

21 NCAC 34C .0103 is amended **with changes** as published in 40:20 NCR 1609-1611 as follows:

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

(a) All initial applications for a crematory or hydrolysis license shall be made on forms provided by the ~~Board~~, Board on its website at [~~https://ncbfs.org~~] https://ncbfs.org/cremation-portal/. Applications not completed within [~~ninety~~] 90 days following submission to the Board shall be denied. The application shall state the following information:

- (1) the legal name of the applicant; [~~individual or entity that owns the crematory;~~] crematory licensee or hydrolysis licensee;
- (2) the email address; address, physical address, mailing address, [~~phone number(s);~~] phone numbers, and facsimile number of the crematory or hydrolysis licensee;
- (3) type of business entity;
- (4) location of crematory or hydrolysis facility;
- (5)(3) description of other names under which the crematory or hydrolysis facilities and equipment; licensee conducts business and the name and address of any affiliated funeral establishment;
- (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.
- (4) whether the entity or individual owning the crematory or hydrolysis licensee is a sole proprietorship, partnership, corporation, or limited liability company;
- (5) if owned by a sole proprietor, the legal name of the sole proprietor;
- (6) if owned by a partnership, a copy of the applicant's partnership agreement, the name of each partner and his or her respective ownership interests;
- (7) if owned by a corporation, a copy of the applicant's Articles of Incorporation, the name of each corporate officer, his or her position, and the respective ownership interests of each person or entity holding an ownership interest in the corporation;
- (8) if owned by a limited liability company, a copy of the applicant's Articles of Organization and the name of each member and his or her respective percentage of ownership;
- (9) if the applicant will conduct business in a different name than that of its owning entity, a copy of the applicant's Certificate of Assumed Name;
- (10) the name and license number of the individual who will serve as the [~~licensed crematory manager or hydrolysis licensee;~~] reduction facility manager in accordance with G.S. 90-210.123(d);
- (11) the name and address of every [~~crematory or hydrolysis~~] reduction facility technician employed by the crematory or hydrolysis licensee;
- (12) the name and address of the facility at which refrigeration of unembalmed human remains on behalf of the crematory or hydrolysis licensee will occur, if refrigeration will be performed in an off-site facility;

1 ~~[(13)]~~ ~~[the type of material out of which the crematory or hydrolysis licensee is constructed;]~~

2 ~~[(14)]~~ (13) whether the reduction facility operated by the crematory or hydrolysis licensee is located
3 within a funeral establishment licensed by the Board or whether it is a stand-alone facility;

4 ~~[(15)]~~ (14) whether the crematory or hydrolysis licensee has a holding facility and if so, the square
5 footage;

6 ~~[(16)]~~ (15) ~~[if the applicant is a crematory,]~~ the following ~~information:~~ information regarding the
7 crematory or hydrolysis facility to be operated:

8 (A) the manufacturer of the ~~[cremation]~~ reduction chamber, along with the model number and
9 year of manufacture;

10 (B) whether the ~~[cremation]~~ reduction chamber is commercially manufactured, ~~is located~~
11 within the crematory, ~~[crematory facility,]~~ and ~~is~~ made specifically for the cremation of
12 human remains;

13 (C) whether the ~~[cremation]~~ reduction chamber ~~[as]~~ has an ash collection pan;

14 (D) whether the ~~[cremation]~~ reduction chamber has a hearth or floor without depressions for
15 the purpose of minimizing the commingling of human remains;

16 (E) whether the ~~[cremation]~~ reduction chamber has a door safety switch to stop burner
17 operation when front charging door is opened;

18 (F) whether the ~~[cremation]~~ reduction chamber has a pollution monitoring system to monitor
19 and detect smoke when density exceeds federal and state standards; ~~[standards, whereupon~~
20 ~~system will automatically stop burner operation on time setting of not less than three~~
21 ~~minutes;]~~ and

22 (G) whether the ~~[cremation]~~ reduction chamber is approved by UL or another testing agency;
23 ~~[agency.]~~

24 ~~[(17)]~~ (16) ~~[if the applicant has pulverization equipment,]~~ the following ~~[information:]~~ information
25 regarding the pulverization equipment in the crematory or hydrolysis facility to be operated:

26 (A) the manufacturer of the pulverization equipment, along with the model number and year of
27 manufacture;

28 (B) whether the machine is commercially manufactured, ~~is~~ located within ~~[crematory]~~ the
29 reduction facility, ~~and is~~ made specifically for pulverization of ~~[cremated]~~ reduced
30 remains;

31 (C) whether the machine is capable of consistently processing ~~[cremated]~~ reduced remains to
32 unidentifiable dimensions;

33 (D) whether the machine has a dust-resistant processing chamber; and

34 (E) whether the machine has an exterior surface made of sanitary and non-corrosive
35 ~~[material:]~~ material;

36 ~~[(18)]~~ (17) if the applicant uses on-site refrigeration units, the following information:

- (A) the manufacturer of the ~~[pulverization]~~ refrigeration equipment, along with the model number and year of manufacture;
- (B) whether the refrigeration unit ~~is~~ located in the holding and processing facility; ~~[facility of the building;]~~
- (C) the number and capacity of each refrigeration unit housed on-site;
- (D) whether the refrigeration units are capable of maintaining an interior temperature of 40 degrees Fahrenheit while loaded with the maximum number of bodies for which the refrigeration unit was designed;
- (E) whether the refrigeration units have sealed concrete, stainless steel, galvanized, aluminum, or other sanitary flooring in walk-in units; and
- (F) whether the refrigeration units have stainless steel, aluminum, or other non-corrosive and sanitary surfaces for the remainder of the interior of all ~~[units;]~~ units;
- ~~[(19)]~~ (18) a copy of the General Price List, Casket Price List, Outer Burial Container Price List, and Statement of Funeral Goods and Services Selected intended for use by the applicant, if required by the FTC Funeral Rule, 16 C.F.R. 453.2;
- ~~[(20)]~~ (19) proof of the applicant's right of occupancy for the premises at which the reduction facility to be operated by the crematory or hydrolysis licensee will be located;
- ~~[(21)]~~ (20) copies of the current educational certificates for ~~[crematory]~~ reduction facility technicians required by ~~[G.S. 90-210.121(14);]~~ G.S. 90-210.121(20f);
- ~~[(22)]~~ (21) whether the applicant currently is in good standing with the North Carolina Secretary of State and, if so, documentation to establish proof of the same;
- ~~[(23)]~~ (22) whether, within the preceding two years, the applicant has been the subject of any investigation for employee misclassification and, if so, the results of the investigation;
- ~~[(24)]~~ (23) the ~~[licensed]~~ reduction facility manager's notarized signature to certify that:
- (A) he or she has prepared the application and has read the answers;
- (B) the information provided in the application is true;
- (C) the applicant ~~he or she~~ has read and understands the public notice statement on employee misclassification that is set forth in the application and has disclosed any investigations for employee misclassification, and its results, over the preceding two year period, as prescribed by G.S. 143-789; and
- (D) he or she understands that any credential issued shall be governed by the provisions of Article 13A or 13F, Chapter 90 of the North Carolina General Statutes and the rules promulgated by the Board;
- ~~[(25)]~~ (24) the signature of each owner, partner, manager, member, operator, and officer of the business entity applying for licensure, consenting to the Board's ability to conduct a background check on his or her criminal history; and

~~[(26)]~~ (25) the application fee, as prescribed by G.S. ~~[90-210.28]~~ 90-210.132 and 21 NCAC 34A .0201. If the application fee is dishonored by the licensee's drawee bank for any reason, the Board shall suspend the license until the renewal fees and non-sufficient fund charges are paid.

(b) Upon receipt of an initial application as set forth in this Rule, the Board shall provide to the individuals identified in Subparagraph (a)(24) of this Rule instructions on how to submit ~~[his or her fingerprints for]~~ to a criminal background check, in accordance with G.S. 90-210.25(a)(5)(h) and 90-210.123(c1). ~~[The individuals shall sign and return to the Board a form provided by the Board, consenting to the check of the criminal records and to the use of his or her fingerprints and other identifying information required by the State or national repositories.]~~ The individuals undergoing a criminal background check shall elect to have the background check performed by the Department of Public Safety or a Board-approved criminal background check vendor. ~~[If the background check is performed by the State Bureau of Investigation, the individuals shall remit payment to the Board in the form of an official check, money order, or cashier's check, made payable to the State Bureau of Investigation, the actual costs charged by the Department of Public Safety for performing the criminal background check. If the background check is performed by another vendor, the]~~ The individuals shall remit ~~[payment]~~ to the entity performing the background check ~~Board~~ payment of actual costs charged by the ~~[vendor]~~ entity for performing the criminal background check.

(c) All crematory and hydrolysis licensees shall annually submit a renewal application on forms provided by the Board that are available on the Board's website, ~~[ncbfs.org.]~~ <https://ncbfs.org/cremation-portal/>. All renewal applications for a crematory and hydrolysis license shall be submitted by the reduction facility manager and shall contain the following:

- (1) the information required in Subparagraph (a)(1) – (a)(5), (a)(10) – (a)(11), and (a)(22) – (a)(26) of this Rule;
- (2) if owned by a corporation, the name of each corporate officer, his or her position, and the respective ownership interests of each person or entity holding an ownership interest in the corporation;
- (3) if owned by a limited liability company, the name of each member and his or her respective percentage of ownership;
- (4) whether any changes have been made to the licensee's building since the last renewal and if so, a description of the changes;
- (5) whether any changes have been made to the following facilities or equipment since the last renewal and, if so, a description of the changes:
 - (A) the holding facility;
 - (B) the ~~[cremation]~~ reduction chamber;
 - (C) the pulverization equipment;
 - (D) the refrigeration units; and
- (6) whether the licensee operates a cremation ~~[or hydrolysis]~~ society, in accordance with G.S. 90-210.135.

History Note: Authority ~~G.S. 90-210.28E;~~ 90-210.123; ~~90-210.132;~~ 90-210.134(a); ~~90-210.36(d), (h);~~

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

2

3
4

5

6

7