

SUBCHAPTER 34C - CREMATORIES

SECTION .0100 – GENERAL PROVISIONS

21 NCAC 34C .0101 ELECTION TO CREMATORY AUTHORITY

History Note: Authority G.S. 90-210.122(c); 90-210.134(a);
Eff. July 1, 1991;
Amended Eff. July 1, 2004;
Temporary Amendment Eff. June 30, 2005;
Amended Eff. April 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19, 2017;
Temporary Repeal Eff. November 7, 2025;
Repealed Eff. April 1, 2026.

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 or hydrolysis, the crematory or hydrolysis licensee may accept the document in the form of the original, a 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;
Amended Eff. January 1, 2021.

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:

- (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;
Amended Eff. January 1, 2021.

21 NCAC 34C .0104 CREMATORY OR HYDROLYSIS LICENSE CERTIFICATE

The Board shall issue each crematory or hydrolysis licensee a certificate to operate a crematory or hydrolysis facility upon 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;
Amended Eff. January 1, 2021.

21 NCAC 34C .0105 CREMATORY OR HYDROLYSIS INSPECTION FORM

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;
Repealed Eff. January 1, 2021.

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 this Chapter:

- (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" 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), shall be 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).
- (12) "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.
- (13) "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.
- (14) "Resomation" shall have the same meaning as "alkaline hydrolysis" as defined by G.S. 90-210.136(a)(1).

History Note: Authority G.S. 90-210.136;
 Temporary Adoption Eff. May 24, 2019;
 Temporary Adoption Expired Eff. March 13, 2020;
 Readopted Eff. January 1, 2021.

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 holding facility of suitable size to accommodate all human remains which are retained and awaiting cremation;
 - (2) a commercially-manufactured cremation unit, within the crematory facility, made for the cremation of human remains, meeting the following minimum standards:
 - (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;
 - (B) a hearth or floor that has been maintained in accordance with recommended maintenance requirements specified by the machine's manufacturer or other maintenance service representative;
 - (C) a door safety switch to stop the burner operation when the front charging door is opened;
 - (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; and
 - (E) approval by a testing agency such as Underwriters Laboratory.
 - (3) a commercially-manufactured processor, within the crematory facility, made for the pulverization of cremated or hydrolyzed remains, meeting the following minimum standards:
 - (A) capable of processing cremated or hydrolyzed remains to unidentifiable dimensions;
 - (B) a dust-resistant processing chamber; and
 - (C) an exterior surface made of non-porous, 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:
 - (A) a collection pan, tray, or other device that is designed 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; and
 - (B) approval by a testing company, such as Underwriters Laboratory.
 - (3) a commercially-manufactured processor, within the hydrolysis facility, that shall meet the same minimum standards set forth in Subparagraph (a)(3) of this Rule.

History Note: Authority G.S. 90-210.121(11); 90-210.129(i),(j), 90-210.124(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;
Temporary Amendment Expired Eff. March 13, 2020;
Amended Eff. January 1, 2021.

21 NCAC 34C .0202 REFRIGERATION

- (a) Crematory and hydrolysis licensees shall have located on its premises a refrigeration unit that:
- (1) is capable of storing at least three adult human bodies, each measuring up to seven feet in length and three hundred pounds in weight, in the holding facility;
 - (2) is capable of maintaining an interior temperature of 40 degrees Fahrenheit while loaded with the maximum number of bodies for which it is designed;
 - (3) has sealed concrete, stainless steel, galvanized, aluminum, or other flooring in walk-in units; and
 - (4) has stainless steel, aluminum, or other non-corrosive materials for the remainder of all units.
- (b) A refrigeration unit in compliance with Subparagraphs (a)(1)-(4) of this Rule shall satisfy a crematory or hydrolysis licensee's compliance with Paragraph (a) of this Rule if the refrigeration unit is housed in a funeral establishment, crematory, or hydrolysis licensee sharing common ownership with, and located on the same contiguous piece of property as, the crematory or hydrolysis licensee.
- (c) 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. Human remains stored in a refrigeration unit, as set forth in Paragraphs (a) and (c) of this Rule, must be kept in a container that complies with G.S. 90-210.121(9)(a)-(f). The Board shall allow a crematory or hydrolysis licensee to procure and maintain one or more temporary refrigeration units. Any such temporary refrigeration unit must satisfy the requirements set forth in Subparagraphs (a)(1)-(4) of this Rule. Any such temporary refrigeration unit not located inside the crematory shall be kept locked at all times when human remains are stored inside.
- (d) Prior to using a refrigeration unit that is not located on its premises, a crematory or hydrolysis licensee shall provide the Board with a written document that sets forth the following:
- (1) the name, contact information, and license number, if applicable, of the entity that owns the property on which the refrigeration unit is located;
 - (2) the physical address of the property on which the refrigeration unit is located;
 - (3) the name, contact information, and license number, if applicable, of the entity responsible for maintaining the refrigeration unit that meets the requirements of Subparagraphs (a)(1)-(4) of this Rule;
 - (4) certification from both the manager of the crematory and an officer, owner, member, or partner of the entity responsible for maintaining the refrigeration unit in compliance with Subparagraphs (a)(1)-(4) of this Rule, acknowledging that:
 - (A) the crematory or hydrolysis licensee shall use the refrigeration unit for the storage of human remains;
 - (B) the refrigeration unit complies with Subparagraphs (a)(1)-(4) of this Rule;
 - (C) a log documenting the chain of possession of human remains shall be maintained, which sets forth the name of the decedent, the funeral establishment or other entity for whom the human remains are being stored, and the date and time that human remains are placed inside and removed from the refrigeration unit;
 - (D) the Board inspectors shall have access to the refrigeration unit at all times; and
 - (E) any licensee or permit holder that uses or maintains a refrigeration unit that is not compliant with this Rule is subject to disciplinary action pursuant to G.S. 210.25(d)(4) and 90-210.25(e)(1)(j).

History Note: Authority G.S. 90-210.121(9),(12); 90-210.123(g); 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;

Amended Eff. January 1, 2021;
Emergency Amendment Eff. February 19, 2021;
Temporary Amendment Eff. May 28, 2021;
Amended Eff. October 1, 2021.

21 NCAC 34C .0203 PULVERIZATION
21 NCAC 34C .0204 CREMATION CONTAINERS

History Note: Authority G.S. 90-210.121(8),(9); 90-210.125(e); 90-210.134(a);
Eff. July 1, 1991;
Amended Eff. January 1, 1995;
Repealed Eff. July 1, 2004.

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 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;
Temporary Amendment Expired Eff. March 13, 2020;
Amended Eff. January 1, 2021.

21 NCAC 34C .0206 CLEANLINESS

All areas of the crematory 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 free of stains, disintegration, debris, and uncontained fluids and subject to inspection by the Board or its agents at all times.

History Note: Authority G.S. 90-210.121(11); 90-210.129(i),(j); 90-210.124(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;
Amended Eff. January 1, 2021.

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). Any such device or material that must be removed pursuant to G.S. 90-210.129(d) shall be removed in accordance with the guidelines set by the manufacturer thereof.

(b) No person other than an individual who is licensed by the Board as either an embalmer or funeral service licensee shall 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 10A NCAC 41A .0212, or to hydrolyze, any decedent who is known or suspected to have been infected with the plague, smallpox,

COVID-19, 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;
Readopted Eff. January 1, 2021.

SECTION .0300 - AUTHORIZATIONS, REPORTS, RECORDS

21 NCAC 34C .0301 AUTHORIZATION TO CREMATE

History Note: Authority G.S. 90-210.124; 90-210.126(a); 90-210.134(a);
Eff. July 1, 1991;
Amended Eff. January 1, 1995;
Repealed Eff. July 1, 2004.

21 NCAC 34C .0302 WAIVER FORM

All waivers of the waiting period of cremation required by G.S. 90-210.129(e) shall be recorded on forms provided by the Board. The form shall require the official authorized to waive the waiting period for cremation to furnish the statutory basis for the waiver, the signature of the official authorized to waive the waiting period, and any other information the Board deems necessary as required by law.

History Note: Authority G.S. 90-210.123; 90-210.127; 90-210.134(a);
Eff. July 1, 1991;
Amended Eff. August 1, 2004.

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 and shall include the following information:

- (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 and shall include the following information:

- (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 and shall include the following information:

- (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) All records documenting the 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:

- (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.

(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 cremation 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 a completed copy of each form required by this Rule and shall produce the 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;
Amended Eff. January 1, 2021.

21 NCAC 34C .0304 CREMATION AND DELIVERY FORM

History Note: Authority G.S. 90-210.134(a);
Eff. July 1, 1991;

Repealed Eff. July 1, 2004.

21 NCAC 34C .0305 MONTHLY REPORTS

*History Note: Authority G.S. 90-210.132; 90-210.134(a);
Eff. July 1, 1991;
Amended Eff. February 1, 2009; July 1, 2004;
Repealed Eff. February 1, 2026.*

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;
Temporary Amendment Eff. May 24, 2019;
Temporary Amendment Expired Eff. March 13, 2020;
Amended Eff. January 1, 2021.*