

21 NCAC 34C .0102 is adopted under temporary procedures as follows:

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, cremation or hydrolysis, it shall be deemed that such requirements are complied with if~~ the crematory or hydrolysis licensee ~~receives the applicable~~ may accept the document ~~or documents, in the time specified,~~ in the form of the original, a ~~photocopy 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, 2019;

Temporary Amendment Eff. May 24, 2019.

21 NCAC 34C .0103 is adopted under temporary procedures as follows:

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

(a) 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~~; 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. ~~manager; and other information the Board deems necessary as required by law.~~

(b) Three affidavits of the moral character of the owners, partners, ~~or~~ officers and ~~of the~~ manager in compliance with G.S. 90-210.26 shall accompany the application.

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

Eff. July 1, 1991;

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21 NCAC 34C .0104 is adopted under temporary procedures as follows:

21 NCAC 34C .0104 CREMATORY OR HYDROLYSIS LICENSE CERTIFICATE

The Board shall issue each crematory or hydrolysis licensee a certificate ~~for to operate~~ a crematory or hydrolysis facility upon a finding that the licensee has complied with ~~the licensee's demonstrating that all requirements for a crematory or hydrolysis license under the Rules of this Chapter. have been satisfied. All crematory or hydrolysis license certificates shall be issued on certificate forms provided by the Board.~~

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

Eff. July 1, 1991;

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

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21 NCAC 34C .0105 is adopted under temporary procedures as follows:

21 NCAC 34C .0105 CREMATORY OR HYDROLYSIS INSPECTION FORM

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

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.

21 NCAC 34C .0106 is adopted as temporary rule as follows:

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/or~~ and any rule in Chapter 34, Title 21 of the North Carolina Administrative Code:

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

(b) “Aquamation” and “resomation” ~~shall be deemed synonymous terms for~~ shall have the same meaning as “alkaline hydrolysis” as defined by G.S. 90-210.136(a)(1).

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

(d) “Cremation center” ~~shall be deemed a synonymous term for~~ shall have the same meaning as “crematory” or “crematorium” as defined by G.S. 90-210.121(11).

(e) “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.

(f) “Hydrolysis container,” as defined by G.S. 90-210.136(a)(2), ~~shall be~~ is one made of biodegradable material and also shall comply with the provisions of G.S. 90-210.121(9)f.

(g) “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.

(h) “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.

(i) “Hydrolysis facility” or “hydrolysis center” means the building or buildings, or portion of a building or buildings, ~~on a single congruous premise~~ 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.

(j) “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.

(k) “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).

(l) “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.

(m) “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.

*Authority G.S. 90-210.136;
Temporary Adoption Eff. May 24, 2019.*

21 NCAC 34C .0201 is adopted under temporary procedures as follows:

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~~ a holding facility of suitable size to accommodate all human remains which are retained and awaiting ~~cremation~~ cremation;
- (2) ~~A~~ a commercially-manufactured cremation unit, within the crematory facility, made ~~specifically~~ for the cremation of human remains, meeting the following minimum standards:
 - (~~a~~A) ~~An~~ an ash collection pan that is designed specifically 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. ~~another; another;~~
 - (~~b~~B) ~~A~~ a hearth or floor that has been maintained in accordance with recommended maintenance requirements specified by the machine's manufacturer or other qualified maintenance service representative. ~~representative; without depressions so as to minimize commingling of cremated remains of one human remains with another.~~
 - (~~c~~C) ~~A~~ a door safety switch to stop the burner operation when the front charging door is ~~opened~~ opened;
 - (~~d~~D) ~~A~~ 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~~ minutes; and
 - (~~e~~E) ~~Approval~~ approval by ~~Underwriters Laboratory or a comparable~~ a testing agency. ~~agency such as Underwriters Laboratory;~~
- (3) ~~A~~ a commercially-manufactured processor, within the crematory facility, made ~~specifically~~ for the pulverization of cremated ~~and/or~~ and/or hydrolyzed remains, meeting the following minimum standards:
 - (~~a~~A) ~~Capable~~ capable of consistently processing cremated and/or hydrolyzed remains to unidentifiable ~~dimensions.~~ dimensions;
 - (~~b~~B) ~~A~~ a dust-resistant processing ~~chamber.~~ chamber;
 - (~~c~~C) ~~An~~ an exterior surface made of easily cleaned, non-corrosive ~~material.~~ material;

(b) Every hydrolysis licensee shall have the following:

- (1) ~~A~~ a holding facility of suitable size to accommodate all human remains which are retained and awaiting ~~hydrolysis.~~ hydrolysis;
- (2) ~~A~~ a commercially-manufactured hydrolysis unit, within the hydrolysis facility, made ~~specifically~~ for hydrolyzing human remains, and which meets the following minimum standards:
 - (A) ~~A~~ a collection pan, tray, or other device that is designed ~~specifically~~ 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.~~ another; and
 - (B) ~~Approval~~ approval by Underwriters Laboratory or a comparable testing agency.

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

History Note: Authority G.S. ~~90-210.41(9),(12); 90-210.45(d),(e); 90-210.50(a)~~90-210.121(16); 90-210.125(d)(e); 90-210.130(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.

21 NCAC 34C .0202 is amended with changes under temporary procedures as follows:

21 NCAC 34C .0202 REFRIGERATION

~~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. Crematory [and hydrolysis] licensees shall have a refrigeration unit, capable of storing at least three adult human bodies, in the holding facility. Each refrigeration unit required by this Rule shall meet the following minimum standards:~~

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

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

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

(a) Crematory and hydrolysis licensees shall have a refrigeration unit capable of storing at least three adult human bodies in the holding facility. Each refrigeration unit required by this Rule shall be capable of maintaining an interior temperature of 40 degrees Fahrenheit while loaded with the maximum number of bodies for which it is designed; shall be a sealed concrete, stainless steel, galvanized, aluminum or other flooring in walk-in units; and shall be stainless steel, aluminum or other non-corrosive materials for the remainder of all units.

(b) 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.

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

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

History Note: Authority G.S. 90-210.121(9),(12); 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.

21 NCAC 34C .0205 is adopted under temporary procedures as follows:

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 ~~temporary~~ 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.

21 NCAC 34C .0206 is adopted under temporary procedures as follows:

21 NCAC 34C .0206 CLEANLINESS

All areas of the crematory ~~and holding~~ 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 in good repair and in a sanitary condition and subject to inspection by the Board or its agents at all times.

*History Note: Authority G.S. ~~90-210.41(9),(12); 90-210.50(a)~~90-210.121(16); 90-210.130(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.*

21 NCAC 34C .0207 is adopted as temporary rule as follows:

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

~~(a) It shall not be permissible for any~~ No person other than an individual who is licensed by the Board as either an embalmer or funeral service licensee ~~to~~ 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); provided, however, that any such device or material deemed hazardous shall be removed in accordance with the guidelines set by the manufacturer thereof and any statutes or rules enforced by any proper regulating agency.

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

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

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

Temporary Adoption Eff. May 24, 2019.

21 NCAC 34C .0303 is adopted as temporary amendment as follows:

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. The crematory or hydrolysis licensee shall furnish the following information:

1. name of the crematory or hydrolysis ~~licensee,~~ licensee;
2. ~~full~~ first, middle, and last name of the ~~decedent,~~ decedent;
3. date and time of ~~death,~~ death;
4. date and time the human remains ~~was~~ were delivered to the crematory or hydrolysis ~~licensee,~~ 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, crematory;
6. any such affiliation with the crematory or hydrolysis ~~licensee,~~ 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,~~ remains, ~~and any other information the Board deems necessary as required by law.~~

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. The crematory or hydrolysis licensee shall furnish the following information:

1. name of the crematory or hydrolysis ~~licensee,~~ licensee;
2. ~~the full~~ first, middle, and last name of the ~~decedent,~~ decedent;
3. ~~the~~ date and time of ~~release,~~ release;
4. ~~the~~ first, middle, and last name of the person who received the cremated ~~remains~~ or hydrolyzed ~~remains,~~ remains;
5. ~~the~~ place where cremated or hydrolyzed remains were ~~received,~~ 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, entity; and
7. ~~the~~ signatures of the person delivering the remains and the recipient of remains, and any mailing or handling instructions, ~~and any other information the Board deems necessary as required by law.~~

Crematory and hydrolysis licensees must provide evidence by signature, ~~postal~~ or shipping receipt ~~or its equivalent,~~ of the 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. The funeral establishment or unaffiliated practitioner shall furnish the following information:

1. name of the funeral establishment ~~or unaffiliated practitioner,~~ or unaffiliated practitioner;
2. ~~the full~~ first, last, and middle name of the ~~decedent,~~ decedent;
3. ~~the~~ date and time of ~~release,~~ release;
4. ~~the~~ person to whom the remains were ~~released,~~ released;
5. ~~the~~ type of container in which the remains were ~~released,~~ released;
6. ~~the~~ signatures of the parties delivering and receiving ~~remains,~~ remains; and
7. any shipping or special handling ~~instructions,~~ instructions. ~~and any other information the Board deems necessary as required by law.~~

Funeral establishments must provide evidence by signature, ~~postal or shipping~~ receipt ~~or its equivalent,~~ of the 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 ~~premises~~ 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) In order to track the human remains through the cremation or hydrolysis process 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. The crematory or hydrolysis licensee shall furnish the following information:

1. first, middle, and last name of the crematory ~~or hydrolysis licensee,~~ or hydrolysis licensee;
2. ~~full~~ first, middle, and last name of the ~~decedent,~~ decedent;
3. description of the cremation or hydrolysis container ~~used,~~ used;
4. time and date the decedent was placed into the crematory ~~or hydrolysis unit,~~ or hydrolysis unit;
5. first, middle, and last name of person who placed the deceased in the crematory ~~or hydrolysis unit,~~ or hydrolysis unit;
6. time and date the cremated or hydrolyzed remains were removed from the crematory ~~or hydrolysis unit,~~ or hydrolysis unit;
7. type of container in which the cremated ~~or hydrolyzed~~ hydrolyzed remains were ~~placed,~~ placed;
8. time and date the cremated or hydrolyzed remains were ~~processed,~~ processed; ~~the~~ 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. ~~and any other information the Board deems necessary as required by law.~~

(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 3 years and shall produce all crematory ion 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 the completed form required by Paragraph (c) of this Rule and shall produce the form 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;

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