



Province of Alberta

## CEMETERIES ACT

# CREMATORY REGULATION

### **Alberta Regulation 248/1998**

With amendments up to and including Alberta Regulation 14/2019

Current as of January 25, 2019

### Office Consolidation

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(Consolidated up to 14/2019)

**ALBERTA REGULATION 248/98**

**Cemeteries Act**

**CREMATORY REGULATION**

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**Definitions**

**1** In this Regulation,

- (a) “Act” means the *Cemeteries Act*;
- (a.1) “cremation container” means the container in which a dead human body is encased for the purpose of cremation;
- (b) “crematory licence” means a licence required under section 27 of the Act.

**Application for crematory licence**

**2(1)** A person applying for a crematory licence or for the renewal of a crematory licence shall make application to the Director on the form set by the Director and the application shall be accompanied with

- (a) any additional information required by the Director, and
- (b) the fee set by the Director.

**(2)** Before granting a crematory licence or a renewal of a crematory licence, the Director may inspect the crematory or the proposed crematory site.

**(3)** A crematory licence and any renewal of a crematory licence expire on the March 31 following their issue.

**Transfer of licence**

**3** A crematory licence is not transferable.

**Maintenance and operation**

**4** The owner of a crematory shall ensure that the crematory is maintained in good order and is operated so that it does not give rise to any offence or public health nuisance.

AR 248/98 s4;342/2003

**Burial permit and other authorizations**

**5(1)** The owner of a crematory shall not accept a dead human body for cremation unless the person seeking cremation files with the owner

- (a) the prescribed copy of the burial permit issued under the *Vital Statistics Act*,
- (b) a certificate issued under the *Fatality Inquiries Act* stating that a medical examiner has examined the medical certificate of death of the deceased, and
- (c) any other authorization required under an enactment.

**(2)** The owner of a crematory shall not cremate a dead human body without written authorization from a person who the representative of the crematory believes on reasonable grounds has authority to control the disposition of the dead human body.

(3) The owner of a crematory may refuse to accept a dead human body for cremation for any reason that is prescribed by the Director as an acceptable reason.

AR 248/98 s5;342/2003

#### **Cremation containers**

**5.1(1)** The owner of a crematory shall ensure that only cremation containers that meet the standards for cremation containers prescribed by the Director are used for cremating dead human bodies.

(2) The owner of a crematory shall, before entering into a crematory services contract with a purchaser, inform the purchaser of the cremation container standards prescribed by the Director.

AR 342/2003 s5

#### **Prohibited cremation practices**

**5.2(1)** The owner of a crematory shall not

- (a) cremate more than one dead human body at the same time, or
- (b) commingle the cremated remains of more than one dead human body

without the written authorization from the persons who the representative of the crematory believes on reasonable grounds have authority to control the disposition of the dead human bodies or the cremated remains, as the case may be.

(2) The owner of a crematory shall not deliver the cremated remains of a dead human body in more than one container or to more than one person without the written authorization of the person who the representative of the crematory believes on reasonable grounds has authority to control the disposition of the cremated remains.

AR 342/2003 s5

#### **Register**

**6(1)** The owner of a crematory shall ensure that a register is kept, in which there is entered with respect to each dead human body cremated,

- (a) the name of the deceased person,
- (b) the date of death,
- (c) the place of death,

- (d) the date of cremation,
  - (d.1) a description of the cremation container used for the cremation of the deceased person,
  - (e) the location of the cremated remains or the name and address of the person into whose possession the owner of the crematory released the cremated remains,
  - (f) the name and address of the personal representative or next of kin of the deceased person,
  - (g) the name of the person who made the arrangements for cremation,
  - (h) the name of the physician giving the medical certificate of death, and
  - (i) the fee charged for services rendered.
- (2) The owner of a crematory shall keep the register referred to in subsection (1) available for inspection by
- (a) the Director or a person designated in writing by the Director,
  - (b) any police officer carrying out law enforcement duties, or
  - (c) any relative of a deceased person whose cremation is listed in the register.

AR 248/98 s6;342/2003

**Name of business**

**6.1** If the owner of a crematory carries on business under a name or style other than its corporate name, the corporate name must be clearly disclosed to the public on the letterhead, contracts and price lists of the business.

AR 342/2003 s7

**Contract requirements**

**6.2** A crematory services contract must

- (a) be in writing,
- (b) be signed by
  - (i) a person who the representative of the crematory believes on reasonable grounds has authority to control the disposition of the dead human body, and

- (ii) a representative of the crematory,
- (c) contain
  - (i) the cost of and a description of the cremation container to be used, and
  - (ii) a detailed list of all other cremation charges,
- and
- (d) specify any conditions applicable regarding storage of the cremated remains.

AR 342/2003 s7

**Notice to Director of changes**

**6.3** The owner of a crematory shall, within 10 days, give written notice to the Director of

- (a) any change of address for service,
- (b) any change in the officers or members of the company or partnership, and
- (c) the date on which the crematory business or any of its locations goes out of business or otherwise stops operating.

AR 342/2003 s7

**Records**

**6.4(1)** The owner of a crematory shall

- (a) maintain full and adequate records of the business operation,
- (b) retain those records for a minimum period of 7 years following provision of the services to which they relate, and
- (c) permit an authorized representative of the Director to inspect those records at all reasonable times.

**(2)** A register referred to in section 6 is not a business record for the purposes of this section.

AR 342/2003 s7

**Crematory manager**

**6.5(1)** The owner of a crematory shall appoint a person to act as the crematory manager for the crematory.

- (2) The crematory manager
- (a) shall represent the owner of the crematory in all matters relating to its licensed activities,
  - (b) is responsible for the operation of the crematory and the conduct of any crematory workers employed by the owner of the crematory,
  - (c) shall maintain the register referred to in section 6(1) and the crematory business records in accordance with the Act and this Regulation, and
  - (d) shall ensure that cremations are performed by adequately trained and supervised persons.
- (3) The owner of a crematory shall notify the Director immediately if there is a change in the appointment of the crematory manager and concurrently provide the Director with the name of the replacement crematory manager.

AR 342/2003 s7

**Inspection**

- 6.6(1)** The Director or a person designated by the Director may, for the purpose of determining whether the Act and this Regulation are being complied with, inspect and examine the crematory premises and any registers and records of the owner of the crematory.
- (2) The owner of a crematory, the crematory manager and all employees shall give whatever assistance to the person conducting the inspection that is necessary to allow that person to carry out the inspection, and shall co-operate with that person.
- (3) Where a person other than the Director conducts an inspection under subsection (1), that person shall make a written report to the Director.
- (4) The Director shall,
- (a) on conducting an inspection under subsection (1), or
  - (b) on receiving a written report under subsection (3),
- provide a report to the owner of the crematory respecting the inspection.



(5) In a report referred to in subsection (4), the Director may direct the owner of the crematory to take such steps as are necessary in the Director's opinion to correct any deficiencies found during the inspection.

AR 342/2003 s7

#### **Continuing education**

**6.7** The Director may require crematory managers to complete continuing education programs and courses.

AR 342/2003 s7

#### **Providing information**

**6.8** The Director shall provide the following information on request to any person:

- (a) the status of a crematory licence;
- (b) the name of a licensed crematory;
- (c) the mailing address and location of a licensed crematory;
- (d) the name of the crematory manager for a licensed crematory;
- (e) an explanation of the responsibilities that licensed crematories have to members of the public.

AR 342/2003 s7

**7** Repealed AR 342/2003 s8.

#### **Repeal**

**8** The *Crematories Regulation* (AR 239/90) is repealed.

#### **Expiry**

**9** For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on November 30, 2024.

AR 248/98 s9;342/2003;131/2011;14/2019

#### **Coming into force**

**10** This Regulation comes into force on December 1, 1998.







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