

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. Department or Agency Alabama Board of Funeral Service

Rule No. 395-X-6-.09

Rule Title: Crematory

X New _____ Amend _____ Repeal _____ Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? NO

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

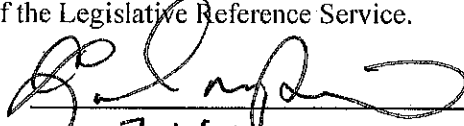
Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 412223, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer


7-14-17

Date

(DATE FILED)
(STAMP)

Alabama Board of Funeral Service

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Funeral Service

RULE NO. & TITLE: 395-X-6-.06 Embalming Records
395-X-6-.07 Identification of Dead Human Bodies
395-X-6-.09 Crematory "New Rule"
395-X-6-.10 Crematory Holding Room "New Rule"
395-X-6-.11 Refrigeration Unit "New Rule"
395-X-6-.12 Combustible Cremation Container "New Rule"
395-X-6-.13 Internal Identification System "New Rule"
395-X-6-.14 Cremation Records "New Rule"
395-X-6-.15 Inspection Penalties

INTENDED ACTION: The Alabama Board of Funeral Service proposes to amend Rule No. 395-X-6-.06, Rule No. 395-X-6-.07, and Rule No. 395-X-6-.15. The Alabama Board of Funeral Service proposes to add new rules as Rule No. 395-X-6-.09 titled "Crematory", Rule No. 395-X-6-.10 titled "Crematory Holding Room", Rule No. 395-X-6-.11 titled "Refrigeration Unit", Rule No. 395-X-6-.12 titled "Combustible Cremation Container", Rule No. 395-X-6-.13 titled "Internal Identification System, and Rule No. 395-X-6-.14 titled "Cremation Records".

SUBSTANCE OF PROPOSED ACTION: The Board proposes to amend Rule No. 395-X-6-.06 to add language require a written embalming authorization be obtain by the funeral establishment in addition to verbal authorization. The Board proposes to amend Rule No. 395-X-6-.07 to add required identifying information on a decedents identification band. The Board proposes to amend Rule No. 395-X-6-.15 formally 395-X-6-.09 to add penalties for minor violation for a crematory. The Board proposes to add new rule Rule No. 395-X-6-.09 titled "Crematory" to clarify who must comply with the crematory facility requirements. The Board proposes to add new rule Rule No. 395-X-6-.10 titled "Crematory Holding Room" to establish the requirements for a holding room in a crematory facility. The Board proposes to add new rule Rule No. 395-X-6-.11 titled "Refrigeration Unit" to establish the size and constant temperature of a refrigeration unit to retain human remains in a crematory facility and to prohibit stacking human remains on top of each other. The Board proposes to add new rule Rule No. 395-X-6-.12 titled "Combustible Cremation Container" to add language requiring identifying information of the decease be marked o the container. The Board proposes to add new rule Rule No. 395-X-6-.13 titled "Internal Identification System" to require metal tags be the internal identification system to be used by crematory, the placement of the metal at the completion of the process, and the requirement for all receptacles containing cremated remains be labeled with the identity of the remains. The Board proposes to add new rule Rule No. 395-X-6-.14 titled "Cremation Records" to list required information on the cremation log and cremation authorization form.

APA-2
07/04

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written or electronic mail comments will be accepted by the Board until:

Time: 4:30 p.m., Tuesday, September 5, 2017

Place: 11 South Union Street Suite 106, Montgomery, AL 36104

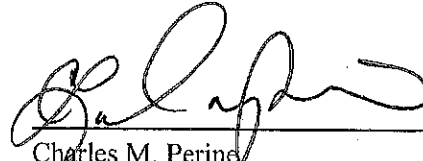
Email: Charles.perine@fsb.alabama.gov

Phone: 334-242-4049

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Tuesday, September 5, 2017

CONTACT PERSON AT AGENCY:

Charles M. Perine
Executive Director
11 South Union Street
Suite 106
Montgomery, AL 36104

A handwritten signature in cursive script, appearing to read 'C. Perine', is written over a horizontal line.

Charles M. Perine
Executive Director
Alabama Board of Funeral Service

Alabama Board of Funeral Service
ADMINISTRATIVE CODE

CHAPTER 395-X-6
FUNERAL ESTABLISHMENT REQUIREMENTS

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395-X-6-.09 Crematory "New Rule"

- (1) Before a funeral establishment may begin operating a crematory, the establishment shall comply with all the statutes and regulations as stated in Title 34, Chapter 13, Code of Ala. 1975 and Administrative Code 395.
- (2) A funeral establishment operating a crematory in this state before October 1, 2017 shall be required to meet the current crematory facilities statutes and regulations requirements if any of the following occur:
 - (a) Major structural renovation are made to the crematory facility that includes the addition of square footage or redesign of the facility.
 - (b) Installation of an additional cremation chamber or the relocation of an existing chamber.
 - (c) The establishment closes and reopens.
- (3) The cremation chamber must be:
 - (a) Reasonable clean and free of excessive residue
 - (b) Fully operational with a working thermostat

Author: Charles M. Perine

Statutory Authority: Code of Ala. 1975, §§34-13-26, 34-13-120.

History: New Rule: Filed July 14, 2017