

**Editor's Note.** — Session Laws 2003-420, ss. 1 and 17(b), effective October 1, 2003, recodified former G.S. 143B-472.29 as this section; and substituted "Board of Funeral Service" for "Board of Mortuary Science" wherever that term appeared.

**§§ 90-210.108 through 90-210.119:** Reserved for future codification purposes.

## ARTICLE 13F.

### *Cremations.*

#### § 90-210.120. Short title.

This Article shall be known and may be cited as the North Carolina Crematory Act. (1989 (Reg. Sess., 1990), c. 988, s. 1; 2003-420, s. 2.)

**Editor's Note.** — Session Laws 2003-420, effective October 1, 2003, revised Article 13C of Chapter 90, renumbering former G.S. 90-210.40 through 90-210.50 as G.S. 90-210.40 through 90-210.54. Those sections were recodified as G.S. 90-210.120 through 90-210.134 in Article 13F of Chapter 90 at the direction of the Revisor of Statutes. Historical citations and case annotations to sections in former Article 13C have been added to corresponding sections in new Article 13F as recodified.

#### § 90-210.121. Definitions.

As used in this Article, unless the context requires otherwise:

- (1) "Authorizing agent" means a person legally entitled to authorize the cremation of human remains in accordance with G.S. 90-210.124.
- (2) "Board" means the North Carolina Board of Funeral Service.
- (3) "Body parts" means limbs or other portions of the anatomy that are removed from a person or human remains for medical purposes during treatment, surgery, biopsy, autopsy, or medical research; or human bodies or any portion thereof that have been donated to science for medical purposes.
- (4) "Casket" means a rigid container that is designed for the encasement of human remains and that is usually constructed of wood, metal, or other material and ornamented and lined with fabric, and which may or may not be combustible.
- (5) "Certificate of cremation" means a certificate provided by the crematory manager who performed the cremation containing, at a minimum, the following information:
  - a. Name of decedent;
  - b. Date of cremation;
  - c. Name and address of crematory; and
  - d. Signature of crematory manager or person acting as crematory manager.
- (6) "Cremated remains" means all human remains recovered after the completion of the cremation process, including pulverization which leaves only bone fragments reduced to unidentifiable dimensions.
- (7) "Cremation" means the technical process, using intense heat and flame, that reduces human remains to bone fragments. Cremation includes the processing and may include the pulverization of the bone fragments.
- (8) "Cremation chamber" means the enclosed space within which the cremation process takes place. Cremation chambers covered by this Article shall be used exclusively for the cremation of human remains.



- (9) "Cremation container" means the container in which the human remains are transported to the crematory or placed therein upon arrival for storage and placement in a cremation chamber for cremation. A cremation container shall comply with all of the following standards:
- a. Be composed of readily combustible materials suitable for cremation;
  - b. Be able to be closed in order to provide a complete covering for the human remains;
  - c. Be resistant to leakage or spillage;
  - d. Be rigid enough for handling with ease;
  - e. Be able to provide protection for the health, safety, and personal integrity of crematory personnel; and
  - f. Be easily identifiable. The covering of the cremation container shall contain the following information:
    1. The name of the decedent;
    2. The date of death;
    3. The sex of the decedent; and
    4. The age at death of the decedent.
- (10) "Cremation 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) "Crematory" or "crematorium" means the building or buildings or portion of a building on a single site that houses the cremation equipment, the holding and processing facilities, the business office, and other parts of the crematory business. A crematory must comply with all applicable public health and environmental laws and rules and must contain the equipment and meet all of the standards established by the rules adopted by the Board.
- (12) "Crematory licensee" means the individual or legal entity that is licensed by the Board to operate a crematory and perform cremations.
- (13) "Crematory manager" means the person who is responsible for the management and operation of the crematory. A crematory manager must either be licensed to practice funeral directing or funeral service and be qualified as a crematory technician or must obtain a crematory manager permit issued by the Board. In order to receive a crematory manager permit, a person must:
- a. Be at least 18 years of age.
  - b. Be of good moral character.
  - c. Be qualified as a crematory technician.
- Notwithstanding any other provision of law, a crematory that is licensed by the Board prior to January 1, 2004, and as of that date is not managed by a crematory manager who is licensed to practice funeral directing or funeral service, or who has a crematory manager permit, may continue to be managed by a crematory manager who is not licensed to practice funeral directing or funeral service or who does not have a crematory manager permit so long as there is no sale, transfer, devise, bequest, gift, or any other disposal of a controlling interest in the crematory.
- (13a) "Cremation society" means any person, firm, corporation, or organization that is affiliated with a crematory licensed under this Article and provides cremation information to consumers.
- (14) "Crematory technician" means any employee of a crematory licensee who has a certificate confirming that the crematory technician has



attended a training course approved by the Board. The Board shall recognize the cremation certificate program that is conducted by the Cremation Association of North America (CANA).

- (15) "Final disposition" means the cremation and the ultimate interment, entombment, inurnment, or scattering of the cremated remains or the return of the cremated remains by the crematory licensee to the authorizing agent or such agent's designee as provided in this Article. Upon the written direction of the authorizing agent, cremated remains may take various forms.
- (16) "Holding and processing facility" means an area or areas that are designated for the retention of human remains prior to, and the retention and processing of cremated remains after, cremation; that comply with all applicable public health and environmental laws; preserve the health and safety of the crematory technician and other personnel of the crematory; and that are secure from access by anyone other than authorized persons. A holding facility and processing facility must be located in a crematory.
- (17) "Human remains" means the body of a deceased person, including a separate human fetus, regardless of the length of gestation, or body parts.
- (17a) "Initial container" means a receptacle for cremated remains, for which the intended use and design is to hold cremated remains, usually composed of cardboard, plastic, or similar material that can be closed in a manner so as to prevent the leakage or spillage of the cremated remains or the entrance of foreign material and is a single container of sufficient size to hold the cremated remains.
- (18) "Niche" means a compartment or cubicle for the memorialization or final disposition of an urn or container containing cremated remains.
- (19) "Processing" means the removal of bone fragments from the cremation chamber for the reduction in size, labeling and packaging, and placing in an urn or initial container.
- (20) "Pulverization" means the reduction of identifiable or unidentifiable bone fragments after the completion of the cremation to granulated particles by mechanical means.
- (21) "Scattering area" means an area permitted by North Carolina law including, but not limited to, an area designated by a cemetery and located on dedicated cemetery property where cremated remains that have been removed from their container can be mixed with or placed on top of the soil or ground cover.
- (22) Repealed by Session Laws 2007-531, s. 18, effective August 31, 2007.
- (23) "Urn" means a receptacle designed to permanently encase the cremated remains. (1989 (Reg. Sess., 1990), c. 988, s. 1; 1997-399, s. 16; 2003-420, s. 2; 2007-531, s. 18.)

**Editor's Note.** — This section was former 90-210.121 at the direction of the Revisor of G.S. 90-210.41. It was revised by Session Laws 2003-420, s. 2, and has been recodified as G.S. Statutes.

### § 90-210.122. Crematory Authority established.

(a) The North Carolina Crematory Authority is established as a Committee within the Board. The Crematory Authority shall suggest rules to the Board for the carrying out and enforcement of the provisions of this Article.

(b) The Crematory Authority shall initially consist of five members appointed by the Governor and two members of the Board appointed by the