



ADMINISTRATIVE RULES OF MONTANA



24.147.1111 CREMATION PROCEDURES

- (1) In addition to the requirements and procedures in 37-19-704 through 37-19-706, MCA, and the rules in this subchapter, crematories must comply with this rule.
- (2) A crematory must have the following authorizations in its possession before a crematory operator or crematory technician can begin cremation:
 - (a) ART form as defined in ARM 24.147.302;
 - (b) cremation authorization form as described in ARM 24.147.1107; or
 - (c) if applicable, one of the following:
 - (i) preneed cremation authorization executed in accordance with 37-19-708, MCA;
 - (ii) disposition directions from a prepaid funeral contract as described in 37-19-903, MCA; or
 - (iii) at-need cremation authorization.
- (3) Unembalmed human remains held longer than 48 hours after the time of death must be refrigerated per ARM 37.116.103.
- (4) Human remains not cremated by a crematory operator or crematory technician immediately upon receipt per 37-19-705, MCA, or ARM 24.147.1111 must be held in a holding facility marked "private" or "authorized personnel only."
- (5) When processing cremated remains following cremation, crematory operators and crematory technicians shall:
 - (a) commingle cremated human remains only if authorized by the authorizing agent in the cremation authorization form;
 - (b) remove the recoverable residual of the cremation process from the cremation chamber and sweep the cremation chamber clean;
 - (c) separate, collect, and secure for permanent waste disposal in a container designed to avoid loss or exposure of the contents, any nonhuman residue, such as dental fillings or nonhazardous medical implants, unless such items, if reasonably identifiable, are directed to be returned to the authorizing agent;
 - (d) process remaining bone fragments to unidentifiable particles and place the particles and all remaining residue from (b) in a container as described in ARM 24.147.1110. If the cremated remains:

- (i) do not adequately fill the interior dimensions of the temporary container or urn, the crematory operator or crematory technician may fill the extra space with packing material that will not become intermingled with the cremated remains; and/or
 - (ii) do not fit within one temporary container or urn, the crematory operator or crematory technician must use an additional temporary container or urn per 37-19-705, MCA. The temporary container(s) and/or urn(s) must further be labeled "1 of 2" and "2 of 2."
- (6) Cremated remains being shipped shall be shipped per 37-19-705(10) through (13), MCA. Additionally:
 - (a) the shipping container must be labelled "CREMATED REMAINS"; and
 - (b) if there are multiple temporary containers and/or urns containing the same decedent's remains, the crematory operator or crematory technician must place temporary containers and/or urns within the same shipping container.
- (7) Crematories which dispose of unclaimed remains per 37-19-706(2), MCA, must maintain a record of the disposition and may issue an invoice to the authorizing agent to recover the costs of the disposition.

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

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

History: NEW, 1993 MAR p. 2670, Eff. 11/11/93; AMD, 1998 MAR p. 2959, Eff. 11/6/98; AMD, 2000 MAR p. 1630, Eff. 6/30/00; 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.