

1 21 NCAC 34C .0202 is proposed for amendment under temporary procedures as follows:

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3 **21 NCAC 34C .0202 REFRIGERATION**

4 (a) Crematory and hydrolysis licensees shall have located on its premises a refrigeration unit that: capable of storing  
5 at least three adult human bodies, each measuring up to seven feet in length and three hundred pounds in weight, in  
6 the holding facility. Each refrigeration unit required by this Rule shall be capable of maintaining an interior  
7 temperature of 40 degrees Fahrenheit while loaded with the maximum number of bodies for which it is designed; shall  
8 be a sealed concrete, stainless steel, galvanized, aluminum, or other flooring in walk-in units; and shall be stainless  
9 steel, aluminum, or other non-corrosive materials for the remainder of all units.

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

12 (2) is capable of maintaining an interior temperature of 40 degrees Fahrenheit while loaded with the  
13 maximum number of bodies for which it is designed;

14 (3) has sealed concrete, stainless steel, galvanized, aluminum, or other flooring in walk-in units; and

15 (4) has stainless steel, aluminum, or other non-corrosive materials for the remainder of all units.

16 (b) A refrigeration unit in compliance with paragraph (a)(1)-(4) of this Rule shall satisfy a crematory or hydrolysis  
17 licensee's compliance with paragraph (a) of this Rule if the refrigeration unit is housed in a funeral establishment,  
18 crematory, or hydrolysis licensee sharing common ownership with, and located on the same contiguous piece of  
19 property as, the crematory or hydrolysis licensee.

20 (b)(c) Unembalmed human remains retained in the custody of a crematory or hydrolysis licensee for more than 24  
21 hours prior to cremation or hydrolysis shall be kept in a refrigeration unit. Human remains stored in a refrigeration  
22 unit, as set forth in paragraphs (a) and (c) of this Rule, must be kept in a container than complies with G.S. 90-  
23 210.121(9)(a)-(f). Upon declaration of a state of emergency, as provided in G.S. 166A-19.20, the Board shall allow,  
24 for a period not to exceed the length of the emergency declaration, a crematory or hydrolysis licensee to procure and  
25 maintain one or more temporary refrigeration units. Any such temporary refrigeration unit must satisfy the  
26 requirements set forth in paragraph (a)(1)-(4) of this Rule. Any such temporary refrigeration unit not located inside  
27 the crematory shall be kept locked at all times when human remains are stored inside.

28 (d) Prior to using a refrigeration unit that is not located on its premises, a crematory or hydrolysis licensee shall  
29 provide the Board with a written document that sets forth the following:

30 (1) the name, contact information, and license number, if applicable, of the entity that owns the property  
31 on which the refrigeration unit is located;

32 (2) the physical address of the property on which the refrigeration unit is located;

33 (3) the name, contact information, and license number, if applicable, of the entity responsible for  
34 maintaining the refrigeration unit that meets the requirements of paragraph (a)(1)-(4) of this Rule;

35 (4) certification from both the manager of the crematory and an officer, owner, member, or partner of  
36 the entity responsible for maintaining the refrigeration unit in compliance with paragraph (a)(1)-(4)  
37 of this Rule, acknowledging that:

- 1           (i)       the crematory or hydrolysis licensee shall use the refrigeration unit for the storage of human  
2                   remains;  
3           (ii)       the refrigeration unit complies with paragraph (a)(1)-(4) of this Rule;  
4           (iii)      a log documenting the chain of possession of human remains shall be maintained, which  
5                   sets forth the name of the decedent, the funeral establishment or other entity for whom the  
6                   human remains are being stored, and the date and time that human remains are placed  
7                   inside and removed from the refrigeration unit;  
8           (iv)       the Board inspectors shall have access to the refrigeration unit at all times;  
9           (v)       any licensee or permit holder that uses or maintains a refrigeration unit that is not compliant  
10                   with this Rule is subject to disciplinary action pursuant to G.S. 210.25(d)(4) and 90-  
11                   210.25(e)(1)(j).

12 ~~(e) The provisions of this Rule shall not be construed to require a crematory facility and hydrolysis facility that share~~  
13 ~~common ownership and are located on a single contiguous piece of property to maintain more than one refrigeration~~  
14 ~~unit.~~

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16 *History Note: Authority G.S. 90-210.121(9),(12); 90-210.123(g); 90-210.134(a); 90-210.136(d),(h);*

17 *Eff. July 1, 1991;*

18 *Recodified from Rule .0201 Eff. July 7, 1992;*

19 *Amended Eff. July 1, 2004;*

20 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*  
21 *2017;*

22 *Temporary Amendment Eff. May 24, 2019;*

23 *Temporary Amendment Expired Eff. March 13, 2020;*

24 *Amended Eff. January 1, 2021.*