



ADMINISTRATIVE RULES OF MONTANA



24.147.1101 CREMATORY LICENSES, TEMPORARY PERMITS, AND OPERATION STANDARDS

- (1) Crematories may not operate unless they have:
 - (a) been issued a license or temporary permit; and
 - (b) designated a crematory operator-in-charge per these rules. The board must be notified of any change of crematory operator-in-charge per the requirements of ARM 24.147.409.
- (2) Applicants for licensure as a crematory must submit a completed application on forms provided by the department. Completed applications include appropriate fees and required documentation.
- (3) Applicants for licensure as a crematory must:
 - (a) designate a crematory operator-in-charge;
 - (b) apply for a temporary permit; and
 - (c) once a temporary permit has been issued, pass an initial inspection by a board-designated inspector per ARM 24.147.403. The inspection is based on the operation standards described in these statutes and rules.
- (4) Applicants for licensure of an existing crematory with a change in ownership must meet the applicable requirements in ARM 24.147.407 in addition to the requirements listed in (2) and (3).
- (5) Applicants for relocation of an existing crematory license must meet the applicable requirements in ARM 24.147.407 in addition to the requirements listed in (2) and (3).
- (6) Crematories must meet the following minimum operation requirements:
 - (a) all crematory employees must be licensed per 37-19-702, MCA;
 - (b) comply with all local, state, and federal laws and rules pertaining to the operation of a crematory;
 - (c) have floors and walls constructed of an impervious material to allow cleaning and disinfection of these surfaces;
 - (d) maintain the crematory and all related cremation equipment after each use in a clean and sanitary condition;
 - (e) conduct appropriate maintenance and safe operation of equipment used in cremations;
 - (f) post signs near telephones and in the vicinity of the retort to direct staff to call 911 in a fire or other emergency; and

- (g) display the facility license and licenses of all staff in a conspicuous place so they can be seen by members of the public. Personal addresses on licenses may be covered.
- (7) Crematories must obtain and maintain all applicable local, state, and federal permits or licenses, including, but not limited to, those relating to:
 - (a) business;
 - (b) zoning;
 - (c) building codes (including plumbing, electrical, and mechanical);
 - (d) fire codes;
 - (e) air quality; and
 - (f) water quality.
- (8) Crematories must have procedures to ensure:
 - (a) proper authorization to cremate exists; and
 - (b) the identification of:
 - (i) remains awaiting cremation;
 - (ii) remains in the cremation chamber;
 - (iii) cremated remains in the processing station; and
 - (iv) the urns or containers holding the cremated remains.
- (9) Crematories must notify the board of any changes in equipment described in 37-19-703, MCA, within ten days.

Authorizing statute(s): 37-1-131, 37-19-202, 37-19-703, MCA

Implementing statute(s): 37-1-131, 37-19-702, 37-19-703, 37-19-704, 37-19-705, 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, 2004 MAR p. 1622, Eff. 7/23/04; AMD, 2005 MAR p. 650, Eff. 4/29/05; AMD, 2006 MAR p. 1169, Eff. 5/5/06; AMD, 2014 MAR p. 2017, Eff. 9/5/14; AMD, 2018 MAR p. 440, Eff. 2/24/18.