

645—100.1(156) Definitions.

“Alternative container” means an unfinished wood box or other nonmetal receptacle or enclosure, without ornamentation or a fixed interior lining, which is designed for the encasement of human remains and which is made of fiberboard, pressed wood, composition materials (with or without an outside covering) or like materials which prevents the leakage of body fluid.

“Authorized person” means that person or persons upon whom a funeral director may reasonably rely when making funeral arrangements including, but not limited to, embalming, cremation, funeral services, and the disposition of human remains. In the absence of a contrary court order, a funeral director may reasonably rely upon any available member of the following classes of persons, in the order of priority listed:

1. The spouse of the decedent if not legally separated from the decedent.
2. The decedent’s surviving adult children. If there is more than one adult child, any adult child who can confirm in writing the notification of all other adult children may serve as the authorizing agent, unless the funeral director or crematory authority receives any objection from another adult child. Alternatively, a majority of the surviving adult children of the decedent whose whereabouts are reasonably ascertainable.
3. The surviving parents of the decedent whose whereabouts are reasonably ascertainable.
4. The decedent’s surviving adult grandchildren. If there is more than one adult grandchild, any adult grandchild who can confirm in writing the notification of all other adult grandchildren may serve as the authorizing agent, unless the funeral director or crematory authority receives any objection from another adult grandchild. Alternatively, a majority of the surviving adult grandchildren of the decedent whose whereabouts are reasonably ascertainable.
5. An adult sibling of the decedent. If there is more than one adult sibling, any adult sibling who can confirm in writing the notification of all other adult siblings may serve as the authorizing agent, unless the funeral director or crematory authority receives any objection from another adult sibling. Alternatively, a majority of the surviving adult siblings of the decedent whose whereabouts are reasonably ascertainable.
6. A grandparent of the decedent. If there is more than one grandparent, any grandparent who can confirm in writing the notification of all other grandparents may serve as the authorizing agent, unless the funeral director or crematory authority receives any objection from another grandparent. Alternatively, a majority of the surviving grandparents of the decedent whose whereabouts are reasonably ascertainable.
7. Other adult person in the next degree of kinship in the order named by law to inherit the estate of the decedent under the rules of inheritance for intestate succession.
8. The county medical examiner, if responsible for the decedent’s remains.

A funeral director may await court order before finalizing the funeral arrangements if the funeral director is aware of a dispute between the authorized person or persons who would be in a priority position under the definition of “authorized person” in this rule and the executor named in the decedent’s will or a personal representative appointed by a court, or is aware of a dispute among authorized persons within the same priority classification.

“Autopsy” means the postmortem examination of a human remains.

“Board” means the board of mortuary science.

“Body parts” means appendages or other portions of the anatomy that are from a human body.

“Burial.” See *“Interment.”*

“Burial transit permit” means a legal document authorizing the removal and transportation of a human remains.

“Casket” means a rigid container which is designed for the encasement of human remains and which is usually constructed of wood, metal, fiberglass, plastic or like material and ornamented and lined with fabric.

“Cemetery” means an area designated for the final disposition of human remains.

“Change of ownership” means a change of controlling interest in a funeral establishment or crematory establishment.

“*Columbarium*” means a structure, room or space in a mausoleum or other building containing niches or recesses for disposition of cremated remains.

“*Common carrier*” means any carrier engaged in the business of transportation of persons or property from place to place for compensation, and who offers services to the public generally.

“*Communicable disease*” means an illness due to a specific infectious agent or its toxic products that arises through transmission of that agent or its products from an infected person, animal or inanimate reservoir to a susceptible host; either directly or indirectly through an intermediate plant or animal host, vector or the inanimate environment.

“*Cremated remains*” means all the remains of the cremated human body recovered after the completion of the cremation process, including pulverization which leaves only bone fragments reduced to unidentifiable dimensions and may possibly include the residue of any foreign matter including casket material, bridgework or eye glasses that were cremated with the human remains.

“*Cremation*” means the technical process, using heat and flame, that reduces human remains to bone fragments. The reduction takes place through heat and evaporation. Cremation shall include the processing, and may include the pulverization, of the bone fragments.

“*Cremation authorization form*” means a form, completed and signed, to accompany all human remains accepted for cremation.

“*Cremation chamber*” means the enclosed space within which the cremation takes place.

“*Cremation establishment*” means a place of business which provides any aspect of cremation services.

“*Cremation permit*” means a permit issued by a medical examiner allowing cremation of human remains.

“*Cremation room*” means the room in which the cremation chamber is located.

“*Crematory*” means any person, partnership or corporation that performs cremation.

“*Crypt*” means a chamber in a mausoleum of sufficient size to contain casketed human remains.

“*Custody*” means immediate charge and control exercised by a person or an authority.

“*Dead body.*” See “*Human remains.*”

“*Death certificate*” means a legal document containing vital statistics pertaining to the life and death of the decedent.

“*Decedent.*” See “*Human remains.*”

“*Disinterment*” means to remove human remains from their place of final disposition.

“*Disinterment application*” means a legal document requesting authorization from the department of public health to disinter a casketed human remains or an urn containing cremated remains from its place of final disposition.

“*Disinterment application number*” means the number assigned to a disinterment application by the department of public health, giving the funeral director the authority to disinter a casketed human remains or an urn containing cremated remains from its place of final disposition.

“*Embalming*” means the disinfecting or preserving of dead human remains, entire or in part, by the use of chemical substances, fluids or gases in the body, or by the introduction of same into the body by vascular or hypodermic injections, or by surface application into or on the organs or cavities for the purpose of preservation or disinfection.

“*Entombment*” means to place a casketed body or an urn containing cremated remains in a structure such as a mausoleum, crypt, tomb or columbarium.

“*Final disposition*” means the burial, interment, cremation, removal from the state, or other disposition of a dead body or fetus.

“*First call*” means the original notification to the funeral director indicating the place of death from which the human remains are to be removed.

“*Funeral ceremony*” means a service commemorating the decedent.

“*Funeral director*” means a person licensed by the board to practice mortuary science.

“*Funeral establishment*” means a place of business as defined by the board devoted to providing any aspect of mortuary science.

“*Funeral rule*” means the Federal Trade Commission rule.

“Funeral services” means any services which may be used to (1) care for and prepare deceased human remains for burial, cremation or other final disposition; and (2) arrange, supervise or conduct the funeral ceremony or final disposition of deceased human remains.

“Holding facility” means an area isolated from the general public that is designated for the temporary retention of human remains.

“Human remains” means a deceased human being for which a death certificate or fetal death certificate is required.

“Interment” means to place a casketed human remains or an urn containing cremated remains in the ground.

“Intern” means a person registered by the board to practice mortuary science under the direct supervision of a preceptor certified by the board pursuant to 645—subrule 101.5(2).

“Mausoleum” means an aboveground structure designed for entombment of human remains.

“Medical examiner” means a public official whose primary function is to investigate and determine cause of death when death may be thought to be from other than natural causes.

“Memorial ceremony” means a service commemorating the decedent.

“Niche” means a recess or space in a columbarium or mausoleum used for placement of cremated human remains.

“Outer burial container” means any container which is designed for placement in the ground around a casket or an urn including, but not limited to, containers commonly known as burial vaults, urn vaults, grave boxes, grave liners, and lawn crypts.

“Preparation room” means a room in a funeral establishment where human remains are prepared, sanitized, embalmed or held for ceremonies and final disposition.

“Pulverization” means a process following cremation which reduces identifiable bone fragments into granulated particles.

“Removal” means the act of taking a human remains from the place of death or place where a human remains is being held, to a funeral establishment or other designated place.

“Scattering area” means a designated area where cremated remains may be commingled with other cremated remains.

“Temporary cremated remains container” means a durable receptacle designed for short-term retention of cremated remains.

“Their own dead” refers to the legal authority the authorized person has regarding a human remains.

“Topical disinfection” means the direct application of chemical substances on the surface of a human remains for the purpose of preservation or disinfection.

“Transfer.” See *“Removal.”*

“Universal precautions” means a concept of care based upon the assumption that all blood and body fluids, and materials that have come into contact with blood or body fluids, are potentially infectious.

“Urn” means a receptacle designed for permanent retention of cremated remains.