

Cremation Issue Chart

NORTH CAROLINA



ISSUE: IDENTIFICATION OF DECEASED			
Law/Regulation	Is ID Required?	Information Required for ID	Any Restrictions/Limitations
§ 90-210.129. Cremation procedures	Yes	<p>(a) For any death occurring in North Carolina certified by the attending physician or other person authorized by law to sign a death certificate under the supervision of a physician, the body shall not be cremated before the crematory licensee receives a death certificate signed by the person authorized to sign the death certificate, which shall contain at a minimum the following information:</p> <ul style="list-style-type: none"> (1) Decedent's name; (2) Date of death; (3) Date of birth; (4) Sex; (5) Place of death; (6) Facility name (if not institution, give street and number) (7) County of death; (8) City of death; and (9) Time of death (if known). 	
ISSUE: ALTERNATIVE CONTAINER FOR CREMATION			
Law/Regulation	Is It Required?	Definition of Alternative Container	
§ 90-210.121. Definitions.	Yes	<p>(9) "Cremation container" means the container in which the human remains are transported to the crematory or placed therein upon arrival for storage and placement in a cremation chamber for cremation. A cremation container shall comply with all of the following standards:</p> <ul style="list-style-type: none"> Be composed of readily combustible materials suitable for cremation; Be able to be closed in order to provide a complete covering for the human remains; <ul style="list-style-type: none"> Be resistant to leakage or spillage; Be rigid enough for handling with ease; Be able to provide protection for the health, safety, and personal integrity of crematory personnel; 	

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ISSUE: URN		
Law/Regulation	Any requirements for Urn/ Temporary Container	Definition of Urn/Temporary Container
§ 90-210.121. Definitions.		(23) "Urn" means a receptacle designed to permanently encase the cremated remains.
ISSUE: AUTHORIZING AGENT		
Law/Regulation	Legal Order of Authorizing Agent	
§ 90-210.124. Authorizing agent.	<p>(1) An individual at least 18 years of age may authorize the type, place, and method of disposition of the individual's own dead body by methods provided under G.S. 130A-420(a). An individual may delegate his or her right to dispose of his or her own body to any person by one of the methods provided under G.S. 130A-420(a1). When an individual has authorized his or her own cremation and disposition in accordance with this subsection, the individual or institution designated by that individual shall act as the authorizing agent for that individual.</p> <p>(2) If a decedent has left no written authorization for the cremation and disposition of the decedent's body as permitted under subdivision (1) of this subsection, the following competent persons in the order listed may authorize the type, method, place, cremation, and disposition of the decedent's body:</p> <p>The surviving spouse.</p> <p>A majority of the surviving children who are at least 18 years of age and can be located after reasonable efforts.</p> <p>The surviving parents.</p> <p>A majority of the surviving siblings who are at least 18 years of age and can be located after reasonable efforts.</p> <p>A majority of the persons in the classes of the next degrees of kinship, in descending order, who, under State law, would inherit the decedent's estate if the decedent died intestate who are at least 18 years of age and can be located after reasonable efforts.</p> <p>A person who has exhibited special care and concern for the decedent and is willing and able to make decisions about the cremation and disposition.</p> <p>In the case of indigents or any other individuals whose final disposition is the responsibility of the State or any of its instrumentalities, a public administrator, medical examiner, coroner, State-appointed guardian, or any other public official charged with arranging the final disposition of the decedent may serve as the authorizing agent.</p> <p>In the case of individuals who have donated their bodies to science or whose death occurred in a nursing home or private institution and in which the institution is charged with making arrangements for the final disposition of the decedent, a representative of such institution may serve as the authorizing agent in the absence of any of the above.</p> <p>In the absence of any of the above, any person willing to assume responsibility as authorizing agent, as specified in this act.</p>	

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ISSUE: FINAL DISPOSITION	
Law/Regulation	Any Guidelines or Requirements of Disposition of Cremated Remains Including Mailing Requirements
§ 90-210.130. Final disposition of cremated remains.	<p>(a) The authorizing agent shall provide the person with whom cremation arrangements are made with a signed statement specifying the ultimate disposition of the cremated remains, if known. The crematory licensee may store or retain cremated remains as directed by the authorizing agent. Records of retention and disposition of cremated remains shall be kept by the crematory licensee pursuant to G.S. 90-210.127.</p> <p>(b) The authorizing agent is responsible for the disposition of the cremated remains. If, after a period of 30 days from the date of cremation, the authorizing agent or the agent's representative has not specified the final disposition or claimed the cremated remains, the crematory licensee or the person in possession of the cremated remains may release the cremated remains to another family member upon written notification to the authorizing agent delivered by certified mail or dispose of the cremated remains only in a manner permitted in this section. The authorizing agent shall be responsible for reimbursing the crematory licensee for all reasonable expenses incurred in disposing of the cremated remains pursuant to this section. A record of such NC General Statutes - Chapter 90 Article 13F 15 disposition shall be made and kept by the person making the disposition. Upon disposing of cremated remains in accordance with this section, the crematory licensee or person in possession of the cremated remains shall be discharged from any legal obligation or liability concerning such cremated remains.</p> <p>e) Cremated remains shall be released by the crematory licensee to the individual specified by the authorizing agent on the cremation authorization form. The representative of the crematory licensee 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, and contain a representation that the handling of the final disposition will be in a proper manner. After this delivery, the cremated remains may be transported in any manner in this State, without a permit, and disposed of in accordance with the provisions of this Article.</p> <p>(f) Cremated remains may be scattered over uninhabited public land, over a public waterway or sea, subject to health and environmental standards, or on the private property of a consenting owner pursuant to subsection (c) of this section. 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>