Title 10 MARYLAND DEPARTMENT OF HEALTH

Subtitle 29 BOARD OF MORTICIANS AND FUNERAL DIRECTORS

Chapter 16 Crematories — Definitions

Authority: Health Occupations Article, §§7-101, 7-102, and 7-205, Annotated Code of Maryland

.01 Scope.

This chapter defines terms used in COMAR 10.29.17—COMAR 10.29.20.

.02 Definitions.

A. In COMAR 10.29.17—COMAR 10.29.20, the following terms having the meanings indicated.

B. Terms Defined.

(1) “Advertising” means the publication, dissemination, or circulation of any oral or written matter, including labeling, which directly or indirectly calls to the attention of the public the goods and services one has to offer.

(2) “Authorizing agent” means an individual legally entitled to order the cremation of human remains or legally authorized to control the final disposition of human remains.

(3) “Board” means Board of Morticians and Funeral Directors.

(4) “Consumer” includes a funeral establishment contracting with a crematory or the designated next of kin of a decedent contracting with a crematory.

(5) “Cremated human remains” means all human remains recovered after completion of cremation and the use of mechanical pulverizing equipment.

(6) “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.

(7) “Cremation container” means a readily combustible, rigid container in which human remains are sent to the crematory and then placed in the cremation chamber for cremation.

(8) “Cremator” means the machinery within which the process of cremation of human remains begins.

(9) “Crematory” means a building, portion of a building, or structure that houses the necessary appliances and facilities for cremation.

(10) “Crematory authority” has the same meaning as “permit holder”.

(11) “Embalming” means the disinfection and preserving of human remains by arterial or cavity injection or any other type of preservation.

(12) “Engage in the operation of a crematory” means controlling or managing a crematory.

(13) “Holding facility” means an area within or adjacent to the crematory establishment designed for the retention of human remains before cremation.

(14) “Human remains” means the body of a deceased person, or part of a body or limb that has been removed from a living person.

(15) “Office” means the Office of Cemetery Oversight.

(16) “Permit” means a license issued by the Board to allow a person to operate a business which engages in the operation of a crematory.

(17) “Permit holder” means the holder of a permit issued under Health Occupations Article, Title 7, Annotated Code of Maryland, to operate a crematory.

(18) “Person” means an individual, personal representative, or a corporation that is the operator of a mortuary science business where the practice of mortuary science is conducted for the corporation by a licensed mortician or funeral director, a partnership, or professional association, each comprised of one or more licensed morticians or funeral directors.

(19) “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.

(20) “Registered crematory operator” means an individual registered to operate a crematory as a sole proprietor or on behalf of a sole proprietor or permit holder.

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

Administrative History

Effective date: April 14, 2014 (41:7 Md. R. 421)

Title 10 MARYLAND DEPARTMENT OF HEALTH

Subtitle 29 BOARD OF MORTICIANS AND FUNERAL DIRECTORS

Chapter 17 Crematories — Permit, Licensing, and Fees

Authority: Health Occupations Article, §§1-213, 7-101, 7-102, 7-205, 7-314—7-316, and 7-319, Annotated Code of Maryland

.01 Scope.

This chapter governs the crematory permit process and fees for persons regulated under Health Occupations Article, Title 7, Annotated Code of Maryland.

.02 Permit — Issuing Agency.

A. Office of Cemetery Oversight. An individual shall obtain a permit to engage in the operation of a crematory from the Office:

(1) If the individual:

(a) Holds a permit or registration under Business Regulation Article, Title 5, Annotated Code of Maryland; and

(b) Owns a greater interest in a crematory than a licensee or holder of a corporation license under Health Occupations Article, Title 7, Annotated Code of Maryland;

(2) If the person's ownership interest is equal to the ownership interest in the crematory of a licensee or holder of a corporation license under Health Occupations Article, Title 7, Annotated Code of Maryland; or

(3) If the person who owns the crematory is not:

(a) A licensee or holder of a corporation license under Health Occupations Article, Title 7, Annotated Code of Maryland; or

(b) A registrant or permit holder under Business Regulation Article, Title 5, Annotated Code of Maryland.

B. Board of Morticians and Funeral Directors. A person shall obtain a permit to engage in the operation of a crematory from the Board if the person:

(1) Is a licensee or holder of a corporation license under Health Occupations Article, Title 7, Annotated Code of Maryland; and

(2) Owns a greater interest in a crematory than a person who holds a permit or registration under Business Regulation Article, Title 5, Annotated Code of Maryland.

C. Before obtaining a permit from the Board, a crematory may cremate the human remains of one decedent provided the:

(1) Cremation is only performed as part of the manufacturer's operator training course for the cremation machinery in which the cremation 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.

.03 Permit — Requirements for Permit.

A. Subject to approval of the Board, a person shall receive a permit to operate a crematory in this State if the person meets the permit requirements of this chapter.

B. A person shall:

(1) Submit an application on a form provided by the Board;

(2) Pay the nonrefundable application fee and any other applicable fees set forth in Regulation .09 of this chapter;

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

(4) Designate a registered crematory operator who shall be responsible for the day-to-day operation of the business provided that the registered crematory operator may not be designated as the responsible party for more than a total of two crematories;

(5) Provide a certificate of status, issued by the Maryland Department of Assessments and Taxation, if the applicant is a business entity:

(a) Indicating that the entity is in good standing, or its equivalent as determined by the Board; and

(b) Dated not earlier than 30 days before the application; and

(6) Comply with all applicable federal, State, and local laws.

C. An operating crematory shall apply to the Board for a permit within 90 days from the effective date of this regulation or be subject to Board action.

D. Before applying to the Board for a permit, any crematory not in operation before the effective date of this chapter shall have in its employ an individual who holds a certification from:

(1) The Cremation Association of North America (CANA);

(2) The International Cemetery, Cremation and Funeral Association (ICCFA); or

(3) Another equivalent body recognized jointly by the Board and the Office.

.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) Submit an application on a form provided by the Board;

(2) Pay the nonrefundable fee and any other applicable fee set forth in Regulation .09 of this chapter;

(3) Be of good moral character;

(4) Be 18 years old or older;

(5) Achieve certification as a crematory operator by the Cremation Association of North America (CANA), International Cemetery, Cremation and Funeral Association (ICCFA), or 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

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

(7) Provide evidence to the Board of the individual's ability to read and write.

C. To qualify as a trainer, the supervising crematory operator shall have a minimum of 3 years experience on the associated cremator.

.05 Change of Information.

The permit holder or registered crematory operator shall notify the Board of any change in the information provided in the application either before or after the issuance of a permit or registration within a reasonable period of time but not to exceed 7 days from the date of the change.

.06 Renewals.

A. Before the expiration date of the permit or registration, a permit holder or registered crematory operator shall complete and return the renewal form, pay the nonrefundable renewal fee, and 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) Complete the renewal application form;

(2) Pay the nonrefundable renewal fee set forth in Regulation .09 of this chapter;

(3) Meet the permit and registration requirements of this chapter and Health Occupations Article, Title 7, Annotated Code of Maryland; and

(4) Submit the required documentation.

C. After the expiration date, if an application for renewal of a permit or registration has not been made or if the individual has been identified by the Office of the Comptroller or the Maryland Department of Labor as delinquent in the payment of taxes or unemployment insurance contributions, pursuant to tax compliance regulations of COMAR 10.31.02 or, pursuant to Family Law Article, §10-119.3, Annotated Code of Maryland, has outstanding child support obligations, the individual may not engage in the operation of a crematory business or act as a registered crematory operator.

D. An individual who engages in the operation of a crematory business or acts as a registered crematory operator without renewing the required permit or registration is subject to disciplinary action by the Board.

E. If a permit holder or registered crematory operator applies for renewal past the expiration date of the permit or registration, the individual shall pay the renewal fee plus the late renewal fee set forth in Regulation .08 of this chapter.

.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. Completing a permit application form;

B. Paying the permit fee and the late renewal fee set forth in Regulation .09 of this chapter;

C. Meeting the permit requirements under this chapter;

D. Submitting the documentation required by this chapter;

E. Providing a full written explanation to the Board detailing the reasons why the permit was allowed to expire and why a permit is now sought; and

F. Submitting to the Board an affidavit stating that the person did not engage in the operation of a crematory in this State while the permit was lapsed.

.08 Fees.

The following fees are established by the Board:

A. Initial permit or registration and renewal fees:

(1) Crematory permit — $350;

(2) Registered crematory operator — $300;

(3) Crematory permit renewal — $350;

(4) Registered crematory operator renewal — $300; and

(5) Late fee — $200; and

B. Miscellaneous fees:

(1) Replacement of permit or registration — $50;

(2) Returned check fee — $50;

(3) Duplicate permit or registration — $50;

(4) Business name change — $50;

(5) Personal name change — $50;

(6) Business address change — $50; and

(7) Annual pre-need sales trust report — $25.

.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 premises.

Administrative History
Effective date: April 14, 2014 (41:7 Md. R. 421)

Regulation .02C adopted as an emergency provision effective August 28, 2014 (41:19 Md. R. 1075); adopted permanently effective November 10, 2014 (41:22 Md. R. 1319)

Regulation .04 amended effective May 18, 2020 (47:10 Md. R. 518)

Title 10 MARYLAND DEPARTMENT OF HEALTH

Subtitle 29 BOARD OF MORTICIANS AND FUNERAL DIRECTORS

Chapter 18 Crematories — Inspections, Complaints, Investigations, Grounds for Discipline, and Penalties

Authority: Health Occupations Article, §§7-101, 7-102, 7-205, 7-316, 7-317, 7-319, and 7-406, Annotated Code of Maryland

.01 Scope.

This chapter governs crematory inspections, standards, the complaint process, investigations, grounds for discipline, and penalties.

.02 Inspection by the Board.

A. A crematory shall be available for inspection by a representative of the Board at any time during operating hours.

B. A crematory shall be inspected:

(1) On at least a biennial basis;

(2) In furtherance of an investigation; or

(3) Upon the sale or change of ownership of the crematory.

C. The permit holder or any person responsible for day-to-day operation of the cremation 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) The premises shall be maintained in a sanitary manner to comply with Centers for Disease Control’s guidelines on universal precautions;

(2) Except by express written consent of the authorizing agent, there may not be more than one human body cremated simultaneously in a single cremator;

(3) A cremator shall be completely cleaned after each cremation;

(4) There may not be co-mingling of human remains and pet remains in refrigeration units or cremation machinery;

(5) Separate cremators shall be dedicated for the cremation of human remains and the cremation of pets;

(6) There may not be:

(a) Co-mingling of cremated human remains with other human or pet cremated remains;

(b) Scooping of cremated human remains from a bucket containing co-mingled cremated human remains; or

(c) Any form of misrepresentation in the return of cremated human remains;

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

(8) Burial transit permit shall be an original document pertaining to the deceased;

(9) Each crematory shall have:

(a) A sink with hot and cold water within the room housing the cremator; and

(b) The equipment necessary to thoroughly clean the floor within the room housing the cremator with water and an appropriate sanitizing agent;

(10) The name of the deceased shall be visible on the outside of the cremation container;

(11) Human remains shall be properly stored before cremation;

(12) Crematories shall:

(a) Use only mechanical pulverizing equipment meeting industry standards that has been totally brushed as clean as possible between each use; and

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

(13) Separate pulverizing drums shall be dedicated for cremated human remains and cremated pet remains;

(14) Cremated human remains may not be held pending payment of any fees;

(15) Cremators without safety devices that prevent the automatic door from dropping prematurely shall be retrofitted with such safety devices;

(16) Portable fans may not be used in the area of the cremator and pulverizer;

(17) There shall be a minimum of 6 inches between cremator smoke stack and the roof of the crematory;

(18) Before pulverizing, the mechanical pulverizer shall be clamped;

(19) A cremator shall have visible on its front a warning sign stating, “No leaning past the door of the cremator.”;

(20) The permit holder or registered crematory operator shall be present at the crematory during regular business hours; and

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

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

(1) Cremation authorization form;

(2) Burial transit permit;

(3) Delegation of authority form;

(4) Receipt for human remains;

(5) Record of cremation;

(6) Certificate of cremation; and

(7) Return of cremated human remains certificate.

F. Inspection results shall be written on forms approved by the Board.

G. The Board representative performing the inspection shall, on completion of the inspection:

(1) Apprise the permit holder of the findings of the inspection; and

(2) Provide the permit holder or representative of the permit holder with a copy of the inspection report.

H. The permit holder or representative of the permit holder shall sign and verify receipt of the inspection report.

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

(1) The cremator has been inspected in accordance with manufacturer specifications;

(2) In accordance with manufacturer specifications, it is not time for a manufacturer’s inspection; or

(3) The permit holder has requested that the manufacturer conduct an inspection of the cremator.

.03 Crematory Inspection Report, Deficiencies, and Penalties.

A. The Board shall review the inspection report and make a determination as to whether a deficiency exists.

B. The Board shall notify the permit holder of the results of the inspection by providing a copy of the inspection report to the permit holder.

C. If a permit holder passes an inspection, the permit holder shall, prominently and in public view, display on the premises a statement issued by the Board that the crematory has successfully passed an inspection.

D. If the Board finds a deficiency, the Board shall:

(1) Within 7 days, notify the permit holder of the deficiency or failure to pass the inspection; and

(2) Provide a copy of the inspection report to the permit holder within 30 days.

E. Correction of Deficiency.

(1) Except as provided in this section, a permit holder shall correct a deficiency within 30 days after receipt of notification or sooner as determined by the Board.

(2) The Board may require immediate correction of a deficiency if the Board considers the correction necessary in the interest of public health.

(3) The permit holder may request an extension of time for correction of a deficiency.

(4) The Board may approve an extension of time for correction of a deficiency.

(5) Upon completion of correction of all deficiencies, the permit holder shall notify the Board.

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

(7) The Board shall notify the permit holder in writing of the results of the re-inspection by providing a copy of a new inspection report to the permit holder.

(8) If re-inspection reveals additional deficiencies not cited in the first report, the permit holder shall correct those deficiencies in the time period specified by the Board unless an extension of time is requested by the permit holder and approved by the Board.

F. Penalties. In the event that a permit holder fails to allow an inspection of the crematory or fails to comply with a notice to correct deficiencies or violations within the time specified, the Board shall:

(1) Deem the failure to be a threat to the public health, safety, or welfare and requiring emergency action;

(2) Summarily suspend the crematory permit as provided under State Government Article, §10-226(c)(2), Annotated Code of Maryland;

(3) Provide notice of the Board's action to the permit holder; and

(4) Provide the permit holder an opportunity to be heard.

.04 Complaints.

A. If the permit holder was issued a permit by the Board, a complaint shall be:

(1) Filed in compliance with the provisions of COMAR 10.29.11.03; and

(2) Processed in accordance with the provisions of COMAR 10.29.11.04.

B. The Board may initiate a complaint or investigation on its own.

.05 Investigations.

The Board and the Office of Cemetery Oversight may share investigative information and conduct joint investigations.

.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.

B. Pursuant to the provisions of Health Occupations Article, §7-317, Annotated Code of Maryland, if the Board, after bringing an action, finds that there are grounds for probation, suspension, or revocation, the Board may impose a penalty not exceeding $5,000.

Administrative History
Effective date: April 14, 2014 (41:7 Md. R. 421)

Regulation .02D amended effective May 18, 2020 (47:10 Md. R. 518)

Title 10 MARYLAND DEPARTMENT OF HEALTH

Subtitle 29 BOARD OF MORTICIANS AND FUNERAL DIRECTORS

Chapter 19 Crematories — Cremation Procedures

Authority: 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 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) Verify that the information on the wrist tag is consistent with the:

(a) Documentation accompanying the deceased; and

(b) Visual observation of the remains themselves;

(2) Use a metal detector wand to inspect for the presence of any battery operated, implanted devices including pacemakers, defibrillators, or pain relief devices;

(3) Refuse to accept human remains for cremation 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 container in order to prevent harm to the public health or damage to the cremator;

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

(6) Return any removed jewelry to the authorizing agent or representative of the funeral establishment engaging crematory services; and

(7) Obtain a signed, itemized receipt from the authorizing agent or representative of the funeral establishment engaging crematory services for the removed jewelry and retain the receipt as a permanent record.

B. Foreign objects removed from the human remains:

(1) Shall be treated as medical waste and disposed of accordingly; and

(2) May not be donated until a sterilization process through a third party recognized by the Board to dispose properly of medical waste has been performed.

C. Materials identifying the human remains that are placed in the custody of a permit holder shall contain the following information about the decedent:

(1) Name;

(2) Date of birth;

(3) Date of death;

(4) Name of funeral establishment or authorizing agent;

(5) Gender; and

(6) Name and relationship of authorizing agent to deceased.

D. A permit holder may not accept for cremation unidentified human remains.

.03 Cremation Containers.

A cremation container:

A. Shall be a readily combustible, rigid container suitable for cremation;

B. Shall provide a completely enclosed covering for the human remains;

C. Shall be resistant to leakage or spillage;

D. Shall be of sufficient strength and rigidity for ease of handling;

E. Shall provide protection to the health and safety of crematory establishment personnel and the public;

F. Shall comply with all local, State, and federal governmental emissions regulations;

G. May not be composed of metal or polyethylene material; and

H. If it appears to be heavily coated with varnish, lacquer, or any other highly combustible substance, shall be:

(1) Placed in a cold cremator; or

(2) Coated completely with water before being placed in the cremator.

.04 Holding Facilities.

A holding facility shall:

A. Comply with applicable public health laws;

B. Preserve the dignity of human remains;

C. Recognize the integrity, health, and safety of crematory establishment personnel; and

D. Be secure from access by unauthorized persons.

.05 Holding Remains.

A. Human remains that have been designated for cremation shall be cremated within 48 hours after receipt.

B. A permit holder may not hold human remains for cremation unless the human remains are contained within an individual, rigid, stackable, closed cremation container.

C. A permit holder may not accept a cremation 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 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; Simultaneous Cremation of Multiple Human Remains.

A. Immediately before being placed within the cremation chamber, the individual authorized under this subtitle shall:

(1) Verify the identification of the human remains; and

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

B. The permit holder's designee may not leave the immediate area of the cremator during the cremation process.

C. Records.

(1) The permit holder shall maintain the written authorizations required by Regulation .08 of this chapter as required pursuant to Health-General Article, §4-304, Annotated Code of Maryland, and COMAR 10.01.16.04B.

(2) The records are subject to inspection and copying by the Board.

.07 Cremation Authorization.

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

(1) The body has been identified as required under Health Occupation Article, §7-411, Annotated Code of Maryland;

(2) The permit holder crematory has received:

(a) A cremation authorization on a form approved by the Board and signed by an authorizing agent;

(b) If applicable, a written delegation document or facsimile; and

(c) Any other documentation required by federal, State, or local law; and

(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.

B. The cremation authorization form shall:

(1) Be provided by the permit holder to the authorizing agent;

(2) Contain the following information:

(a) The identity of the human remains;

(b) Date of death;

(c) The name and address of the authorizing agent and the relationship between the authorizing agent and the deceased;

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

(e) Authorization to verify that the following have been removed before cremation:

(i) An implanted pacemaker or defibrillator; and

(ii) Any other materials that should be removed to prevent harm to the public health or damage to equipment;

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

(g) A representation that the authorizing agent is aware of no objection to the human remains being cremated 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 human remains from the permit holder or to accept the cremated remains via the current mailing standard approved by the U.S. Postal Service; and

(i) The name and address of the crematory to which the authorizing agent has given permission; and

(3) Be signed by the authorizing agent.

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

(1) In writing; or

(2) If located outside the area, by transmitting to the permit holder:

(a) A signed statement electronically or by facsimile that contains the name, address, and relationship of the sender to the decedent and the name and address of the individual to whom authority is delegated; and

(b) Once the authorizing agent is located in the area, a notarized document through U.S. Postal Service attesting to the delegation of authority.

D. Upon receipt of the written delegation document or a copy transmitted electronically or by facsimile, the permit holder shall allow the named individual to serve as the authorizing agent. The documents shall be signed by the authorizing agent in the presence of a notary.

E. A person signing a cremation authorization form is deemed to warrant the truthfulness of any facts set forth in the cremation authorization form, including the identity of the deceased whose remains are sought to be cremated and the authority of that person to order such a cremation.

F. A permit holder shall notify and obtain written consent of the authorizing agent before the cremation of human remains at a location other than the location named on the cremation authorization form.

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

H. Cremation 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 a receipt signed by both the permit holder authority and the individual who delivered the human remains, that includes the:

(1) Name of the individual from whom the human remains were received and the name of the individual's employer, if any;

(2) Name and address of the crematory authority;

(3) Name of the deceased;

(4) Gender of deceased;

(5) Date of death of deceased; and

(6) Verification of authorized burial transit permit.

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

(1) Name of the decedent;

(2) Date of birth of the decedent;

(3) Gender of decedent;

(4) Date of death;

(5) Name and address of the authorizing agent;

(6) Date, time, and location of cremation; and

(7) Name of the individual who performed the cremation.

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

(1) Name of the decedent;

(2) Name of the authorizing agent;

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

(4) If ascertainable:

(a) The location, including the name of the cemetery and plot location if the remains are interred; and

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

D. The permit holder shall maintain a copy of every record and receipt required by this chapter as permanent records.

E. All records and receipts required by this chapter are subject to inspection and copying by the Board.

.09 Use of a Casket; Embalming.

A. Except as provided in §B of this regulation, a permit holder may not:

(1) Require that human remains be placed in a casket before cremation or that human remains be cremated in a casket;

(2) Refuse to accept human remains for cremation because the remains are not in a casket; or

(3) Refuse to accept human remains for cremation because the remains are in a suitable, combustible wooden casket, but may require the authorizing agent or funeral establishment engaging the services of the crematory authority to remove the metal mattress holder in the casket.

B. Human remains delivered to a crematory establishment may not be removed from the cremation container.

C. The cremation container shall be cremated with the human remains unless the authorizing agent for the deceased requests a more natural environment for the deceased. A permit holder is not required to accept this manner of disposition.

D. A permit holder may not require that human remains be subjected to embalming before cremation.

.10 Disposition of Cremated Human Remains.

A. On completion of the cremation, insofar as is possible:

(1) All of the recoverable residue of the cremation process shall be:

(a) Removed from the cremator;

(b) Except for medical devices remaining after cremation, processed; and

(c) Placed in a container; and

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

(a) Removed from the cremator; and

(b) Placed in the container with the cremated human remains.

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

C. After pulverization, all of the processed human remains, together with the identification disc, shall be placed in a sealable container.

D. If the cremation 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. If all of the processed human remains and the identification disc will not fit within the dimensions of a sealable container, the remainder of the remains shall be returned to the authorizing agent, or the agent's representative, in a separate, sealable container. Container seams shall be taped.

F. If the processed human remains and identification disc do not adequately fill the container's interior dimensions, the extra space may be filled with packing material that will not become intermingled with the remains and then securely closed.

G. If a sealable container is to be shipped, it shall:

(1) Be placed within a separate sturdy box with all box seams securely taped closed; and

(2) Have the name of the deceased person whose processed remains are contained therein clearly identified on the outside of the container.

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, the permit holder may send the cremated human remains, using the current mailing standard approved by the U.S. Postal Service, return receipt requested, to the authorizing agent.

.11 Tools.

A crematory shall maintain at its own expense the following tool inventory:

A. Safety placement tool measuring a minimum of 49 inches in length;

B. Wire brushes for cleaning cremators;

C. Brush with fine bristles for cleaning pulverizers;

D. Mortar and pestle;

E. Funnel;

F. High temperature protective gloves and heat resistant leather gloves;

G. Hand magnet and metal detector wand to detect and remove metal from cremated human remains;

H. Tweezers to remove nonmetal objects from cremated human remains; and

I. Dust masks.

.12 Visitors.

A. The permit holder or designated crematory operator shall:

(1) Submit to the Board the number of persons not affiliated with the operations of the crematory who can safely be within the same room and within 10 feet of the cremator door; and

(2) Verify to the Board that the permit holder has submitted the information required in §A(1) of this regulation to their liability insurance carrier.

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

Administrative History

Effective date: April 14, 2014 (41:7 Md. R. 421)

Title 10 MARYLAND DEPARTMENT OF HEALTH

Subtitle 29 BOARD OF MORTICIANS AND FUNERAL DIRECTORS

Chapter 20 Crematories — Code of Ethics

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

.01 Scope.

This chapter governs any person who holds a permit to:

A. Engage in the operation of a crematory;

B. Act as a designated crematory operator; or

C. Act as a registered crematory operator.

.02 General Professional Practices.

A. A permit holder or registered crematory operator shall:

(1) Act in a manner that respects and protects the dignity of a decedent and the decedent's family;

(2) Conduct business in a reasonable, usual, and customary manner avoiding unfair trade practices;

(3) Comply with the State public health laws as set forth in Health-General Article, §§4-215 and 5-501, Annotated Code of Maryland;

(4) Comply with the Maryland Morticians and Funeral Directors Act, Health Occupations Article, Title 7, Annotated Code of Maryland;

(5) Implement and follow through on all arrangements agreed on between consumer and the crematory;

(6) Provide appropriate services for and respect the rights of individuals without regard to age, race, creed, national origin, gender, disability, marital status, political belief, religious affiliation, social or economic status, or social preferences;

(7) Comply with all local, State, and federal laws regarding the final disposition of human remains;

(8) Be sensitive and responsive to the bereavement needs of a decedent's family; and

(9) Provide a general price list in effect at that time in accordance with the Federal Trade Commission's funeral rule, 16 CFR part 453.

B. In advertising, a licensee may not include statements:

(1) That are misrepresentations of facts;

(2) That are likely to mislead or deceive because, in context, the statement makes only a partial disclosure of relevant facts;

(3) Relating to fees without reasonable disclosure of all relevant variables so that the statement would not be misunderstood or be deceptive to a consumer; or

(4) Containing representations or implications that in reasonable probability can be expected to cause an ordinarily prudent individual to misunderstand or be deceived.

C. A permit holder or crematory operator may not:

(1) Use, or participate in the use of, any form of communication to consumers containing a false, fraudulent, misleading, deceptive, or unfair statement or claim; or

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

Administrative History

Effective date: April 14, 2014 (41:7 Md. R. 421)