

NORTH AMERICAN CEMETERY REGULATORS ASSOCIATION

REGULATORY STANDARDS REGARDING CREMATION AND CREMATED REMAINS

I. INTRODUCTION.

The guidelines presented in these regulatory standards have been prepared in the interest of encouraging uniformity, among the various states in the United States and the various provinces in Canada, in laws and regulations related to the death care industry. These regulatory standards do not address the licensing of crematories at this time, but these facilities should be licensed and regulated by some agency of the state or province.

II. DEFINITIONS.

With the exception of headings and titles, words printed in capital letters shall have the meaning specified in the Regulatory Standards Regarding Death Care Industry Definitions.

III. AUTHORIZATION.

An AUTHORIZED PERSON shall be, in order of preference, written instructions of the deceased, a spouse, an adult child, a parent, legal representative, or close relative of the deceased. In the case of indigents or any other individuals whose FINAL DISPOSITION is the responsibility of the state or province, a public official charged with arranging the final disposition of the deceased, if legally authorized, may serve as the AUTHORIZED PERSON. In the case of individuals who have donated their bodies to science, or whose death occurred in a nursing home or other private institution, and in which the institution is charged with making arrangements for the final disposition of the deceased, a representative of the institution, if legally authorized, may serve as the AUTHORIZED PERSON. If the deceased has authorized their own CREMATION by a preneed arrangement then any PERSON acting on those instructions will be considered legally authorized.

IV. CREMATION CONTAINERS.

- A. Except as provided in subsection B, no CREMATORY AUTHORITY shall make or enforce any rules requiring that HUMAN REMAINS be placed in a CASKET before CREMATION or that HUMAN REMAINS be cremated in a CASKET, nor shall the CREMATORY AUTHORITY refuse to accept HUMAN REMAINS for CREMATION for the reason that they are not in a CASKET.
- B. HUMAN REMAINS delivered to a CREMATORY AUTHORITY shall not be removed from the CREMATION CONTAINER, and the CREMATION

CONTAINER shall be cremated with the HUMAN REMAINS, unless the CREMATORY AUTHORITY has been provided with written instructions to the contrary by the AUTHORIZED PERSON.

- C. A CREMATION CONTAINER shall be used during a CREMATION. The CREMATION CONTAINER shall be composed of a suitable combustible material. If the remains are delivered to the crematory in a noncombustible container the authorizing agent shall be, or have been, informed of the disposition of the container if it is not actually used in the CREMATION process. It shall be rigid enough for handling with ease. It shall assure protection to the health and safety of the crematory operators and others. It shall provide proper covering for the human remains. It shall also meet moral codes for respect and dignity.

V. DISPOSITION OF CREMATED REMAINS.

- A. The AUTHORIZED PERSON shall provide the PERSON with whom CREMATION arrangements are made with a signed statement specifying the ultimate FINAL DISPOSITION of the human CREMATED REMAINS. A copy of this statement shall be retained by the CREMATORY AUTHORITY.
- B. The AUTHORIZED PERSON is responsible for the FINAL DISPOSITION of the human CREMATED REMAINS. If, after a period of one year from the date of the CREMATION, the AUTHORIZED PERSON has not specified the ultimate FINAL DISPOSITION or claimed the human CREMATED REMAINS, the CREMATORY AUTHORITY or the PERSON in possession of the human CREMATED REMAINS may dispose of the human CREMATED REMAINS in any manner permitted by law, except scattering. The AUTHORIZED PERSON shall be responsible for reimbursing the CREMATORY AUTHORITY for all reasonable expenses incurred in disposing of the human CREMATED REMAINS pursuant to this section. A record of such disposition shall be made and kept by the PERSON making such disposition. Upon disposing of human CREMATED REMAINS in accordance with this section, the CREMATORY AUTHORITY or PERSON in possession of the human CREMATED REMAINS shall be discharged from any legal obligation or liability concerning such human CREMATED REMAINS. This provision shall apply to all human CREMATED REMAINS currently in the possession of a CREMATORY AUTHORITY or other party.
- C. In addition to disposing of human CREMATED REMAINS in a dedicated CEMETERY, or by scattering over uninhabited public land, the sea or other public waterways pursuant to subsection F, human CREMATED REMAINS may be disposed of in any manner on the private property of a consenting owner, upon direction of the AUTHORIZED PERSON, where no local prohibition exists.

- D. Except with the express written permission of the AUTHORIZED PERSON, no person shall:
1. Dispose of or scatter human CREMATED REMAINS in such a manner or in such a location that the human CREMATED REMAINS are commingled with those of another person. The provisions of this paragraph shall not apply to the scattering of human CREMATED REMAINS at sea or by air from individual closed containers or to the scattering of human CREMATED REMAINS in an area located in a dedicated CEMETERY and used exclusively for such purposes.
 2. Place cremated remains of more than one person in the same closed container. This paragraph shall not apply to placing the human CREMATED REMAINS of members of the same family in a common closed container designed for the human CREMATED REMAINS of more than one person.
- E. DELIVERY. Human CREMATED REMAINS shall be delivered by the CREMATORY AUTHORITY to the individual specified by the AUTHORIZED PERSON(S) on the cremation authorization form. The representative of the CREMATORY AUTHORITY and the individual receiving the human CREMATED REMAINS shall sign a receipt indicating the name of the deceased, and the date, time and place of the receipt. The CREMATORY AUTHORITY shall retain a copy of the receipt, with the other records regarding the deceased.
- F. SCATTERING. Human CREMATED REMAINS may be scattered, in a proper and civilized manner, if no local prohibition exists, over uninhabited public land, a public waterway or sea, or on the private property of a consenting owner pursuant to subsection C, if they are reduced to a particle size of one-eighth (1/8) inch or less. A person may utilize a boat or airplane to perform such scattering. Human CREMATED REMAINS shall be removed from their closed container before they are scattered. Any person who scatters such HUMAN CREMATED REMAINS, pursuant to this section, shall file a verified statement with the appropriate state or provincial agency in the jurisdiction where the sale occurs and in the jurisdiction where the scattering takes place, if different, containing the name of the deceased person, the time and place of death, the place at which the human CREMATED REMAINS are to be scattered, and any other information that the agency may require.
- G. LICENSING. Any individual, corporation or other form of organization engaged in the business of scattering human CREMATED REMAINS in locations other than cemeteries shall be licensed as a SCATTERING SERVICE, with the agency that regulates cemeteries. A SCATTERING SERVICE shall be licensed in each jurisdiction in which they engage in sales activity and each jurisdiction in which

they engage in scattering activities. SCATTERING SERVICES shall be subject to regulatory audits, with or without cause.

Editor's Note: A jurisdiction may choose to utilize an agency regulating crematories, an agency regulating cemeteries, an agency regulating funerals or an agency regulating pre-need merchandise or services. In addition, a jurisdiction may prefer to use a permit, registration or certificate of authority system. However, unlike a filing or notice system, the method should have the ability to deny or revoke for cause. To avoid administrative costs and burdens for SCATTERING SERVICES who are already licensed, jurisdictions may wish to create an exception from this requirement for existing licensees.

As adopted October 30, 1999.

REFERENCES

Portions of these regulatory standards reflect or adopt portions of the Cremation Association of North America's Model Cremation Law.