

1 21 NCAC 34C .0102 is proposed for amendment under temporary procedures as follows:

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3 **21 NCAC 34C .0102 FORM OF DOCUMENTS**

4 When any provision of Article 13F, Chapter 90, of the North Carolina General Statutes or any rule in this Subchapter  
5 requires a crematory or hydrolysis licensee to obtain any death certificate, report, authorization, waiver, statement or  
6 other document prior to cremation or hydrolysis, it shall be deemed that such requirements are complied with if the  
7 crematory or hydrolysis licensee receives the applicable document or documents, in the time specified, in the form of  
8 the original, a photocopy, or by electronic or facsimile transmission.

9

10 *History Note:* Authority G.S. 90-210.127; 90-210.134(a); 90-210.136(d),(h);

11 *Eff. July 1, 1991;*

12 *Amended Eff. July 1, 2004;*

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

14 *2017.*

1 21 NCAC 34C .0103 is proposed for amendment under temporary procedures as follows:

2

3 **21 NCAC 34C .0103 APPLICATION FORM FOR CREMATORY OR HYDROLYSIS LICENSE**

4 All applications for a crematory or hydrolysis license shall be made on forms provided by the Board. The application  
5 shall state the name of the applicant; address; type of business entity; location of crematory or hydrolysis facility;  
6 description of crematory or hydrolysis; facilities and equipment; name and address of each crematory or hydrolysis  
7 technician; name and address of the crematory or hydrolysis manager; any criminal convictions of the applicant and  
8 manager; and other information the Board deems necessary as required by law. Three affidavits of the moral character  
9 of the owners, partners, or officers and of the manager in compliance with G.S. 90-210.26 shall accompany the  
10 application.

11

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

13 *Eff. July 1, 1991;*

14 *Amended Eff. August 1, 2004;*

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

16 *2017.*

1 21 NCAC 34C .0104 is proposed for amendment under temporary procedures as follows:

2

3 **21 NCAC 34C .0104      CREMATORY OR HYDROLYSIS LICENSE CERTIFICATE**

4 The Board shall issue each crematory or hydrolysis licensee a certificate ~~for to operate~~ a crematory or hydrolysis  
5 facility upon demonstrating that all requirements for a crematory or hydrolysis license have been satisfied. All  
6 crematory or hydrolysis license certificates shall be issued on certificate forms provided by the Board.

7

8 *History Note:*      *Authority G.S. 90-210.123; 90-210.134(a); 90-210.136(d),(h);*

9                              *Eff. July 1, 1991;*

10                             *Amended Eff. August 1, 2004;*

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

12                             *2017.*

1 21 NCAC 34C .0105 is proposed for amendment under temporary procedures as follows:

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3 **21 NCAC 34C .0105      CREMATORY OR HYDROLYSIS INSPECTION FORM**

4 The findings of all crematory or hydrolysis facility inspections shall be recorded and filed on report forms provided  
5 by the Board. ~~The crematory licensee shall furnish the name and address of the crematory, names of the owner and  
6 manager, acknowledgement of the findings of the inspector, the date for compliance, verification by the crematory  
7 licensee that any violations have been corrected, the date of the verification, and other information the Board deems  
8 necessary as required by law. Verifications by the crematory licensee that any violations have been corrected must be  
9 received by the Board no later than seven days after the date for compliance.~~

10

11 *History Note:*      *Authority G.S. 90-210.123; 90-210.134(a); 90-210.136(d),(h);*

12                              *Eff. July 1, 1991;*

13                              *Amended Eff. August 1, 2004;*

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

15                              *2017.*

1 21 NCAC 34C .0106 is proposed for adoption under temporary procedures as follows:

2  
3 **21 NCAC 34C .0106 DEFINITIONS**

4 The following definitions shall apply for purposes of complying with the provisions of Article 13F, Chapter 90, of the  
5 North Carolina General Statutes and/or any rule in Chapter 34, Title 21 of the North Carolina Administrative Code:

6 (a) "Hydrolysis operator" shall have the same meaning as the term "hydrolysis licensee" as defined by G.S.  
7 90-210.136(a)(3).

8 (b) "Aquamation" and "resomation" shall be deemed synonymous terms for "alkaline hydrolysis" as defined  
9 by G.S. 90-210.136(a)(1).

10 (c) "Certificate of hydrolysis" means a certificate provided by the hydrolysis manager who performed the  
11 hydrolysis, and which meets the same minimum requirements for a "certificate of cremation" as set forth in  
12 G.S. 90-210.121(5).

13 (d) "Cremation center" shall be deemed a synonymous term for "crematory" or "crematorium" as defined  
14 by G.S. 90-210.121(11).

15 (e) "Final disposition" of human remains that have been hydrolyzed means the hydrolysis and the ultimate  
16 interment, entombment, inurnment, or scattering of the hydrolyzed remains or the return of the hydrolyzed  
17 remains by the hydrolysis licensee to the authorizing agent or such agent's designee as provided by Article  
18 13F, Chapter 90 of the North Carolina General Statutes. Upon the written direction of the authorizing agent,  
19 hydrolyzed remains may take various forms.

20 (f) "Hydrolysis container," as defined by G.S. 90-210.136(a)(2), shall be made of biodegradable material  
21 and also shall comply with the provisions of G.S. 90-210.121(9)f.

22 (g) "Hydrolysis chamber," "hydrolysis unit," or "hydrolysis vessel" means the enclosed space within which  
23 the hydrolysis process occurs. Hydrolysis chambers regulated by Article 13F, Chapter 90, of the North  
24 Carolina General Statutes shall be used exclusively for the hydrolysis of human remains.

25 (h) "Hydrolyzed remains" means all human remains recovered after the completion of the hydrolysis process,  
26 including pulverization, that leaves only bone fragments reduced to unidentifiable dimensions.

27 (i) "Hydrolysis facility" or "hydrolysis center" means the building or buildings, or portion of a building or  
28 buildings, on a single congruous premise that houses the hydrolysis equipment, the holding and processing  
29 facilities, the business offices, and any other components of the hydrolysis business.

30 (j) "Hydrolysis interment container" means a rigid outer container composed of concrete, steel, fiberglass,  
31 or some similar material in which an urn is placed prior to being interred in the ground and which is designed  
32 to withstand prolonged exposure to the elements and to support the earth above the urn.

33 (k) "Hydrolysis manager" means the person who is responsible for the management and operation of the  
34 hydrolysis facility. A hydrolysis manager shall meet the same minimum requirements for a "crematory  
35 manager" as set forth in G.S. 90-210.121(13).

36 (l) "Hydrolysis society" means any person, firm, corporation, or organization that is affiliated with a  
37 hydrolysis licensee licensed under Article 13F, Chapter 90, of the North Carolina General Statutes and  
38 provides hydrolysis information to consumers.

39 (m) "Hydrolysis technician" means any employee of a hydrolysis licensee who has a certificate confirming  
40 that the hydrolysis technician has attended a training course approved by the Board.

41  
42 Authority G.S. 90-210.136;

1 21 NCAC 34C .0201 is proposed for amendment under temporary procedures as follows:

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3 **SECTION .0200 - EQUIPMENT AND PROCESSING**

4  
5 **21 NCAC 34C .0201 HOLDING FACILITY; CREMATION OR HYDROLYSIS UNIT; PROCESSORS**

6 (a) Every crematory licensee shall have the following:

- 7 (1) A holding facility of suitable size to accommodate all human remains which are retained and  
8 awaiting cremation.
- 9 (2) A commercially-manufactured cremation unit, within the crematory facility, made specifically for  
10 the cremation of human remains, meeting the following minimum standards:
- 11 (aA) An ash collection pan that is designed specifically for the purpose of removing cremated  
12 remains from the cremation unit and to minimize the commingling of cremated remains of  
13 one human remains with another.
- 14 (bB) A hearth or floor that has been maintained in accordance with recommended maintenance  
15 requirements specified by the machine's manufacturer or other qualified maintenance  
16 service representative. without depressions so as to minimize commingling of cremated  
17 remains of one human remains with another.
- 18 (cC) A door safety switch to stop the burner operation when the front charging door is opened.
- 19 (dD) A pollution monitoring system to monitor and detect smoke when the density exceeds  
20 applicable federal and state standards, whereupon the system will automatically stop the  
21 burner operation on a time setting of not less than three minutes.
- 22 (eE) Approval by Underwriters Laboratory or a comparable testing agency.
- 23 (3) A commercially-manufactured processor, within the crematory facility, made specifically for the  
24 pulverization of cremated and/or hydrolyzed remains, meeting the following minimum standards:
- 25 (aA) Capable of consistently processing cremated and/or hydrolyzed remains to unidentifiable  
26 dimensions.
- 27 (bB) A dust-resistant processing chamber.
- 28 (cC) An exterior surface made of easily cleaned, non-corrosive material.

29 (b) Every hydrolysis licensee shall have the following:

- 30 (1) A holding facility of suitable size to accommodate all human remains which are retained and  
31 awaiting hydrolysis.
- 32 (2) A commercially-manufactured hydrolysis unit, within the hydrolysis facility, made specifically for  
33 hydrolyzing human remains, and which meets the following minimum standards:
- 34 (A) A collection pan, tray, or other device that is designed specifically for the purpose of  
35 removing hydrolyzed remains from the hydrolysis unit and to minimize the commingling  
36 of hydrolyzed remains of one human remains with another.
- 37 (B) Approval by Underwriters Laboratory or a comparable testing agency.

1           (3) A commercially-manufactured processor, within the hydrolysis facility, that shall meet the same  
2           minimum standards set forth in Subsection (a)(3) of this Rule.

3

4 *History Note: Authority G.S. 90-210.41(9),(12); 90-210.45(d),(e); 90-210.50(a); 90-210.136(d),(h);*

5 *Eff. July 1, 1991;*

6 *Recodified from Rule .0202 Eff. July 7, 1992;*

7 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*  
8 *2017.*

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 Unembalmed human remains retained in the custody of a crematory or hydrolysis licensee for more than 24 hours  
5 prior to cremation or hydrolysis shall be kept in a refrigeration unit. Crematory and hydrolysis licensees shall have a  
6 refrigeration unit, capable of storing at least three adult human bodies, in the holding facility. Each refrigeration unit  
7 required by this Rule shall meet the following minimum standards:

8 (1) Capable of maintaining an interior temperature of 40 degrees Fahrenheit while loaded with the  
9 maximum number of bodies for which it is designed.

10 (2) Sealed concrete, stainless steel, galvanized, aluminum or other easily cleaned flooring in walk-in  
11 units.

12 (3) Stainless steel, aluminum or other non-corrosive and easily cleaned materials for the remainder of  
13 the interior of all units.

14 The provisions of this Rule shall not be construed to require a crematory facility and hydrolysis facility that share  
15 common ownership and are located on a single congruous site to maintain more than one refrigeration unit.

16

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

18 *Eff. July 1, 1991;*

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

20 *Amended Eff. July 1, 2004;*

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

22 *2017.*



1 21 NCAC 34C .0205 is proposed for amendment under temporary procedures as follows:

2

3 **21 NCAC 34C .0205 LABELS**

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

9

10 *History Note:* Authority G.S. 90-210.126; 90-210.134(a); 90-210.136(d),(h);

11 *Eff. July 1, 1991;*

12 *Amended Eff. July 1, 2004;*

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

14 *2017.*

1 21 NCAC 34C .0206 is proposed for amendment under temporary procedures as follows:

2

3 **21 NCAC 34C .0206 CLEANLINESS**

4 All areas of the crematory ~~and holding~~ or hydrolysis licensee facilities devoted to the reception, storage and cremation  
5 or hydrolysis of human remains and to the pulverization and delivery of cremated or hydrolyzed remains, and all  
6 equipment located therein, shall be kept in good repair and in a sanitary condition and subject to inspection by the  
7 Board or its agents at all times.

8

9 *History Note:* Authority G.S. 90-210.41(9),(12); 90-210.50(a); 90-210.136(d),(h);

10 *Eff. July 1, 1991;*

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

12 *2017.*

1 21 NCAC 34C .0207 is proposed for adoption under temporary procedures as follows:

2  
3 **21 NCAC 34C .0207      REMOVAL OF PACEMAKERS OR OTHER IMPLANTED DEVICES;**  
4 **AUTOPSIED REMAINS; COMMUNICABLE DISEASES**  
5

6 (a) It shall not be permissible for any person other than an individual who is licensed by the Board as either an  
7 embalmer or funeral service licensee to remove a pacemaker, defibrillator, or any other implanted device or material  
8 that must be removed from human remains prior to cremation or hydrolysis as set forth in G.S. 90-210.129(d);  
9 provided, however, that any such device or material deemed hazardous shall be removed in accordance with the  
10 guidelines set by the manufacturer thereof and any statutes or rules enforced by any proper regulating agency.

11 (b) It shall not be permissible for any person other than an individual who is licensed by the Board as either an  
12 embalmer or funeral service licensee to handle, treat, or otherwise prepare for cremation or hydrolysis the viscera  
13 removed from human remains as the result of an autopsy.

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

18  
19 *Authority G.S. 90-210.125; 90-210.129; 90-210.134; 90-210.136(d),(h);*

1 21 NCAC 34C .0303 is proposed for amendment under temporary procedures as follows:

2  
3 **21 NCAC 34C .0303 RECORDS OF CREMATION OR HYDROLYSIS AND DELIVERY**

4 (a) All crematory or hydrolysis licensees shall complete receipts for human remains on Board forms. The crematory  
5 or hydrolysis licensee shall furnish the name of the crematory or hydrolysis licensee, full name of the decedent, date  
6 and time of death, date and time the human remains ~~was~~were delivered to the crematory or hydrolysis licensee, any  
7 affiliation by the person delivering remains with a funeral establishment or an individual licensed to practice funeral  
8 service under the provisions of G.S. 90-210.25(a2)(2), or any such affiliation with the crematory or hydrolysis licensee,  
9 the name and signature of the employee or agent of the crematory or hydrolysis licensee who received the human  
10 remains, and any other information the Board deems necessary as required by law. Every crematory or hydrolysis  
11 licensee shall furnish this receipt to the person who delivers the human remains to the crematory or hydrolysis licensee.

12 (b) All records documenting the release of human remains from a crematory or hydrolysis licensee to the person who  
13 receives the cremated or hydrolyzed remains shall be completed on Board forms. The crematory or hydrolysis licensee  
14 shall furnish the name of the crematory or hydrolysis licensee, the full name of the decedent, the date and time of  
15 release, the name of the person who received the cremated or hydrolyzed remains, the place where cremated or  
16 hydrolyzed remains were received, any affiliation by the person receiving remains with a funeral establishment or an  
17 individual licensed to practice funeral service under the provisions of G.S. 90-210.25(a2)(2) or other entity, the  
18 signatures of the person delivering the remains and the recipient of remains, any mailing or handling instructions, and  
19 any other information the Board deems necessary as required by law. Crematory and hydrolysis licensees must provide  
20 evidence by signature, postal receipt or its equivalent, of the receipt of the cremated or hydrolyzed remains.

21 (c) All records documenting the release of human remains from a funeral establishment or an individual licensed to  
22 practice funeral service under the provisions of G.S. 90-210.25(a2)(2) (“unaffiliated practitioner”) to the person who  
23 receives the cremated or hydrolyzed remains shall be completed on Board forms. The funeral establishment or  
24 unaffiliated practitioner shall furnish the name of the funeral establishment or unaffiliated practitioner, the full name  
25 of the decedent, the date and time of release, the person to whom the remains were released, the type of container in  
26 which the remains were released, the signatures of the parties delivering and receiving remains, any shipping or special  
27 handling instructions, and any other information the Board deems necessary as required by law. Funeral  
28 establishments must provide evidence by signature, postal receipt or its equivalent, of the receipt of the cremated or  
29 hydrolyzed remains. The provisions of this Paragraph shall not apply when the funeral establishment and crematory  
30 or hydrolysis licensee share common ownership and are physically located within one or more buildings on contiguous  
31 premises that would qualify the funeral establishment to use “crematory,” “crematorium,” “cremation center,”  
32 “hydrolysis facility,” or “hydrolysis center” in its operating name; provided, however, that the crematory or hydrolysis  
33 licensee shall comply with Paragraphs (a), (b), and (d) or (e) of this Rule.

34 (d) In order to track the human remains through the cremation or hydrolysis process from the time the remains are  
35 received at the crematory or hydrolysis licensee facility until the cremated or hydrolyzed remains are delivered, all  
36 crematory or hydrolysis licensees shall keep records on Board forms. The crematory or hydrolysis licensee shall  
37 furnish the name of the crematory or hydrolysis licensee, full name of the decedent, description of the cremation or

1 hydrolysis container used, time and date the decedent was placed into the crematory or hydrolysis unit, person who  
2 placed the deceased in the crematory or hydrolysis unit, time and date the cremated or hydrolyzed remains were  
3 removed from the crematory or hydrolysis unit, type of container in which the cremated or hydrolyzed remains  
4 were placed, time and date the cremated or hydrolyzed remains were processed, the name and signature of the person  
5 who processed the cremated or hydrolyzed remains and placed them into a container, and any other information the  
6 Board deems necessary as required by law.

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

10 (f) The crematory or hydrolysis licensee shall retain the completed forms required by this Rule and shall produce all  
11 crematory or hydrolysis forms for inspection or copying by the Board or its agents upon request. Unless otherwise  
12 permitted by this Rule, the funeral establishment or individual licensed to practice funeral service under the  
13 provisions of G.S. 90-210.25(a2)(2) shall retain the completed form required by Paragraph (c) of this Rule and shall  
14 produce the form for inspection or copying to the Board or its agents upon request.

15  
16 *History Note: Authority G.S. 90-210.127; 90-210.134(a); 90-210.136(d),(h);*

17 *Eff. July 1, 1991;*

18 *Amended Eff. September 1, 2009; August 1, 2004;*

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

1 21 NCAC 34C .0306 is proposed for amendment under temporary procedures as follows:

2

3 **21 NCAC 34C .0306 RETENTION OF RECORDS**

4 A copy of all death certificates, authorizations, waivers, statements, reports and other documents required by G.S. 90-  
5 210.120 through G.S. 90-210.134 and by the rules in this Subchapter shall be retained by the crematory or hydrolysis  
6 licensee for a period of three years and shall, during that period, be subject to inspection by the Board or its agents.

7

8 *History Note: Authority G.S. 90-210.127; 90-210.134(a); 90-210.136(d),(h);*

9 *Eff. July 1, 1991;*

10 *Amended Eff. January 1, 2009; July 1, 2004;*

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

12 *2017.*