

**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.*