

Cremation Issue Chart

ARKANSAS



ISSUE: IDENTIFICATION OF DECEASED			
Law/Regulation	Is ID Required?	Information Required for ID	Any Restrictions/Limitations
Rule IV 4. Authorization and Recordkeeping	Yes	<p>1. Except as otherwise provided in this section, a crematory authority shall not cremate human remains until it has received:</p> <p>a. A cremation authorization form signed by an authorizing agent and which identifies the funeral director arranging the cremation. The cremation authorization form shall be provided by the crematory authority and should contain the following information:</p> <p>(a) The identity of the human remains;</p> <p>(b) The name of the authorizing agent and the relationship between the authorizing agent and the deceased;</p> <p>(c) Authorization for the crematory authority to cremate the human remains;</p> <p>(d) Cremation Final Disposition Rights Form or a representation that the authorizing agent is aware of no objection to the human remains being cremated by any person who has a right to control the disposition of the human remains; and</p> <p>(e) The name of the person authorized to claim the remains from the crematory authority.</p>	
ISSUE: ALTERNATIVE CONTAINER FOR CREMATION			
Law/Regulation	Is It Required?	Definition of Alternative Container	
RULE I - DefinitionsCremation Container	Yes	<p># 15 The container in which the human remains are placed in the cremation chamber for a cremation and which should be required by the cremation authority if the remains are not in a casket. A cremation container should meet substantially all of the following standards:</p> <p>1. Be composed of readily combustible materials suitable for cremations;</p> <p>2. Be able to be closed in order to provide a complete covering for the human remains;</p> <p>3. Be resistant to leakage or spillage;</p> <p>4. Be rigid enough for handling with ease; and</p> <p>5. Be able to provide protection for the health, safety and personal integrity of crematory personnel.</p>	

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ISSUE: URN		
Law/Regulation	Any requirements for Urn/ Temporary Container	Definition of Urn/Temporary Container
Rule 1 Definitions; 40 & 41	If the cremated remains are to be shipped, the temporary container or designated receptacle ordered by the authorizing agent shall be packed securely in a suitable, sturdy container which is not fragile and is sealed properly. Cremated remains shall be shipped only by a method which has an internal tracing system available and which provides a receipt signed by the person accepting delivery.	40. TEMPORARY CONTAINER - A temporary container is a receptacle for cremated remains usually made of cardboard, plastic film or similar material designed to hold the cremated remains until an urn or other permanent container is acquired. 43. URN - A receptacle designed to permanently encase the cremated remains.
ISSUE: AUTHORIZING AGENT		
Law/Regulation	Legal Order of Authorizing Agent	
§ 20-17-102 - Arkansas Final Disposition	<p>(a) (1) This section may be cited as the "Arkansas Final Disposition Rights Act of 2009". (2) For purposes of this section, "final disposition" means the burial, interment, cremation, removal from Arkansas, or other authorized disposition of a dead body or fetus. (b) (1) An individual of sound mind and eighteen (18) or more years of age may execute at any time a declaration specifying the final disposition of his or her bodily remains at his or her death, provided the disposition is in accordance with existing laws, rules, and practices for disposing of human remains. (2) The declaration of final disposition executed under this section shall be signed by the declarant or another at the declarant's direction and shall be witnessed by two (2) individuals. (3) No additional consent of any other person is required if the declaration of final disposition contains a disposition authorized under this section and is otherwise valid under this section. (c) No person having possession, charge, or control of the declarant's human remains following the death of a person who has executed a declaration of final disposition shall knowingly dispose of the body in a manner inconsistent with the declaration. (d) (1) The right to control the disposition of the remains of a deceased person, the location, manner, and conditions of disposition, and arrangements for funeral goods and services to be provided vests in the following in the order named, provided such person is eighteen (18) years of age or older and is of sound mind: (A) First, a person appointed by the decedent in the decedent's declaration of final disposition executed before his or her death, in accordance with this section; (B) Second, the surviving spouse; (C) Third, the sole surviving child of the decedent or if there is more than one (1) child of the decedent, the majority of the surviving children; (D) (i) Fourth, the surviving parent or parents of the decedent. (ii) If one (1) of the surviving parents is absent, the remaining parent shall be vested with the rights and duties of this section after reasonable efforts have been unsuccessful in locating the absent surviving parent; (E) Fifth, the surviving brother or sister of the decedent or if there is more than one (1) sibling of the decedent, the majority of the surviving siblings; (F) Sixth, the surviving grandparent of the decedent or if there is more than one (1) surviving grandparent, the majority of the grandparents; (G) Seventh, the surviving grandchild of the decedent or if there is more than one (1) surviving grandchild, the majority of the grandchildren; (H) Eighth, the guardian of the person of the decedent at the time of the decedent's death, if one had been appointed; (I) Ninth, the person in the classes of the next degree of kinship, in descending order, under the laws of descent and distribution to inherit the estate of the decedent.</p>	

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ISSUE: FINAL DISPOSITION	
Law/Regulation	Any Guidelines or Requirements of Disposition of Cremated Remains Including Mailing Requirements
<p>Rule IV 4. FUNERAL ESTABLISHMENT TYPE C- CREMATORY - DISPOSITION OF CREMATED REMAINS</p>	<p>The authorizing agent shall be required to provide the person with whom cremation arrangements are made with a signed statement specifying the disposition of the cremated remains. A copy of this statement shall be retained by the crematory authority.</p> <p>The authorizing agent is responsible for the disposition of the cremated remains. If, after a period of ninety (90) days from the date of cremation, the authorizing agent or his representative has not specified the ultimate disposition or claimed the cremated remains, the disposition authority or the person in possession of the cremated remains may dispose of the cremated remains in any manner permitted by law. The authorizing agent shall be responsible for reimbursing the disposition authority for all reasonable expenses incurred in disposing of the cremated remains pursuant to this section. A record of such disposition shall be made and kept by the person making such disposition.</p> <p>In addition to disposing of cremated remains in a crypt, niche, grave or scattering garden located in a dedicated cemetery, or by scattering over uninhabited public lands, the sea or other public waterways pursuant to subsection F, cremated remains may be disposed of in any manner on the private property of a consenting owner, upon direction of the authorizing agent. If cremated remains are to be disposed of on private property, other than dedicated cemetery property, the authorizing agent shall provide the disposition authority with the written consent of the property owner.</p> <p>Except with the express written permission of the authorizing agent no person shall: Dispose of or scatter cremated remains in such a manner or in such a location that the cremated remains are commingled with those of another person. The provisions of this paragraph shall not apply to the scattering of cremated remains at sea or by air from individual closed containers or to the scattering of cremated remains in an area located in a dedicated cemetery and used exclusively for such purposes.</p> <p>Place cremated remains of more than one person in the same closed container. This paragraph shall not apply to placing the cremated remains of members of the same family in a common closed container designed for the cremated remains of more than one person.</p> <p>Cremated remains shall be delivered by the crematory authority to the individual specified by the authorizing agent on the cremation authorization form. The representative of the crematory authority and the individual receiving the cremated remains shall sign a receipt indicating the name of the deceased, and the date, time and place of the receipt. The crematory authority shall retain a copy of this receipt. After this delivery, the cremated remains may be transported in any manner in this state, without permit, and disposed of in accordance with the provisions of Arkansas law and these rules and regulations.</p> <p>Cremated remains may be scattered over uninhabited public lands, a public waterway or sea, subject to the health and environmental standards, or on the private property of a consenting owner pursuant to Subsection C, if they are reduced to a particle size of one-eighth (1/8) inch or less. A person may utilize a boat or airplane to perform such scattering. Cremated remains shall be removed from their closed container before they are scattered.</p>