

**PROFESSIONAL LICENSURE DIVISION[645]**

**Notice of Intended Action**

**Proposing rulemaking related to practice of funeral directors, funeral establishments, and cremation establishments and providing an opportunity for public comment**

The Board of Mortuary Science hereby proposes to rescind Chapter 100, “Practice of Funeral Directors, Funeral Establishments, and Cremation Establishments,” Iowa Administrative Code, and to adopt a new chapter with the same title.

*Legal Authority for Rulemaking*

This rulemaking is proposed under the authority provided in Iowa Code sections 147.36, 147.76 and 156.4.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code chapter 156; 2023 Iowa Acts, Senate File 193; and Executive Order 10 (January 10, 2023).

*Purpose and Summary*

This proposed rulemaking proposes promulgation of Chapter 100. This rulemaking implements Iowa Code chapter 156 and 2023 Iowa Acts, Senate File 193, in accordance with the goals and directives of Executive Order 10. This rulemaking sets minimum standards for licensure as a funeral director and for funeral and cremation establishments in Iowa. Iowa residents, licensees, and employers benefit from the rulemaking because it articulates the processes by which individuals apply for licensure, as directed in statute. This includes the process for initial licensure, renewal, and reinstatement. These requirements ensure public safety by ensuring that any individual entering the public or establishment doing business with the public has minimum competency. Requirements include the application process, minimum educational qualifications, and exam requirements.

Public comments were received from the Iowa Funeral Directors Association (IFDA) in response to the published Regulatory Analysis. Language suggested by the IFDA and pertinent to this chapter is set forth in subrule 100.4(3). Public comments were also received from the mortuary science program chair at Des Moines Area Community College (DMACC), who suggested adding “intern, or removal technician” to subrule 100.3(1) and clarifying that “[if] a registered intern or registered removal technician first takes custody of a decedent, the funeral director from whom they were delegated that authority is responsible for compliance with (record retention)” in rule 645—100.11(156). Those suggested revisions were also incorporated.

*Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rulemaking, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department of Inspections, Appeals, and Licensing for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

*Public Comment*

Any interested person may submit written or oral comments concerning this proposed rulemaking. Written or oral comments in response to this rulemaking must be received by the Department no later than 4:30 p.m. on February 14, 2024. Comments should be directed to:

Emily DeRonde  
Department of Inspections, Appeals, and Licensing  
6200 Park Avenue  
Des Moines, Iowa 50321  
Phone: 515.249.7038  
Email: [emily.deronde@dia.iowa.gov](mailto:emily.deronde@dia.iowa.gov)

*Public Hearing*

Public hearings at which persons may present their views orally or in writing will be held as follows:

February 13, 2024 1:30 p.m.	6200 Park Avenue Des Moines, Iowa
February 14, 2024 1:30 p.m.	6200 Park Avenue Des Moines, Iowa

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 645—Chapter 100 and adopt the following **new** chapter in lieu thereof:

*FUNERAL DIRECTORS*

- CHAPTER 100 PRACTICE OF FUNERAL DIRECTORS, FUNERAL ESTABLISHMENTS, AND CREMATION ESTABLISHMENTS
- CHAPTER 101 LICENSURE OF FUNERAL DIRECTORS, FUNERAL ESTABLISHMENTS, AND CREMATION ESTABLISHMENTS
- CHAPTER 102 CONTINUING EDUCATION FOR FUNERAL DIRECTORS
- CHAPTER 103 RESERVED
- CHAPTER 104 DISCIPLINARY PROCEEDINGS
- CHAPTER 105 ENFORCEMENT PROCEEDINGS AGAINST NONLICENSEES

CHAPTER 100  
PRACTICE OF FUNERAL DIRECTORS, FUNERAL ESTABLISHMENTS,  
AND CREMATION ESTABLISHMENTS

**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, that is designed for the encasement of human remains and that is made of fiberboard, pressed wood, composition materials (with or without an outside covering) or like materials that 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 pursuant to Iowa Code section 144C.5.

*“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 that is designed for the encasement of human remains and that 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.

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

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

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

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

*“Cremation establishment”* means any person, partnership or corporation that is licensed by the board and provides any aspect of cremation services.

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

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

*“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 a human remains from its place of final disposition.

*“Disinterment permit”* means a permit from the department of health and human services that allows the removal of a human remains from its original place of burial, entombment or interment for the purpose of autopsy or reburial.

*“Disinterment permit number”* means the number assigned to a disinterment permit by the department of health and human services, giving the funeral director the authority to remove a human remains from its place of final disposition.

*“Embalming”* means the disinfection or temporary preservation of 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 temporary preservation or disinfection.

“*Embalming record*” means a record completed by the licensed funeral director or registered intern for each body embalmed in Iowa, or otherwise prepared for disposition by the licensee. “Embalming record” includes, at a minimum, a case analysis and a detailed listing of the procedures or treatments or both performed on the deceased.

“*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.

“*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 and licensed by the board devoted to providing any aspect of mortuary science.

“*Funeral rule*” means the Federal Trade Commission Funeral Rule, 16 CFR §453.4, as amended to 1994.

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

“*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 the 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.

“*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 that reduces identifiable bone fragments into granulated particles.

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

“*Removal technician*” means a person registered with the board to perform removals.

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

“*Temporary cremation 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 temporary 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 as prescribed by the Centers for Disease Control and Prevention (CDC).

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

#### **645—100.2(156) Funeral director duties.**

**100.2(1)** Practices requiring a funeral director’s license include but are not limited to:

- a. Removal as specified in rule 645—100.4(142,156).
- b. Embalming human remains as specified in rule 645—100.6(156) and completing embalming records as specified in paragraph 100.11(2) “d.”
- c. Conducting funeral arrangements as specified in subrule 100.7(2).
- d. Conducting funeral services when contracted to do so, including:
  - (1) Direct supervision of visitation and viewing.
  - (2) Funeral and memorial ceremonies.
  - (3) Committal and final disposition services.
- e. Conducting cremation services as specified in rule 645—100.10(156).
- f. Signing death certificates and performing associated duties under Iowa Code chapter 144.

**100.2(2)** *Delegation of professional tasks.*

a. Registered interns. Registered interns may provide funeral director services identified in paragraphs 100.2(1) “a” through “f” under the direct supervision of an Iowa-licensed preceptor. A registered intern will not sign a death certificate.

b. A funeral director may delegate solely the transportation of unembalmed human remains to a registered removal technician pursuant to subrule 100.4(3).

**100.2(3)** CDC universal precautions and OSHA standards. The funeral director will observe current guidelines of universal precautions as prescribed by the Centers for Disease Control (CDC) as well as Occupational Safety and Health Administration (OSHA) standards.

**100.2(4)** Funeral directors who provide mortuary science services from funeral establishments located in another state. A funeral director who holds an active Iowa funeral director’s license and whose practice is conducted from a funeral establishment located in another state may provide mortuary science services in Iowa if the establishment holds a current license in the state in which it is located, if such a license is required.

**100.2(5)** Withholding human remains. A funeral director will not withhold human remains based solely on nonpayment of fees.

**645—100.3(156) Permanent identification tag.**

**100.3(1)** The funeral director, intern, or removal technician who assumes possession of a human remains will attach a permanent identification tag.

**100.3(2)** The identification tag will initially contain, at a minimum, the name of the deceased.

**100.3(3)** Before final disposition, the identification tag will contain the name of the deceased and the date of birth, date of death and social security number of the deceased and the name and license number of the funeral establishment in charge of disposition.

**100.3(4)** The identification tag will be attached to the human remains throughout the entire time the human remains are in the possession of the funeral establishment and will remain with the human remains.

**645—100.4(142,156) Removal and transfer of human remains.**

**100.4(1)** Removal and transfer of human remains. The funeral director will perform the following duties upon notification of a death:

a. Comply with jurisdictional authority, with respect to medicolegal responsibilities, regarding the removal of the human remains.

b. Provide signature and license number when removing a human remains from a hospital, nursing establishment or any other institution involved with the care of the public.

**100.4(2)** After the funeral director has assumed custody of the human remains, the funeral director may delegate the task of transferring the human remains to an unlicensed employee, intern, or agent. Prior to transfer, the funeral director will topically disinfect the body, secure all body orifices to retain all secretions, place the human remains in a leakproof container for transfer that will control odor and prevent the leakage of body fluids, and issue a burial transit permit.

**100.4(3)** A funeral director may delegate the removal and transportation of unembalmed human remains to an unlicensed employee, a removal technician, or an agent without first assuming custody and without topically disinfecting or securing body orifices if all of the following are true:

- a.* The transportation is to or from the medical examiner's office, or otherwise at the direction of the medical examiner;
- b.* The remains are placed in a leakproof container by medical examiner personnel; and
- c.* The employee, removal technician, or agent is issued a burial transit permit or other evidence of authorization.

**100.4(4)** A removal technician referred to in subrules 100.4(2) and 100.4(3) must complete the annual OSHA training related to blood-borne pathogens, training on in-person equipment and disposition of remains; and ethics and professional boundaries.

**645—100.5(135,144) Burial transit permits.** A licensed funeral director may issue a burial transit permit for the removal and transfer of human remains, according to state law and the administrative rules promulgated by the department of health and human services.

**645—100.6(156) Preparation and embalming activities.**

**100.6(1)** The funeral director will perform the following duties prior to and during embalming according to commonly accepted industry standards.

*a.* Obtain authorization for embalming from an authorized person. If permission to embalm cannot be obtained from the authorized person, the funeral director may proceed with the embalming if necessary to comply with subrule 100.6(3).

*b.* Embalm entirely in private. No one except the funeral director, intern, immediate family, or student will be allowed in the preparation room without the written permission of the authorized person. A student must be under the direct physical supervision of the funeral director and currently enrolled and attending a program of mortuary science that is recognized by the board to be allowed in the preparation room without written permission during the embalming.

*c.* Keep the human remains properly covered at all times.

*d.* Conduct a preembalming case analysis of the human remains. Recognize the potential chemical effects on the body and select the proper embalming chemicals based upon the analysis.

*e.* Position the human remains on the preparation table and pose the facial features.

*f.* Select points of drainage and injection, and raise the necessary vessels.

*g.* Embalm by arterial and cavity injection of embalming chemicals. If the condition of the human remains does not allow arterial and cavity injection of embalming chemicals, topical embalming, using appropriate chemicals and procedures, will be performed.

*h.* Evaluate the distribution of the embalming chemicals and perform treatment for discoloration, vascular difficulties, decomposition, dehydration, purge and close any incisions once the arterial and cavity injection of the embalming chemicals is complete.

**100.6(2)** Postembalming activities. The funeral director will perform the following duties at the conclusion of the embalming activities if necessary.

*a.* Pack or otherwise secure all body orifices with material that will absorb and retain all secretions.

*b.* Apply chemicals topically and perform hypodermic treatments.

*c.* Bathe, disinfect and reposition the human remains.

*d.* Clean and disinfect the embalming instruments, equipment and preparation room.

*e.* Perform any restorative treatments.

*f.* Select and apply the appropriate cosmetic treatments.

*g.* Prepare the human remains for viewing.

**100.6(3)** Care of the unembalmed human remains.

*a.* Embalming may be omitted provided that interment or cremation is performed within 72 hours after death or within 24 hours of taking custody if a human remains was previously in the custody of others, whichever is longer.

b. If refrigeration is utilized, embalming or final disposition may be extended up to 72 hours longer than the maximum period provided in paragraph 100.6(3) "a." The body must be kept between 38 and 42 degrees Fahrenheit.

c. If viewing of the unembalmed human remains is requested, the human remains will be topically disinfected and all body orifices will be packed or otherwise secured with material that will absorb and retain all secretions.

**645—100.7(156) Arranging and directing funeral and memorial ceremonies.**

**100.7(1)** *The Federal Trade Commission.* The funeral director will observe current guidelines of the Federal Trade Commission (FTC) funeral rule.

**100.7(2)** *Arrangement conference activities.* If responsible, the funeral director will perform the following duties associated with arranging ceremonies and the final disposition of a human remains.

a. Gather necessary statistical and biographical information relating to the decedent and explain the varied use of the information gathered.

b. Present, discuss and explain the mandated FTC price lists and assist or provide the consumer with:

- (1) The types of ceremony or final disposition.
- (2) The specific goods and services.
- (3) The prices of any goods and services.
- (4) The written, itemized statement of the funeral goods and services.
- (5) A general price list.

At the conclusion of arrangements, the itemized statement will be signed by the purchaser and the funeral director.

**100.7(3)** *Directing of funeral and memorial ceremonies.* If responsible, the funeral director will perform the following duties:

- a. Direct and supervise ceremonies.
- b. Direct and supervise final disposition.

**645—100.8(142,156) Unclaimed human remains for scientific use.**

**100.8(1)** A human remains is unclaimed when:

- a. The decedent did not express a desire to be interred, entombed or cremated.
- b. Relatives or friends of the decedent did not request that the decedent's human remains be interred, entombed or cremated.

**100.8(2)** *Friend distinguished from casual acquaintance.* A friend will be distinguished from a casual acquaintance by the friend's having been closely associated with the decedent during the decedent's lifetime.

**100.8(3)** *Delivery of human remains for scientific purposes.* The funeral director, the medical examiner or managing officer of a public health institution, hospital, county home, penitentiary or reformatory will notify the department of health and human services as soon as any unclaimed human remains that may be suitable for scientific purposes will come into the person's custody.

**100.8(4)** *Department instructions.* When the department of health and human services receives notice, the funeral director will be instructed as to the proper disposition of a human remains.

**100.8(5)** *Expenses incurred by funeral director.* The expenses incurred by the funeral director for the transportation of a human remains to a medical college will be paid by the medical college receiving the human remains.

**645—100.9(144) Disinterments.** A funeral director in charge of a disinterment will ensure that the disinterment is performed in accordance with rules promulgated by the department of health and human services and will first secure a disinterment permit issued by the department of health and human services.

**100.9(1)** No person will disinter a human remains or cremated remains unless the funeral director in charge of the disinterment has a numbered disinterment permit that has been issued by the department of

health and human services or by an order of the district court of the county in which the human remains or cremated remains are interred or entombed.

**100.9(2)** All disinterment permits will be requested and provided by the department of health and human services.

**100.9(3)** All disinterment permits will be signed by the authorizing person.

**100.9(4)** Disinterment permits will be furnished upon request from the department of health and human services and will remain valid for 30 days after issuance.

**100.9(5)** Disinterment permits will only be issued to the funeral director, and the disinterment must be done under the direct supervision of the funeral director.

**100.9(6)** Disinterment permits will be required for any relocation of a human remains from the original site of interment or entombment if the purpose is for autopsy or reburial.

**100.9(7)** No disinterment permit is necessary to remove a human remains or cremated remains from a holding facility for interment or entombment in the same cemetery where being temporarily held.

**100.9(8)** A funeral director may await a court order before proceeding with disinterment if the funeral director is aware of a dispute among:

a. Persons who are members of the same class of persons described in 641—subrule 97.14(4) as having authority to control the human remains; or

b. Persons who are authorized pursuant to 641—subrule 97.14(4) and the executor named in the decedent's will or personal representative appointed by the court.

#### **645—100.10(156) Cremation of human remains.**

##### **100.10(1) Record keeping.**

###### *a. Delivery receipt.*

(1) When a human remains is delivered to a cremation establishment, the cremation establishment will furnish to the delivery person a delivery receipt containing:

1. The name, address, age, gender, and cause of death of the decedent whose human remains are delivered to the cremation establishment.

2. The date and time of delivery and the type of container that contains the human remains.

3. If applicable, the name of the funeral director who sent the human remains and the name and license number of the funeral director's associated funeral establishment.

4. The signature of the person who delivered the human remains.

5. The signature of the person receiving the human remains on behalf of the cremation establishment.

6. The name and business address of the cremation establishment.

(2) The cremation establishment will retain a copy of the delivery receipt in its permanent records.

###### *b. Receiving receipt.*

(1) The cremation establishment will furnish to any person who receives the cremated remains from the cremation establishment a receiving receipt containing:

1. The name of the decedent whose cremated remains are released from the cremation establishment.

2. The date and time when the cremated remains were released from the cremation establishment.

3. The name of the person to whom the cremated remains are released and the name and license number of the funeral establishment, cemetery, family or other person or entity with which that person is affiliated.

4. The signature of the person who receives the cremated remains.

5. The signature of the person who released the cremated remains on behalf of the cremation establishment.

6. The name of the cremation establishment operator and the date and time of the cremation.

(2) The cremation establishment will retain a copy of the receiving receipt in its permanent records.

*c. Permanent record.* A cremation establishment will maintain at its place of business a permanent record that includes the following:

(1) Name of the deceased person.



- (2) Date and time of the cremation.
- (3) Copies of the delivery receipt and the receiving receipt.
- (4) Disposition of the cremated remains.
- (5) Cremation authorization.
- (6) Cremation permit if required in the jurisdiction of death.

**100.10(2) *Employment of a funeral director by a cremation establishment.*** No aspect of these rules will be construed to require a funeral director to supervise or perform any functions at a cremation establishment not otherwise required by law to be performed by a funeral director. The cremation establishment will contract only with a licensed funeral establishment and will not contract directly with the general public.

**100.10(3) *Authorizing person and preneed cremation arrangements.*** The authorized person has legal authority and may make decisions regarding the final disposition of the decedent.

**100.10(4) *Authorization to cremate.***

*a.* The cremation establishment will have the authority to cremate human remains upon the receipt of the following:

(1) Cremation authorization form signed by the authorized person. The cremation authorization form will contain the following:

1. The name, address, age and gender of the decedent whose human remains are to be cremated.
2. The date, time of death and cause of death of the decedent.
3. The name and license number of the funeral establishment and of the funeral director who obtained the cremation authorization form signed by the authorized person.
4. The signature of the funeral director.
5. The name and address of the cremation establishment authorized to cremate a human remains.
6. The name and signature of the authorized person granting permission to cremate the human remains and the authorized person's relationship to the decedent.
7. A representation that the authorized person has the right to authorize the cremation of the decedent in accordance with this rule.
8. A representation that in the event there is another person who has superior priority right to that of the authorized person, the authorized person has made all reasonable efforts to contact that person and has no reason to believe that the person would object to the cremation of the decedent.
9. A representation that a human remains does not contain any material or implants that may be potentially hazardous to equipment or persons performing the cremation.
10. A representation that the authorized person has made a positive identification of the decedent or, if the authorized person is unavailable or declines, there are alternative means of positive identification.
11. The name of the person, funeral establishment or funeral establishment's designee to which the cremated remains are to be released.

12. The manner of the final disposition of the cremated remains.

13. A listing of all items of value and instructions for their disposition.

(2) The cremation permit if required in the jurisdiction of death.

(3) Any other documentation required by this state.

*b.* If the authorized person is not available to execute the cremation authorization form in person, the funeral director may accept written authorization by facsimile, email, or such alternative written or electronic means the funeral director reasonably believes to be reliable and credible.

*c.* The authorized person may revoke the authorization and instruct the funeral director or funeral establishment to cancel the cremation. The cremation establishment will honor any instructions from a funeral director or funeral establishment under this rule if the cremation establishment receives instructions prior to beginning the cremation.

**100.10(5) *Cremation procedures.***

*a.* A cremation establishment will cremate human remains within 24 hours of issuance of the delivery receipt as defined in subrule 100.10(1).

b. No cremation establishment will cremate human remains when it has actual knowledge that the human remains contain a pacemaker or have any other implants or materials that will present a health hazard to those performing the cremation and processing and pulverizing the cremated remains.

c. No cremation establishment will refuse to accept human remains for cremation because such human remains are not embalmed.

d. Whenever a cremation establishment is unable or unauthorized to cremate human remains immediately upon taking custody of the remains, the cremation establishment will place the human remains in a holding facility in accordance with the cremation establishment rules and regulations and within the parameters of rules 645—100.5(135,144) and 645—100.6(156).

e. No cremation establishment will accept human remains unless they are delivered to the cremation establishment in a container that prevents the leakage of body fluids.

f. Under no circumstances will an alternative container or casket be opened at the cremation establishment except to facilitate proper cremation.

g. The container in which a human remains is delivered to the cremation establishment will be cremated with the human remains or safely destroyed.

h. The simultaneous cremation of the human remains of more than one person within the same cremation chamber, without the prior written consent of the authorized person, is prohibited. Nothing in this rule, however, will prevent the simultaneous cremation within the same cremation chamber of body parts delivered to the cremation establishment from multiple sources, or the use of cremation equipment that contains more than one cremation chamber.

i. No unauthorized person will be permitted in the holding facility or cremation room while any human remains are being held there awaiting cremation, being cremated, or being removed from the cremation chamber.

j. A cremation establishment will not allow removal of any dental gold, body parts, organs, or any item of value prior to or subsequent to a cremation without previously having received specific written authorization from the authorized person and written instructions for the delivery of these items to the authorized person.

k. Upon the completion of each cremation, and insofar as is practicable, all of the recoverable residue of the cremation process will be removed from the cremation chamber.

l. If all of the recovered cremated remains will not fit within the receptacle that has been selected, the remainder of the cremated remains will be returned to the authorized person or this person's designee in a separate container. The cremation establishment will not return to an authorized person or this person's designee more or less cremated remains than were removed from the cremation chamber.

m. A cremation establishment will not knowingly represent to an authorized person or this person's designee that a temporary cremation container or urn contains the cremated remains of a specific decedent when it does not.

n. Cremated remains will be shipped only by a method that has an internal tracing system available and that provides a receipt signed by the person accepting delivery.

o. A cremation establishment will maintain an identification system that will ensure the identity of human remains in the cremation establishment's possession throughout all phases of the cremation process. A noncombustible tag or disc that includes the name and license number of the cremation establishment and the city and state where the cremation establishment is located will be attached to the plastic bag with the cremated remains or placed in amongst the cremated remains.

**100.10(6) *Disposition of cremated remains.*** If responsible, the funeral director will supervise the final disposition of the cremated remains as follows:

a. Cremated remains may be disposed of by placing them in a grave, crypt, or niche or by scattering them in a scattering area as defined in these rules, or they may remain in the personal care and custody of the authorized person. After supervising the transfer of cremated remains to the authorized person or place of final disposition, the funeral director will be discharged.

b. Upon the completion of the cremation process, the cremation establishment will release the cremated remains to the funeral establishment or the authorized person or the authorized person's designee. Upon the receipt of the cremated remains, the individual receiving them may transport them

in any manner in this state without a burial transit permit and may dispose of them in accordance with this rule. After releasing the cremated remains, the cremation establishment will be discharged from any legal obligation or liability concerning the cremated remains.

c. If, after a period of 60 days from the date of the cremation, the authorizing person or designee has not instructed the funeral director to arrange for the final disposition of the cremated remains, the funeral director may dispose of the cremated remains in any manner permitted by this rule. The funeral establishment, however, will keep a permanent record identifying the site of final disposition. The authorizing person will be responsible for reimbursing the funeral establishment for all reasonable expenses incurred in disposing of the cremated remains. Any entity that was in possession of cremated remains prior to the effective date of these rules may dispose of them in accordance with this rule.

d. Except with the express written permission of the authorizing person, no funeral director or cremation establishment will:

(1) Dispose of cremated remains in a manner or in a location so that the cremated remains are commingled with those of another person. This prohibition will not apply to the scattering of cremated remains in an area located in a cemetery and used exclusively for those purposes.

(2) Place cremated remains of more than one person in the same temporary cremation container or urn.

**100.10(7) Scope of rules.** These rules will be construed and interpreted as a comprehensive cremation statute, and the provisions of these rules will take precedence over any existing laws containing provisions applicable to cremation, but that do not specifically or comprehensively address cremation.

**645—100.11(156) Records to be retained by a funeral establishment.** To ensure a permanent record of the licensed activity relating to the custody of each decedent, each funeral director will create and the funeral establishment will maintain the records identified in this rule. If a registered intern or registered removal technician first takes custody of a decedent, the funeral director from whom they were delegated that authority is responsible for compliance with the rules in this chapter. Funeral directors and funeral establishments will comply with the rules adopted by the department of health and human services under Iowa Code section 144.49.

**100.11(1)** At a minimum, the following information, if applicable, relating to each human remains that enters the custody of the establishment/licensee will be maintained as the permanent record of licensed activity:

- a. Name of the deceased;
- b. Date, time, and place of death (institution or other place, city, state, zip);
- c. Name and address of the person or funeral establishment to whom a human remains is released;
- d. Date and from whom the funeral director assumed custody, including the name of the institution or other place of death releasing a human remains;
- e. Date, time, and name of the licensed funeral director or registered intern completing embalming or other preparation for final disposition;
- f. Date, place and method of final disposition of a human remains.

**100.11(2)** Each funeral establishment will create and maintain the following records for a period of ten years:

- a. General price list required by the funeral rule, beginning on the most recent effective date;
- b. Each completed statement of goods and services required by the funeral rule, beginning on the date the statement is signed;
- c. Cremation records (see rule 645—100.10(156));
- d. Embalming records;
- e. Each preneed contract (pursuant to Iowa Code chapter 523A), beginning on the date of death.

**100.11(3)** The funeral records maintained by the funeral establishment as required in subrules 100.11(1) and 100.11(2) will be made available by the manager, funeral director or owner of the funeral establishment to:

*a.* Any person or entity assuming a new ownership interest or any person newly assuming the position of manager, at least ten days prior to a change in ownership or manager, unless otherwise mutually agreed upon by the parties;

*b.* Any licensed funeral director who practiced funeral directing while under the employment of, or while acting as an agent of, the funeral establishment; and

*c.* The state registrar of vital statistics and the board.

**100.11(4)** In the event a funeral establishment ceases to do business, the owner or manager of the funeral establishment will identify the person or entity that will be responsible for records to be maintained by a funeral establishment as required in subrules 100.11(1) and 100.11(2). The funeral establishment will notify the board if funeral records are moved from the funeral establishment to another location and identify the person responsible for their safekeeping.

These rules are intended to implement Iowa Code chapters 147, 156, and 272C.