

1 21 NCAC 34B .0707 is proposed for adoption as follows:

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3 **21 NCAC 34B .0707 REFRIGERATION**

4 (a) Any refrigeration unit procured and maintained by a funeral establishment must satisfy the following requirements:

- 5 (1) be capable of storing at least three adult human bodies, each measuring up to seven feet in length
- 6 and three hundred pounds in weight, in the holding facility;
- 7 (2) be capable of maintaining an interior temperature of 40 degrees Fahrenheit while loaded with the
- 8 maximum number of bodies for which it is designed;
- 9 (3) shall have sealed concrete, stainless steel, galvanized, aluminum, or other flooring in walk-in units;
- 10 (4) shall have stainless steel, aluminum, or other non-corrosive materials for the remainder of all units;
- 11 and
- 12 (5) be subject to inspection by Board inspectors at all times.

13 (b) The Board shall allow funeral establishments to procure and maintain one or more temporary refrigeration units.
14 Any such temporary refrigeration unit must satisfy the requirements set forth in paragraph (a)(2)-(5) of this Rule. Any
15 such temporary refrigeration unit not located inside the funeral establishment shall be kept locked at all times when
16 human remains are stored inside.

17 (c) Human remains stored in a refrigeration unit, as set forth in paragraphs (a) and (b) of this Rule, must be kept in a
18 container than complies with G.S. 90-210.121(9)(b)-(f).

19 (d) Prior to using a refrigeration unit that is not located on its premises, a funeral establishment shall provide the
20 Board with a written document that sets forth the following:

- 21 (1) the name, contact information, and license number, if applicable, of the entity that owns the property
- 22 on which the refrigeration unit is located;
- 23 (2) the physical address of the property on which the refrigeration unit is located;
- 24 (3) the name, contact information, and license number, if applicable, of the entity responsible for
- 25 maintaining the refrigeration unit that meets the requirements of paragraphs (a) and (b) of this Rule;
- 26 (4) certification from both the licensed manager of the funeral establishment and an officer, owner,
- 27 member, or partner of the entity responsible for maintaining the refrigeration unit in compliance
- 28 with paragraphs (a) and (b) of this Rule, acknowledging that:
 - 29 (i) the funeral establishment shall use the refrigeration unit for the storage of human remains;
 - 30 (ii) the refrigeration unit complies with paragraphs (a) and (b) of this Rule;
 - 31 (iii) a log documenting the chain of possession of human remains shall be maintained, which
 - 32 sets forth the name of the decedent, the funeral establishment or other entity for whom the
 - 33 human remains are being stored, and the date and time that human remains are placed
 - 34 inside and removed from the refrigeration unit;
 - 35 (iv) the Board inspectors shall have access to the refrigeration unit at all times;

1 (v) any licensee or permit holder that uses or maintains a refrigeration unit that is not compliant
2 with this Rule is subject to disciplinary action pursuant to G.S. 210.25(d)(4) and 90-
3 210.25(e)(1)(j).

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5 *History Note:* Authority G.S. 90-210.23; 90-210.27A(h), (l);
6 Eff. October 1, 2021.