600. (Repealed.)

Historical Notes

Derived from VR320-01-2 §§ 11.10 and 11.11, eff. October 24, 1990; amended, Virginia Register Volume 8, Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; repealed, Virginia Register Volume 15, Issue 7, eff. January 20, 1999.

Statutory Authority

Historical Notes

18VAC65-20-620. (Repealed.)

Historical Notes

Derived from VR320-01-2 § 12.1, eff. October 24, 1990; amended, Virginia Register Volume 8, Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; repealed, Virginia Register Volume 15, Issue 7, eff. January

20, 1999.

Statutory Authority

Historical Notes

Part VIII. Pricing Standards and Forms

18VAC65-20-630. Disclosures.

Funeral providers shall make all required disclosures and provide accurate information from price lists pursuant to the rules of the Federal Trade Commission. Price lists shall comply with requirements of the FTC and shall contain the information included in:

APPENDIX I - General Price List;

APPENDIX II - Casket Price List, Outer Burial Container Price List; and

APPENDIX III - Itemized Statement of Funeral Goods and Services Selected.

Statutory Authority

§§ 54.1-2400 and 54.1-2803 of the Code of Virginia.

Historical Notes

Derived from VR320-01-2 § 12.2, eff. October 24, 1990; amended, Virginia Register Volume 8, Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; Volume 15, Issue 7, eff. January 20, 1999; Volume 27, Issue 10, eff. March 3, 2011.

18VAC65-20-640. (Repealed.)

Historical Notes

Derived from VR320-01-2 §§ 12.3 to 12.8, eff. October 24, 1990; amended, Virginia Register Volume 8, Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; repealed, Virginia Register Volume 15, Issue 7, eff. January 20, 1999.

Statutory Authority

Historical Notes

18VAC65-20-700. Retention of documents.

A. The following retention schedule shall apply:

1. Price lists shall be retained for three years after the date on which they are no longer effective;
2. Itemized statements shall be retained for three years from the date on which the arrangements were made; and
3. Embalming reports shall be retained at the location of the embalming for three years after the date of the embalming.

B. The manager of record shall be responsible for retention and maintenance of all required documents.

C. Documents shall be maintained on the premises of the funeral establishment and made available for inspection.

D. In instances where the funeral establishment is sold, documents shall be transferred to the new owner, unless the existing firm is relocating to a new facility. The new owner shall retain transferred documents in accordance with the provisions of this section. When transferred documents include preneed contracts, the documents shall be retained and maintained in accordance with the provisions of the Code of Virginia and regulations of the board.

Statutory Authority

§§54.1-2400 and 54.1-2803 of the Code of Virginia.

Historical Notes

Derived from VR320-01-2 § 13.1, eff. October 24, 1990; amended, Virginia Register Volume 8, Issue 25, eff. October 7, 1992; Volume 11, Issue 14, eff. May 3, 1995; Volume 15, Issue 7, eff. January 20, 1999; Volume 20, Issue 8, eff. January 28, 2004; Volume 24, Issue 24, eff. September 3, 2008; Volume 37, Issue 12, eff. March 3, 2021.

Code of Virginia

Title 54.1. Professions and Occupations

Subtitle III. Professions and Occupations Regulated by Boards within the Department of Health Professions

Chapter 28. Funeral Services

Article 1. Board of Funeral Directors and Embalmers

§ 54.1-2800. Definitions

As used in this chapter, unless the context requires a different meaning:

"Advertisement" means any information disseminated or placed before the public.

"At-need" means at the time of death or while death is imminent.

"Board" means the Board of Funeral Directors and Embalmers.

"Cremate" means to reduce a dead human body to ashes and bone fragments by the action of fire.

"Cremator" means a person or establishment that owns or operates a crematory or crematorium or cremates dead human bodies.

"Crematory" or "crematorium" means a facility containing a furnace for cremation of dead human bodies.

"Embalmer" means any person engaged in the practice of embalming.

"Embalming" means the process of chemically treating the dead human body by arterial injection and cavity treatment or, when necessary, hypodermic tissue injection to reduce the presence and growth of microorganisms to temporarily retard organic decomposition.

"Funeral directing" means the for-profit profession of directing or supervising funerals, preparing human dead for burial by means other than embalming, or making arrangements for funeral services or the financing of funeral services.

"Funeral director" means any person engaged in the practice of funeral directing.

"Funeral service establishment" means any main establishment, branch, or chapel that is permanently affixed to the real estate and for which a certificate of occupancy has been issued by the local building official where any part of the profession of funeral directing, the practice of funeral services, or the act of embalming is performed.

"Funeral service intern" means a person who is preparing to be licensed for the practice of funeral services under the direct supervision of a practitioner licensed by the Board.

"Funeral service licensee" means a person who is licensed in the practice of funeral services.

"In-person communication" means face-to-face communication and telephonic communication.

"Next of kin" means any of the following persons, regardless of the relationship to the decedent: any person designated to make arrangements for the disposition of the decedent's remains upon his death pursuant to § 54.1-2825, the legal spouse, child aged 18 years or older, parent of a decedent aged 18 years or older, custodial parent or noncustodial parent of a decedent younger

than 18 years of age, siblings over 18 years of age, guardian of minor child, guardian of minor siblings, maternal grandparents, paternal grandparents, maternal siblings over 18 years of age and paternal siblings over 18 years of age, or any other relative in the descending order of blood relationship.

"Practice of funeral services" means engaging in the care and disposition of the human dead, the preparation of the human dead for the funeral service, burial or cremation, the making of arrangements for the funeral service or for the financing of the funeral service and the selling or making of financial arrangements for the sale of funeral supplies to the public.

"Preneed" means at any time other than at-need.

"Preneed funeral contract" means any agreement where payment is made by the consumer prior to the receipt of services or supplies contracted for, which evidences arrangements prior to death for (i) the providing of funeral services or (ii) the sale of funeral supplies.

"Preneed funeral planning" means the making of arrangements prior to death for (i) the providing of funeral services or (ii) the sale of funeral supplies.

"Solicitation" means initiating contact with consumers with the intent of influencing their selection of a funeral plan or funeral service provider.

Code 1950, § 54-260.1; 1956, c. 220; 1972, c. 797, § 54-260.67; 1988, c. 765; 1989, c. 684; 1991, c. 539; 1997, c. 116; 1998, cc. 718, 867; 2003, c. 505; 2006, c. 56; 2015, cc. 534, 670.

§ 54.1-2801. Exemptions

A. The provisions of this chapter shall not apply to any officer of local or state institutions or to the burial of the bodies of inmates of state institutions when buried at the expense of the Commonwealth or any of its political subdivisions.

B. Any person holding a license as a funeral director or embalmer or an equivalent in another state, having substantially similar requirements as the Board, may apply to the Board for courtesy card privileges to remove bodies from and to arrange funerals or embalm bodies in this Commonwealth. However, these privileges shall not include the right to establish or engage generally in the business of funeral directing and embalming in Virginia.

Code 1950, §§ 54-260.1, 54-260.22 through 54-260.30, 54-260.32; 1956, c. 220; 1966, c. 284, § 54-260.70; 1972, c. 797, § 54-260.67; 1973, c. 296; 1974, c. 686; 1978, c. 849; 1986, c. 43; 1988, c. 765.

§ 54.1-2802. Board; appointment; terms; vacancies; meetings; quorum

The Board of Funeral Directors and Embalmers shall consist of nine members as follows: seven funeral service licensees of the Board with at least five consecutive years of funeral service practice in the Commonwealth immediately prior to appointment and two nonlegislative citizen members. The terms of office shall be for four years from July 1. Appointments shall be made annually on or before June 30 as the terms of the members respectively expire. Appointments to the Board should generally represent the geographical areas of the Commonwealth. The Board shall annually elect a president, a vice-president, and a secretary-treasurer.

The Board shall hold at least two meetings each year. In addition, the Board may meet as often as its duties require. Five members shall constitute a quorum.

1988, cc. 42, 765; 2000, c. 773; 2015, c. 534.

§ 54.1-2803. Specific powers and duties of Board

In addition to the general powers and duties conferred in this subtitle, the Board shall have the following specific powers and duties to:

1. Establish standards of service and practice for the funeral service profession in the Commonwealth.
2. Regulate and inspect funeral service establishments, their operation and licenses.
3. Require licensees and funeral service interns to submit all information relevant to their practice or business.
4. Enforce the relevant regulations of the Board of Health.
5. Enforce local ordinances relating to funeral service establishments.
6. Advise the Department of Health Professions of any training appropriate for inspectors serving as the Board's agents.
7. Establish, supervise, regulate and control, in accordance with the law, programs for funeral service interns.
8. Establish standards for and approve schools of mortuary science or funeral service.
9. Regulate preneed funeral contracts and preneed funeral trust accounts as prescribed by this chapter, including, but not limited to, the authority to prescribe preneed contract forms, disclosure requirements and disclosure forms and to require reasonable bonds to insure performance of preneed contracts.
10. Inspect crematories and their operations.

Code 1950, §§ 54-260.3, 54-260.4, 54-260.6, 54-260.7, 54-260.11 through 54-260.14, 54-260.16 through 54-260.18, 54-260.20, 54-260.21, 54-260.45 through 54-260.49; 1956, c. 220; 1960, c. 61, § 54-260.69; 1966, c. 283, § 54-260.65; 1970, c. 385; 1972, c. 797, §§ 54-260.64, 54-260.68; 1978, c. 849; 1979, c. 650; 1980, c. 728; 1984, cc. 627, 704; 1988, c. 765; 1989, c. 684; 2000, c. 773; 2003, c. 505; 2006, c. 56.

§ 54.1-2804. Licensing authority

The Board is authorized to determine the qualifications to enable any person to engage in the practice of funeral service, preneed funeral planning, funeral directing, embalming and the operation of a funeral service establishment. The Board shall promulgate regulations that establish the requirements of licensure for funeral directors and embalmers.

Code 1950, § 54-260.70; Code 1950, §§ 54-260.22 through 54-260.30, 54-260.32; 1956, c. 220; 1966, c. 284, § 54-260.70; 1972, c. 797; 1973, c. 296; 1974, c. 686; 1978, c. 849; 1986, c. 43; 1988, c. 765; 1989, c. 684; 2020, c. 943.

§ 54.1-2805. Engaging in the practice of funeral services or the business of preneed funeral planning or acting as a funeral director or embalmer without a license

A. It shall be unlawful for any person to engage in or hold himself out as engaging in the practice of funeral services or the business of preneed funeral planning, to operate a funeral service

establishment, or to act as a funeral director or embalmer or hold himself out as such unless he is licensed by the Board. Engaging in the practice of funeral services, preneed funeral planning, operating a funeral service establishment, or acting as a funeral director or embalmer shall be recognized as that of a health profession.

B. Notwithstanding the provisions of subsection A, a person who is duly enrolled in a mortuary education program in the Commonwealth may assist in embalming while under the immediate supervision of a funeral service licensee or embalmer with an active, unrestricted license issued by the Board, provided that such embalming occurs in a funeral service establishment licensed by the Board and in accordance with regulations promulgated by the Board.

1974, c. 257, § 54-260.73:1; 1988, c. 765; 1989, c. 684; 2000, c. 773; 2018, c. 186.

§ 54.1-2806. Refusal, suspension, or revocation of license, registration, or courtesy card

A. As used in this section, "license" shall include any license, registration, or courtesy card issued by the Board.

B. The Board may refuse to admit a candidate to any examination, refuse to issue a license to any applicant and may suspend a license for a stated period or indefinitely, or revoke any license or censure or reprimand any licensee or place him on probation for such time as it may designate for any of the following causes:

1. Conviction of any felony or any crime involving moral turpitude;
2. Unprofessional conduct that is likely to defraud or to deceive the public or clients;
3. Misrepresentation or fraud in the conduct of the funeral service profession, or in obtaining or renewing a license;
4. False or misleading advertising or solicitation;
5. Solicitation at-need or any preneed solicitation using in-person communication by the licensee, his agents, assistants or employees; however, general advertising and preneed solicitation, other than in-person communication, shall be allowed;
6. Employment by the licensee of persons known as "cappers" or "steerers," or "solicitors," or other such persons to obtain the services of a holder of a license for the practice of funeral service;
7. Employment directly or indirectly of any agent, employee or other person, on part or full time, or on a commission, for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular funeral establishment;
8. Direct or indirect payment or offer of payment of a commission to others by the licensee, his agents, or employees for the purpose of securing business;
9. Use of alcohol or drugs to the extent that such use renders him unsafe to practice his licensed activity;
10. Aiding or abetting an unlicensed person to practice within the funeral service profession;
11. Using profane, indecent, or obscene language within the immediate hearing of the family or relatives of a deceased, whose body has not yet been interred or otherwise disposed of;

12. Solicitation or acceptance by a licensee of any commission or bonus or rebate in consideration of recommending or causing a dead human body to be disposed of in any crematory, mausoleum, or cemetery;
13. Violation of any statute, ordinance, or regulation affecting the handling, custody, care, or transportation of dead human bodies;
14. Refusing to surrender promptly the custody of a dead human body upon the express order of the person lawfully entitled to custody;
15. Knowingly making any false statement on a certificate of death;
16. Violation of any provisions of Chapter 7 (§ [32.1-249](#) et seq.) of Title 32.1;
17. Failure to comply with § [54.1-2812](#), and to keep on file an itemized statement of funeral expenses in accordance with Board regulations;
18. Knowingly disposing of parts of human remains, including viscera, that are received with the body by the funeral establishment, in a manner different from that used for final disposition of the body, unless the persons authorizing the method of final disposition give written permission that the body parts may be disposed of in a manner different from that used to dispose of the body;
19. Violating or failing to comply with Federal Trade Commission rules regulating funeral industry practices;
20. Violating or cooperating with others to violate any provision of Chapter 1 (§ [54.1-100](#) et seq.), Chapter 24 (§ [54.1-2400](#) et seq.), this chapter, or the regulations of the Board of Funeral Directors and Embalmers or the Board of Health;
21. Failure to comply with the reporting requirements as set forth in § [54.1-2817](#) for registered funeral service interns;
22. Failure to provide proper and adequate supervision and training instruction to registered funeral service interns as required by regulations of the Board;
23. Violating any statute or regulation of the Board regarding the confidentiality of information pertaining to the deceased or the family of the deceased or permitting access to the body in a manner that is contrary to the lawful instructions of the next-of-kin of the deceased;
24. Failure to include, as part of the general price list for funeral services, a disclosure statement notifying the next of kin that certain funeral services may be provided off-premises by other funeral service providers;
25. Disciplinary action against a license, certificate, or registration issued by another state, the District of Columbia, or territory or possession of the United States;
26. Failure to ensure that a dead human body is maintained in refrigeration at no more than approximately 40 degrees Fahrenheit or embalmed if it is to be stored for more than 48 hours prior to disposition. A dead human body shall be maintained in refrigeration and shall not be embalmed in the absence of express permission by a next of kin of the deceased or a court order; and

27. Mental or physical incapacity to practice his profession with safety to the public.

Code 1950, §§ 54-260.50, 54-260.59; 1956, c. 220; 1972, c. 797, § 54-260.74; 1979, c. 720; 1981, c. 258; 1986, c. 91; 1988, c. 765; 1989, c. 684; 1990, c. 363; 1996, c. 142; 2003, c. 505; 2006, c. 56; 2010, c. 324; 2015, c. 534; 2020, c. 885.

§ 54.1-2807. Other prohibited activities

A. A person licensed for the practice of funeral service shall not (i) remove or embalm a body when he has information indicating the death was such that an investigation by the Office of the Chief Medical Examiner is required pursuant to § 32.1-283 or 32.1-285.1 or (ii) cremate or bury at sea a body until he has obtained permission of the Office of the Chief Medical Examiner as required by § 32.1-309.3.

B. Except as provided in § 32.1-301 and Chapter 8.1 (§ 32.1-309.1 et seq.) of Title 32.1, funeral service establishments shall not accept a dead human body from any public officer, except the Chief Medical Examiner, an Assistant Chief Medical Examiner, or a medical examiner appointed pursuant to § 32.1-282, or from any public or private facility or person having a professional relationship with the decedent without having first inquired about the desires of the next of kin and the persons liable for the funeral expenses of the decedent. The authority and directions of any next of kin shall govern the disposal of the body, subject to the provisions of § 54.1-2807.01 or 54.1-2825.

Any funeral service establishment violating this subsection shall not charge for any service delivered without the directions of the next of kin. However, in cases of accidental or violent death, the funeral service establishment may charge and be reimbursed for the removal of bodies and rendering necessary professional services until the next of kin or the persons liable for the funeral expenses have been notified.

C. No company, corporation, or association engaged in the business of paying or providing for the payment of the expenses for the care of the remains of deceased certificate holders or members or engaged in providing life insurance when the contract might or could give rise to an obligation to care for the remains of the insured shall contract to pay or pay any benefits to any licensee of the Board or other individual in a manner which could restrict the freedom of choice of the representative or next of kin of a decedent in procuring necessary and proper services and supplies for the care of the remains of the decedent.

D. No person licensed for the practice of funeral service or preneed funeral planning or any of his agents shall interfere with the freedom of choice of the general public in the choice of persons or establishments for the care of human remains or of preneed funeral planning or preneed funeral contracts.

E. This section shall not be construed to apply to the authority of any administrator, executor, trustee, or other person having a fiduciary relationship with the decedent.

Code 1950, §§ 54-260.50, 54-260.59; 1956, c. 220; 1972, c. 797, § 54-260.74; 1979, c. 720; 1981, c. 258; 1986, c. 91; 1988, c. 765; 1989, c. 684; 1993, c. 965; 2005, c. 905; 2010, c. 383; 2014, cc. 228, 583.

§ 54.1-2807.01. When next of kin disagree

A. In the absence of a designation under § 54.1-2825, when there is a disagreement among a decedent's next of kin concerning the arrangements for his funeral or the disposition of his

remains, any of the next of kin may petition the circuit court where the decedent resided at the time of his death to determine which of the next of kin shall have the authority to make arrangements for the decedent's funeral or the disposition of his remains. The court may require notice to and the convening of such of the next of kin as it deems proper.

B. In determining the matter before it, the court shall consider the expressed wishes, if any, of the decedent, the legal and factual relationship between or among the disputing next of kin and between each of the disputing next of kin and the decedent, and any other factor the court considers relevant to determine who should be authorized to make the arrangements for the decedent's funeral or the disposition of his remains.

2010, c. 383.

§ 54.1-2807.02. Absence of next of kin

In the absence of a next of kin, a person designated to make arrangements for the decedent's burial or the disposition of his remains pursuant to § 54.1-2825, an agent named in an advance directive pursuant to § 54.1-2984, or any guardian appointed pursuant to Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2 who may exercise the powers conferred in the order of appointment or by § 64.2-2019, or upon the failure or refusal of such next of kin, designated person, agent, or guardian to accept responsibility for the disposition of the decedent, then any other person 18 years of age or older who is able to provide positive identification of the deceased and is willing to pay for the costs associated with the disposition of the decedent's remains shall be authorized to make arrangements for such disposition of the decedent's remains. If a funeral service establishment or funeral service licensee makes arrangements with a person other than a next of kin, designated person, agent, or guardian in accordance with this section, then the funeral service licensee or funeral service establishment shall be immune from civil liability unless such act, decision, or omission resulted from bad faith or malicious intent.

2014, c. 355.

§ 54.1-2807.1. Confidentiality of information on infectious diseases

All information received by any person practicing funeral services or his agent regarding the fact that any dead body which they have received harbors an infectious disease shall be confidential, and disclosure of such information shall be grounds for disciplinary action against the funeral service licensee pursuant to § 54.1-2806.

Notification that a dead body harbors an infectious disease will not constitute grounds for any funeral director's refusal to accept the body.

1988, c. 836, § 54-260.74:2.

§ 54.1-2808. Repealed

Repealed by Acts 1998, c. 867.

§ 54.1-2808.1. Disposition of cremains

Except as otherwise provided in § 54.1-2808.2, a funeral director may dispose of the cremains of an individual by interment, entombment, inurnment, or by scattering of the cremains, if after 120 days from the date of cremation, the contracting agent has not claimed the cremains or instructed the funeral director as to final disposition. The funeral director shall keep a permanent record of all cremains which identifies the method and site of final disposition. The costs and all reasonable expenses incurred in disposing of the cremains shall be borne by the contracting

agent. Upon the disposition of the cremains, the funeral director shall not be liable for the cremains or for the method of final disposition. Except as otherwise provided in § 54.1-2808.2, any funeral director in possession of unclaimed cremains prior to July 1, 1993, may dispose of such cremains in accordance with the provisions of this section. However, no funeral director shall, without written permission of the contracting agent, dispose of cremains in a manner or a location in which the cremains of the deceased are commingled, except in the scattering of cremains at sea, by air, or in an area used exclusively for such purpose, or place, temporarily, the cremains of persons in the same container or urn.

For the purposes of this section and § 54.1-2808.2, "contracting agent" means any person, organization, association, institution, or group of persons who contracts with a funeral director or funeral establishment for funeral services.

1993, c. 531; 2012, cc. 24, 120; 2015, c. 138.

§ 54.1-2808.2. Identification of unclaimed cremains of veterans and eligible dependents

A. For the purposes of this section:

"Eligible dependent" means a veteran's spouse, a veteran's unmarried child younger than 21 years of age, or veteran's unmarried adult child who before the age of 21 became permanently incapable of self-support because of physical or mental disability.

"Veterans service organization" means an association or other entity organized for the benefit of veterans that has been recognized by the U.S. Department of Veterans Affairs or chartered by Congress and any employee or representative of such association or entity.

B. If the contracting agent has not claimed the cremains or instructed the funeral director as to final disposition within 90 days from the date of cremation, the funeral director shall provide names and any other identifying information of the unclaimed cremains to the Department of Veterans Services or a veterans service organization in order for the Department or organization to determine if the unclaimed cremains are those of a veteran or eligible dependent. The names and any personal identifying information submitted by a funeral director to the Department of Veterans Services or veterans service organization in compliance with this section shall be exempt from disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

C. The Department of Veterans Services or veterans service organization shall notify the funeral director within 45 days of receipt of the information required by subsection B if the cremains are those of a veteran or eligible dependent and, if so, whether such veteran or eligible dependent is eligible for burial in a veterans cemetery in order to permit the transfer of the unclaimed cremains to a veterans cemetery. If the cremains are those of an eligible veteran or eligible dependent, a funeral director may transfer the cremains to the Department of Veterans Services or a veterans service organization for the purpose of disposition of such cremains.

D. No disposal of the unclaimed cremains of an eligible veteran or eligible dependent shall be made until the funeral director has notified the Department of Veterans Services or a veterans service organization and has received a determination as to whether the cremains are those of an eligible veteran or eligible dependent. Absent bad faith or malicious intent, no funeral director who transfers the cremains of a veteran or eligible dependent to the Department of Veterans Services or a veterans service organization for purposes of disposition or a veterans service organization that receives cremains for the purposes of disposition as provided in this section shall be liable for civil negligence.

2012, cc. 24, 120;2015, c. 138.

§ 54.1-2808.3. Acceptance of third-party-provided caskets

A. When arrangements for funeral services have been made with a licensed funeral service establishment, funeral service licensees shall accept caskets provided by third parties in accordance with 16 C.F.R. Part 453, Funeral Industry Practices, Federal Trade Commission.

B. No funeral service establishment or funeral service licensee shall be required to store a casket provided by a third party when preneed arrangements for funeral services have been made.

C. Any person selling or providing preneed caskets shall be subject to the same preneed requirements as set forth in 16 C.F.R. Part 453, Funeral Industry Practices, Federal Trade Commission, and § 54.1-2820.

2018, c. 378;2019, cc. 93, 603;2020, c. 97.

§ 54.1-2809. Penalties

Any person, partnership, corporation, association, or its agents or employees who violate any of the provisions of this chapter shall be guilty of a Class 1 misdemeanor.

Code 1950, § 54-260.61; 1956, c. 220; 1972, c. 797, § 54-260.75; 1988, c. 765.

Article 2. Licensure of Funeral Establishments

§ 54.1-2810. Licensure of funeral establishments

No person shall conduct, maintain, manage or operate a funeral establishment unless a license for each such establishment has been issued by the Board. No license to operate a funeral establishment shall be issued by the Board unless each such funeral establishment has in charge, full time, a person licensed for the practice of funeral service or a licensed funeral director. Applications for funeral establishment licenses shall be made on forms furnished by the Board and filed by the owner or the registered agent of the corporation with the Board.

Each funeral establishment license shall expire annually at a time prescribed by Board regulation. A license may be renewed within 30 days of its expiration. Upon expiration of the license, the Board shall notify each licensee of the provisions of this section. Renewal of a license after the expiration of the 30-day period shall be in the discretion of the Board.

Violations of any provisions of this chapter or any Board regulations by any person, or an officer, agent or employee with the knowledge or consent of any person operating a funeral establishment shall be considered sufficient cause for suspension or revocation of the funeral establishment license.

An operator of a funeral establishment shall not allow any person licensed for the practice of funeral service to operate out of his funeral establishment unless the licensee is the operator or an employee of the operator of a licensed funeral establishment.

If the manager of the funeral service establishment is unable, for any reason, to exercise adequate supervision, direction, management, and control of the funeral establishment, the owner shall designate any funeral service licensee to serve as a temporary manager and notify the Board in writing within 14 days. If such inability of the manager exceeds 90 days or is expected to exceed 90 days, a new manager shall be designated and registered with the Board. At the

conclusion of the 90-day period for designation of a new manager, a funeral service establishment which has failed to designate a new manager shall not operate as a funeral service establishment.

When licensing funeral establishments, the Board may grant a hardship waiver from the requirement for a full-time manager licensed for the practice of funeral service or licensed as a funeral director, allowing the operation of two funeral establishments having in charge one full-time person licensed for the practice of funeral service or one licensed funeral director who divides his time between the two funeral establishments. Prior to granting a hardship waiver, the Board shall find that (i) the two establishments have been in operation for at least three years; (ii) the combined average number of funeral calls at the two establishments, as submitted in monthly reports to the Division of Vital Records and Health Statistics of the Virginia Department of Health, over the previous three years is no more than 135 per year; and (iii) the distance between the two establishments is 50 miles or less.

Prior to granting a renewal of a license granted under a hardship waiver, the Board shall determine whether the requirements for license renewal under such waiver continue to exist.

Code 1950, §§ 54-260.39, 54-260.40; 1956, c. 220; 1972, c. 797, § 54-260.73; 1974, 164; 1978, c. 849; 1988, c. 765; 1996, c. 757; 2000, c. 773; 2013, c. 108; 2019, c. 66.

§ 54.1-2811. Facility requirements

A funeral service establishment shall contain a preparation room equipped with a tile, cement or other waterproof floor, proper drainage and ventilation, the necessary instruments and supplies for the preparation and embalming of dead human bodies for burial, transportation or other disposition, and separate restroom facilities.

A funeral service establishment having more than one location at which it performs funeral services shall not be required to maintain more than one preparation room.

The Board may adopt regulations and classifications to prescribe proper drainage and ventilation and necessary instruments and supplies in preparation rooms and separate restroom facilities.

Code 1950, §§ 54-260.39, 54-260.40; 1956, c. 220; 1972, c. 797, § 54-260.73; 1974, 164; 1978, c. 849; 1988, c. 765.

§ 54.1-2811.1. Handling and storage of human remains

A. Upon taking custody of a dead human body, a funeral service establishment shall maintain such body in a manner that provides complete coverage of the body and that is resistant to leakage or spillage, except during embalming or preparation of an unembalmed body for final disposition; restoration and dressing of a body in preparation for final disposition; and viewing during any visitation and funeral service.

B. If a dead human body is to be stored for more than 48 hours prior to disposition, a funeral services establishment having custody of such body shall ensure that the dead human body is maintained in refrigeration at no more than approximately 40 degrees Fahrenheit or embalmed. A dead human body shall be maintained in refrigeration and shall not be embalmed in the absence of express permission by a next of kin of the deceased or a court order.

C. If a dead human body is to be stored for more than 10 days prior to disposition at a location other than a funeral service establishment, the funeral service establishment shall disclose to the

contract buyer the location where the body is to be stored and the method of storage.

D. Funeral services establishments, crematories, or transportation services shall not transport animal remains together with dead human bodies. Further, animal remains shall not be refrigerated in a unit where dead human bodies are being stored.

2010, c. 823.

§ 54.1-2812. Itemized statement and general price list of funeral expenses to be furnished

Every person licensed pursuant to the provisions of this chapter shall furnish a written general price list and a written itemized statement of charges in connection with the care and disposition of the body of a deceased person.

Individuals inquiring in person about funeral arrangements or the prices of funeral goods shall be given the general price list. Upon beginning discussion of funeral arrangements or the selection of any funeral goods or services, the general price list must be offered by the funeral licensee.

The itemized statement shall include, but not be limited to, the following charges: casket, other funeral merchandise, vault or other burial receptacle, facilities used, transportation costs, embalming, preparation of the body, other professional services used and disclosure statements required by the Federal Trade Commission, which shall be set forth in a clear and conspicuous manner.

Further, there shall be included a statement of all anticipated cash advances and expenditures requested by the person contracting for the funeral arrangements and such other items as required by regulation of the Board of Funeral Directors and Embalmers. The statement shall be furnished to the person contracting for funeral arrangements at the time such arrangements are made if the person is present and, if not present, no later than the time of the final disposition of the body.

The general price list and itemized statement of funeral expenses shall comply with forms prescribed by regulation of the Board. All regulations promulgated herewith shall promote the purposes of this section.

1979, c. 8, § 54-260.71:1; 1986, c. 42; 1988, c. 765.

Article 3. Licensure of the Practice of Funeral Service, Funeral Directors and Embalmers

§ 54.1-2813. License for the practice of funeral service

To be licensed for the practice of funeral service, a person shall (i) be at least 18 years of age; (ii) hold a high school diploma or its equivalent; (iii) have completed a funeral service internship prescribed by the Board in regulation; (iv) have graduated from a school of mortuary science or funeral service approved by the Board; and (v) have passed the examination for licensure.

The Board, in its discretion, may license an individual convicted of a felony if he has successfully fulfilled all conditions of sentencing, been pardoned, or has had his civil rights restored.

The Board, in its discretion, may refuse to license an individual who has a criminal or disciplinary proceeding pending against him in any jurisdiction in the United States.

Code 1950, § 54-260.70; Code 1950, §§ 54-260.22 through 54-260.30, 54-260.32; 1956, c. 220;

1966, c. 284, § 54-260.70; 1972, c. 797; 1973, c. 296; 1974, c. 686; 1978, c. 849; 1986, c. 43; 1988, c. 765; 1990, c. 363; 2005, c. 477; 2006, c. 56.

§ 54.1-2814. Examination

Each applicant for license for the practice of funeral service shall be examined in writing on:

1. Basic and health sciences including anatomy, chemistry, bacteriology, pathology, hygiene and public health;
2. Funeral service arts and sciences including embalming and restorative art;
3. Funeral service administration including accounting, funeral law, psychology, and funeral principles, directing and management.

The Board may recognize other examinations that it considers equivalent to its examination.

Code 1950, § 54-260.70; Code 1950, §§ 54-260.22 through 54-260.30, 54-260.32; 1956, c. 220; 1966, c. 284, § 54-260.70; 1972, c. 797; 1973, c. 296; 1974, c. 686; 1978, c. 849; 1986, c. 43; 1988, c. 765; 2000, c. 773.

§ 54.1-2814.1. Registration as a cremator

A. No crematorium, cemeterian, memorial society, or other establishment, organization, or person shall cremate a dead human body without having registered with the Board as a cremator.

B. The Board shall prescribe the procedures for registration under this section. Such procedures shall include a requirement that any crematory registered with the Board that engages in the practice of funeral services operate in compliance with the provisions § 54.1-2810. However, nothing in this subsection shall require a crematory registered with the Board to obtain a license as a funeral service establishment as long as the crematory provides cremation services directly to or for a licensed funeral service establishment only and not to the general public.

C. The Board may suspend or revoke any crematory registration or deny any application for such registration, or refuse to issue or renew any such registration, if the Board finds that the applicant or registrant has violated any provision of this chapter, the Board's regulations, or if the Board finds the crematory has operated or is operating in a manner that endangers the health, safety or welfare of the public.

2000, c. 773; 2003, c. 505.

§ 54.1-2815. Application for license; how license signed; duration

All applications for examination for a license for the practice of funeral service shall be upon forms furnished by the Board.

All licenses shall be issued or renewed for a period prescribed by the Board, not exceeding two years.

1978, c. 849, § 54-260.70:1; 1988, c. 765; 2015, c. 534.

§ 54.1-2816. License renewal; failure to return renewal form

Prior to the expiration of a license, the Board shall provide to each person licensed to practice funeral service, embalming, or funeral directing a renewal notice to be submitted to the Board together with the prescribed fee. The Board shall provide renewal notices by mail or

electronically to any licensee. The license of any person who does not submit the completed form prior to the date of expiration shall automatically expire. The Board shall immediately notify the person of the expiration and the reinstatement requirements. The Board shall reinstate an expired license upon receipt, within 30 days of the notice of expiration, of the completed form and the prescribed fee. Reinstatement after the 30-day period shall be at the discretion of the Board.

1978, c. 849, § 54-260.70:2; 1988, c. 765; 2005, c. 477; 2018, c. 101.

§ 54.1-2816.1. Continuing education requirements; promulgation of regulations

A. The Board shall promulgate regulations governing continuing education requirements for funeral services licensees, funeral directors and embalmers licensed by the Board.

B. The Board shall approve criteria for continuing education courses, requiring no more than five hours per year, that are directly related to the respective license and scope of practice of funeral service licensees, funeral directors and embalmers. Approved continuing education courses shall include, but not be limited to, at least one hour per year covering compliance with federal or state laws and regulations governing the profession, and at least one hour per year covering preneed funeral arrangements. Course providers may be required to register continuing education courses with the Board pursuant to Board regulations. The Board shall not allow continuing education credit for courses where the principal purpose of the course is to promote, sell or offer goods, products or services to funeral homes.

C. All course providers shall furnish written certification to licensees of the Board attending and completing respective courses, indicating the satisfactory completion of an approved continuing education course. Each course provider shall retain records of all persons attending and those persons satisfactorily completing such continuing education courses for a period of two years following each course. Applicants for renewal or reinstatement of licenses issued pursuant to this article shall retain for a period of two years the written certification issued by any Board-approved provider of continuing education courses. The Board may require course providers or licensees to submit copies of such records or certification, as it deems necessary, to ensure compliance with continuing education requirements.

D. The Board shall have the authority to grant exemptions or waivers in cases of certified illness or undue hardship.

E. The Board may provide for an inactive status for those licensees who do not practice in Virginia. The Board may adopt regulations reducing or waiving continuing education requirements for any licensee granted such inactive status. However, no licensee granted inactive status may have their license changed to active status without first obtaining additional continuing education hours as may be determined by the Board. No person or registrant shall practice in Virginia as an embalmer, funeral director, or funeral service licensee unless he holds a current, active license.

2002, c. 270; 2008, c. 396; 2012, c. 497.

§ 54.1-2817. Funeral service interns

A person desiring to become a funeral service intern shall apply on a form provided by the Board. The applicant shall attest that he holds a high school diploma or its equivalent. The Board, in its discretion, may approve an application to be a funeral service intern for an individual convicted

of a felony, if he has successfully fulfilled all conditions of sentencing, been pardoned, or has had his civil rights restored. The Board shall not, however, approve an application to be a funeral service intern for any person convicted of embezzlement or of violating subsection B of § 18.2-126.

The Board, in its discretion, may refuse to approve an application to be a funeral service intern for an individual who has a criminal or disciplinary proceeding pending against him in any jurisdiction in the United States.

When the Board is satisfied as to the qualifications of an applicant, it shall issue a certificate of internship. When a funeral service intern wishes to receive in-service training from a person licensed for the practice of funeral service, a request shall be submitted to the Board. If such permission is granted and the funeral service intern later leaves the proctorship of the licensee whose service has been entered, the licensee shall give the funeral service intern an affidavit showing the length of time served with him. The affidavit shall be filed with the Board and made a matter of record in that office. Any funeral service intern seeking permission to continue in-service training shall submit a request to the Board.

A certificate of internship shall be renewable as prescribed by the Board. The Board shall mail or send electronically at such time as it may prescribe by regulation, to each registered funeral service intern at his last known address, a notice that the renewal fee is due and that, if not paid by the prescribed time, a penalty fee shall be due in addition to the renewal fee.

The registration of any funeral service intern who is in the active military service of the United States may, at the discretion of the Board, be held in abeyance for the duration of his service. The Board may also waive the renewal fees for such military personnel.

All registered funeral service interns shall report to the Board on a schedule prescribed by the Board upon forms provided by the Board, showing the work which has been completed during the preceding period of internship. The data contained in the report shall be certified as correct by the person licensed for the practice of funeral service under whom he has served during this period and by the person licensed for the practice of funeral service owning or managing the funeral service establishment.

Before such funeral service intern becomes eligible to be examined for the practice of funeral service, evidence shall be presented along with an affidavit from any licensee under whom the intern worked showing that the intern has assisted in embalming at least 25 bodies and that the intern has assisted in conducting at least 25 funerals. In all applications of funeral service interns for licenses for the practice of funeral service, the eligibility of the applicant shall be determined by the records filed with the Board. The successful completion by any person of the internship shall not entitle him to any privilege except to be examined for such license.

Credit shall not be allowed for any period of internship that has been completed more than three years prior to application for license or more than five years prior to examination for license. If all requirements for licensure are not completed within five years of initial application, the Board may deny an additional internship. A funeral service intern may continue to practice for up to 90 days from the completion of his internship or until he has taken and received the results of all examinations required by the Board. However, the Board may waive such limitation for any person in the armed service of the United States when application for the waiver is made in writing within six months of leaving service or if the Board determines that enforcement of the

limitation will create an unreasonable hardship.

The Board shall have power to suspend or revoke a certificate of internship for violation of any provision of this chapter.

No more than two funeral service interns shall be concurrently registered under any one person licensed for the practice of funeral service, funeral directing or embalming. Each sponsor for a registered funeral service intern must be actively employed by or under contract with a funeral establishment.

Code 1950, §§ 54-260.34 through 54-260.38; 1956, c. 220; 1970, c. 513, § 54-260.72; 1972, c. 797; 1973, c. 296; 1974, c. 157; 1978, c. 849; 1981, c. 258; 1986, c. 43; 1988, c. 765; 2005, c. 477; 2006, c. 56; 2018, c. 101.

§ 54.1-2818. Registration and display of licenses

A copy of all licenses shall be displayed in a conspicuous place in each establishment in which the licensee practices.

Code 1950, § 54-260.31; 1956, c. 220; 1972, c. 797, § 54-260.71; 1988, c. 765.

§ 54.1-2818.1. Prerequisites for cremation

No dead human body shall be cremated without permission of the Office of the Chief Medical Examiner as required by § 32.1-309.3 and visual identification of the deceased by the next-of-kin or his representative, who may be any person designated to make arrangements for the disposition of the decedent's remains pursuant to § 54.1-2825, an agent named in an advance directive pursuant to § 54.1-2984, or any guardian appointed pursuant to Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2 who may exercise the powers conferred in the order of appointment or by § 64.2-2019, or, in cases in which the next of kin or his representative fails or refuses to provide visual identification of the deceased, by any other person 18 years of age or older who is able to provide positive identification of the deceased. If no such next of kin or his representative or other person 18 years of age or older is available or willing to make visual identification of the deceased, such identification shall be made by a member of the primary law-enforcement agency of the city or county in which the person or institution having initial custody of the body is located, pursuant to court order. When visual identification is not feasible, other positive identification of the deceased may be used as a prerequisite for cremation. Unless such act, decision, or omission resulted from bad faith or malicious intent, the funeral service establishment, funeral service licensee, crematory, cemetery, primary law-enforcement officer, sheriff, county, or city shall be immune from civil liability for any act, decision, or omission resulting from cremation. Nothing in this section shall prevent a law-enforcement agency other than the primary law-enforcement agency from performing the duties established by this section if so requested by the primary law-enforcement agency and agreed to by the other law-enforcement agency.

1998, c. 867; 2010, c. 377; 2011, c. 88; 2014, cc. 228, 355, 583; 2015, c. 670.

§ 54.1-2818.2. Inapplicability to officers of state and local institutions

Nothing in this article shall be applicable to any officer of any institution operated by the Commonwealth or by any county, city or town in the performance of his duties as such.

1998, c. 867.

§ 54.1-2818.3. Applications for registration required

Any crematory shall apply for and receive a registration from the Board as a registered crematory. However, this section shall not supersede or restrict the provisions of § 54.1-2814.1.

1998, c. 867;2003, c. 505.

§ 54.1-2818.4. Immunity from liability for services after organ and tissue donation

Unless such act, decision, or omission resulted from bad faith or malicious intent, any funeral service establishment, funeral service licensee, crematory, or registered crematory that receives a body following donation of organs, tissues, or eyes shall be immune from civil liability for any failure to restore such decedent's form or features in a manner acceptable for viewing prior to the final disposition of the remains.

2009, c. 811.

§ 54.1-2818.5. Request for life insurance information; notification of beneficiaries

A. In any case in which a funeral service provider licensed pursuant to this chapter believes that a decedent for whom funeral services are being provided is insured under an individual or group life insurance policy, the funeral service provider may request information regarding the deceased person's life insurance policy from the life insurer believed to have issued the policy. Such request for information shall include (i) a copy of the deceased person's death certificate filed in accordance with § 32.1-263;(ii) written authorization for the funeral service provider's submission of the request that is executed by a person designated to make arrangements for the decedent's burial or disposition of his remains pursuant to § 54.1-2825, an agent named in an advance directive pursuant to § 54.1-2984, a guardian appointed pursuant to Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2 who may exercise the powers conferred in the order of appointment or by § 64.2-2019, or the next of kin as defined in § 54.1-2800;and (iii) if the deceased person was covered or is believed to have been covered under a group life insurance policy, the affiliation of the deceased person entitling the deceased to coverage under the group life insurance policy.

B. Upon receipt of the information requested pursuant to subsection A, if the beneficiary of record under the life insurance contract or group life insurance policy is not the estate of the deceased person, the requesting funeral service provider shall make all reasonable efforts to contact all the beneficiaries of record within four calendar days of receiving such information and provide to the beneficiaries all information provided to the funeral service provider by the life insurer. The funeral service provider shall, prior to providing any information to the beneficiaries in accordance with this subsection, inform the beneficiaries that the beneficiary of a life insurance policy has no legal duty or obligation to pay any amounts associated with the provision of funeral services or the debts or obligations of the deceased person.

2017, c. 482.

Article 4. Registration of Surface Transportation and Removal Services

§ 54.1-2819. Registration of surface transportation and removal services; penalty

Any person or private business, except a common carrier engaged in interstate commerce, the Commonwealth and its agencies, or an emergency medical services agency holding a permit issued by the Commissioner of Health pursuant to § 32.1-111.6, shall apply for and receive a registration as a transportation and removal service in order to be authorized to engage in the business of surface transportation or removal of dead human bodies in the Commonwealth.

Surface transportation and removal services shall not arrange or conduct funerals, provide for the care or preparation, including embalming, of dead human bodies, or sell or provide funeral-related goods and services without the issuance of a funeral service establishment license.

The Board shall promulgate regulations for such registration including proper procedures in the handling of all dead human bodies being transported, the application process for registration, and the establishment of registration fees. These regulations shall not require the use of a casket for transportation. No licensed funeral service establishment shall be required to receive such registration in addition to its funeral service establishment license. However, such establishment shall be subject to the regulations pertaining to transportation and removal services.

Every applicant for registration as a surface transportation and removal service shall include the name of a manager of record on any application for registration and shall notify the Board within 30 days of any change in the manager of record. Such notice shall include the name of the new manager of record of the surface transportation and removal service.

All registrations as a surface transportation and removal service shall be renewed annually and no person or private business shall engage in the business as a surface transportation and removal service without holding a valid registration.

Any surface transportation or removal service that is not registered or persons who knowingly engage in transportation or removal services without registration shall be subject to the disciplinary actions provided in this chapter.

This section shall not be construed to prohibit private individuals from transporting or removing the remains of deceased family members and relatives either by preference or in observation of religious beliefs and customs.

1984, c. 761, § 54-260.74:1; 1986, c. 198; 1988, c. 765; 2006, c. 555; 2015, cc. 110, 534.

Article 5. Preneed Funeral Contracts

§ 54.1-2820. Requirements of preneed funeral contracts

A. It shall be unlawful for any person residing or doing business within this Commonwealth, to make, either directly or indirectly by any means, a preneed funeral contract unless the contract:

1. Is made on forms prescribed by the Board and is written in clear, understandable language and printed in easy-to-read type, size and style;
2. Identifies the seller, seller's license number and contract buyer and the person for whom the contract is purchased if other than the contract buyer;
3. Contains a complete description of the supplies or services purchased;
4. Clearly discloses whether the price of the supplies and services purchased is guaranteed;
5. States if funds are required to be trusted pursuant to § 54.1-2822, the amount to be trusted, the name of the trustee, the disposition of the interest, the fees, expenses and taxes which may be deducted from the interest and a statement of the buyer's responsibility for taxes owed on the interest;
6. Contains the name, address and telephone number of the Board and lists the Board as the regulatory agency which handles consumer complaints;

7. Provides that any person who makes payment under the contract may terminate the agreement at any time prior to the furnishing of the services or supplies contracted for except as provided pursuant to subsection B; if the purchaser terminates the contract within 30 days of execution, the purchaser shall be refunded all consideration paid or delivered, together with any interest or income accrued thereon; if the purchaser terminates the contract after 30 days, the purchaser shall be refunded any amounts required to be deposited under § 54.1-2822, together with any interest or income accrued thereon;

8. Provides that if the particular supplies and services specified in the contract are unavailable at the time of delivery, the seller shall be required to furnish supplies and services similar in style and at least equal in quality of material and workmanship and the representative of the deceased shall have the right to choose the supplies or services to be substituted;

9. Discloses any penalties or restrictions, including but not limited to geographic restrictions or the inability of the provider to perform, on the delivery of merchandise, services or prearrangement guarantee; and

10. Complies with all disclosure requirements imposed by the Board.

If the contract seller will not be furnishing the supplies and services to the purchaser, the contract seller must attach to the preneed funeral contract a copy of the seller's agreement with the provider.

B. Subject to the requirements of § 54.1-2822, a preneed funeral contract may provide for an irrevocable trust or an amount in an irrevocable trust that is specifically identified as available exclusively for funeral or burial expenses, where:

1. A person irrevocably contracts for funeral goods and services, such person funds the contract by prepaying for the goods and services, and the funeral provider residing or doing business within the Commonwealth subsequently places the funds in a trust; or

2. A person establishes an irrevocable trust naming the funeral provider as the beneficiary; however, such person shall have the right to change the beneficiary to another funeral provider pursuant to § 54.1-2822.

C. If a life insurance or annuity contract is used to fund the preneed funeral contract, the life insurance or annuity contract shall provide either that the face value thereof shall be adjusted annually by a factor equal to the annualized Consumer Price Index as published by the Bureau of Labor Statistics of the United States Department of Labor, or a benefit payable at death under such contract that will equal or exceed the sum of all premiums paid for such contract plus interest or dividends, which for the first 15 years shall be compounded annually at a rate of at least five percent. In any event, interest or dividends shall continue to be paid after 15 years. In addition, the following must also be disclosed as prescribed by the Board:

1. The fact that a life insurance policy or annuity contract is involved or being used to fund the preneed contract;

2. The nature of the relationship among the soliciting agent, the provider of the supplies or services, the prearranger and the insurer;

3. The relationship of the life insurance policy or annuity contract to the funding of the preneed

contract and the nature and existence of any guarantees relating to the preneed contract; and

4. The impact on the preneed contract of (i) any changes in the life insurance policy or annuity contract including but not limited to changes in the assignment, beneficiary designation or use of the proceeds, (ii) any penalties to be incurred by the policyholder as a result of failure to make premium payments, (iii) any penalties to be incurred or moneys to be received as a result of cancellation or surrender of the life insurance policy or annuity contract, and (iv) all relevant information concerning what occurs and whether any entitlements or obligations arise if there is a difference between the proceeds of the life insurance policy or annuity contract and the amount actually needed to fund the preneed contract.

D. When the consideration consists in whole or in part of any real estate, the contract shall be recorded as an attachment to the deed whereby such real estate is conveyed, and the deed shall be recorded in the clerk's office of the circuit court of the city or county in which the real estate being conveyed is located.

E. If any funeral supplies are sold and delivered prior to the death of the subject for whom they are provided, and the seller or any legal entity in which he or a member of his family has an interest thereafter stores these supplies, the risk of loss or damage shall be upon the seller during such period of storage.

1989, c. 684; 1991, c. 721; 1992, c. 635; 1998, c. 738; 1999, c. 819; 2003, cc. 663, 673; 2007, c. 621.

§ 54.1-2821. Exemptions

This article shall not apply to the preneed sale of cemetery services or supplies regulated under Chapter 23.1 (§ 54.1-2310 et seq.) of this title.

1989, c. 684.

§ 54.1-2822. Deposit of money received pursuant to preneed funeral contract

A. Within 30 days following the receipt of any money paid pursuant to any preneed funeral contract or interest or income accrued thereon, unless such amounts are paid to fund either an annuity or an insurance policy which will be used to purchase the funeral supplies or services contracted for, the person receiving such amounts shall deposit all consideration paid pursuant to the terms of a preneed funeral contract in which the price of the supplies and services is not guaranteed, or ninety percent of all consideration paid pursuant to the terms of a preneed funeral contract in which the price of the supplies and services is guaranteed, in a special account in a bank or savings institution doing business in this Commonwealth.

B. The funds shall be deposited in separate, identifiable trust accounts setting forth the names of the depositor, the trustee for the person who is the subject of the contract, the name of the person who will render the funeral services and the name of the person who is the subject of the contract. The purchaser shall have the right to change the beneficiary and trustee of the trust at any time prior to the furnishing of the services or supplies contracted for under the preneed funeral contract. Trust account records shall be subject to examination by the Board.

C. No funeral director, embalmer, funeral service licensee, owner of a funeral establishment, or any person employed by or having an interest in a funeral establishment shall serve as trustee of a trust account for which any such person, or any funeral establishment owned by or employing such person or in which such person has an interest, has been named the beneficiary or designated the provider of services, unless two or more such persons are named and serve as

trustees and are required to act jointly in such fiduciary capacity. Subject to the terms of this subsection, and notwithstanding any other provision of law, the trustee for any such trust account may be an incorporated association that is authorized to sell burial association group life insurance certificates in the Commonwealth, as described in the definition of limited burial insurance authority in § 38.2-1800, whose principal purpose is to assist its members in (i) financial planning for their funerals and burials and (ii) obtaining insurance for the payment, in whole or in part, for funeral, burial, and related expenses.

1989, c. 684; 1992, c. 337; 2007, c. 621.

§ 54.1-2822.1. Funeral establishments to maintain preneed records

Every person selling preneed funeral contracts within this Commonwealth shall keep and maintain such records of preneed transactions, including copies of preneed contracts, as may be prescribed by the Board. All such records shall be maintained on the premises of the funeral establishment providing the preneed services and supplies, except that preneed records of funeral establishments under common ownership, control, or management may be maintained at a single location within this Commonwealth.

1995, c. 26.

§ 54.1-2823. Exemption from levy, garnishment and distress

Any money, personal property or real property paid, delivered or conveyed subject to § 54.1-2822 shall be exempt from levy, garnishment or distress.

1989, c. 684.

§ 54.1-2824. Declaration of trust in consideration other than money

Within thirty days following the receipt of any personal property other than money delivered pursuant to any preneed funeral contract, the person receiving it, if title thereto is transferred, or the person making such delivery, if title thereto is not transferred, shall execute in writing a declaration of trust setting forth all the terms, conditions and considerations upon which the personal property is delivered, which shall be acknowledged in the same manner as the contract and recorded in the clerk's office of the circuit court of the city or county in which the person delivering the personal property resides; provided, that if such terms, conditions and considerations are contained in the preneed funeral contract, the contract shall be recorded.

1989, c. 684.

§ 54.1-2825. Person to make arrangements for funeral and disposition of remains

A. Any person may designate in a signed and notarized writing, which has been accepted in writing by the person so designated, an individual who shall make arrangements and be otherwise responsible for his funeral and the disposition of his remains, including cremation, interment, entombment, or memorialization, or some combination thereof, upon his death. Such designee shall have priority over all persons otherwise entitled to make such arrangements, provided that a copy of the signed and notarized writing is provided to the funeral service establishment and to the cemetery, if any, no later than 48 hours after the funeral service establishment has received the remains. Nothing in this section shall preclude any next of kin from paying any costs associated with any funeral or disposition of any remains, provided that such payment is made with the concurrence of any person designated to make arrangements.

B. In cases in which a person has designated in a U.S. Department of Defense Record of

Emergency Data (DD Form 93) or any successor form an individual to make arrangements for his funeral and disposition of his remains, and such person dies while serving in any branch of the United States Armed Forces as defined in 10 U.S.C. § 1481, such designee shall be responsible for making such arrangements.

1989, c. 684; 1998, c. [718](#);2010, cc. [324](#), [380](#).

Chapter 8.1. Disposition of Dead Human Bodies

§ 32.1-309.1. Identification of decedent, next of kin; disposition of claimed dead body

A. As used in this chapter, unless the context requires a different meaning:

"Disposition" means the burial, interment, entombment, cremation, or other authorized disposition of a dead body permitted by law.

"Next of kin" has the same meaning assigned to it in § 54.1-2800.

B. In the absence of a next of kin, a person designated to make arrangements for disposition of the decedent's remains pursuant to § 54.1-2825, an agent named in an advance directive pursuant to § 54.1-2984, or any guardian appointed pursuant to Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2 who may exercise the powers conferred in the order of appointment or by § 64.2-2019, or upon the failure or refusal of such next of kin, designated person, agent, or guardian to accept responsibility for the disposition of the decedent, then any other person 18 years of age or older who is able to provide positive identification of the deceased and is willing to pay for the costs associated with the disposition of the decedent's remains shall be authorized to make arrangements for such disposition of the decedent's remains. If a funeral service establishment or funeral service licensee makes arrangements with a person other than a next of kin, designated person, agent, or guardian in accordance with this section, then the funeral service licensee or funeral service establishment shall be immune from civil liability unless such act, decision, or omission resulted from bad faith or malicious intent.

C. Upon the death of any person, irrespective of the cause and manner of death, and irrespective of whether a medical examiner's investigation is required pursuant to § 32.1-283 or 32.1-285.1, the person or institution having initial custody of the dead body shall make good faith efforts to determine the identity of the decedent, if unknown, and to identify and notify the next of kin of the decedent regarding the decedent's death. If, upon notification of the death of the decedent, the next of kin of the decedent or other person authorized by law to make arrangements for disposition of the decedent's remains is willing and able to claim the body, the body may be claimed by the next of kin or other person authorized by law to make arrangements for disposition of the decedent's remains for disposition, and the claimant shall bear the expenses of such disposition. If the next of kin of the decedent or other person authorized by law to make arrangements for disposition of the decedent's remains fails or refuses to claim the body within 10 days of receiving notice of the death of the decedent, the body shall be disposed of in accordance with § 32.1-309.2.

D. If the person or institution having initial custody of the dead body is unable to determine the identity of the decedent or to identify and notify the next of kin of the decedent regarding the decedent's death, the person or institution shall contact the primary law-enforcement agency for the locality in which the person or institution is located, which shall make good faith efforts to determine the identity of the decedent and to identify and notify the next of kin of the decedent. However, in cases in which the identity of the decedent and the county or city in which the decedent resided at the time of death are known, the person or institution having initial custody of the dead body shall notify the primary law-enforcement agency for the county or city in which the decedent resided regarding the decedent's death, and the law-enforcement agency for the

county or city in which the decedent resided shall make good faith efforts to identify and notify the next of kin of the decedent.

If the identity of the decedent is known to the primary law-enforcement agency or the primary law-enforcement agency is able to identify the decedent, the primary law-enforcement agency is able to identify and notify the next of kin of the decedent or other person authorized by law to make arrangements for disposition of the decedent's remains, and the next of kin of the decedent or other person authorized by law to make arrangements for disposition of the decedent's remains is willing and able to claim the body, the body may be claimed by the next of kin or other person authorized by law to make arrangements for disposition of the decedent's remains for disposition, and the claimant shall bear the expenses of such disposition.

If the identity of the decedent is known or the primary law-enforcement agency is able to determine the identity of the decedent but the primary law-enforcement agency is unable, despite good faith efforts, to identify and notify the decedent's next of kin or other person authorized by law to make arrangements for disposition of the decedent's remains within 10 days of the date of contact by the person or institution having initial custody of the dead body, or the primary law-enforcement agency is able to identify and notify the decedent's next of kin or other person authorized by law to make arrangements for disposition of the decedent's remains but the next of kin or other person authorized by law to make arrangements for disposition of the decedent's remains fails or refuses to claim the body within 10 days, the primary law-enforcement agency shall notify the person or institution having initial custody of the dead body, and the body shall be disposed of in accordance with § 32.1-309.2.

E. In cases in which a dead body is claimed by the decedent's next of kin or other person authorized by law to make arrangements for disposition of the decedent's remains but the next of kin or other person authorized by law to make arrangements for disposition of the decedent's remains is unable to pay the reasonable costs of disposition of the body and the costs are paid by the county or city in which the decedent resided or in which the death occurred in accordance with this section, and the decedent has an estate out of which disposition expenses may be paid, in whole or in part, such assets shall be seized for such purpose.

F. No dead body that is the subject of an investigation pursuant to § 32.1-283 or autopsy pursuant to § 32.1-285 shall be transferred for purposes of disposition until such investigation or autopsy has been completed.

G. Any sheriff or primary law-enforcement officer, county, city, health care provider, funeral service establishment, funeral service licensee, or other person or institution that acts in accordance with the requirements of this chapter shall be immune from civil liability for any act, decision, or omission resulting from acceptance and disposition of the dead body in accordance with this section, unless such act, decision, or omission resulted from bad faith or malicious intent.

H. Nothing in this section shall prevent a law-enforcement agency other than the primary law-enforcement agency from performing the duties established by this section if so requested by the primary law-enforcement agency and agreed to by the other law-enforcement agency.

2014, c. 228;2015, cc. 658, 670.

§ 32.1-309.2. Disposition of unclaimed dead body; how expenses paid

A. In any case in which (i) the primary law-enforcement agency of the county or city in which the

person or institution having initial custody of the dead body of the decedent is located or the county or city in which the decedent resided, as may be appropriate pursuant to § 32.1-309.1, is unable to identify and notify the next of kin of the decedent or other person authorized by law to make arrangements for disposition of the decedent's remains within 10 days of the date of contact by the person or institution having initial custody of the dead body despite good faith efforts to do so or (ii) the next of kin of the decedent or other person authorized by law to make arrangements for disposition of the decedent's remains fails or refuses to claim the body within 10 days of receipt of notice of the decedent's death, the primary law-enforcement agency shall notify (a) the attorney for the county or city in which the decedent resided at the time of death, if known, or (b) if the decedent's county or city of residence at the time of death is not known, the attorney for the county or city in which the person or institution having initial custody of the dead body is located or, if there is no county or city attorney, the attorney for the Commonwealth in such county or city, and such attorney shall forthwith and without delay request an order to be entered by the court within one business day of receiving such request authorizing the person or institution having initial custody of the dead body to transfer custody of the body to a funeral service establishment for final disposition. Such request shall contain transportation and disposition instructions for the unclaimed dead body. Upon entry of a final order for disposition of the dead body, the person or institution having initial custody of the body shall transfer custody of the body to a funeral service establishment, which shall take possession of the dead body for disposition in accordance with the provisions of such order. In such final order, the court may direct the clerk to forthwith provide a copy of the final order to the attorney who has submitted the request for a final order authorizing the person or institution having initial custody of the dead body to transfer custody of the dead body to a funeral service establishment for final disposition in accordance with this subsection. Except as provided in subsection B or C, the reasonable expenses of disposition of the body shall be borne (1) by the county or city in which the decedent resided at the time of death if the decedent was a resident of Virginia or (2) by the county or city where death occurred if the decedent was not a resident of Virginia or the location of the decedent's residence cannot reasonably be determined. However, no such expenses shall be paid by such county or city until allowed by an appropriate court in such county or city.

B. In the case of a person who has been received into the state corrections system and died prior to his release, whose body is unclaimed, the Department of Corrections shall accept the body for proper disposition and shall bear the reasonable expenses for cremation or other disposition of the body. In the case of a person who has been received into the state corrections system and died prior to his release and whose claimant is financially unable to pay reasonable expenses of disposition, the expenses shall be borne by the county or city where the claimant resides.

C. In the case of a person who has been committed to the custody of the Department of Behavioral Health and Developmental Services and died prior to his release, whose body is unclaimed, the Department of Behavioral Health and Developmental Services shall bear the reasonable expenses for cremation or other disposition of the body. In the case of a person who has been committed to the custody of the Department of Behavioral Health and Developmental Services and died prior to his release and whose claimant is financially unable to pay reasonable expenses of disposition, the expenses shall be borne by the county or city where the claimant resides.

D. Any person or institution having initial custody of a dead body may enter into an agreement with a local funeral service establishment whereby the funeral service establishment shall take

possession of the dead body for the purpose of storing the dead body during such time as the person or institution having initial custody of the body or the primary local law-enforcement agency is engaged in identifying the decedent, attempting to identify and contact the next of kin of the decedent, and making arrangements for the final disposition of the body in accordance with this section, provided that at all times during which the funeral service establishment is providing storage of the body, the person or institution having initial custody of the dead body shall continue to have legal custody of the body until such time as custody is transferred in accordance with this chapter.

E. In cases in which a decedent whose remains are disposed of in accordance with this section has an estate out of which disposition expenses may be paid, in whole or in part, such assets shall be seized for such purpose.

F. No dead body that is the subject of an investigation pursuant to § 32.1-283 or autopsy pursuant to § 32.1-285 shall be transferred for purposes of disposition until such investigation or autopsy has been completed.

G. Any sheriff or primary law-enforcement officer, county, city, health care provider, funeral service establishment, or funeral service licensee; the Department of Corrections; or any other person or institution that acts in accordance with the requirements of this chapter shall be immune from civil liability for any act, decision, or omission resulting from acceptance and disposition of the dead body in accordance with this section, unless such act, decision, or omission resulted from bad faith or malicious intent.

H. Nothing in this section shall prevent a law-enforcement agency other than the primary law-enforcement agency from performing the duties established by this section if so requested by the primary law-enforcement agency and agreed to by the other law-enforcement agency.

2014, c. 228;2015, cc. 658, 670;2018, c. 773.

§ 32.1-309.3. Cremations and burials at sea

No dead human body whose death occurred in Virginia shall be cremated or buried at sea, irrespective of the cause and manner of death, unless the Chief Medical Examiner, an Assistant Chief Medical Examiner, or a medical examiner appointed pursuant to § 32.1-282 has determined that there is no further need for medicolegal inquiry into the death and so certifies upon a form supplied by the Office of the Chief Medical Examiner. For this service the Chief Medical Examiner, an Assistant Chief Medical Examiner, or a medical examiner appointed pursuant to § 32.1-282 shall be entitled to a fee established by the Board, not to exceed the fee provided for in subsection D of § 32.1-283, to be paid by the applicant for the certificate.

2014, cc. 228, 583.

§ 32.1-309.4. Determination of hazardous human remains

The Commissioner, in consultation with the Governor, shall have the authority to determine if human remains are hazardous to the public health. If the Commissioner determines that such remains are hazardous, the Commonwealth, with direction from the Commissioner, shall be charged with the safe handling, identification, and disposition of the remains and shall erect a memorial, as appropriate, at any disposition site.

For the purposes of this section, "hazardous," with regard to human remains, means those remains contaminated with an infectious, radiologic, chemical, or other dangerous agent.

2014, c. [228](#).

§ 32.1-309.5. Storage of a dead human body

If a dead human body is to be stored for more than 48 hours prior to disposition, any institution having custody of such body shall ensure that the dead human body is maintained in refrigeration at no more than approximately 40 degrees Fahrenheit or shall enter into an agreement with a local funeral service establishment pursuant to subsection D of § [32.1-309.2](#). Any related expenses shall be borne by the claimant or the relevant city or county in accordance with § [32.1-309.1](#) or [32.1-309.2](#).

2016, c. [411](#).

Chapter 8. Postmortem Examinations and Services

§ 32.1-291.14. Rights and duties of procurement organization and others

A. When a hospital refers an individual who is dead or whose death is imminent to a procurement organization, the organization shall make a reasonable search of the records of the Virginia Department of Motor Vehicles and any donor registry that it knows exists for the geographical area in which the individual resides to ascertain whether the individual has made an anatomical gift.

B. A procurement organization shall be allowed reasonable access to information in the records of the Virginia Department of Motor Vehicles to ascertain whether an individual who is dead or whose death is imminent is a donor.

C. When a hospital refers an individual who is dead or whose death is imminent to a procurement organization, the organization may conduct any reasonable examination necessary to ensure the medical suitability of a part that is or could be the subject of an anatomical gift for transplantation, therapy, research, or education from a donor or a prospective donor. During the examination period, measures necessary to ensure the medical suitability of the part may not be withdrawn unless the hospital or procurement organization knows that the individual expressed a contrary intent.

D. Unless prohibited by law other than this Act, at any time after a donor's death, the person to which a part passes under § 32.1-291.11 may conduct any reasonable examination necessary to ensure the medical suitability of the body or part for its intended purpose.

E. Unless prohibited by law other than this Act, an examination under subsection C or D may include an examination of all medical and dental records of the donor or prospective donor.

F. Upon the death of a minor who was a donor or had signed a refusal, unless a procurement organization knows the minor is emancipated, the procurement organization shall conduct a reasonable search for the parents of the minor and provide the parents with an opportunity to revoke or amend the anatomical gift or revoke the refusal.

G. Upon referral by a hospital under subsection A, a procurement organization shall make a reasonable search for any person listed in § 32.1-291.9 having priority to make an anatomical gift on behalf of a prospective donor. If a procurement organization receives information that an anatomical gift to any other person was made, amended, or revoked, it shall promptly advise the other person of all relevant information.

H. Subject to subsection I of § 32.1-291.11 and § 32.1-291.23, the rights of the person to which a part passes under § 32.1-291.11 are superior to the rights of all others with respect to the part. The person may accept or reject an anatomical gift in whole or in part. Subject to the terms of the document of gift and this Act, a person that accepts an anatomical gift of an entire body may allow embalming, burial or cremation, and use of remains in a funeral service. If the gift is of a part, the person to which the part passes under § 32.1-291.11, upon the death of the donor and before embalming, burial, or cremation, shall cause the part to be removed without unnecessary

mutilation.

I. Neither the physician who attends the decedent at death nor the physician who determines the time of the decedent's death may participate in the procedures for removing or transplanting a part from the decedent.

J. A donated part from the body of a donor may be removed only by a physician or technician. The physician or technician performing the removal shall be qualified to remove the donated part from the body. For the purposes of this section, "qualified" means:

1. If the part is an organ, a physician or technician who is authorized by the appropriate organ procurement organization;
2. If the part is an eye, a physician or technician who is approved by an eye bank as qualified to perform the act of eye recovery; or
3. If the part is tissue, any physician or technician who is approved by LifeNet as qualified to perform the act of tissue recovery.

An organ procurement organization may screen, test, and recover eyes and tissue on behalf of an eye bank or tissue bank. Any person authorized by this subsection to recover organs, tissues or eyes may draw blood from the donor and order such tests as may be appropriate to protect his health and the health of the recipients of the organs, tissues or eyes.

2007, cc. [92](#), [907](#).

§ 32.1-301. Burial, cremation, or return of bodies after scientific study

After the bodies distributed pursuant to § [32.1-299](#) have been used for the purpose of instruction, they shall be decently interred or cremated by the institution or individual receiving them.

However, if the decedent has stipulated in writing before his death that the cremated remains of his body, lawfully donated for scientific study, shall be returned to relatives for disposition after scientific study has been completed, or if the decedent's next of kin, who lawfully donated the body for scientific study, requests in writing at the time of donation that the decedent's cremated remains be returned to relatives after scientific study has been completed, the institution or individual that received the body shall return the decedent's cremated remains to his next of kin or relatives. Any such writing shall acknowledge the responsibility to maintain the current name, address, and telephone number of the relatives to whom the decedent's cremated remains are to be returned.

The written request of the decedent's next of kin shall include the name of the next of kin, the current address to which the cremated remains shall be delivered, and the current telephone number of the next of kin or relatives where they may be contacted. The costs of transporting and delivering the cremated remains shall be borne by the institution or individual receiving the body. The institution or individual that received the decedent's body and who has received such a written request shall not be obligated to return the decedent's cremated remains if the name, address, and telephone number of the next of kin or relatives have not been provided in such written request or are no longer current.

Code 1950, § 32-359; 1979, c. 711; 2000, c. [477](#); 2014, c. [583](#).

Chapter 7. Vital Records

Article 1. Definitions and Administrative Provisions

§ 32.1-249. Definitions

As used in this chapter:

"Dead body" means a human body or such parts of such human body from the condition of which it reasonably may be concluded that death occurred.

"Fetal death" means death prior to the complete expulsion or extraction from its mother of a product of human conception, regardless of the duration of pregnancy; death is indicated by the fact that after such expulsion or extraction the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.

a. "Induced termination of pregnancy" means the intentional interruption of pregnancy with the intention to produce other than a live-born infant or to remove a dead fetus and which does not result in a live birth.

b. "Spontaneous fetal death" means the expulsion or extraction of a product of human conception resulting in other than a live birth and which is not an induced termination of pregnancy.

"File" means the presentation of a vital record provided for in this chapter for registration by the Department.

"Final disposition" means the burial, interment, cremation, removal from the Commonwealth or other authorized disposition of a dead body or fetus.

"Institution" means any establishment, public or private, which provides inpatient medical, surgical, or diagnostic care or treatment, or nursing, custodial or domiciliary care, or to which persons are committed by law.

"Live birth" means the complete or substantial expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.

"Substantial expulsion or extraction" means, in the case of a headfirst presentation, the infant's entire head is outside the body of the mother or, in the case of a breech delivery, when any part of the infant's trunk past the navel is outside the body of the mother.

"Physician" means a person authorized or licensed to practice medicine or osteopathy in this Commonwealth.

"Registration" means the acceptance by the Department and the incorporation of vital records as provided for in this chapter into its official records.

"System of vital records" means the registration, collection, preservation, amendment, and certification of vital records; the collection of other reports required by this chapter; and related activities.

"Vital records" means certificates or reports of births, deaths, fetal deaths, adoptions, marriages, divorces or annulments and amendment data related thereto.

Code 1950, § 32-353.4; 1960, c. 451; 1975, c. 267; 1979, c. 711; 1983, c. 240; 2003, cc. 961, 963; 2020, c. 922.

Article 4. Death Certificates and Out-of-State Transit Permits

§ 32.1-263. Filing death certificates; medical certification; investigation by Office of the Chief Medical Examiner

A. A death certificate, including, if known, the social security number or control number issued by the Department of Motor Vehicles pursuant to § 46.2-342 of the deceased, shall be filed for each death that occurs in the Commonwealth. Non-electronically filed death certificates shall be filed with the registrar of any district in the Commonwealth within three days after such death and prior to final disposition or removal of the body from the Commonwealth. Electronically filed death certificates shall be filed with the State Registrar of Vital Records through the Electronic Death Registration System within three days after such death and prior to final disposition or removal of the body from the Commonwealth. Any death certificate shall be registered by such registrar if it has been completed and filed in accordance with the following requirements:

1. If the place of death is unknown, but the dead body is found in the Commonwealth, the death shall be registered in the Commonwealth and the place where the dead body is found shall be shown as the place of death. If the date of death is unknown, it shall be determined by approximation, taking into consideration all relevant information, including information provided by the immediate family regarding the date and time that the deceased was last seen alive, if the individual died in his home; and

2. When death occurs in a moving conveyance, in the United States of America and the body is first removed from the conveyance in the Commonwealth, the death shall be registered in the Commonwealth and the place where it is first removed shall be considered the place of death. When a death occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the body is first removed from the conveyance in the Commonwealth, the death shall be registered in the Commonwealth but the certificate shall show the actual place of death insofar as can be determined.

B. The licensed funeral director, funeral service licensee, office of the state anatomical program, or next of kin as defined in § 54.1-2800 who first assumes custody of a dead body shall complete the certificate of death. He shall obtain personal data of the deceased necessary to complete the certificate of death, including the social security number of the deceased or control number issued to the deceased by the Department of Motor Vehicles pursuant to § 46.2-342, from the best qualified person or source available and obtain the medical certification from the person responsible therefor.

If a licensed funeral director, funeral service licensee, or representative of the office of the state anatomical program completes the certificate of death, he shall file the certificate of death with the State Registrar of Vital Records electronically using the Electronic Death Registration System

and in accordance with the requirements of subsection A. If a member of the next of kin of the deceased completes the certificate of death, he shall file the certificate of death in accordance with the requirements of subsection A but shall not be required to file the certificate of death electronically.

C. The medical certification shall be completed and filed electronically with the State Registrar of Vital Records using the Electronic Death Registration System within 24 hours after death by the physician in charge of the patient's care for the illness or condition which resulted in death except when inquiry or investigation by the Office of the Chief Medical Examiner is required by § 32.1-283 or 32.1-285.1, or by the physician that pronounces death pursuant to § 54.1-2972. If the death occurred while under the care of a hospice provider, the medical certification shall be completed by the decedent's health care provider and filed electronically with the State Registrar of Vital Records using the Electronic Death Registration System for completion of the death certificate.

In the absence of such physician or with his approval, the certificate may be completed and filed by the following: (i) another physician employed or engaged by the same professional practice; (ii) a physician assistant supervised by such physician; (iii) a nurse practitioner practicing in accordance with the provisions of § 54.1-2957; (iv) the chief medical officer or medical director, or his designee, of the institution, hospice, or nursing home in which death occurred; (v) a physician specializing in the delivery of health care to hospitalized or emergency department patients who is employed by or engaged by the facility where the death occurred; (vi) the physician who performed an autopsy upon the decedent; (vii) an individual to whom the physician has delegated authority to complete and file the certificate, if such individual has access to the medical history of the case and death is due to natural causes; or (viii) a physician who is not licensed by the Board of Medicine who was in charge of the patient's care for the illness or condition that resulted in death. A physician described in clause (viii) who completes a certificate in accordance with this subsection shall not be required to register with the Electronic Death Registration System or complete the certificate electronically.

D. When inquiry or investigation by the Office of the Chief Medical Examiner is required by § 32.1-283 or 32.1-285.1, the Chief Medical Examiner shall cause an investigation of the cause of death to be made and the medical certification portion of the death certificate to be completed and filed within 24 hours after being notified of the death. If the Office of the Chief Medical Examiner refuses jurisdiction, the physician last furnishing medical care to the deceased shall prepare and file the medical certification portion of the death certificate.

E. If the death is a natural death and a death certificate is being prepared pursuant to § 54.1-2972 and the physician, nurse practitioner, or physician assistant is uncertain about the cause of death, he shall use his best medical judgment to certify a reasonable cause of death or contact the health district physician director in the district where the death occurred to obtain guidance in reaching a determination as to a cause of death and document the same.

If the cause of death cannot be determined within 24 hours after death, the medical certification shall be completed as provided by regulations of the Board. The attending physician or the Chief Medical Examiner, an Assistant Chief Medical Examiner, or a medical examiner appointed pursuant to § 32.1-282 shall give the funeral director or person acting as such notice of the reason for the delay, and final disposition of the body shall not be made until authorized by the attending physician, the Chief Medical Examiner, an Assistant Chief Medical Examiner, or a medical examiner appointed pursuant to § 32.1-282.

F. A physician, nurse practitioner, physician assistant, or individual delegated authority to complete and file a certificate of death by a physician who, in good faith, files a certificate of death or determines the cause of death shall be immune from civil liability, only for such filing and determination of causes of death on such certificate, absent gross negligence or willful misconduct.

Code 1950, § 32-353.20; 1960, c. 451; 1978, c. 308; 1979, c. 711; 1983, c. 240; 1993, c. 965; 1997, cc. 794, 898; 2003, c. 484; 2004, c. 124; 2008, c. 137; 2011, c. 613; 2012, c. 213; 2013, c. 799; 2014, c. 583; 2017, c. 784; 2018, cc. 207, 208, 776; 2019, cc. 213, 224.

§ 32.1-264. Reports of fetal deaths; medical certification; investigation by the Office of the Chief Medical Examiner; confidentiality of information concerning abortions

A. A fetal death report for each fetal death which occurs in this Commonwealth shall be filed, on a form furnished by the State Registrar, with the registrar of the district in which the delivery occurred or the abortion was performed within three days after such delivery or abortion and shall be registered with such registrar if it has been completed and filed in accordance with this section, provided that:

1. If the place of fetal death is unknown, a fetal death report shall be filed in the registration district in which a dead fetus was found within three days after discovery of such fetus; and
2. If a fetal death occurs in a moving conveyance, a fetal death report shall be filed in the registration district in which the fetus was first removed from such conveyance.

B. The funeral director or person who first assumes custody of a dead fetus or, in the absence of a funeral director or such person, the hospital representative who first assumes custody of a fetus shall file the fetal death report; in the absence of such a person, the physician or other person in attendance at or after the delivery or abortion shall file the report of fetal death. The person completing the forms shall obtain the personal data from the next of kin or the best qualified person or source available, and he shall obtain the medical certification of cause of death from the person responsible for preparing the same as provided in this section. In the case of induced abortion, such forms shall not identify the patient by name.

C. The medical certification portion of the fetal death report shall be completed and signed within 24 hours after delivery or abortion by the physician in attendance at or after delivery or abortion except when inquiry or investigation by the Office of the Chief Medical Examiner is required.

D. When a fetal death occurs without medical attendance upon the mother at or after the delivery or abortion or when inquiry or investigation by the Office of the Chief Medical Examiner is required, the Chief Medical Examiner shall cause an investigation of the cause of fetal death to be made and the medical certification portion of the fetal death report to be completed and signed within 24 hours after being notified of a fetal death.

E. The reports required pursuant to this section are statistical reports to be used only for medical and health purposes and shall not be incorporated into the permanent official records of the system of vital records. A schedule for the disposition of these reports may be provided by regulation.

F. The physician or facility attending an individual who has delivered a dead fetus shall maintain

a copy of the fetal death report for one year and, upon written request by the individual and payment of an appropriate fee, shall furnish the individual a copy of such report.

Code 1950, § 32-353.21; 1960, c. 451; 1975, c. 267; 1979, c. 711; 1983, c. 240; 1987, c. 405; 2014, c. 583.

§ 32.1-265. Transit permits; permits for disinterment and reinterment

A. The funeral director or other person who first assumes custody of a dead body or fetus shall obtain an out-of-state transit permit prior to removal from the Commonwealth of the body or fetus.

B. Such out-of-state transit permit shall be issued by the registrar of the district where a satisfactorily completed certificate of death or fetal death was filed.

C. A transit permit issued under the law of another state which accompanies a dead body or fetus brought into this Commonwealth shall be authority for final disposition of the body or fetus in this Commonwealth.

D. No permit shall be required where disposal of dead bodies or fetuses for deaths or fetal deaths which have occurred in this Commonwealth is to be made in this Commonwealth.

E. A permit for disinterment and reinterment shall be required prior to disinterment of a dead body or fetus except as authorized by regulation of the Board or otherwise provided by law. Such permit shall be issued by the State Registrar or the registrar of the county or city where the body or fetus is interred to a licensed funeral director.

Code 1950, § 32-353.22; 1960, c. 451; 1970, c. 699; 1979, c. 711.

§ 32.1-266. Extending time for filing death certificates and obtaining out-of-state transit permits

The Board may provide by regulation for the extension, upon conditions designed to assure compliance with the purposes of this chapter, of the periods prescribed in §§ 32.1-263, 32.1-264 and 32.1-265 for the filing of death certificates, fetal death reports and medical certifications of cause of death and for the obtaining of out-of-state transit permits in cases in which compliance with the applicable prescribed period would result in undue hardship.

Code 1950, § 32-353.23; 1960, c. 451; 1979, c. 711.