

21 NCAC 34C .0102 is amended as published in 35:06 NCR 670-675 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 document or documents, in the time specified, may accept the document~~ 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, 2017;

Temporary Amendment Eff. May 24, 2019;

Temporary Amendment Expired Eff. March 13, ~~2020~~ 2020;

Amended Eff. January 1, 2021.

21 NCAC 34C .0103 is amended as published in 35:06 NCR 670-675 as follows:

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: ~~name of the applicant; address; type of business entity; location of crematory; description of crematory, facilities and equipment; name and address of each crematory technician; name and address of the crematory manager; any criminal convictions of the applicant and manager; and other information the Board deems necessary as required by law. 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.~~

- (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~~ 2020;
Amended Eff. January 1, 2021.*

21 NCAC 34C .0104 is amended as published in 35:06 NCR 670-675 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 ~~demonstrating that all requirements for a crematory license have been satisfied. All crematory license certificates shall be issued on certificate forms provided by the Board.~~ 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.~~ 2020;

Amended Eff. January 1, 2021.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Board of Funeral Service

RULE CITATION: 21 NCAC 34C .0105

DEADLINE FOR RECEIPT: Thursday, December 10, 2020

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Who is to complete the forms? A Board representative? What is the overall intent of this Rule? As written, it appears to only provide that inspectors of the Board (assuming that's correct) will complete forms for the Board. It does not appear to provide any directives to your regulated public. If this is intended to only apply to the Board, is this only applicable internal management and therefore unnecessary? Alternatively, is the intent here to say that licensees shall allow inspections? Overall, I'm not sure that this Rule does anything not already covered by 90-210.123(i).

Are the contents of the form set forth elsewhere in Rule or Statute? If not, please provide the substantive requirements of the Form. I note that this language is already in 90-210.123.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, November 24, 2020

21 NCAC 34C .0105 is amended as published in 35:06 NCR 670-675 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;

Temporary Amendment Expired Eff. March 13, ~~2020~~ 2020;

Amended Eff. January 1, 2021.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Board of Funeral Service

RULE CITATION: 21 NCAC 34C .0106

DEADLINE FOR RECEIPT: Thursday, December 10, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

In Item (2), please make "resomation" its own definition. It looks like this would be Item (14).

In Item (5), what is meant by "Upon the written direction of the authorizing agent, hydrolyzed remains may take various forms"? How is this determination made by the authorizing agent and what could the "various forms" be?

Item (6) is not a definition – it appears to be a directive. Would this be more appropriate elsewhere in your Rules? If it belongs here, do you mean something like "Hydrolysis container", as defined by G.S. 90-210.136(a)(2), shall be made of biodegradable material and shall comply with..."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, November 24, 2020

21 NCAC 34C .0106 is adopted as published in 35:06 NCR 670-675 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 any rule in Chapter 34, Title 21 of the North Carolina Administrative Code:

- (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" and "resomation" 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), is one 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).

1 (12) “Hydrolysis society” means any person, firm, corporation, or organization that is affiliated with a
2 hydrolysis licensee licensed under Article 13F, Chapter 90, of the North Carolina General Statutes
3 and provides hydrolysis information to consumers.

4 (13) “Hydrolysis technician” means any employee of a hydrolysis licensee who has a certificate
5 confirming that the hydrolysis technician has attended a training course approved by the Board.

6
7 *History Note:* *Authority G.S. 90-210.136;*
8 *Temporary Adoption Eff. May 24, 2019;*
9 *Temporary Adoption Expired Eff. March 13, ~~2020~~, 2020;*
10 *Readopted Eff. January 1, 2021.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Board of Funeral Service

RULE CITATION: 21 NCAC 34C .0201

DEADLINE FOR RECEIPT: Thursday, December 10, 2020

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Please begin (a)(1) through (3), (a)(2)(A) through (E), (a)(3)(A) through (C); and (b)(1) through (3), (b)(2)(A) and (B) with lower case letters.

In (a)(2)(B), delete or define "qualified"

In (a)(3)(A), delete or define "consistently"

In (a)(3)(A), change "and/or" to either "and" or "or", whichever is intended.

In (a)(3)(C), delete or define "easily cleaned"

In (b)(2)(B), either change the language to "approval by a testing agency, such as Underwriters Laboratory" or say how the Board will determine whether a testing agency is "comparable"

In your History Note, 90-210.41, 90-210.45, and 90-210.50 have been recodified. Please provide the correct statutory reference.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, November 24, 2020

21 NCAC 34C .0201 is amended as published in 35:06 NCR 670-675 as follows:

SECTION .0200 - EQUIPMENT AND PROCESSING

21 NCAC 34C .0201 **HOLDING FACILITY; CREMATION OR HYDROLYSIS UNIT; ~~PROCESSOR~~ 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~~ cremation;

(2) A commercially-manufactured cremation unit, within the ~~crematory~~ crematory facility, made ~~specifically~~ for the cremation of human remains, meeting the following minimum standards:

~~(a)~~(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~~ another;

~~(b)~~(B) 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; without depressions so as to minimize commingling of cremated remains of one human remains with another.

~~(c)~~(C) A door safety switch to stop the burner operation when the front charging door is ~~opened~~ opened;

~~(d)~~(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~~ minutes; and

~~(e)~~(E) Approval by a testing agency such as Underwriters Laboratory or a comparable testing agency ~~Laboratory~~.

(3) A commercially-manufactured processor, within the ~~crematory~~ crematory facility, made ~~specifically~~ for the pulverization of cremated or hydrolyzed remains, meeting the following minimum standards:

~~(a)~~(A) Capable of consistently processing cremated and/or hydrolyzed remains to unidentifiable ~~dimensions~~ dimensions;

~~(b)~~(B) A dust-resistant processing ~~chamber~~ chamber; and

~~(c)~~(C) An exterior surface made of easily cleaned, 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:

1 (A) A collection pan, tray, or other device that is designed for the purpose of removing
2 hydrolyzed remains from the hydrolysis unit and to minimize the commingling of
3 hydrolyzed remains of one human remains with another; and

4 (B) Approval by Underwriters Laboratory or a comparable testing agency.

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

7
8 History Note: Authority G.S. 90-210.41(9),(12); 90-210.45(d),(e); 90-210.50(a); 90-210-136(d),(h)
9 Eff. July 1, 1991;
10 Recodified from Rule .0202 Eff. July 7, 1992;
11 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,
12 2017;
13 Temporary Amendment Eff. May 24, 2019;
14 Temporary Amendment Expired Eff. March 13, ~~2020~~2020;
15 Amended Eff. January 1, 2021.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Board of Funeral Service

RULE CITATION: 21 NCAC 34C .0202

DEADLINE FOR RECEIPT: Thursday, December 10, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

Also, what is meant by "three adult human bodies"? Human bodies vary greatly.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, November 24, 2020

21 NCAC 34C .0202 is amended as published in 35:06 NCR 670-675 as follows:

21 NCAC 34C .0202 REFRIGERATION

(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. Crematory 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.~~

(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.

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;

Temporary Amendment Expired Eff. March 13, ~~2020~~ 2020;

Amended Eff. January 1, 2021.

21 NCAC 34C .0205 is amended as published in 35:06 NCR 670-675 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~~ 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~~ 2020;

Amended Eff. January 1, 2021.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Board of Funeral Service

RULE CITATION: 21 NCAC 34C .0206

DEADLINE FOR RECEIPT: Thursday, December 10, 2020

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

On lines 6 and 7, what is meant by "good repair" and "sanitary condition"? Unless defined elsewhere, please define.

In your History Note, 90-210.41 and 90-210.50 has been recodified. Please update with the correct statutory citation.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, November 24, 2020

21 NCAC 34C .0206 is amended as published in 35:06 NCR 670-675 as follows:

21 NCAC 34C .0206 CLEANLINESS

All areas of the crematory ~~and holding facility~~ 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); 90.210.136(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~~ 2020;

Amended Eff. January 1, 2021.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Board of Funeral Service

RULE CITATION: 21 NCAC 34C .0207

DEADLINE FOR RECEIPT: Thursday, December 10, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

In (a), what is meant by “deemed hazardous”? By whom and how?

In (a), what is meant by “ay statutes or rules enforced by any proper regulating agency”?

In (b), change “it shall not be permissible” to “No person other than an individuals licensed by the Board as either an embalmer or funeral service licensee may...” Or, say “only individuals...” this suggestion is for clarity and to track the language in Paragraph (a).

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, November 24, 2020

21 NCAC 34C .0207 is adopted as published in 35:06 NCR 670-675 as follows:

**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); 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) An hydrolysis licensee 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 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.

*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; 2020;
Readopted Eff. January 1, 2021.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Board of Funeral Service

RULE CITATION: 21 NCAC 34C .0303

DEADLINE FOR RECEIPT: Thursday, December 10, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

For purposes of clarity, please consider revising (a) as follows: (a) All crematory or hydrolysis licensees shall complete receipts for human remains on Board ~~forms. The crematory [or hydrolysis] licensee shall furnish~~ forms and shall include the following information:

For purposes of clarity, please consider revising (b) as follows: (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~~ forms and shall include the following information:

In (b) and (c), remove the comma after "signature" and before "or shipping receipt"

For purposes of clarity, please consider revising (c) as follows: (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~~ and shall include the following information:

Please consider formatting the language in (d) in a similar fashion to that in Paragraphs (a) through (c). So, here, do you mean something like the following:

(d) ~~All records documenting In order to track the human remains through the cremation [or hydrolysis] 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: forms. The crematory [or hydrolysis] licensee shall furnish the [following 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:] name of the crematory licensee, full name of the decedent, description of the cremation container used, time and date the decedent was placed into the crematory, person who placed the deceased in the crematory, time and date the cremated remains were removed from the crematory, type of container in which the cremated remains were placed, time and date the cremated remains were processed, the name and signature of the person who processed the cremated remains and placed them into a container, and any other information the Board deems necessary as required by law.~~

Amber May
Commission Counsel

Date submitted to agency: Tuesday, November 24, 2020

- (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.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Tuesday, November 24, 2020

21 NCAC 34C .0303 is amended as published in 35:06 NCR 670-675 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: ~~name of the crematory licensee, full name of the decedent, date and time of death, date and time the human remains was delivered to the crematory licensee, any affiliation by the person delivering remains with a funeral establishment or crematory, the name and signature of the employee or agent of the crematory who received the human remains, and any other information the Board deems necessary as required by law. Every crematory licensee shall furnish this receipt to the person who delivers the human remains to the crematory licensee.~~

(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. The crematory or hydrolysis licensee shall furnish the following information: ~~name of the crematory licensee, the full name of the decedent, the date and time of release, the name of the person who received the cremated remains, the place where cremated remains were received, any affiliation by the person receiving remains with a funeral establishment or other entity, the signatures of the person delivering the remains and the recipient of remains, any mailing or handling instructions, and any other information the Board deems necessary as required by law. Crematory licensees must provide evidence by signature, postal receipt or its equivalent, of the receipt of the cremated or hydrolyzed remains.~~

(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. The funeral establishment or unaffiliated practitioner shall furnish the following information: ~~name of the funeral establishment, the full name of the decedent, the date and time of release, the person to whom the remains were released, the type of container in which the remains were released, the signatures of the parties delivering and receiving remains, any shipping or special handling instructions, and any other information the Board deems necessary as required by law.~~ Funeral establishments must provide evidence by signature, postal receipt or its equivalent, of the receipt of the cremated remains.

(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) 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 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: ~~name of the crematory licensee, full name of the decedent, description of the cremation container used, time and date the decedent was placed into the crematory, person who placed the deceased in the crematory, time and date the cremated remains were removed from the crematory, type of container in which the cremated remains were placed, time and date the cremated remains were processed, the name and signature of the person who processed the cremated remains and placed them into a container, and any other information the Board deems necessary as required by law.~~

- (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.

(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 ~~crematory~~ cremation or hydrolysis forms for inspection or copying by the Board or its agents upon request. ~~The~~ 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~~ a completed copy of each form required by ~~Paragraph (e)~~ of this Rule and shall produce the ~~form~~ 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~~ 2020;

Amended Eff. January 1, 2021.

21 NCAC 34C .0306 is amended as published in 35:06 NCR 670-675 as follows:

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;

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