

# DRAFT

## Title 10

### MARYLAND DEPARTMENT OF HEALTH

#### Subtitle 29 BOARD OF MORTICIANS AND FUNERAL DIRECTORS

##### 10.29.16 Crematories — Definitions

Authority: *Business Regulation Article, §5-101; Health-General Article, §5-508; Health Occupations Article, §§7-101, 7-102, and 7-205, Annotated Code of Maryland*

##### .02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) *“Alkaline hydrolysis” means the process of reducing human remains using water, alkaline chemicals, and heat inside a watertight vessel to accelerate decomposition.*

[2] (3) *“Authorizing agent” means an individual [legally entitled to order the cremation of human remains or legally authorized to control] who has legal authority to arrange for and make decisions regarding the final disposition of human remains, including cremation or alkaline hydrolysis.*

[3] (4)—[(4)] (5) (text unchanged)

[5] (6) *“Cremated human remains” means [all human remains recovered after completion of cremation and the use of mechanical pulverizing equipment] the recoverable bone fragments of a deceased person that result from the completion of cremation.*

[(6)] (7) “Cremation” means the [~~process of reducing human remains to bone fragments through intense heat and evaporation, including any mechanical or thermal process and may include pulverization~~] *disposition of a dead human body by means of incineration.*

[(7)] (8)—[(8)] (9) (text unchanged)

[(9)] (10) “Crematory” means a building, portion of a building, or structure that houses the necessary appliances and facilities for cremation, *alkaline hydrolysis, or both.*

[(10)] (11) (text unchanged)

(12) *“Decedent” means a dead human being.*

[(11)] (13)—[(12)] (14) (text unchanged)

[(13)] (15) “Holding facility” means an area, within or adjacent to [~~the~~] *a* crematory, [~~establishment~~] designed for the retention of human remains before cremation *or alkaline hydrolysis.*

(16) *Human Remains.*

[(14)] (a) “Human remains” means [~~the~~]:

(i) *The* body of a deceased person[,]; or

(ii) *A* part of a body or limb that has been removed from a living person.

(b) *“Human remains” includes the body or part of a body or limb in any state of decomposition.*

(17) *“Hydrolysis container” means a container, including a body bag, in which human remains are sent to the crematory for alkaline hydrolysis, but may be removed prior to the start of the process for alkaline hydrolysis.*

(18) *“Hydrolysis unit” means the watertight vessel in which the process of hydrolyzation occurs.*

*(19) “Hydrolyzed human remains” means the recoverable bone fragments of a deceased person that result from the completion of alkaline hydrolysis.*

[(15)] *(20)*—[(18)] *(23)* (text unchanged)

[(19)] *(24)* “Processed human remains” means the end result of pulverization[, ~~where the residue from the cremation process is pulverized leaving only bone fragments reduced to 5 millimeters or less~~].

*(25) “Pulverization” means the process following cremation or alkaline hydrolysis of crushing, grinding, or milling human skeletal remains into fine particles or powder, leaving bone fragments reduced to 5 millimeters or less.*

[(20)] *(26)* (text unchanged)

[(21)] *(27)* “Sealable container” means a container in which [~~cremated~~] *the processed* human remains can be placed and sealed so as to prevent leakage or the entrance of foreign materials.

#### **10.29.17 Crematories — Permit, Licensing, and Fees**

**Authority:** *Business Regulation Article, §§5-101, 5-204, and 5-303; Health Occupations Article, §§1-213, 7-101, 7-102, 7-205, 7-314—7-316, and 7-319, Annotated Code of Maryland*

##### **.02 Permit — Issuing Agency.**

A. (text unchanged)

*B. A permit issued by the Office shall specify whether the crematory is authorized to offer and perform either cremation services, alkaline hydrolysis services, or both.*

[B.] *C.* (text unchanged)

[C.] *D.* Before obtaining a permit from the Board, a crematory may cremate *or hydrolyze* the human remains of one decedent provided the:

(1) Cremation *or hydrolyzation* is only performed as part of the manufacturer's operator training course for the cremation *or alkaline hydrolysis* machinery in which the cremation *or hydrolyzation* takes place; and

(2) The person or persons with the right to final disposition of the decedent are notified and have given permission before the cremation *or alkaline hydrolysis occurs*.

**.03 Permit — Requirements for Permit.**

A. (text unchanged)

B. A person shall:

(1) (text unchanged)

(2) Pay the ~~[non-refundable]~~ *non-refundable* application fee and any other applicable fees set forth in Regulation ~~[-09]~~ *.08* of this chapter;

(3) Be of good moral character[,] if the applicant is an individual;

(4)—(6) (text unchanged)

C.—D. (text unchanged)

**.04 Requirements for Registration of a Registered Crematory Operator.**

A. An individual may be registered by the Board as a ~~[registered]~~ crematory operator if the individual meets the requirements of this regulation.

B. An individual shall:

(1) (text unchanged)

(2) Pay the ~~[non-refundable]~~ *non-refundable* fee and any other applicable fee set forth in Regulation ~~[-09]~~ *.08* of this chapter;

(3)—(4) (text unchanged)

(5) Achieve certification as a crematory operator by the:

(a) Cremation Association of North America (CANA)[,];

(b) International Cemetery, Cremation, and Funeral Association (ICCF)[,]; or

(c) ~~[other]~~ *Other* equivalent certification recognized jointly by the Board and the Office;

(6) In the crematory with which the applicant is affiliated:

(a) Successfully complete the operator training course of the manufacturer of the cremator *or alkaline hydrolysis unit*; or

(b) Provide a notarized letter by the supervising crematory operator for which the individual is employed indicating the completion of training on the cremator *or alkaline hydrolysis unit*; and

(7) (text unchanged)

C. To qualify as a trainer, the supervising crematory operator shall have a minimum of 3 ~~[years]~~ *years'* experience on the associated cremator *or alkaline hydrolysis unit*.

#### **.06 Renewals.**

A. Before the expiration date of the permit or registration, a permit holder or registered crematory operator shall:

(1) ~~[complete]~~ *Complete* and return the renewal form[,];

(2) ~~[pay]~~ *Pay* the ~~[nonrefundable]~~ *non-refundable* renewal fee *set forth in Regulation .08 of this chapter* [,]; and

(3) ~~[submit]~~ *Submit* any required documentation.

B. A person who has a permit or registration as a permit holder or registered crematory operator may renew the permit or registration every 2 years, beginning on a date specified by the Board, in the following manner:

(1) (text unchanged)

(2) Pay the [~~nonrefundable~~] *non-refundable* renewal fee set forth in Regulation [~~-09~~] *.08* of this chapter;

(3)—(4) (text unchanged)

C.—E. (text unchanged)

#### **.07 Lapsed Permit.**

A person who has been issued a permit and who has allowed the permit to lapse for at least 6 months may apply for a permit by doing the following:

A. (text unchanged)

B. Paying the permit fee and the late renewal fee set forth in Regulation [~~-09~~] *.08* of this chapter;

C.—F. (text unchanged)

#### **.08 Fees.**

The following fees are established by the Board:

A. Initial permit or registration and renewal fees:

(1) Crematory *or alkaline hydrolysis* permit — [~~\$350~~] *\$475*;

*(2) Crematory and alkaline hydrolysis permit — \$700;*

[~~(2)~~] *(3) Registered crematory or alkaline hydrolysis operator — [\$300] \$400;*

*(4) Registered crematory and alkaline hydrolysis operator — \$700;*

[~~(3)~~] *(5) Crematory or alkaline hydrolysis permit renewal — [\$350] \$475;*

*(6) Crematory and alkaline hydrolysis permit renewal — \$700;*

[~~(4)~~] *(7) Registered crematory or alkaline hydrolysis operator renewal — [\$300] \$400; [and]*

*(8) Registered crematory and alkaline hydrolysis operator renewal — \$700; and*

[~~(5)~~] *(9)* (text unchanged)

B. (text unchanged)

**.09 Display of Permit.**

A permit and registration, as well as any other permit or license required by local, State, or federal agencies, shall be conspicuously displayed in a public area on the crematory *or alkaline hydrolysis facility* premises.

**10.29.18 Crematories — Inspections, Complaints, Investigations, Grounds for Discipline, and Penalties**

**Authority: *Health-General Article, §§5-502—5-504, 5-508, and 5-511—5-514; Health Occupations Article, §§7-101, 7-102, 7-205, 7-316, 7-317, 7-319, and 7-406, Annotated Code of Maryland***

**.02 Inspection by the Board.**

A.—B. (text unchanged)

C. The permit holder or any person responsible for day-to-day operation of the cremation *or alkaline hydrolysis* machinery shall be available to accompany the inspector during the inspection and sign the initial inspection report. A copy of the inspection report shall be provided to the permit holder or registered crematory operator responsible for the day-to-day operation of the crematory.

D. A crematory shall maintain the following minimum standards:

(1) (text unchanged)

(2) Except by express written consent of the authorizing ~~[agent]~~ *agents to perform simultaneous, multiple cremations or alkaline hydrolyses*, there may not be more than one human body cremated *or hydrolyzed* simultaneously in a single cremator *or alkaline hydrolysis unit at a time*;

(3) A cremator *or alkaline hydrolysis unit* shall be completely cleaned after each cremation *or alkaline hydrolysis*;

(4) There may not be co-mingling of human remains and pet remains in:

(a) ~~[refrigeration]~~ *Refrigeration* units ~~[or cremation machinery];~~

(b) *Cremators; or*

(c) *Alkaline hydrolysis units;*

(5) Separate cremators *or alkaline hydrolysis units* shall be dedicated for the cremation *or alkaline hydrolysis* of human remains and the cremation *or alkaline hydrolysis* of pets;

(6) There may not be:

(a) Co-mingling of ~~[cremated]~~ *processed* human remains with other *processed* human *remains* or pet ~~[cremated]~~ remains;

(b) Scooping of ~~[cremated]~~ *processed* human remains from a bucket containing co-mingled ~~[cremated]~~ *processed* human remains; or

(c) Any form of misrepresentation in the return of ~~[cremated]~~ *processed* human remains;

(7) Excluding a deceased person with a known communicable infection, human remains shall be properly identified before cremation *or alkaline hydrolysis* by verifying that the documentation accompanying the human remains is consistent with a visual observation of the human remains;

(8) (text unchanged)

(9) Each crematory shall have:

(a) A sink with hot and cold water within the room housing the ~~[cremator]~~ *crematory equipment*; and

(b) The ~~[equipment]~~ *tools* necessary to thoroughly clean the floor within the room housing the ~~[cremator]~~ *crematory equipment* with water and an appropriate sanitizing agent;

(10) The name of the deceased shall be visible on the outside of the [~~cremation~~] *crematory* container;

(11) Human remains shall be properly stored before cremation *or alkaline hydrolysis*;

(12) Crematories shall:

(a) (text unchanged)

(b) Pulverize the [~~cremated~~] *processed* human remains with a mortar and pestle if the [~~cremated~~] *processed* human remains are not sufficient in amount for pulverizing in mechanical equipment;

(13) Separate pulverizing drums shall be dedicated for [~~cremated~~] *processed* human remains and [~~cremated~~] *processed* pet remains;

(14) [~~Cremated~~] *Processed* human remains may not be held pending payment of any fees;

(15)—(20) (text unchanged)

(21) All individuals who operate the cremator *or alkaline hydrolysis unit* in a crematory shall be certified by the Cremation Association of North America (CANA), International Cemetery, Cremation, and Funeral Association (ICCF), or other equivalent certification recognized jointly by the Board and the Office. Individuals receiving training toward certification to operate a cremator *or alkaline hydrolysis unit* shall be allowed to work under the supervision of a registered crematory operator who has the required certification for a period not to exceed 6 months.

E. The following completed forms from previous cremations *or alkaline hydrolysis* shall be available at all times for inspection and copying and are subject to be pulled at random by the inspector:

(1) [~~Cremation~~] *Crematory services* authorization form;

(2)—(4) (text unchanged)

(5) Record of cremation *or alkaline hydrolysis*;

(6) Certificate of cremation *or alkaline hydrolysis*; and

(7) Return of [~~cremated~~] *processed* human remains certificate.

F.—H. (text unchanged)

I. At the time of the Board inspection, the permit holder shall provide written documentation to the Board's inspector that:

(1) The [~~cremator~~] *crematory equipment* has been inspected in accordance with manufacturer specifications;

(2) (text unchanged)

(3) The permit holder has requested that the manufacturer conduct an inspection of the [~~cremator~~] *crematory equipment*.

### **.03 Crematory Inspection Report, Deficiencies, and Penalties.**

A. (text unchanged)

B. The Board shall notify the permit holder of the results of the inspection by providing a copy of the inspection report [~~to~~] *for* the permit holder.

C.—D. (text unchanged)

E. Correction of Deficiency.

(1)—(5) (text unchanged)

(6) Upon notification [~~by~~] *from* the permit holder, a representative of the Board shall re-inspect the crematory.

(7)—(8) (text unchanged)

F. (text unchanged)

**.06 Grounds for Discipline, Hearing, and Penalties.**

A. Pursuant to the provisions of Health Occupations Article, §§7-316 and 7-319, Annotated Code of Maryland, the Board may:

- ~~[(1) Deny a crematory permit or crematory operator registration to an applicant;~~
- ~~(2) Reprimand any permit holder or registered crematory operator; or~~
- ~~(3) Suspend or revoke a crematory permit or crematory operator registration.]~~

*(1) Deny an applicant:*

- (a) A crematory permit; or*
- (b) A crematory operator registration;*

*(2) Reprimand any:*

- (a) Permit holder; or*
- (b) Registered crematory operator; or*

*(3) Suspend or revoke:*

- (a) A crematory permit; or*
- (b) A crematory operator registration.*

B. (text unchanged)

**10.29.19 Crematories — [~~Cremation~~] *Crematory* Procedures**

**Authority: *Health-General Article, §§5-502—5-504, 5-508, and 5-511—5-514; Health Occupations Article, §§7-101, 7-102, and 7-205, Annotated Code of Maryland***

**.01 Scope.**

This chapter governs the procedures to be followed in performing a cremation *or alkaline hydrolysis* in this State.

**.02 Removal, Identification, and Transportation of Human Remains.**

A. Upon receipt of human remains, a permit holder in the presence of the authorizing agent or representative of the funeral establishment engaging crematory services shall:

(1)—(2) (text unchanged)

(3) Refuse to accept human remains for cremation *or alkaline hydrolysis* if an inspection of the human remains indicates the presence of any battery operated, implanted device;

(4) Remove and properly dispose of any hazardous object or any other materials that the individual authorized under this subtitle deems should be removed from the human remains or ~~cremation~~ *the crematory* container in order to prevent harm to the public health or damage to the cremator *or alkaline hydrolysis unit*;

(5) Remove any jewelry on the human remains or in the ~~cremation~~ *crematory* container;

(6)—(7) (text unchanged)

B.—C. (text unchanged)

D. A permit holder may not accept for cremation *or alkaline hydrolysis* unidentified human remains.

### .03 ~~Cre~~ *Crematory* Containers.

A. A cremation container:

[A.] (1)—[G.] (7) (text unchanged)

[H.] (8) ~~If it~~ *Which* appears to be heavily coated with varnish, lacquer, or any other highly combustible substance, shall be:

[(1)] (a) Placed in a cold cremator *within which no cremation has occurred in the past 4 hours*; or

[(2)] (b) (text unchanged)

*B. An alkaline hydrolysis container:*

- (1) Shall consist of a completely enclosed covering for the human remains;*
- (2) Once inside the alkaline hydrolysis unit, may be removed;*
- (3) Shall be resistant to leakage or spillage;*
- (4) Shall provide protection to the health and safety of crematory establishment personnel and the public;*
- (5) Shall comply with all local, State, and federal emissions regulations; and*
- (6) May not be composed of metal or polyethylene material.*

**.05 Holding Remains.**

A. Human remains that have been designated for cremation *or alkaline hydrolysis* shall be ~~cremated~~ *processed* within 48 hours after receipt.

B. A permit holder may not hold human remains for cremation *or alkaline hydrolysis* unless the human remains are contained within an individual, ~~rigid, stackable,~~ closed cremation *or hydrolysis* container *as required under Regulation .03 of this chapter.*

C. A permit holder may not accept a cremation *or alkaline hydrolysis* container from which there is any evidence of leakage of the body fluids from the human remains therein.

D. Whenever human remains are unable to be ~~cremated~~ *processed* within 48 hours of taking custody thereof, the permit holder shall maintain the human remains in a refrigerated holding facility, either on or off site, at 40°F or less, unless the remains have been embalmed.

**.06 Identification Immediately Before Cremation *or Alkaline Hydrolysis* [~~Simultaneous Cremation of Multiple Human Remains~~].**

A. Immediately before being placed within the ~~cremation chamber~~ *cremator or alkaline hydrolysis unit*, the individual authorized under this subtitle shall:

- (1) (text unchanged)

(2) Place in the cremator *or alkaline hydrolysis unit* the circular hard metal identification tag of the human remains being ~~cremated~~ *processed* where it shall remain in place until the cremation *or alkaline hydrolysis* process is complete.

B. The permit holder's designee may not leave the immediate area of the cremator *or alkaline hydrolysis unit* during the cremation *or alkaline hydrolysis* process.

C. (text unchanged)

**.07 ~~Cremation~~ *Crematory Services* Authorization.**

A. Except as otherwise provided in COMAR 10.29.18.02, a permit holder may not ~~cremate~~ *process* human remains until:

(1) (text unchanged)

(2) The permit holder crematory has received:

(a) ~~A cremation~~ *The crematory services* authorization on a form approved by the Board and signed by an authorizing agent;

(b)—(c) (text unchanged)

(3) The permit holder has documented that at least 12 hours have elapsed from the time of death of the individual whose remains are to be ~~cremated~~ *processed*.

B. The ~~cremation~~ *crematory services* authorization form shall:

(1) (text unchanged)

(2) Contain the following information:

(a)—(c) (text unchanged)

(d) Authorization for the permit holder to cremate *or hydrolyze* the human remains;

(e) Authorization to verify that the following have been removed before cremation *or alkaline hydrolysis*:

(i)—(ii) (text unchanged)

(f) A representation by the authorizing agent that radiologic implant treatment has not occurred within 5 days before cremation *or alkaline hydrolysis*;

(g) A representation that the authorizing agent is aware of no objection to the human remains being ~~[cremated]~~ *processed* by any person who has a right to control the disposition of the human remains;

(h) The name and address of the person authorized to claim the ~~[cremated]~~ *processed* human remains from the permit holder or to accept the ~~[cremated]~~ *processed* remains via the current mailing standard approved by the U.S. Postal Service; and

(i) (text unchanged)

(3) (text unchanged)

C. If an authorizing agent is not readily available to execute the ~~[cremation]~~ *crematory services* authorization form, the authorizing agent may transmit the document in writing with notary seal electronically:

(1)—(2) (text unchanged)

D. (text unchanged)

E. A person signing a ~~[cremation]~~ *crematory services* authorization form is deemed to warrant the truthfulness of any facts set forth in the ~~[cremation]~~ *crematory services* authorization form, including the identity of the deceased whose remains are sought to be ~~[cremated]~~ *processed* and the authority of that person to order such a cremation *or alkaline hydrolysis*.

F. A permit holder shall notify and obtain written consent of the authorizing agent before the cremation *or alkaline hydrolysis* of human remains at a location other than the location named on the ~~[cremation]~~ *crematory services* authorization form.

G. A permit holder shall maintain a copy of every ~~cremation~~ *crematory services* authorization form required under this regulation as permanent records.

H. ~~Cremation~~ *Crematory services* authorization records are subject to inspection and copying by the Board.

**.08 Record of Receipt of Remains.**

A. A permit holder shall provide to an individual who delivers human remains for cremation *or alkaline hydrolysis* a receipt signed by both the permit holder authority and the individual who delivered the human remains, that includes the:

(1)—(6) (text unchanged)

B. The permit holder shall maintain a record of each cremation *or alkaline hydrolysis*, which shall include the:

(1)—(5) (text unchanged)

(6) Date, time, and location of cremation *or alkaline hydrolysis*; and

(7) Name of the individual who performed the cremation *or alkaline hydrolysis*.

C. The permit holder shall provide a certificate of disposition of ~~cremated~~ *processed* human remains to the authorizing agent or funeral establishment that arranged for the cremation *or alkaline hydrolysis* that includes the:

(1)—(2) (text unchanged)

(3) Name and address of the person who received the ~~cremated~~ *processed* human remains from the crematory authority; and

(4) If ascertainable:

(a) (text unchanged)

(b) The manner and date of the disposition of the ~~cremated~~ *processed* human remains.

D.—E. (text unchanged)

**.10 Disposition of [~~cremated~~] *Processed* Human Remains.**

A. On completion of the cremation *or alkaline hydrolysis*, insofar as is possible:

(1) All of the recoverable residue of the cremation *or alkaline hydrolysis* process shall be:

(a) Removed from the cremator *or alkaline hydrolysis unit*;

(b) Except for medical devices remaining after cremation *or alkaline hydrolysis*,

processed; and

(c) (text unchanged)

(2) The identification disc required by Health Occupations Article, §7-411, Annotated Code of Maryland, shall be:

(a) Removed from the cremator *or alkaline hydrolysis unit*; and

(b) Placed in the container with the [~~cremated~~] *processed* human remains.

B. Medical devices which remain after the completion of the cremation *or alkaline hydrolysis* process shall be treated as medical waste and disposed of accordingly.

C. (text unchanged)

D. If the [~~cremation~~] *sealable* container opening is not of adequate dimensions to accommodate a disc, it shall be affixed to the container and a record of the cremation number shall be placed in the container.

E.—G. (text unchanged)

H. If processed human remains have been in the possession of a permit holder, as originally authorized by the authorizing agent without instructions for disposition for a period of 10 days or more from the date of cremation *or alkaline hydrolysis*, the permit holder may send the cremated

*or hydrolyzed* human remains, using the current mailing standard approved by the U.S. Postal Service, return receipt requested, to the authorizing agent.

#### **.11 Tools.**

*A. A crematory offering cremation shall maintain, at its own expense, the following tool inventory:*

[A.] (1)—[E.] (5) (text unchanged)

[F.] (6) High temperature protective gloves and [~~heat-resistant~~] *heat-resistant* leather gloves;

[G.] (7)—[H.] (8) (text unchanged)

[I.] (9) [~~Dust masks~~] *National Institute for Occupational Safety and Health certified respirators.*

*B. A crematory offering alkaline hydrolysis shall maintain, at its own expense, the following tool inventory:*

*(1) Suitable tools for cleaning the alkaline hydrolysis unit;*

*(2) Brush with fine bristles for cleaning pulverizers;*

*(3) Mortar and pestle;*

*(4) Funnel;*

*(5) Hand magnet and metal detector wand to detect and remove metal from hydrolyzed human remains;*

*(6) Tweezers to remove nonmetal objects from hydrolyzed human remains;*

*(7) National Institute for Occupational Safety and Health certified respirators; and*

*(8) An emergency shower and eyewash combination unit meeting the criteria established under the American National Standards Institute and the International Safety Equipment Association Z358.1-2014 (R2020) or its successor.*

**.12 Visitors.**

A. (text unchanged)

B. Crematories that begin operation after July 1, 2014, shall construct a viewing room in the area of the cremator *or alkaline hydrolysis unit* if the crematory intends to have more than two visitors present in the area of the cremator *or alkaline hydrolysis unit* during the cremation.

**10.29.20 Crematories — Code of Ethics**

**Authority: Health Occupations Article, §7-101, Annotated Code of Maryland**

**.02 General Professional Practices.**

A.—B. (text unchanged)

C. A permit holder or crematory operator may not:

(1) (text unchanged)

(2) Operate a crematory, [Ø] perform a cremation, *or alkaline hydrolysis* while under the influence of alcohol, an illegal drug, or a controlled dangerous substance, without the prescription of a physician.

**10.29.22 General Regulations**

**Authority: Health-General Article, §5-513; Health Occupations Article, §7-205, Annotated Code of Maryland**

**.01 Temperature of Refrigeration Units.**

A refrigeration unit used in the storage of human remains shall be kept at a temperature lower than [44] *40* degrees Fahrenheit.

**MEENA SESHAMANI, M.D., Ph.D.  
Secretary of Health**