



Certification Page Regular and Emergency Rules

Revised May 2014

Emergency Rules (*After completing all of Sections 1 and 2, proceed to Section 5 below*)

Regular Rules

1. General Information

a. Agency/Board Name		
b. Agency/Board Address	c. City	d. Zip Code
e. Name of Contact Person	f. Contact Telephone Number	
g. Contact Email Address	h. Adoption Date	
i. Program		

2. Rule Type and Information: For each chapter listed, indicate if the rule is New, Amended, or Repealed.

If "New," provide the Enrolled Act numbers and years enacted:		
c. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed <i>(Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification)</i>		
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
d. <input type="checkbox"/> The Statement of Reasons is attached to this certification.		
e. If applicable, describe the emergency which requires promulgation of these rules without providing notice or an opportunity for a public hearing:		

3. State Government Notice of Intended Rulemaking

- a. Date on which the Notice of Intent containing all of the information required by W.S. 16-3-103(a) was filed with the **Secretary of State**:
- b. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the **Legislative Service Office**:
- c. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the **Attorney General**:

4. Public Notice of Intended Rulemaking

- a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. Yes No N/A
- b. A public hearing was held on the proposed rules. Yes No

	If "Yes:"	Date:	Time:	City:	Location:
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5. Final Filing of Rules

- a. Date on which the Certification Page with original signatures and final rules were sent to the **Attorney General's Office for the Governor's signature**:
- b. Date on which final rules were sent to the **Legislative Service Office**:
- c. Date on which a PDF of the final rules was electronically sent to the **Secretary of State**:

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.

<i>Signature of Authorized Individual (Blue ink as per Rules on Rules, Section 7)</i>	
<i>Printed Name of Signatory</i>	
<i>Signatory Title</i>	
<i>Date of Signature</i>	

7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

<i>Governor's Signature</i>	
<i>Date of Signature</i>	

Attorney General: 1. Statement of Reasons; 2. Original Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; and 5. Memo to Governor documenting emergency (for emergency rules only).

LSO: 1. Statement of Reasons; 2. Copy of Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; 5. Electronic copy of rules (PDFs) emailed to Criss.Carlson@wyoleg.gov; clean and strike/underscore; and 6. Memo to Governor documenting emergency (for emergency rules only).

SOS: 1. PDF of clean copy of rules; and 2. Hard copy of Certification Page as delivered by the AG.

Wyoming State Board of Funeral Service Practitioners

Emerson Building, RM 104 ♦ 2001 Capitol Avenue ♦ Cheyenne, WY 82002
(307) 777-5403 ♦ Fax: (307) 777-3508
<http://plboards.state.wy.us/embalmers>

STATEMENT OF REASONS And SUMMARY OF COMMENTS

In accordance with W.S. 33-16-509(a)(iv), the Wyoming Board of Funeral Service Practitioners (Board) has revised the following chapters:.

CHAPTER 1: Removes “Statement of Purpose” as it does not proscribe or prescribe conduct, and is therefore unnecessary. Some incorporation by references have been removed from this Chapter as they refer to laws the profession is already bound to uphold, making their incorporation unnecessary.

Comment: Section 4(b)(i) Incorporation by Reference. The date for the NFDA Code of Professional Conduct says “April 21, 2105”, and it should say “April 21, 2015.”

Board Response: The Board agreed and corrected this error.

CHAPTER 5: Provides rules for temporary permits in the event of the death of a licensed funeral director or responsible funeral service practitioner in accordance with W.S. 33-16-516(g).

Comment: Section 3(a)(iii) Application Procedures. This requirement is overly burdensome and does not make sense, since the employment status of unlicensed individuals employed by a firm is not relevant to firm licensure.

Board Response: There was no change to this section proposed. The Board will keep this comment in mind when making future revisions to the rules.

Comment: Section 4. Temporary Funeral Establishment Permit. This rule should be completely eliminated as it is inappropriate under the current law and unnecessary in light of the changes made to the law in 2014.

Board Response: The Board is bound by W.S. 33-16-516(g) to by rule provide for emergencies if a director dies or becomes incapacitated. It appears there is misunderstanding of the intent of the rule. The Board has chosen to remove this change and will research and revise at a later date.



CHAPTER 6: Allows funeral directors to operate crematories or chemical disposition facilities in accordance with W.S. 33-16-530(c)(i), which eliminates ambiguity and enhances clarity in this practice. Replaces “dissolution” with “chemical disposition” for better clarification and consistency. General formatting, punctuation and grammatical errors are corrected.

Comment: Section 2. Qualification for Permit (b)(C). The WyFDA believes that the date be July 1, 2015, as a result of the laws passed in 2015 by the Wyoming Legislature related to crematory operator certification.

Board Response: There was no change to this section proposed and the suggested change is outside the initial public notice. The Board will keep this comment in mind when making future revisions to the rules.

Comment: Section 8. Identification. “A crematory or chemical disposition facility shall not accept unidentified human remains.” “Shall” should be changed to “may”.

Board Response: There was no change to this section proposed and the suggested change is outside the initial public notice. The Board will keep this comment in mind when making future revisions to the rules.

CHAPTER 8: Fees are referred to as “application” fees in preceding chapters. This change is to provide consistency in terms.

No comments received.

CHAPTER 10: Provides additional grounds for discipline for violation of the National Funeral Directors Association Code of Professional Conduct to strengthen public protection and provide the Board a broader view of unacceptable behavior in the funeral service profession.

No comments received.

During the 2015 Legislative Session, revisions were made to the Funeral Service Practitioner Act (Enrolled Act No. 29, Senate), which required some rule revisions. The Board took this opportunity to review all rules in an attempt to once again meet the Governor’s initiative of clearer more concise Rules. The Board was able to decrease the proposed chapters by a total of two hundred and twenty-two (222) words or approximately 7%.

CHAPTER 1

GENERAL AUTHORITY

Section 1. Authority. These rules and regulations are promulgated by the Wyoming Board of Funeral Service Practitioners pursuant to their authority under the Funeral Service Practitioners Act, W.S. 33-16-501 through 33-16-537.

Section 2. Terms Defined Herein.

- (a) “Authorizing agent” means the individual(s) holding the right of disposition.
- (b) “Dissolution chamber” is a purpose-built vessel that is closed and sealed on all sides when human remains are placed inside and the chemical disposition process takes place.
- (c) “Final processing” means bone fragments and non-combustible items, such as metal debris, are separated by hand or by magnet. The bone fragments are placed into a cylindrical processor and further pulverized (or crushed) into small, uniform fragments.
- (d) “Supervision” means that the licensed funeral service practitioner is in the embalming room generally, and in all cases in the funeral establishment, while the apprentice is assisting with the preparation of the dead human body.

Section 3. Board. The Board shall elect one (1) of its members as president during the annual meeting to be held at the Board office, 2001 Capitol Avenue, Room 104, Cheyenne, Wyoming, on the second Tuesday in June beginning at 10:00 a.m. The Board may meet at other times as deemed necessary to transact business.

Section 4. Incorporation by Reference.

- (a) For any code, standard, rule, regulation, or statute incorporated by reference in these rules:
 - (i) The Board has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules;
 - (ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (b) of this section;
 - (iii) The incorporated code, standard, rule, regulation or statute is maintained at 2001 Capitol Avenue, Room 104, Cheyenne, WY 82002 and is available for public inspection and copying at cost at the same location;
- (b) Each code, standard, rule, regulation or statute incorporated by reference in these Board Rules is further identified as follows:

(i) The code incorporated by reference in Chapter 10, Section 2 of these Board Rules is the National Funeral Directors Association (NFDA) Code of Professional Conduct as existing on April 21, 2015. Copies of this code can be obtained from the NFDA at the following location <http://plboards.state.wy.us/embalmers/index.asp>.

CHAPTER 1

GENERAL AUTHORITY

Section 1. Authority. These rules and regulations are promulgated by the Wyoming Board of Funeral Service Practitioners pursuant to their authority under the Funeral Service Practitioners Act, W.S. 33-16-501 through 33-16-537.

Section 2. Statement of Purpose. These rules and regulations are adopted to implement the authority of the Board and protect the public by:

- (a) Regulating the qualifications and establishing standards of performance for persons licensed as funeral service practitioners or permitted as funeral directors, crematory operators or chemical disposers;
- (b) Developing and applying appropriate techniques, including examinations and investigations, for determining whether an individual meets the standards;
- (c) Issuing licenses or permits to qualified individuals who have met required standards and suspending or revoking licenses or permits issued by the Board in any case where the licensee or permit holder is determined to have failed to conform to the requirements of standards;
- (d) Establishing and carrying out procedures designed to ensure that licensees or permit holders comply with the requirements of the standards;
- (e) Receiving, investigating and taking appropriate action with respect to any charge or complaint filed with the Board to the effect that any licensee or permit holder has failed to comply with the Act or Board rules and regulations; and
- (f) Conducting investigations, hearings and proceedings concerning alleged violations and administering appropriate disciplinary action against licensees or permit holders for proven violations.

Section 3. Severability. If any provision of these regulations or the application thereof to any person or circumstance is invalid, the invalidity shall not affect other provisions or application of these regulations which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.

Section 42. Terms Defined Herein.

- (a) “Authorizing agent” means the individual(s) holding the right of disposition.
- (b) “Dissolution” includes, but is not limited to, chemical disposition.

~~(e)(b)~~ “Dissolution chamber” is a purpose-built vessel that is closed and sealed on all sides when human remains are placed inside and the ~~dissolution~~ chemical disposition process takes place.

~~(d)(c)~~ “Final processing” means bone fragments and non-combustible items, such as metal debris, are separated by hand or by magnet. The bone fragments are placed into a cylindrical processor and further pulverized (or crushed) into small, uniform fragments.

~~(e)(d)~~ “Supervision” means that the licensed funeral service practitioner is in the embalming room generally, and in all cases, in the funeral establishment, while the apprentice is assisting with the preparation of the dead human body.

Section 53. Board. The Board shall elect one (1) of its members as president during the annual meeting to be held at the Board office, 2001 Capitol Avenue, Room 104, Cheyenne, Wyoming, on the second Tuesday in June beginning at 10:00 a.m. The Board may meet at other times as deemed necessary to transact business.

Section 64. Incorporation by Reference.

(a) For any code, standard, rule, regulation, or statute incorporated by reference in these rules:

(i) The Board has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules;

(ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (b) of this section;

(iii) The incorporated code, standard, rule, regulation or statute is maintained at 2001 Capitol Avenue, Room 104, Cheyenne, WY 82002 and is available for public inspection and copying at cost at the same location;

(b) Each code, standard, rule, regulation or statute incorporated by reference in these Board Rules is further identified as follows:

(i) The statute incorporated by reference in Chapter 4, Section 2 of these Board Rules is Chapter 12 Consumer Protection as existing on July 1, 2014. Copies of this statute can be obtained from the Wyoming Board of Funeral Service Practitioners at the following location <http://plboards.state.wy.us/embalmers/RulesRegs.asp>.

(ii) The statute incorporated by reference in Chapter 3, Section 3 of these Board Rules is the Wyoming Uniform Consumer Credit Code as existing on July 1, 2014. Copies of this statute can be obtained from the Wyoming Board of Funeral Service Practitioners at the following location <http://plboards.state.wy.us/embalmers/RulesRegs.asp>.

(iii) The rule incorporated by reference in Chapter 4, Section 4 of these Board Rules is Funeral Industry Practices as existing on July 1, 2014 including amendments adopted by the Federal Trade Commission (FTC) as of that date. Copies of this statute can be obtained from the FTC at the following location http://www.consumer.ftc.gov/articles/0300_ftc_funeral_rule.

(i) The code incorporated by reference in Chapter 10, Section 2 of these Board Rules is the National Funeral Directors Association (NFDA) Code of Professional Conduct as existing on April 21, 2015. Copies of this code can be obtained from the NFDA at the following location <http://plboards.state.wy.us/embalmers/index.asp>.

CHAPTER 5

FUNERAL ESTABLISHMENT

Section 1. Permit Required. Any licensed funeral service practitioner, funeral director, firm, association, or corporation desiring to operate a funeral establishment in the state of Wyoming shall apply for and receive a permit from the Board. The permit shall be displayed in a conspicuous place on the premises of the funeral establishment.

Section 2. Qualifications for Permit. An applicant for a permit to operate a funeral establishment in Wyoming shall:

(a) Be a licensed funeral service practitioner who is a shareholder or officer in or is directly employed by a permitted funeral establishment;

(i) If the applicant is an organization, it shall be a funeral establishment permitted by the board that employs at least one (1) licensed funeral service practitioner assigned as the funeral service licensee responsible for the funeral establishment;

Section 3. Application Procedures. An applicant for a permit to operate a funeral establishment shall submit the following:

(a) A complete and notarized application that includes:

(i) The name of licensed funeral service practitioner responsible for the funeral establishment;

(ii) The location of the funeral establishment; and

(iii) Names of all employees of the funeral establishment;

(b) Application fee; and

(c) An inspection report completed and signed by the Board or its designee.

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(a) Be a licensed funeral service practitioner who is a shareholder or officer in or is directly employed by a ~~licensed~~permitted funeral establishment;

(i) If the applicant is an organization, it shall be a funeral establishment permitted by the board that employs at least one (1) licensed funeral service practitioner assigned as the funeral service licensee responsible for the funeral establishment;

Section 3. Application Procedures. An applicant for a permit to operate a funeral establishment shall submit the following:

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(iii) Names of all employees of the funeral establishment; and

(b) Application fee; and

(c) An inspection report, completed and signed by the Board or its designee.

CHAPTER 6

CREMATORIAL OR CHEMICAL DISPOSITION FACILITY

Section 1. Permit Required. Any licensed funeral service practitioner, funeral director, firm, association, or corporation before operating a crematory or chemical disposition facility in Wyoming shall apply for and receive a permit from the Board. The permit shall be displayed in a conspicuous place on the premises of the crematory or chemical disposition facility.

Section 2. Qualifications for Permit. An applicant for a permit to operate a crematory or chemical disposition facility in Wyoming shall:

(a) Be a licensed funeral service practitioner or funeral director who is a shareholder or officer in or is directly employed by a permitted funeral establishment. If the applicant is an organization, it shall be a funeral establishment permitted by the board that employs at least one (1) licensed funeral service practitioner assigned as the funeral service licensee responsible for the crematory or chemical disposition facility.

(b) Hold a chemical disposer license if applying for a chemical disposition facility permit. A licensed funeral service practitioner may obtain a chemical disposer license by submitting the following:

(i) A complete and notarized official application form accompanied by the application fee; and

(ii) Evidence of training that demonstrates that:

(A) The applicant has completed training in performing cremation services and received a certification by a reputable organization approved by the Board;

(B) The applicant has completed training in performing chemical disposition services and received a certification by a reputable organization approved by the Board.

(C) All individuals holding a funeral service practitioner license as of July 1, 2014 who are not certified to operate a crematory or dissolution chamber shall have one year to obtain certification.

(D) New licensees shall be certified prior to being allowed to operate a crematory or dissolution chamber.

Section 3. Application Procedures. An applicant for a crematory or chemical disposition facility permit shall submit the following:

(a) A complete and notarized application that includes:

- (i) The name of licensed funeral service practitioner responsible for the crematory or chemical disposition facility; and
 - (ii) The location of the crematory or chemical disposition facility;
- (b) Application fee; and
- (c) An inspection report completed and signed by the Board or its designee.

Section 4. Crematory or Chemical Disposition Facility. The funeral service practitioner or funeral director listed on the crematory or chemical disposition permit is responsible for the maintenance, employee training, and safe operation of cremator or chemical disposition equipment used in cremations or chemical disposition.

- (a) All crematory or chemical disposition facilities shall be kept and maintained in a clean and sanitary condition and all appliances used in the preparation for cremation or chemical disposition of dead human bodies shall be thoroughly cleaned after each use.
- (b) When the crematory or chemical disposition facility is unable to cremate or dissolve the human remains immediately upon taking custody, the human remains shall be placed in a holding area which shall be marked "Private" or "Authorized Personnel Only."
- (c) If the human remains are not embalmed, they shall not be held longer than twenty-four (24) hours from the time of possession to cremation or chemical disposition without refrigeration.
- (d) A crematory or chemical disposition facility shall be inspected by the Board or its designee during business hours at least once each year.

Section 5. Cremation Casket/Container.

- (a) The crematory facility, at its discretion, has the right to remove noncombustible materials such as handles or rails from caskets or containers prior to cremation and to discard them with similar materials from other cremations and other refuse in a non-recoverable manner. Materials at the facility shall be placed in a storage area not available to the public view.

Section 6. Chemical Disposition Facility. Chemical disposition facilities using alkaline hydrolysis for chemical disposition must comply with the following requirements:

- (a) The licensed funeral service practitioner or funeral director shall use a purpose-built vessel as a dissolution chamber.
- (b) Chemical disposition systems which operate above atmospheric pressure shall use an American Society of Mechanical Engineers (ASME) certified pressure vessel as a dissolution chamber.

(c) The chemical disposition system shall use parameters of heat, time, and solution circulation sufficient to achieve complete dissolution of all tissue remains.

(d) The licensed funeral service practitioner or funeral director shall ensure that the discharge liquid that is a byproduct of the chemical disposition process meets the facility's sewage collection and treatment facility requirements regarding acceptable temperature and pH level.

Section 7. Cremation or Chemical Disposal of Human Remains. The funeral service practitioner or other person having charge of the preparation of the human remains for burial or the last rites and committal services shall have the right to be present, either in person or by his employees, at any stage of the cremation or chemical disposition of the human remains. Unauthorized persons may not be permitted in the retort area while any human remains are awaiting cremation or chemical disposition, in the process of cremation or chemical disposition, or being removed from the cremation or dissolution chamber.

(a) No crematorium or chemical disposition facility shall accept human remains for cremation or chemical disposition until it has received a burial-transit permit required by law and an authorization for cremation or chemical disposition signed by the nearest legal next of kin.

(b) Upon completing the cremation or chemical disposition process, all residual of the cremation or chemical disposition process shall be removed from the cremation or dissolution chamber and the chamber swept clean. The residual remains shall be placed in a container or tray in such a way that will ensure against commingling with other cremated or chemically processed remains. The identifier shall be attached to the container or tray to await final processing. All residual of the cremation or chemical disposition process shall undergo final processing.

(c) Should the cremated or chemically processed remains not adequately fill the container's interior dimensions, the extra space may be filled with packing material that will not become intermingled with the cremated or chemically processed remains and then securely closed.

(d) The outside of the container used to return the cremated or chemically processed remains shall be clearly identified with the name of the deceased person whose cremated or chemically processed remains are contained therein.

(e) If the cremated or chemically processed remains are to be shipped, the temporary container or designated receptacle ordered by the authorizing agent must be packed securely in a suitable, sturdy, pressure resistant, and properly sealed container.

(f) Cremated or chemically processed remains may be shipped only by a method that has an internal tracing system available and that provides a receipt signed by the person accepting the delivery.

Section 8. Identification. The licensed funeral service practitioner is responsible for the identification of cremated or chemically processed remains. A crematory or chemical disposition facility shall not accept unidentified human remains.

(a) The licensed funeral service practitioner shall attach an identifying metal disc to each receptacle containing human remains. When human remains are to be cremated or chemically processed, the disc shall be secured to the top of the head end of the casket or alternate container, or, when no receptacle is used, to the human remains.

(b) The identifying metal disc shall accompany the human remains through the cremation or chemical disposition process.

(c) The identifying metal disc shall be held on the inside of the cremator or dissolution chamber until the body of the deceased is cremated or chemically processed and the cremated or chemically processed remains are placed in a container as directed by these rules and applicable law. The disc shall then be placed inside the urn or, in the case of a temporary urn, on the outside of the temporary urn.

(d) The identifying metal disc shall be properly secured to a receptacle containing cremated or chemically processed remains.

Section 9. Removal of Human Remains. Human remains delivered to a crematorium or chemical disposition facility shall not be removed from the casket or other container without the written authorization of the person giving the consent to or requesting the cremation or chemical disposition of the human remains.

Section 10. Records of Crematories or Chemical Disposition Facilities. Upon the receipt of human remains for cremation or chemical disposition, the crematory or chemical disposition facility shall deliver to the funeral service practitioner or his agent who delivers the human remains to the crematory or chemical disposition facility a receipt showing the date of delivery, name and signature of the funeral service practitioner from whom the human remains are received, and the name of the deceased. Each crematory or chemical disposition facility shall maintain a record of each cremation or chemical disposition of human remains disclosing the name of the person cremated or chemically processed, the name of the person authorizing the cremation or chemical disposition, the date the human remains were received, the date the cremation or chemical disposition was performed and such other information as the Board may require. The record shall be kept at the crematory or chemical disposition facility for inspection by the Board which may also require copies thereof to be filed with it containing the information necessary for the use of the Board.

Section 11. Prohibitions.

(a) Removing or possessing dental gold or dental silver from deceased persons is prohibited.

(b) Human remains may not be cremated with a pacemaker or other potentially hazardous implant, including any toxic or explosive-type sealed implants, in place. The authorizing agent is responsible for disclosing the existence of any pacemakers or other hazardous implants. Medical devices and implants may be recovered for recycling at the conclusion of the chemical disposition process.

(c) The unauthorized, simultaneous cremation or chemical disposition of human remains of more than one (1) person within the same cremation or dissolution chamber is prohibited unless the crematory or chemical disposition facility has received express written authorization from all appropriate authorizing agents for the human remains to be cremated or chemically processed simultaneously. A written authorization exempts the crematory or chemical disposition facility from liability for commingling of the product of the cremation or chemical disposition process provided the authorization is complied with.

(d) No licensed funeral service practitioner may refuse to release cremated or chemically processed remains to the authorized agent.

(e) It is prohibited to cremate or chemically process fetuses, limbs, and body parts from private or public health agencies, medical doctors, or colleges and universities without appropriate permits and releases. Copies of such permits and releases shall remain with the crematory or chemical disposition facility.

(f) Cremation or chemical disposition of animals or pets of any type, is strictly forbidden in a crematory or chemical disposition facility designed for the cremation or chemical disposition of human remains.

CHAPTER 6

CREMATORIAL OR CHEMICAL DISPOSITION FACILITY

Section 1. Permit Required. Any licensed funeral service practitioner, funeral director, firm, association, or corporation before desiring to operate operating a crematory or chemical disposition facility in ~~the state of~~ Wyoming shall apply for and receive a permit from the Board. The permit shall be displayed in a conspicuous place on the premises of the crematory or chemical disposition facility.

Section 2. Qualifications for Permit. An applicant for a permit to operate a crematory or chemical disposition facility in Wyoming ~~must~~shall:

(a) Be a licensed funeral service practitioner or funeral director who is a shareholder or officer in or is directly employed by a permitted funeral establishment; If the applicant is an organization, it shall be a funeral establishment permitted by the board that employs at least one (1) licensed funeral service practitioner assigned as the funeral service licensee responsible for the crematory or chemical disposition facility.

~~(i) If the applicant is an organization, shall be a funeral establishment permitted by the board that employs at least one (1) licensed funeral service practitioner assigned as the funeral service licensee responsible for the crematory or chemical disposition facility;~~

(b) Hold a chemical disposer license if applying for a chemical disposition facility permit. A licensed funeral service practitioner may obtain a chemical disposer license by submitting the following:

(i) A complete and notarized official application form accompanied by the application fee; and

(ii) Evidence of training-that demonstrates that:

~~(e) Evidence of training:~~

~~(i) (A)~~ The applicant has completed training in performing cremation services and received a certification by a reputable organization approved by the Board;

~~(ii) (B)~~ The applicant has completed training in performing chemical disposition services and received a certification by a reputable organization approved by the Board.

~~(iii) (C)~~ All individuals holding a funeral service practitioner license as of July 1, 2014 who are not certified to operate a crematory or dissolution chamber shall have one year to obtain certification.

(iv) (D) New licensees shall be certified prior to being allowed to operate a crematory or dissolution chamber.

Section 3. Application Procedures. An applicant for a ~~permit to operate a~~ crematory or chemical disposition facility permit shall submit the following:

- (a) A complete and notarized application that includes:
 - (i) The name of licensed funeral service practitioner responsible for the crematory or chemical disposition facility; and
 - (ii) The location of the crematory or chemical disposition facility;
- (b) Application fee; and
- (c) An inspection report; completed and signed by the Board or its designee.

Section 4. Crematory or Chemical Disposition Facility. The funeral service practitioner or funeral director listed on the crematory or chemical disposition permit is responsible for the maintenance, employee training, and safe operation of cremator or ~~dissolution~~ chemical disposition equipment used in cremations or chemical disposition.

- (a) All crematory or chemical disposition facilities shall be kept and maintained in a clean and sanitary condition and all appliances used in the preparation for cremation or ~~dissolution~~ chemical disposition of dead human bodies shall be thoroughly cleaned after each use.
- (b) When the crematory or chemical disposition facility is unable to cremate or dissolve the human remains immediately upon taking custody, the human remains shall be placed in a holding area which shall be marked "Private" or "Authorized Personnel Only".
- (c) If the human remains are not embalmed, they shall not be held longer than twenty-four (24) hours from the time of possession to cremation or ~~dissolution~~ chemical disposition without refrigeration.
- (d) A crematory or chemical disposition facility shall be inspected by the Board or its designee during business hours at least once each year.
- (e) ~~A crematory or chemical disposition facility shall comply with all local building codes, environmental standards and applicable state and local regulations.~~

Section 5. Cremation Casket/Container.

- (a) The crematory facility, at its discretion, has the right to remove noncombustible materials such as handles or rails from caskets or containers prior to cremation and to discard them with similar materials from other cremations and other refuse in a non-recoverable

manner. Materials at the facility shall be placed in a storage area not available to the public view.

Section 6. Chemical Disposition Facility. Chemical disposition facilities using alkaline hydrolysis for ~~dissolution~~ chemical disposition must comply with the following requirements:

- (a) The licensed funeral service practitioner or funeral director shall use ~~must only employ~~ a purpose-built vessel as a dissolution chamber.
- (b) ~~Dissolution~~ Chemical disposition systems which operate above atmospheric pressure shall use ~~must only employ~~ an American Society of Mechanical Engineers (ASME) certified pressure vessel as a dissolution chamber.
- (c) The ~~dissolution~~ chemical disposition system shall ~~must~~ use parameters of heat, time, and solution circulation sufficient to achieve complete dissolution of all tissue remains.
- (d) The licensed funeral service practitioner or funeral director shall ~~must~~ ensure that the discharge liquid that is a byproduct of the ~~dissolution~~ chemical disposition process meets the facility's sewage collection and treatment facility requirements regarding acceptable temperature and pH level.

Section 7. Cremation or Chemical Disposal of Human Remains. The funeral service practitioner or other person having charge of the preparation of the human remains for burial or the last rites and committal services ~~hereof~~ shall have the right to be present, either in person or by his employees, at any stage of the cremation or ~~dissolution~~ chemical disposition of the human remains. Unauthorized persons may not be permitted in the retort area while any human remains are awaiting cremation or ~~dissolution~~ chemical disposition, in the process of cremation or ~~dissolution~~ chemical disposition, or being removed from the cremation or ~~dissolution~~ chemical disposition chamber.

- (a) No crematorium or chemical disposition facility shall accept human remains for cremation or ~~dissolution~~ chemical disposition until it has received a burial-transit permit required by law and an authorization for cremation or ~~dissolution~~ chemical disposition signed by the nearest legal next of kin.
- (b) Upon ~~completing~~ on of the cremation or ~~dissolution~~ chemical disposition process, all residual of the cremation or ~~dissolution~~ chemical disposition process shall be removed from the cremation or dissolution chamber and the chamber swept clean. The residual remains shall be placed ~~with~~ in a container or tray in such a way that will ensure against commingling with other cremated or chemically processed remains. The identifier shall be attached to the container or tray to await final processing. All residual of the cremation or ~~dissolution~~ chemical disposition process shall undergo final processing.
- (c) Should the cremated or chemically processed remains not adequately fill the container's interior dimensions, the extra space may be filled with packing material that will not

become intermingled with the cremated or chemically processed remains and then securely closed.

(d) The outside of the container used to return the cremated or chemically processed remains shall be clearly identified with the name of the deceased person whose cremated or chemically processed remains are contained therein.

(e) If the cremated or chemically processed remains are to be shipped, the temporary container or designated receptacle ordered by the authorizing agent must be packed securely in a suitable, sturdy, pressure resistant, and properly sealed container.

(f) Cremated or chemically processed remains may be shipped only by a method that has an internal tracing system available and that provides a receipt signed by the person accepting the delivery.

Section 8. Identification. The licensed funeral service practitioner is responsible for the identification of cremated or chemically processed remains ~~as delivered and identified by the deliverer~~. A crematory or chemical disposition facility ~~may~~ shall not accept unidentified human remains.

(a) The licensed funeral service practitioner shall ~~see that attach~~ an identifying metal disc ~~is attached~~ to each receptacle containing human remains. When human remains are to be cremated or chemically processed, the disc shall be secured to the top of the head end of the casket or alternate container, or, when no receptacle is used, to the human remains.

(b) The identifying metal disc shall accompany the human remains through the cremation or ~~dissolution~~ chemical disposition process.

(c) The identifying metal disc shall be held on the inside of the cremator or dissolution chamber until the body of the deceased is cremated or chemically processed and the cremated or chemically processed remains are placed in a container as directed by these rules and applicable law. The disc shall then be placed inside the urn; or, in the case of a temporary urn, on the outside of the temporary urn.

(d) The identifying metal disc shall be properly secured to a receptacle containing cremated or chemically processed remains.

Section 9. Removal of Human Remains. Human remains delivered to a crematorium or chemical disposition facility shall not be removed from the casket or other container without the written authorization of the person giving the consent to or requesting the cremation or ~~dissolution~~ chemical disposition of the human remains.

Section 10. Records of Crematories or Chemical Disposition Facilities. Upon the receipt of human remains for cremation or ~~dissolution~~ chemical disposition, the crematory or chemical disposition facility shall deliver to the funeral service practitioner or his agent who delivers the human remains to the crematory or chemical disposition facility; a receipt showing

the date of delivery, name and signature of the funeral service practitioner from whom the human remains are received, and the name of the deceased. Each crematory or chemical disposition facility shall maintain a record of each cremation or ~~dissolution~~ [chemical disposition](#) of human remains disclosing the name of the person cremated or chemically processed, the name of the person authorizing the cremation or ~~dissolution~~ [chemical disposition](#), the date the human remains were received, the date the cremation or ~~dissolution~~ [chemical disposition](#) was performed and such other information as the Board may require. The record shall be kept at the crematory or chemical disposition facility for inspection by the Board which may also require copies thereof to be filed with it containing the information ~~as may be~~ necessary for the use of the Board.

Section 11. Prohibitions.

- (a) Removing or possessing dental gold or dental silver from deceased persons is prohibited.
- (b) Human remains may not be cremated with a pacemaker or other potentially hazardous implant, including any toxic or explosive-type sealed implants, in place. The authorizing agent is responsible for disclosing the existence of any pacemakers or other hazardous implants. [Medical devices and implants may be recovered for recycling at the conclusion of the chemical disposition process.](#)
 - (i) ~~Medical devices and implants will not create adverse effects during chemical dissolution. Items such as titanium implants and pacemakers can be recovered for recycling at the conclusion of the process.~~
- (c) The unauthorized, simultaneous cremation or ~~dissolution~~ [chemical disposition](#) of human remains of more than one (1) person within the same cremation or dissolution chamber is prohibited unless the crematory or chemical disposition facility has received express written authorization from all appropriate authorizing agents for the human remains to be cremated or chemically processed simultaneously. A written authorization exempts the crematory or chemical disposition facility from liability for commingling of the product of the cremation or ~~dissolution~~ [chemical disposition](#) process provided the authorization is complied with.
- (d) No licensed funeral service practitioner may refuse to release cremated or chemically processed remains to the authorized agent.
- (e) It is prohibited to cremate or chemically process fetuses, limbs, and body parts from private or public health agencies, medical doctors, or colleges and universities without appropriate permits and releases. Copies of such permits and releases shall remain with the crematory or chemical disposition facility.
- (f) Cremation or ~~dissolution~~ [chemical disposition](#) of animals or pets of any type, is strictly forbidden in a crematory or chemical disposition facility designed for the cremation or ~~dissolution~~ [chemical disposition](#) of human remains.

CHAPTER 8

FEES

Section 1. Statement of Purpose. These rules and regulations are adopted to implement the Board's authority to determine and collect reasonable fees in an amount to cover the cost of administration.

Section 2. General.

(a) Fees shall be paid in the exact amount, by money order or cashier's check, and shall be paid in advance of services rendered. Fees for renewal of license may be paid by personal check or business check;

(b) All fees collected by the Board are non-refundable, regardless of the outcome;

Section 3. Fees. Services for which the Board charges a fee shall include but not be limited to the following:

(a) Application

(i)	Funeral Service Practitioner License:	\$125.00
(ii)	Apprentice Funeral Service Practitioner License:	\$ 75.00
(iii)	Chemical Disposer	\$ 75.00
(iv)	Annual Non-resident Permit:	\$400.00
(v)	Occasional Non-resident Permit:	\$200.00
(vi)	Funeral Establishment Permit w/inspection:	\$150.00
(vii)	Crematory Permit w/inspection	\$125.00
(viii)	Chemical Disposition Facility Permit w/inspection:	\$125.00

(b) Annual Renewal

(i)	Funeral Service Practitioner:	\$125.00
(ii)	Apprentice:	\$ 75.00
(iii)	Funeral Director:	\$200.00
(iv)	Funeral Establishment:	\$200.00

(v)	Crematory:	\$200.00
(vi)	Chemical Disposition Facility:	\$200.00
(vii)	Chemical Disposer:	\$ 75.00
(viii)	Late Renewal, all types:	Double Annual Renewal Fee
(c)	Miscellaneous	
(i)	Funeral Establishment, Crematory, or Chemical Disposition Facility Change of Owner or Director:	\$ 75.00
(ii)	Funeral Establishment, Crematory, or Chemical Disposition Facility Name Change:	\$ 10.00
(iii)	Funeral Establishment, Crematory, or Chemical Disposition Facility Location Change w/inspection:	\$ 85.00
(iv)	License or Permit Verification to Another Jurisdiction:	\$ 10.00
(v)	Duplicate Wall Certificate or Pocket Card:	\$ 10.00
(vi)	Special Examination Meeting:	\$500.00

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(a) **Initial License or Permit Application**

(i)	Funeral Service Practitioner License:	\$125.00
(ii)	Apprentice Funeral Service Practitioner License:	\$ 75.00
(iii)	Chemical Disposer	\$ 75.00
(iv)	Annual Non-resident Permit:	\$400.00
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(viii)	Chemical Disposition Facility Permit w/inspection:	\$125.00

(b) Annual Renewal

(i)	Funeral Service Practitioner:	\$125.00
(ii)	Apprentice:	\$ 75.00
(iii)	Funeral Director:	\$200.00
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CHAPTER 10

SUSPENSION, REVOCATION OR DENIAL OF LICENSE

Section 1. Statement of Purpose. These Board Rules are adopted to implement the Board's authority to establish prohibited acts regarding the funeral service practice in the State.

Section 2. Ethics. Any violation of the Code of Professional Conduct as specified in Chapter 1, Section 6, shall be a violation of these rules.

Section 3. Suspension, Revocation and Denial of Licenses and Other Disciplinary Sanctions. In addition to prohibited acts set forth in the Act or the Code of Professional Conduct, the Board may suspend, revoke or deny licenses or permits and take other disciplinary action for any of the following reasons:

- (a) Immoral, unprofessional, or dishonorable conduct;
- (b) Harassment, intimidation, or abuse, sexual or otherwise, of a customer, co-worker, or employee;
- (c) Practicing outside the areas of professional competence as established by education, training, and experience;
- (d) Gross negligence in funeral service practice;
- (e) Exercising undue influence to exploit a customer, co-worker, or employee for financial or other personal advantage to the funeral service practitioner or a third party;
- (f) The suspension or revocation by another jurisdiction of a license to practice funeral service. A certified copy of the order of suspension or revocation shall be conclusive evidence thereof;
- (g) Refusal to appear before the Board after having been ordered to do so in writing by the Executive Director or President of the Board;
- (h) Failure to meet the requirements for Wyoming licensure;
- (i) Conviction of any crime or offense that reflects the inability of the funeral service practitioner to practice funeral service with due regard for the health and safety of the public; or
- (j) Violation of a Board decision or order.

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