

1 AN ACT relating to cremation.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 367.97501 is amended to read as follows:

4 As used in KRS 367.97501 to 367.97537, unless the context requires otherwise:

5 (1) **"Alkaline hydrolysis" means the process of using water and chemical**  
6 **compounds to reduce human remains to bone.**

7 (2) "Authorizing agent" means the person legally entitled to order the cremation of the  
8 human remains.

9 (3)~~(2)~~ "Casket" means a rigid container which is designed for the encasement of  
10 human remains constructed of wood, metal, or other material.

11 (4)~~(3)~~ "Closed container" means a sealed container or urn in which cremated remains  
12 are placed and enclosed in a manner that prevents leakage or spillage of cremated  
13 remains or the entrance of foreign material.

14 (5)~~(4)~~ "Cremated remains" means the fragments remaining after the cremation  
15 process has been completed.

16 (6)~~(5)~~ "Cremation" means the ~~heating~~ process that reduces human remains to bone  
17 fragments through:

18 (a) Combustion and evaporation; **or**

19 (b) **Alkaline hydrolysis.**

20 (7)~~(6)~~ "Cremation authorization form" means a form promulgated by administrative  
21 regulation of the Attorney General that expresses consent to the decedent's  
22 cremation. The form shall include information concerning the parties' rights and  
23 responsibilities.

24 (8)~~(7)~~ "Cremation chamber" means an enclosed space designed and manufactured  
25 for the purpose of cremating human remains.

26 (9)~~(8)~~ "Cremation container" means a container in which human remains may be  
27 delivered to a crematory for cremation that is:

- 1 (a) Rigid enough to support the weight of the corpse, closed, and leakproof;
- 2 (b) ~~{Composed of a combustible material or other material approved by the~~  
 3 ~~crematory authority; and~~
- 4 (c) ~~{~~A proper and dignified covering for the human remains; **and**

5 **(c) Composed of:**

- 6 **1. A combustible material or other material approved by the crematory**  
 7 **authority for combustion cremation; or**
- 8 **2. A biodegradable material or other material approved by the crematory**  
 9 **authority for alkaline hydrolysis cremation.**

10 **(10)**~~{(9)}~~ "Crematory authority" means the legal entity which is licensed by the Attorney  
 11 General to operate a crematory and conduct cremations. Crematory authority does  
 12 not include state university health science centers.

13 **(11)**~~{(10)}~~ "Crematory" means a fixed building or structure that contains one (1) or more  
 14 cremation chambers for the reduction of bodies of deceased persons to cremated  
 15 remains. "Crematory" includes crematorium.

16 **(12)**~~{(11)}~~ "Crematory operator" means the person in charge of a licensed crematory  
 17 authority.

18 **(13)**~~{(12)}~~ "Declaration" has the same meaning as in KRS 367.93101.

19 **(14)**~~{(13)}~~ "Holding facility" means an area designated for the retention of human  
 20 remains prior to cremation.

21 **(15)**~~{(14)}~~ "Human remains" means the body of a deceased person or part of a body or  
 22 limb that has been removed from a living person, in any state of decomposition,  
 23 prior to cremation.

24 **(16)**~~{(15)}~~ "Pathological waste" means human tissues, organs, and blood or body fluids,  
 25 in liquid or semiliquid form that are removed from a person for medical purposes.  
 26 "Pathological waste" does not include amputations.

27 **(17)**~~{(16)}~~ "Processed remains" means the end result of pulverization, by which the

1 residual from the cremation process is reduced and cleaned leaving only fragments  
2 reduced to unidentified dimensions.

3 ~~(18)~~~~(17)~~ "Retort operator" means a person operating a cremation chamber.

4 ~~(19)~~~~(18)~~ "Scattering area or garden" means an area which may be designated by a  
5 cemetery and located on a dedicated cemetery property where cremated remains  
6 which have been removed from their container can be mixed with or placed on top  
7 of the soil or ground cover.

8 ~~(20)~~~~(19)~~ "Temporary container" means a receptacle for cremated remains, usually made  
9 of plastic, cardboard, ceramics, plastic film, wood, or metal, designed to prevent the  
10 leakage of processed remains or the entrance of foreign materials which will hold  
11 the cremated remains until an urn or other permanent container is acquired.

12 ➔Section 2. KRS 367.97514 is amended to read as follows:

13 (1) The simultaneous cremation of the remains of more than one (1) individual within  
14 the same cremation chamber is specifically declared unlawful. The fact that  
15 incidental and unavoidable residue remains in the cremation chamber or other  
16 equipment or any container used in a prior cremation is not a violation of this  
17 section.

18 (2) No human remains delivered to a crematory shall be removed from the cremation  
19 container, and the cremation container shall be cremated with the human remains.  
20 The identification from the outside of the cremation container shall be removed and  
21 placed near the cremation chamber control panel where it shall remain in place until  
22 the cremation process is complete.

23 (3) A body shall not be cremated with a pacemaker or other potentially hazardous  
24 implant, including any toxic or explosive-type sealed implants, in place. If the  
25 authorizing agent is the decedent, the declarant shall disclose the existence of any  
26 pacemaker or other hazardous implants to the crematory authority, or in the event  
27 there is no declaration, then the next class of authorizing agent in the order set forth

1 in KRS 367.93117~~[367.97501(1)]~~ shall be responsible for disclosing the existence  
2 of any pacemaker or other hazardous implants to the crematory authority.

3 (4) No crematory authority or any person employed by or acting on behalf of a  
4 crematory authority shall remove or possess dental gold or dental silver from any  
5 human remains. The fact that there is incidental and unavoidable dental gold or  
6 dental silver remains in the cremation chamber, in other equipment, or in any  
7 container used in a prior cremation is not a violation of this section.

8 (5) The crematory or crematorium shall be secure from access by unauthorized persons.

9 (6) The crematory retort operator shall have at least forty eight (48) hours of on the job  
10 training supervised by the crematory operator, with verification of this training  
11 having been filed with the Attorney General.

12 ➔Section 3. KRS 316.010 is amended to read as follows:

13 As used in this chapter, unless the context requires otherwise:

14 (1) "Apprentice" means a person engaged in learning the practice of embalming or  
15 funeral directing who is under the instruction and personal supervision of a  
16 Kentucky-licensed embalmer or a Kentucky-licensed funeral director;

17 (2) "Board" means the Kentucky Board of Embalmers and Funeral Directors;

18 (3) "Direct burial" means the pick-up, transport, and interment of a dead human body or  
19 body parts without a funeral;

20 (4) "Embalmer" means a person who preserves, restores, and disinfects dead human  
21 bodies by the application of chemical substances either externally or internally, or  
22 both;

23 (5) "Embalming service establishment" means a place of business where dead human  
24 bodies are embalmed or otherwise prepared or held for burial. An embalming  
25 service establishment shall not arrange or conduct a funeral or direct burial. An  
26 embalming service establishment may arrange for and transport dead human bodies  
27 only under the following circumstances:

- 1 (a) On behalf of a full-service funeral establishment;
- 2 (b) On behalf of a visitation and ceremonial funeral establishment; or
- 3 (c) At the direction of a coroner;
- 4 (6) "Funeral" means the ceremonies or services related to the final disposition and
- 5 interment of a human body or body parts;
- 6 (7) "Full-service funeral establishment" means a place of business where dead human
- 7 bodies may be embalmed or otherwise prepared and held for burial and where
- 8 funeral services may be arranged, provided, and conducted;
- 9 (8) "Funeral director" means a person who, for profit, engages in or represents himself
- 10 or herself as engaged in the supervision, direction, and arrangement of funeral
- 11 services, transportation, burials, and disposals of dead human bodies;
- 12 (9) "Funeral establishment" or "establishment" means:
- 13 (a) A full-service funeral establishment;
- 14 (b) An embalming service establishment; or
- 15 (c) A visitation and ceremonial funeral service establishment;
- 16 (10) "Memorial service" means a ceremony or service held in honor of a deceased
- 17 human being at which there are no human remains, as defined in KRS
- 18 367.97501~~[(14)]~~ present, and for which no license is required;
- 19 (11) "Person," as used in this chapter, includes but is not limited to an individual,
- 20 partnership, firm, association, or corporation;
- 21 (12) "In use" means that funeral directing or embalming is taking place in a funeral
- 22 establishment;
- 23 (13) "Courtesy card" means a card that is issued by the board to a funeral director or an
- 24 embalmer from another state that gives the director or embalmer permission to
- 25 receive and transport a dead human body to and from Kentucky for a funeral and to
- 26 conduct funeral services and burials in Kentucky;
- 27 (14) "Supervision" means responsibility for the professional activities of the funeral

1 establishment that requires a Kentucky-licensed funeral director or a Kentucky-  
2 licensed embalmer, as appropriate, to be on the premises when the funeral  
3 establishment is in use. If the Kentucky-licensed funeral director or the Kentucky-  
4 licensed embalmer is unable to be on the premises due to a reasonable  
5 circumstance, then the Kentucky-licensed funeral director or the Kentucky-licensed  
6 embalmer shall be within a reasonable proximity to the funeral establishment so that  
7 upon contact the funeral director or embalmer is able to immediately return to the  
8 funeral establishment; and

9 (15) "Visitation and ceremonial funeral service establishment" means a location from  
10 which a funeral establishment may provide all services except embalming within  
11 either the same or adjoining county as that served by an affiliated full-service  
12 funeral establishment. The visitation and ceremonial funeral service establishment  
13 shall be owned in whole or in part by the affiliated full-service funeral  
14 establishment, and shall be located sufficiently close to the full-service funeral  
15 establishment to share administration and services in a manner that renders it  
16 unnecessary for the visitation and ceremonial funeral service establishment to  
17 independently meet the minimum licensure requirements for a full-service funeral  
18 establishment. A full-service funeral establishment may own and operate more than  
19 one (1) visitation and ceremonial funeral service establishment.