

40 KAR 12:130. Cremation forms and inspections.

RELATES TO: KRS 213.081, 213.098, 367.93103, 367.93105, 367.93115, 367.93117, 367.97501, 367.97504, 367.97507, 367.97511, 367.97514, 367.97517, 367.97521, 367.97524, 367.97527, 391.010

STATUTORY AUTHORITY: KRS 15.180, 367.150(4), 367.97501, 367.97504, 367.97534

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.180 authorizes the Attorney General to promulgate administrative regulations that will facilitate performing the duties and exercising the authority vested in the Attorney General and the Department of Law. KRS 367.150(4) requires the Department of Law to recommend administrative regulations in the consumers' interest. KRS 367.97501 and 367.97504 require the Attorney General to promulgate an administrative regulation to establish an application for a crematory authority license and report forms. KRS 367.97524 requires crematory authorities to obtain signed cremation authorization forms before conducting any cremations. KRS 367.97534(5) authorizes the Attorney General to promulgate administrative regulations necessary to carry out the provisions of KRS 367.97501 to 367.97537, pertaining to crematory authorities. This administrative regulation prescribes the license application form, and other forms, to be used by crematory authorities. This administrative regulation establishes the records and information that shall be retained by crematory authorities and permits crematory inspections by the Attorney General.

Section 1. Crematory Authority License Application Form.

- (1) An applicant for a crematory authority license shall complete and submit a Crematory Authority License Application, Form CR-5, to the Office of Attorney General before commencing business.
- (2) An applicant for a crematory authority license shall submit with each Crematory Authority License Application, Form CR-5:
 - (a) Payment of the \$100 registration fee;
 - (b) The applicant's certificate of existence, authorization certificate from the Kentucky Secretary of State's office, or other evidence of the applicant's authority to transact business in Kentucky; and
 - (c) A completed Preneed Merchandise Sellers Application, CPN-6 Form, as incorporated by reference in 40 KAR 2:155, if the applicant intends to sell preneed burial contracts.

Section 2. Cremation Authorization Form.

- (1) A licensed crematory authority shall complete and keep a Cremation Authorization, Form CR-1, for every cremation of human remains it has performed.
- (2) A licensed crematory authority shall attach to the Cremation Authorization, Form CR-1, for authorizing agents for cremation, if applicable:
 - (a) An original Funeral Planning Declaration, Form FPD-1, as incorporated by reference in 40 KAR 2:145;
 - (b) An original discontinued Preneed Cremation Authorization, Form CR-3, executed prior to July 15, 2016; and
 - (c) An original U.S. Department of Defense form, Record of Emergency Data, DD Form 93, or a successor form adopted by the United States Department of Defense.

Section 3. Crematory Annual Report Form.

- (1) A licensed crematory authority shall complete and submit a Crematory Authority Annual Report, Form CR-2, for each calendar year beginning January 1 and ending December 31.

(2) The completed Crematory Authority Annual Report, Form CR-2, shall be filed with the Attorney General's Office by March 31 of the year following the calendar year reported.

(3) A licensed crematory authority shall submit with the Crematory Authority Annual Report, Form CR-2, a ten (10) dollar annual registration fee.

Section 4. Statement of Supervision Form. A licensed crematory authority shall complete and submit a Statement of Supervision for Registered Crematory Retort Operators, Form CR-4, for each trained retort operator before permitting the trained operator to operate a retort..

Section 5. Required Records of the Crematory Authority. To comply with KRS 367.97504(5), a crematory authority shall keep and maintain the following records for all cremations occurring within the prior ten (10) years:

(1) The original or a copy of the completed Cremation Authorization, Form CR-1;

(2) Any discontinued Preneed Cremation Authorization, Form CR-3 completed and executed prior to July 15, 2016; and

(3) Any Funeral Planning Declaration, Form FPD-1 as incorporated by reference in 40 KAR 2:145.

Section 6. Inspection of Crematory Authorities. The Attorney General may conduct announced and unannounced inspections of the applicant's and a licensed crematory authority's premises during normal business hours to review records and ensure compliance with KRS 367.97501 to 367.97537 and related administrative regulations. An applicant and a licensed crematory authority shall permit these inspections and make all requested records readily available to the Attorney General upon request.

Section 7. Material Changes in Application and Reports. A licensed crematory authority shall notify the Attorney General within fourteen (14) days of any material change in the information provided in its applications or reports.

Section 8. Human Remains of Deceased Pregnant Mother. A licensed crematory may cremate the remains of a deceased pregnant woman together with the fetal remains of her unborn child or children within the same cremation chamber. Completion of a Cremation Authorization, Form CR-1 authorizing cremation of the deceased pregnant woman shall also authorize cremation of her unborn child or children.

Section 9. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Cremation Authorization", Form CR-1, Oct. 2022;

(b) "Crematory Authority Annual Report", Form CR-2, Oct. 2022;

(c) "Statement of Supervision for Registered Crematory Retort Operators", Form CR-4, Oct. 2022; and

(d) "Crematory Authority License Application", Form CR-5, Oct. 2022.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Attorney General, Office of Consumer Protection, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material is also available on the Office's Web site, <https://ag.ky.gov/Pages/default.aspx>.

(040 KAR 002:150. 21 Ky.R. 699, 1291; eff. 10-12-1994; 29 Ky.R. 991, 1828, 2076; eff. 2-16-2003; TAm eff. 6-30-2016; 43 Ky.R. 251, 556, 675; eff. 12-2-2016; 44 Ky.R. 10; eff. 8-4-2017; 49 Ky.R. 1129, 1744; eff. 5-30-2023; Recodified as 040 KAR 012:130; eff. 7-18-2025.)