

Effective 5/3/2023

58-9-610 Cremation procedures.

- (1) A funeral service establishment may not cremate human remains until the funeral service establishment:
 - (a) completes and files a death certificate with the office of vital statistics and the county health department as indicated on the regular medical certificate of death or the coroner's certificate; and
 - (b) complies with the provisions of Section 26B-8-230.
- (2)
 - (a) A funeral service establishment may not cremate human remains with a pacemaker or other battery-powered, potentially hazardous implant in place.
 - (b)
 - (i) An authorizing agent for the cremation of human remains is responsible for informing the funeral service establishment in writing on the cremation authorization form about the presence of a pacemaker or other battery-powered, potentially hazardous implant in the human remains to be cremated.
 - (ii)
 - (A) Except as provided in Subsection (2)(b)(ii)(B), the authorizing agent is responsible to ensure that a pacemaker or other battery-powered, potentially hazardous implant is removed prior to cremation.
 - (B) If the authorizing agent informs the funeral service establishment of the presence of a pacemaker or other battery-powered, potentially hazardous implant under Subsection (2)(b)(i), and the funeral service establishment fails to have the pacemaker or other battery-powered, potentially hazardous implant removed prior to cremation, then the funeral service establishment is liable for all resulting damages.
- (3) Only authorized persons are permitted in the crematory while human remains are in the crematory area awaiting cremation, being cremated, or being removed from the cremation chamber.
- (4)
 - (a) Simultaneous cremation of the human remains of more than one person within the same cremation chamber or processor is not allowed, unless the funeral service establishment has received specific written authorization to do so from the authorizing agent of each person to be cremated.
 - (b) The written authorization, described in Subsection (4)(a), exempts the funeral license establishment from liability for co-mingling of the cremated remains during the cremation process.
- (5) A funeral service establishment shall:
 - (a) verify the identification of human remains as indicated on a cremation container immediately before placing the human remains in the cremation chamber;
 - (b) attach a metal identification tag to the cremation container;
 - (c) remove the identification tag from the cremation container; and
 - (d) place the identification tag near the cremation chamber control where the identification tag shall remain until the cremation process is complete.
- (6) Upon completion of a cremation, the funeral service establishment shall:
 - (a) in so far as is possible, remove all of the recoverable residue of the cremation process from the cremation chamber;

- (b) separate all other residue from the cremation process from remaining bone fragments, in so far as possible, and process the bone fragments so as to reduce them to unidentifiable particles; and
 - (c) remove anything other than the unidentifiable bone particles from the cremated residuals, as far as is possible, and dispose of that material.
- (7)
- (a) A funeral service establishment shall pack cremated remains, including the identification tag described in Subsection (5), in a temporary container or urn ordered by the authorizing agent.
 - (b) The container or urn shall be packed in clean packing materials and not be contaminated with any other object, unless otherwise directed by the authorizing agent.
 - (c) If the cremated remains cannot fit within the designated temporary container or urn, the funeral service establishment shall:
 - (i) return the excess to the authorizing agent or the agent's representative in a separate container; and
 - (ii) mark both containers or urns on the outside with the name of the deceased person and an indication that the cremated remains of the named decedent are in both containers or urns.
- (8)
- (a) If the cremated remains are to be shipped, then the funeral services establishment shall pack the designated temporary container or urn in a suitable, sturdy container.
 - (b) The funeral service establishment shall have the remains shipped only by a method that:
 - (i) has an available internal tracing system; and
 - (ii) provides a receipt signed by the person accepting delivery.

Amended by Chapter 328, 2023 General Session