



ADMINISTRATIVE RULES OF MONTANA



24.147.1112 CREMATORY PROHIBITIONS

- (1) Crematories, crematory operators, and crematory technicians shall not:
 - (a) engage in mortuary science as defined in 37-19-101, MCA;
 - (b) commingle human remains from more than one person unless authorized per 37-19-705, MCA, and ARM 24.147.1107;
 - (c) cremate fetuses, limbs, and body parts from private or public health agencies, medical doctors, or colleges and universities, without:
 - (i) required federal, state, and local permits; and
 - (ii) cremation authorizations as described in ARM 24.147.301 and 24.147.1107;
 - (d) use the same cremation chamber for the cremation of human remains and animals;
 - (e) accept prepayment for cremation services, unless covered in a prepaid funeral agreement executed by a mortician per 37-19-903, MCA;
 - (f) require that human remains be placed in any particular container other than a basic combustible container, including but not limited to a casket, before cremation;
 - (g) require that cremated remains be placed in a cremation urn, cremation vault, or receptacle designed to permanently encase the cremated remains;
 - (h) remove any dental gold, jewelry, medical devices, body parts, or other items of value from human remains prior to the cremation or from the cremated remains after cremation, unless the cremation authorization form described in ARM 24.147.301 and 24.147.1107 specifically authorizes such removal; or
 - (i) knowingly cremate human remains with a potentially hazardous implant in place.
- (2) Only the following persons are permitted in the cremation chamber area of a crematory while any human remains are being placed within the cremation chamber, being cremated, or being removed from the cremation chamber:
 - (a) persons authorized by the crematory operator-in-charge;
 - (b) department and board personnel; and
 - (c) persons having the right of disposition under 37-19-904, MCA, who request to witness a cremation.

- (3) Crematories which dispose of unclaimed remains per 37-19-706, MCA, and ARM 24.147.1111 must dispose of remains in a recoverable manner, such as burial in a grave, crypt, or niche.

Authorizing statute(s): 37-19-202, 37-19-703, MCA

Implementing statute(s): 37-19-101, 37-19-703, 37-19-704, 37-19-705, 37-19-706, 37-19-707, 37-19-708, MCA

History: NEW, 1993 MAR p. 2670, Eff. 11/11/93; TRANS, from Commerce, 2002 MAR p. 790; AMD, 2014 MAR p. 2017, Eff. 9/5/14; AMD, 2020 MAR p. 670, Eff. 4/18/20.