

OFFICE OF ATTORNEY GENERAL
Kentucky Office of Regulatory Relief
(Amended at ARRS Committee)

40 KAR 12:130. Crematory authorities 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: This is to certify that this administrative regulation amendment complies with the requirements of 2025 RS HB 6, Section 8.

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 establishes the license application form, and other forms, to be used by crematory authorities, and provides for online application and submission processes. 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 shall not cremate human remains in the Commonwealth of Kentucky unless the Attorney General approves the applicant's crematory authority license application in accordance with this administrative regulation. An applicant shall submit an online license application using the Crematory Authority license application portal available at <https://www.ag.ky.gov/AG%20Business%20Forms/1Online%20Forms%20for%20Cemeteries,%20Funeral%20Homes,%20and%20Crema>

(2) If unable to complete an online application, an applicant shall complete and submit a Crematory Authority License Application, Form CR-5, to the Attorney General's office and submit:

- (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 Funeral and Burial Contract Seller License Application, Form PNBL-1, as incorporated by reference in 40 KAR 12:120, if the applicant intends to sell preneed burial contracts.

(3) Applicants shall complete or submit additional information or documents for their application within thirty (30) days of any request by the Attorney General. The Attorney General may deny any application if an applicant fails to timely complete the application by not paying the application fee or provide requested missing information or required documents.

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 12:100;
- (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) On or before March 31 of each year, a licensed crematory authority shall complete and submit an annual report to the Attorney General for each prior calendar year beginning January 1 and ending December 31.

(2) A licensed crematory authority shall submit its annual report using the Crematory Authority Annual Report portal available at <https://www.ag.ky.gov/AG%20Business%20Forms/1Online%20Forms%20for%20Cemeteries,%20Funeral%20Homes,%20and%20Crema>

(3) If unable to submit an online report, a licensed crematory authority may complete and submit a Crematory Authority Annual Report, Form CR-2, to the Attorney General's office and submit the ten (10) dollar annual registration fee.

Section 4. Statement of Supervision Form.

(1) A licensed crematory authority shall submit a Statement of Supervision to the Attorney General for each trained retort operator before permitting the trained operator to operate a retort. A licensed crematory operator shall submit an online statement using the Statement of Supervision for Registered Crematory Retort Operators portal available at <https://www.ag.ky.gov/AG%20Business%20Forms/1Online%20Forms%20for%20Cemeteries,%20Funeral%20Homes,%20and%20Crema>

(2) If unable to submit an online statement, a licensed crematory authority shall complete and submit a Statement of Supervision for Registered Crematory Retort Operators, Form CR-4, to the Attorney General's office.

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 12:100.

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 allow these inspections and make business records and documents and information related to an investigation or inquiry readily available to the Attorney General upon request.

Section 7. Material Changes in Application and Reports. Material Changes in Application and Reports. A licensed crematory authority shall notify the Attorney General in writing 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. 2025;
- (b) "Crematory Authority Annual Report", Form CR-2, Oct. 2025;
- (c) "Statement of Supervision for Registered Crematory Retort Operators", Form CR-4, Oct. 2025;
- (d) "Crematory Authority License Application", Form CR-5, Oct. 2025;
- (e) "Crematory Authority license application portal", Oct. 2025;
- (f) "Crematory Authority Annual Report portal", Oct. 2025; and
- (g) "Statement of Supervision for Registered Crematory Retort Operators portal", Oct. 2025.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Attorney General, Capital Complex East 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>.

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