DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
Board of Funeral Services
Statutory Authority: 24 **Delaware Code**, Section 3105(a)(1) (24 **Del.C.** §3105(a)(1))
24 **DE Admin. Code** 3100

FINAL

ORDER

3100 Board of Funeral Services

After due notice in the Delaware Register of Regulations and two Delaware newspapers, a public hearing was held on April 24, 2025 at a scheduled meeting of the Delaware Board of Funeral Services ("Board") to receive comments regarding proposed amendments to the Board's rules and regulations.

Pursuant to 24 **Del.C.** §3105(a)(1), the Delaware Board of Funeral Services ("Board") has proposed revisions to its Rules and Regulations. This proposed amendment is required by 84 **Del.Laws**, c. 261 §§15-16 (requiring the Board to promulgate regulation concerning the practice of human natural organic reduction). *See also*, 24 **Del.C.** §3105(a)(17).

The Delaware General Assembly passed, and on May 16, 2024 Governor John Carney signed, 84 **Del.Laws**, c. 261 (formerly House substitute no. 1 for House bill no. 162 as amended by House amendment no. 5). That action requires the Board to promulgate regulations, within 1 year of May 16, 2024. This law requires the Board to define those practices that are necessary to establish the practice of the natural organic reduction of human remains and the operation of facilities offering the service of the natural organic reduction of human remains and to coordinate with other relevant State agencies and instrumentalities to reach a conclusion. Amendments proposed to Sections 4.0, 13.0, and 14.0 respond to the requirement established by law to do so.

Other amendments, in Sections 13.0 and 14.0, are intended to clarify and improve the Board's inspection program of funeral establishments. That program was created pursuant to 24 **Del.C.** §3105(a)(15).

Further amendments in Section 4.0 define and clarify the Board's requirements for funeral establishments and branch funeral establishments, each of which are permitted pursuant to 24 **Del.C.** §3117. These proposed amendments include requirements for obtaining permits for funeral establishments and branch funeral establishments. The proposed amendments also provide the way permitted establishments shall be required to identify their facilities to the Board. The proposed amendments also set forth the required disclosures to be made to the Board concerning the facilities available at permitted establishments and branch establishments as well as the requirements for decommissioning previously available facilities.

Amendments to Section 7.0 propose to delete outdated provisions that are no longer relevant to the Board or its licensees and permit holders.

The other proposed amendments reflect technical and style changes consistent with the *Delaware Administrative Code Drafting and Style Manual*.

These proposed amendments were published on page 660 of the March 1, 2025 issue of the *Delaware Register of Regulations* (28 **DE Reg.** 660 (03/01/25)). The Board planned to hold a hearing on March 25, 2025, but the hearing was cancelled due to an error in the required newspaper publication. As a result, the Board held a public hearing on the proposed regulation changes on April 24, 2025, at 10:00 a.m. in the second-floor conference room B of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

Summary of the Evidence and Information Submitted

The following exhibits were made a part of the record:

Board Exhibit 1: *News Journal* Affidavit of Publication.
Board Exhibit 2: *Delaware State News* Affidavit of Publication.
Board Exhibit 3: Written comments submitted by Ms. Haley Morris on behalf of Earth Funeral.

At the public hearing on April 24, 2025, Ms. Haley Morris on behalf of Earth Funeral spoke encouraging the Board to supplement the proposed amendment to include baseline measurements for the operation of any natural organic reduction chamber.

Findings of Fact and Conclusions

The public was given notice and an opportunity to provide the Board with comments in writing and by testimony on the proposed amendments to the Board's rules and regulations.

Pursuant to 24 **Del.C.** §3105(a)(1) and 24 **Del.C.** §3105(a)(17), the Board has the statutory authority to promulgate rules and regulations in accordance with the procedures specified in the Administrative Procedures Act. The Board finds reason to amend the regulations and hereby takes action to do so. The Board has determined to adopt the amendment as proposed. The Board does not wish to delay implementation of the proposed regulation but intends to consider a further amendment process to incorporate the specifications suggested by Ms. Haley Morris on behalf of Earth Funeral.

The Board has reviewed the proposed regulation as required by 29 **Del.C.** §10118(b)(3) and has determined that any assessment of the impact of the proposed regulation on the achievement of the State's greenhouse gas emission reduction targets or on the State's resiliency to climate change is not practical in view of the nature of the proposed amendments. Moreover, any new facility permitted to engage in natural organic reduction must obtain approval from the Department of Natural Resources and Environmental Control pursuant to 16 **Del.C.** §3158.

Decision and Effective Date

The Board hereby adopts the changes to the rules and regulations as proposed, to be effective 10 days following publication of this Order in the *Register of Regulations*. The new rules and regulations are attached.

IT IS SO ORDERED this 27th day of May, 2025.

Board of Funeral Services

/s/ Andrew Parsell
Andrew Parsell, President, Professional Member

/s/ Nicholas Picollelli
Nicholas Picollelli, Secretary, Professional Member

/s/ Vance Daniels
Vance Daniels, Public Member

/s/ Laura Willey
Laura Willey, Public Member

/s/ Alisha Fletcher
Alisha Fletcher, Public Member

ABSENT
Evan W. Smith, Professional Member

ABSENT
William Torbert, Professional Member

***Please note: Electronic signatures ("/s/") were accepted pursuant to 6 Del.C. §12A-107(d).**

3100 Board of Funeral Services

1.0 Duties of the Officers

1.1 The President shall preside at all meetings, call meetings, sign certificates with other Board of Funeral Services ~~(hereinafter "the Board") members~~ (Board) members, or other forms that may be required by law.

1.2 In the absence of the President, the Secretary shall preside at the meetings and call meetings when the President is absent. However, the signatory duties of the President may not be transferred to the Secretary.

~~1.3 [Reserved.]~~

~~1.4~~ 1.3 The Division of Professional Regulation (DPR) shall also cause to be collected all fees including license application fees, renewal fees or any other fee required to be paid in accordance with the provisions of 24 **Del.C.** Ch. 31~~, et.seq~~.

~~1.5~~ 1.4 In accordance with the Freedom of Information Act, 29 **Del.C.** §10004(e), ~~the Division of Professional Regulation~~ DPR shall publish an agenda of all meetings which shall include the time, ~~dates~~ dates, and places of its meetings and an agenda. The Board shall also give public notice of the regular meetings and its intent to hold an executive session closed to the public at least 7 days in advance. However, the agenda may be subject to change to include additional items not on the agenda including executive sessions closed to the public which arise at the time of the Board's meeting.

~~1.6~~ 1.5 ~~The Division of Professional Regulation shall insure~~ DPR shall ensure that accurate and detailed minutes of all business to come before the Board at all Board meetings be transcribed in accordance with 24 **Del.C.** §3103(d).

24 DE Reg. 65 (07/01/20)
27 DE Reg. 887 (05/01/24)

2.0 Licensure Requirements

2.1 ~~Requirements for licensing of those applying for a Funeral Director's license in the State of Delaware.~~ The qualifications of applicants for licensure as funeral director are contained in 24 **Del.C.** §3107(a) and 24 **Del.C.** §3109.

2.2 An applicant who has attended a school or college fully accredited by the American Board of Funeral Service Education (ABFSE) or its successor and who, after attending an ABFSE accredited school or college, has received an ~~Associate~~ associate degree or its equivalent in mortuary science, requiring the successful completion of at least 60 semester credit hours, shall be eligible for licensure as a funeral director in accordance with the educational requirements contained within 24 **Del.C.** §3107. The applicant shall request that a copy of an official transcript be sent to the Board.

2.3 The equivalent of an ~~Associate Degree~~ associate degree as that term is used in 24 **Del.C.** §3107 and ~~herein~~ in this regulation is a certificate in mortuary science that required a minimum of 30 semester credit hours. In addition to that certificate, sufficient semester credit hours earned from a regionally accredited institution of postsecondary education, so that the applicant has earned a total of at least 60 semester credit hours, are required.

2.4 The ~~Division~~ DPR, upon request of a registered intern or applicant seeking licensure via reciprocity, shall administer the State examination required by 24 **Del.C.** §3107(a)(3) based solely upon the laws and regulations of Delaware which may govern, impact on, and relate to the profession including preneed funeral service contracts, consumer protection law and regulations, and laws and regulations governing crematories and cemeteries. An applicant for full licensure, whether via initial or reciprocal licensure, shall be deemed to have successfully passed the state examination with a minimum grade of 70%. The national examination required by 24 **Del.C.** §3107(a)(2) may be taken before or during the internship.

2.5 As required by 24 **Del.C.** §3107(a)(4), an applicant other than ~~one~~ an applicant seeking licensure via reciprocity shall satisfactorily complete an internship of 1 year's duration in a licensed Delaware funeral establishment under the auspices of a licensed Delaware funeral service practitioner. In order for an applicant to apply for an internship, the applicant shall have certified on a form approved by the Board that the applicant has graduated from an accredited high school or its equivalent, and has received an ~~Associate Degree~~ associate degree or its equivalent in mortuary science, consisting of 60 credit hours, from a school fully accredited by the ABFSE or its successor. Satisfactory completion of an internship requires a minimum of 25 embalming reports, 25 arrangements, 25 funeral services, and 4 completed quarterly work reports evidenced by a notarized statement by the sponsor. An intern may be given 1 extension of the internship for an additional year. The Board may, in its discretion, allow additional extensions of the internship for cause shown.

4 DE Reg. 159 (07/01/00)
24 DE Reg. 65 (07/01/20)
27 DE Reg. 887 (05/01/24)

3.0 Federal Trade Commission Regulations

A licensed funeral director in the State of Delaware shall comply with all Federal Trade Commission Regulations governing the pricing of funeral services and merchandise and the method of payment for funeral services. Upon the issuance of a funeral director's license, a licensed funeral director represents that that licensed funeral director is familiar with all Federal Trade Commission rules and regulations and shall abide by the same. A licensee may be subject to discipline pursuant to 24 **Del.C.** Ch. 31~~, et seq.~~ if these rules or regulations have been violated by the licensee.

24 DE Reg. 65 (07/01/20)
27 DE Reg. 887 (05/01/24)

4.0 Establishment Permits

4.1 The Board shall issue and renew establishment permits as provided in 24 **Del.C.** §3117. ~~As used herein, an establishment is the building or structure where the practice of providing funeral services is conducted.~~

4.2 ~~Unless exempt under 24 **Del.C.** §3101, the~~ The building in which funeral services are provided shall contain a room having the fixtures necessary for the care and preparation of human remains for funeral service, burial, ~~entombment~~ entombment, or cremation. These fixtures include~~, at a minimum,~~ embalming machine and table, aspirator, embalming instruments, embalming fluids, an operating drainage system, syringes, ~~needles~~ needles, and surgical supplies and an operating ventilation system.

4.2.1 A ~~satellite~~ branch funeral establishment permitted under 24 **Del.C.** §3117(g) is a place where the practice of providing funeral services is conducted at a location separate from the primary ~~place of business.~~ establishment. An area equipped for embalming is required at 1 of the establishments operated under the same trade name or owned by the same owner.

4.2.2 ~~A satellite funeral establishment retains the exemption only so long as it is continuously operated as an adjunct to the primary place of business.~~ When applying for a branch funeral establishment permit, the applicant shall designate whether the branch establishment includes any embalming facilities whether currently operational or decommissioned cremation facilities, or any natural organic reduction facilities.

4.2.3 When applying for a branch establishment permit, the applicant shall designate the primary funeral establishment in Delaware that includes the required embalming equipment if none are available or have otherwise been decommissioned at the branch establishment location.

4.3 Unless exempt under 24 **Del.C.** §3117(a)(2), a funeral establishment shall have a licensed funeral director in charge full time ~~therein~~ at the funeral establishment.

4.3.1 A funeral director is in charge full time so long as the director is on the premises when funeral services are being provided.

4.3.2 A business operating in a funeral establishment since September 6, 1972 retains an exemption under 24 **Del.C.** §3117(a)(2) only so long as the record owner of the business does not change.

4.4 All funeral establishments shall conform with the ~~health and safety~~ health, safety, and welfare regulations promulgated by agencies of the State of Delaware having regulatory authority and be subject to the inspection program implemented by the Board before and during licensure.

4.5 Changes of location or address of a funeral establishment or a branch funeral establishment require an application for a new permit to comply with 24 **Del.C**. §3117.

4.6 Changes of ownership of a funeral establishment or a branch funeral establishment require an application for a new permit to comply with 24 **Del.C**. §3117.

5 DE Reg. 606 (09/01/01)
21 DE Reg. 338 (10/01/17)
24 DE Reg. 65 (07/01/20)
27 DE Reg. 887 (05/01/24)

5.0 Duplicate Certificate

Any licensed funeral director may obtain a duplicate funeral director's certificate upon proof of satisfactory evidence to the Board that the original has been lost or destroyed and a payment of a fee as set by ~~the Division of Professional Regulation~~ DPR.

6.0 Suspension - Revocation or Lapse of Funeral Director's License

~~During any period~~ If a licensed funeral director's license has lapsed, been ~~revoked~~ revoked, or suspended by the Board in accordance with 24 **Del.C.** §§3111 or 3114, no other licensed funeral director in the State of Delaware may register death certificates or secure burial permits for the licensee whose license ~~has been revoked, suspended or~~ has lapsed, been revoked, or suspended by the Board. Nor shall the licensee whose license has lapsed, been ~~revoked~~ revoked, or suspended by the Board, be able to register death certificates or secure burial permits. The Board may notify the Division of Public Health, the Department of Health and Social Services, the Medical Examiner's Office or other appropriate state or federal agency that the funeral director is prohibited from practicing funeral services as defined by 24 **Del.C.** Ch. 31.

27 DE Reg. 887 (05/01/24)

7.0 Cash Advance

~~7.1~~ A licensed funeral director in the State of Delaware is prohibited from billing or causing to be billed any item that is referred to as a "cash advance" item unless the net amount paid for the item is for funeral services in the same amount as is billed by the funeral director. A cash advance item is payment made by the funeral

director for the consumer to a third party including ~~but not limited to~~ cemetery fees, crematory fees, natural organic reduction fees, death certificates and florists.

~~7.2 The effective date of these regulations is the 6th day of December, 1989 in accordance with 29 **Del.C.** §10118 (b).~~

~~7.3 The following rules are adopted by the board as a supplement to the Rules and Regulations governing the State Board of Funeral Services, previously adopted and promulgated on the 6th day of December, 1989 pursuant to 24 **Del.C.** §3105 (a)(1) and the Administrative Procedures Act, 29 **Del.C.** §10115.~~

27 DE Reg. 887 (05/01/24)

8.0 Code of Ethics

8.1 The following is adopted as the code of ethics for all funeral service licensees in the State of Delaware:

8.1.1 As funeral directors, we herewith fully acknowledge our individual and collective obligation to the public, especially to those we serve, our mutual responsibilities for the proper welfare of the funeral services profession.

8.1.2 To the public we pledge: vigilant support of public health laws; proper legal regulations for the members of our profession; devotion to high moral and service standards; conduct befitting good citizens, honesty in all offerings of service and merchandise to the public and all business transactions.

8.1.3 To those we serve we pledge: confidential business and professional relationships; cooperation with the customs, laws, religions and creeds; observance of all respect due to the deceased; high standards of confidence and dignity in conduct of all services; truthful representation of all services and merchandise.

8.1.4 To our profession we pledge: support of high educational standards and proper licensing law; encouragement of scientific research; adherence to sound business practices; adoption of improved technique; observance of all the rules of fair competition and maintenance of favorable personnel relations.

9.0 Continuing Education Regulations

9.1 Board Authority. This rule is promulgated under the authority of 24 **Del.C.** §3105 which grants the Board authority to provide for rules for continuing funeral services education as a prerequisite for license renewal.

9.2 Requirements

9.2.1 Every licensed funeral director in active practice shall complete at least 10 hours/credits of approved continuing education ~~(hereinafter "CE")~~ (CE) during the 2-year licensure period prior to the time of license renewal. Licensed funeral directors who are 65 years of age or older are exempt from the CE requirements.

9.2.2 All CE credit hours must further the licensee's skills and understanding in the field of funeral services. Licensees who earn more than the required amount of CE credit hours during a given licensure period may carry over no more than 50% of the total CE credit hours required for the next licensure period.

9.2.3 When a Delaware licensee on inactive status files a written application to return to active practice with the Board, the licensee shall submit proof of having completed the required CE credit hours for the period just prior to the request to return to active practice.

9.3 Waiver of the CE Requirement

9.3.1 The Board has the power to waive any part of the entire CE requirement for good cause if the licensee files a written request with the Board. For example, exemptions to the CE requirement may be granted due to health, military service or economic hardship. Application for exemption shall be made in writing to the Board by the applicant for renewal and must be received by the Board no later than 60 days prior to the license renewal date. The Board shall decide the merits of each individual case at a regularly scheduled meeting.

9.3.2 Newly licensed funeral directors, including those newly licensed by reciprocity, are exempt during the time from initial licensure until the commencement of the first full licensure period.

9.4 Continuing Education Program Approval

9.4.1 Each contact hour (at least 50 minutes) is equivalent to ~~1.0~~ 1 CE credit hour. One college credit hour is equivalent to 5 CE credit hours.

9.4.2 Eligible program providers or sponsors include educational institutions, government agencies, professional or trade associations and foundations and private firms.

9.4.3 Programs approved by the Academy of Funeral Service Practitioners (AFSP) are automatically approved and need not be submitted to the Board.

9.4.4 Sources of CE credits include the following:

- Programs sponsored by national funeral service organizations.
- Programs sponsored by state associations.
- Program provided by local associations.
- Programs provided by suppliers.
- Independent study courses for which there is an assessment of knowledge.

• College courses.

9.4.5 The recommended areas include the following:
• Grief counseling.
• Professional conduct, business ethics or legal aspects relating to practice in the profession.
• Business management concepts relating to delivery of goods and services.
• Technical aspects of the profession.
• Public relations.
• After care counseling.

9.4.6 Application for CE program approval shall include the following:

9.4.6.1 Date and location.

9.4.6.2 Description of program subject, material and content.

9.4.6.3 Program schedule to time segments in subject content areas for which approval of, and determination of credit is required.

9.4.6.4 Name of instructors, background, expertise.

9.4.6.5 Name and position of person making request for program approval.

9.4.7 Requests for CE program approval shall be submitted to the Board on the application provided by the Board. Application for approval may be made after the program; however, if the program is not approved, the applicant will be notified and no credit given.

9.4.8 The CE credits shall be valid for the biennial renewal cycle in which they are approved. Changes in any aspect of the approved program shall render the approval invalid and the presenter will be responsible for making reapplication to the Committee.

9.4.9 Upon request, the Board shall mail a current list of all previously approved programs.

9.5 Certification of Continuing Education - Verification and Reporting

9.5.1 The program provider/sponsor has sole responsibility for the accurate monitoring of program attendance. Certificates of attendance shall be supplied by the program provider/sponsor and be distributed only at the completion of the program.

9.5.2 Verification of completion of an independent study program will be made with a student transcript.

9.5.3 The funeral director licensee shall maintain all original certificates of attendance for CE programs for the entire licensure period. A licensee who carries over credits from a prior licensure period must also maintain original certificates of attendance for all CE programs for any period from which credits are carried over.

9.5.4 Proof of continuing education is satisfied with an attestation by the licensee that ~~he or she~~ the licensee has satisfied the requirements of subsection 9.2.1.

9.5.4.1 Attestation may be completed electronically if the renewal is accomplished online. In the alternative, paper renewal documents that contain the attestation of completion may be submitted.

9.5.4.2 Licensees selected for random audit will be required to supplement the attestation with attendance verification pursuant to subsection ~~9.3.5.3~~ 9.5.5.3.

9.5.5 Random audits will be performed by the Board to ensure compliance with the CEU requirements.

9.5.5.1 The Board will notify licensees within 60 days after August 31 that they have been selected for audit.

9.5.5.2 Licensees selected for random audit shall be required to submit verification within 10 days of receipt of notification of selection for audit.

9.5.5.3 Verification shall include the information necessary for the Board to assess whether the course or other activity meets the CE requirements in subsection 9.4, which may include, but is not limited to, the following information:
• Proof of attendance;
• Date of CE course;
• Instructor of CE course;
• Sponsor of CE course;
• Title of CE course; and
• Number of hours of CE course.

9.5.6 If a licensee fails to meet the CE requirement at the time of renewal, the Board may impose discipline as permitted under 24 **Del.C.** §3114. In its discretion, the Board may permit the licensee to obtain the CE credits within a time period prescribed by the Board while maintaining an active license.

5 DE Reg. 606 (09/01/01)
9 DE Reg. 262 (08/01/05)
10 DE Reg. 1154 (01/01/07)
12 DE Reg. 1335 (04/01/09)
16 DE Reg. 655 (12/01/12)
24 DE Reg. 65 (07/01/20)

10.0 Voluntary Treatment Option for Chemically Dependent or Impaired Professionals

10.1 If the report is received by the chairperson of the regulatory Board, that chairperson shall immediately notify the Director of ~~Professional Regulation~~ DPR (Director) or the Director's designate of the report. In this Section the terms "chairperson" and "president" shall be used interchangeably and without distinction. If the Director ~~of Professional Regulation~~ receives the report, the Director shall immediately notify the chairperson of the regulatory Board, or that chairperson's designate or designates.

10.2 The chairperson of the regulatory Board or that chairperson's designate or designates shall, within 7 days of receipt of the report, contact the individual in question in writing of the report, provide the individual written information describing the Voluntary Treatment Option, and give the individual in question the opportunity to enter the Voluntary Treatment Option.

10.3 In order to participate in the Voluntary Treatment Option, the individual in question shall agree to submit to a voluntary drug and alcohol screening and evaluation at a specified laboratory or health care facility. This initial evaluation and screen shall take place within 30 days following notification to the professional by the participating Board chairperson or that chairperson's designates.

10.4 A regulated professional with chemical dependency or impairment due to addiction to drugs or alcohol may enter into the Voluntary Treatment Option and continue to practice, subject to any limitations on practice the participating Board chairperson or that chairperson's designate or designates or the Director of ~~the Division of Professional Regulation or the~~ DPR. The Director's designate may, in consultation with the treating professional, deem necessary, only if the action will not endanger the public health, welfare or safety, and the regulated professional enters into an agreement with the Director ~~of Professional Regulation~~ or the Director's designate and the chairperson of the participating Board or that chairperson's designate for a treatment plan and progresses satisfactorily in the treatment program and complies with all terms of that agreement. Treatment programs may be operated by professional ~~Committees and Associations~~ committees and associations or other similar professional groups with the approval of the Director of Professional Regulation and the chairperson of the participating Board.

10.5 Failure to cooperate fully with the participating Board chairperson or that chairperson's designate or designates or the Director ~~of the Division of Professional Regulation~~ or the Director's designate in regard to the Voluntary Treatment Option or to comply with their requests for evaluations and screens may disqualify the regulated professional from the provisions of the Voluntary Treatment Option, and the participating Board chairperson or that chairperson's designate or designates shall cause to be activated an immediate investigation and institution of disciplinary proceedings, if appropriate, as outlined in subsection 10.8 of this section.

10.6 The Voluntary Treatment Option may require a regulated professional to enter into an agreement which includes, but is not limited to, the following provisions:

10.6.1 Entry of the regulated professional into a treatment program approved by the participating Board. Board approval shall not require that the regulated professional be identified to the Board. Treatment and evaluation functions must be performed by separate agencies to assure an unbiased assessment of the regulated professional's progress.

10.6.2 Consent to the treating professional of the approved treatment program to report on the progress of the regulated professional to the chairperson of the participating Board or to that chairperson's designate or designates or to the Director of the ~~Division of Professional Regulation~~ DPR or the Director's designate at intervals as required by the chairperson of the participating Board or that chairperson's designate or designates or the Director of the ~~Division of Professional Regulation~~ DPR or the Director's designate, and the person making the report will not be liable when the reports are made in good faith and without malice.

10.6.3 Consent of the regulated professional, in accordance with applicable law, to the release of any treatment information from anyone within the approved treatment program.

10.6.4 Agreement by the regulated professional to be personally responsible for all costs and charges associated with the Voluntary Treatment Option and treatment programs. In addition, the ~~Division of Professional Regulation~~ DPR may assess a fee to be paid by the regulated professional to cover administrative costs associated with the Voluntary Treatment Option. The amount of the fee imposed under this subparagraph shall approximate and reasonably reflect the costs necessary to defray the expenses of the participating Board, as well as the proportional expenses incurred by the ~~Division of Professional Regulation~~ DPR in its services on behalf of the Board in addition to the administrative costs associated with the Voluntary Treatment Option.

10.6.5 Agreement by the regulated professional that failure to satisfactorily progress in the treatment program shall be reported to the participating Board's chairperson or that chairperson's designate or designates or to the Director ~~of the Division of Professional Regulation~~ or the Director's designate by the treating

professional who shall be immune from any liability for the reporting made in good faith and without malice.

10.6.6 Compliance by the regulated professional with any terms or restrictions placed on professional practice as outlined in the agreement under the Voluntary Treatment Option.

10.7 The regulated professional's records of participation in the Voluntary Treatment Option will not reflect disciplinary action and shall not be considered public records open to public inspection. However, the participating Board may consider the records in setting a disciplinary sanction in any future matter in which the regulated professional's chemical dependency or impairment is an issue.

10.8 The participating Board's chairperson, that chairperson's designate or designates or the Director of the ~~Division of Professional Regulation~~ DPR or the Director's designate may, in consultation with the treating professional at any time during the Voluntary Treatment Option, restrict the practice of a chemically dependent or impaired professional if the action is deemed necessary to protect the public health, welfare or safety.

10.9 If practice is restricted, the regulated professional may apply for unrestricted licensure upon completion of the program.

10.10 Failure to enter into an agreement or to comply with the terms and make satisfactory progress in the treatment program shall disqualify the regulated professional from the provisions of the Voluntary Treatment Option, and the participating Board shall be notified and cause to be activated an immediate investigation and disciplinary proceedings as appropriate.

10.11 Any person who reports pursuant to this section in good faith and without malice shall be immune from any civil, criminal or disciplinary liability arising from the reports, and the reporting person's confidentiality shall be protected if the matter is handled in a nondisciplinary matter.

10.12 The confidentiality of any regulated professional who complies with all of the terms and completes the Voluntary Treatment Option shall be protected unless otherwise specified in a participating Board's rules and regulations. In such an instance, the written agreement with the regulated professional shall include the potential for disclosure and specify those to whom the information may be disclosed.

24 DE Reg. 65 (07/01/20)
27 DE Reg. 887 (05/01/24)

11.0 Crimes substantially related to the provision of Funeral Services

11.1 Conviction of any of the following crimes, or of the attempt to commit or of a conspiracy to commit or conceal or of the solicitation to commit any of the following crimes, is deemed to be a crime substantially related to the provision of Funeral Services in the State of Delaware without regard to the place of conviction:

11.1.1 Abuse of a pregnant female in the second degree. 11 **Del.C.** §605.
11.1.2 Abuse of a pregnant female in the first degree. 11 **Del.C.** §606.
11.1.3 Assault in the second degree. 11 **Del.C.** §612.
11.1.4 Assault in the first degree. 11 **Del.C.** §613.
11.1.5 Felony abuse of a sports official. 11 **Del.C.** §614.
11.1.6 Child abuse in the first degree. 11 **Del.C.** ~~§1103B~~ §1103C.
11.1.7 Unlawfully administering controlled substance or counterfeit substance or narcotic drugs. 11 **Del.C.** §626.
11.1.8 Manslaughter. 11 **Del.C.** §632.
11.1.9 Murder by abuse or neglect in the second degree. 11 **Del.C.** §633.
11.1.10 Murder by abuse or neglect in the first degree.11 **Del.C.** §634.
11.1.11 Murder in the second degree. 11 **Del.C.** §635.
11.1.12 Murder in the first degree. 11 **Del.C.** §636.
11.1.13 Promoting suicide. 11 **Del.C.** §645
11.1.14 ~~Abortion. 11 **Del.C.** §651~~ Trafficking an individual, forced labor, and sexual servitude. 11 **Del.C.** §787.
11.1.15 Unlawful sexual contact in the second degree.11 **Del.C.** §768
11.1.16 Unlawful sexual contact in the first degree. 11 **Del.C.** §769
11.1.17 Rape in the fourth degree. 11 **Del.C.** §770
11.1.18 Rape in the third degree. 11 **Del.C.** §771
11.1.19 Rape in the second degree. 11 **Del.C.** §772
11.1.20 Rape in the first degree. 11 **Del.C.** §773
11.1.21 Bestiality. 11 **Del.C.** §775
11.1.22 Continuous sexual abuse of a child. 11 **Del.C.** §776
11.1.23 Dangerous crimes against a child. 11 **Del.C.** §777
11.1.24 Female genital mutilation.11 **Del.C.** §780
11.1.25 Kidnapping in the second degree. 11 **Del.C.** §783
11.1.26 Kidnapping in the first degree. 11 **Del.C.** §783A
11.1.27 Arson in the third degree. 11 **Del.C.** §801
11.1.28 Arson in the second degree. 11 **Del.C.** §802

11.1.29 Arson in the first degree.11 **Del.C.** §803
11.1.30 Burglary in the third degree. 11 **Del.C.** §824
11.1.31 Burglary in the second degree. 11 **Del.C.** §825
11.1.32 Burglary in the first degree. 11 **Del.C.** §826
11.1.33 Possession of burglar's tools or instruments facilitating theft. 11 **Del.C.** §828
11.1.34 Robbery in the second degree.11 **Del.C.** §831
11.1.35 Robbery in the first degree. 11 **Del.C.** §832
11.1.36 Felony theft. 11 **Del.C.** §841
11.1.37 Theft; lost or mislaid property; mistaken delivery. 11 **Del.C.** §842
11.1.38 Theft; false pretense. 11 **Del.C.** §843
11.1.39 Extortion 11 **Del.C.** §846
11.1.40 Theft, extortion; claim of right as an affirmative defense. 11 **Del.C.** §847
11.1.41 Misapplication of property. 11 **Del.C.** §848
11.1.42 Use, possession manufacture, distribution and sale of unlawful telecommunication and access devises. 11 **Del.C.** §850
11.1.43 Receiving stolen property. 11 **Del.C.** §851
11.1.44 Identity theft. 11 **Del.C.** §854
11.1.45 Forgery. 11 **Del.C.** §861
11.1.46 Possession of forgery devices. 11 **Del.C.** §862
11.1.47 Falsifying business records. 11 **Del.C.** §871
11.1.48 Tampering with public records in the second degree. 11 **Del.C.** §873
11.1.49 Tampering with public records in the first degree. 11 **Del.C.** §876
11.1.50 Offering a false instrument for filing. 11 **Del.C.** §877
11.1.51 Issuing a false certificate. 11 **Del.C.** §878
11.1.52 Unlawful use of payment card. 11 **Del.C.** §903
11.1.53 Reencoder and scanning devices. 11 **Del.C.** §903A
11.1.54 Criminal impersonation, accident related. 11 **Del.C.** §907A
11.1.55 Criminal impersonation of a police officer, firefighter, emergency medical technician (EMT), paramedic or fire police. 11 **Del.C.** §907B
11.1.56 Unlawfully concealing a will. 11 **Del.C.** §908
11.1.57 Insurance fraud. 11 **Del.C.** §913
11.1.58 Use of consumer identification information. 11 **Del.C.** §914
11.1.59 Use of payment card information. 11 **Del.C.** §915
11.1.60 Unauthorized access. 11 **Del.C.** §932
11.1.61 Misuse of computer system information. 11 **Del.C.** §935
11.1.62 Endangering the welfare of a child. 11 **Del.C.** §1102
11.1.63 Sexual exploitation of a child. 11 **Del.C.** §1108
11.1.64 Unlawfully dealing in child pornography. 11 **Del.C.** §1109
11.1.65 Possession of child pornography. 11 **Del.C.** §1111
11.1.66 Sexual solicitation of a child. 11 **Del.C.** §1112A
11.1.67 Perjury in the second degree. 11 **Del.C.** §1222
11.1.68 Perjury in the first degree. 11 **Del.C.** §1223
11.1.69 Tampering with physical evidence. 11 **Del.C.** §1269
11.1.70 Hate crimes. 11 **Del.C.** §1304
11.1.71 Abusing a corpse. 11 **Del.C.** §1332
11.1.72 Trading in human remains and associated funerary objects. 11 **Del.C.** §1333
11.1.73 Adulteration. 11 **Del.C.** §1339
11.1.74 Desecration of a burial place. 11 **Del.C.** §1340
11.1.75 Act of intimidation. 11 **Del.C.** §3532
11.1.76 Aggravated act of intimidation. 11 **Del.C.** §3533
11.1.77 Attempt to intimidate. 11 **Del.C.** §3534.
11.1.78 Alteration, theft, or destruction of will. 12 **Del.C.** §210
11.1.79 Duty of driver involved in accident resulting in injury or death to any person. 21 **Del.C.** §4202

11.2 Crimes substantially related to the provision of Funeral Services shall be deemed to include any crimes under any federal law, state law, or valid town, city or county ordinance, that are substantially similar to the crimes identified in this rule.

21 DE Reg. 338 (10/01/17)
24 DE Reg. 65 (07/01/20)

12.0 Standards for Advertising by Funeral Directors.

The Purpose of these standards is to protect the general public and to prohibit false, misleading, untrue or deceptive advertising practices by licensees.

12.1 Definitions

12.1.1 "**Advertise**," "**advertising**," or "**promotional medium**" means the use of printed media, radio, television, billboards, the internet, stationary, contracts, price lists, calendars, fans, novelty items, or any other advertising method or medium.

12.1.2 For the purposes of this rule, "funeral establishment" means any licensed place used in the care and preparation of human remains for funeral services.

12.2 General Rule

12.2.1 A licensee may not make or cause to be made an inaccurate or deceptive statement, representation, guaranty, warranty, testimonial or endorsement through advertising or promotional medium.

12.2.2 A licensee shall be accountable under this regulation if the licensee uses an agent or partnership to implement actions prohibited by this regulation.

12.2.3 A licensee who violates these regulations regarding advertising may be guilty of consumer fraud, deception, restraint of completion, or price ~~fixing and~~ fixing. That licensee may be disciplined pursuant to 24 **Del.C.** §3112(a)(5) and subjected to the disciplinary sanctions set forth in 24 **Del.C.** §3114.

12.3 Prohibitions

12.3.1 A licensee shall not use, publish or disseminate any false, misleading, untrue or deceptive advertising in any manner.

12.3.2 The contents of any advertising shall include the name of the funeral establishment, its address and its business phone number.

12.3.3 An advertisement shall not contain any representations that the licensee is willing to provide services which are illegal under the laws or regulations of the State of Delaware or the United States.

12.3.4 A licensee shall not engage in solicitation from a dying individual or the relatives of a dying individual other than through general advertising.

12.3.5 Any mention of fees in an advertisement shall disclose any relevant variables that would affect that fee so that the statement can not be misunderstood or deceptive to the general public.

16 DE Reg. 106 (07/01/12)

13.0 ~~Cremation and Crematoriums~~ Cremation, Crematoriums, and Natural Organic Reduction Facilities [24 Del.C. §3105(a)(15-17)]

13.1 Definitions

The following words and terms, when used in Section 13.0 of this regulation, have the following meaning:

~~"**Certified Crematory Operator**" means a natural person who has received official certification as a crematory operator from CANA, ICCFA or another officially recognized certification agency approved by the Board.~~

~~"**Cremated Human Remains/Cremains**"~~ **"Cremated human remains" or "cremains"** means all particulate matter of a deceased human body following the cremation and subsequent mechanical pulverization of the remains.

"**Cremation ~~Process~~ process**" means the procedure necessary to render a human remains to a particulate and ash consistency using extreme heat, cold, direct fire or any other type of thermal process.

~~"**Cremator/Retort**" means the mechanical combustion chamber in which cremation of a deceased human body takes place.~~

~~"**Crematory/Crematorium**"~~ **"Crematory"** or **"crematorium"** means a facility which houses the mechanical equipment and appurtenances used during the cremation of a deceased human body.

"**NOR remains**" means the body of a deceased person, including remains following the process of natural organic reduction.

~~"**Offsite crematory/crematorium**" means a facility which houses the mechanical equipment and appurtenances used during the cremation of a deceased human body and is not located within the confines of a funeral establishment or adjacent to the funeral establishment.~~

~~"**Onsite funeral home crematory/crematorium**" means a facility which houses the mechanical equipment and appurtenances used in the cremation of a deceased human body when the facility is located within the confines of funeral establishment or adjacent to the funeral establishment.~~

"**Natural organic reduction facility**" means a facility which houses the mechanical equipment and appurtenances used during the natural organic reduction of a deceased human body.

"**Natural organic reduction process**" means the contained, accelerated conversion of human remains to soil.

"**Reduction chamber**" means the enclosed space in a crematory or natural organic reduction facility in which the cremation process or natural organic reduction process takes place.

13.2 Cremation and natural organic reduction

13.2.1 An identifying label, tag or other bracelet shall be used and placed on the decedent at the time of identification if one has not already been affixed at the time of transfer to the care of the funeral ~~home~~ establishment. At the conclusion of cremation or natural organic reduction, a delivery receipt to the receiving party of the ~~cremated~~ cremains or NOR remains shall be signed and maintained by the ~~crematory/crematorium~~ crematory, crematorium, or natural organic reduction facility of record along with a copy of the formal identification of the decedent by the funeral ~~home~~ establishment of record.

13.2.2 All portions of ~~cremated~~ cremains or NOR remains shall have identification with the name of the decedent and name of the crematory performing cremation or natural organic reduction facility performing the natural organic reduction affixed to the outside of the vessel in some fashion as well as the inside of the vessel, with the exception of cremation or natural organic reduction jewelry. Labeling shall be present on the outside of the box or container holding the cremation or natural organic reduction jewelry.

13.2.3 A metal cremation or natural organic reduction identification disc shall be utilized in the cremation reduction chamber and throughout the cremation process or natural organic reduction process and shall be attached with the largest primary portion of ~~cremated~~ human remains.

13.2.4 No cremation or natural organic reduction of other than deceased human remains shall occur in any ~~cremation~~ reduction chamber at any time nor shall any processing equipment be utilized for any other purposes other than for deceased human remains.

13.2.5 No cremation or natural organic reduction of more than 1 deceased human remains shall occur in any ~~cremation~~ reduction chamber at any time.

13.2.6 Comingling of ~~cremated~~ cremains or NOR remains shall only occur with formal written authorization by the legal next of kin.

13.2.7 Return of cremains or NOR remains

~~13.2.7~~ 13.2.7.1 Following cremation, the cremated human remains must be returned to the responsible party in a secure container or vessel of no less construction than that of a minimum metal material, ridged plastic ~~material~~ material, or heavy grade corrugated material. Any container, if used, or any type of cremation urn shall be clearly affixed with a label clearly identifying the contents, which shall include the name of decedent, date of passing, date of cremation, name of funeral home and name, address and phone number of the crematory of record.

13.2.7.2 Rules regarding return or disposition of NOR remains.

13.2.7.2.1 The funeral establishment and the responsible party shall establish a signed agreement, before proceeding with natural organic reduction, regarding how and what volume of NOR remains shall be returned to the responsible party. Following natural organic reduction, the NOR remains must be returned to the responsible party in a secure container or vessel of no less construction than that of a minimum metal material, ridged plastic material, or heavy grade corrugated material. Any container, if used, or any type of urn shall be clearly affixed with a label clearly identifying the contents, which shall include the name of decedent, date of passing, dates of natural organic reduction, name of funeral establishment, and name, address, and phone number of the natural organic reduction facility of record.

13.2.7.2.2 The funeral establishment and the responsible party shall, before proceeding with NOR, establish a signed agreement as to how any excess NOR remains shall be disposed. Disposition of excess NOR remains shall be as required by Delaware Code, Delaware Department of Natural Resources and Environmental Control, or Delaware Health and Social Services.

13.2.7.2.3 Any NOR remains that exceed the particulate thresholds established by 16 **Del.C.** §3165 shall not be released and shall be remediated, if possible, as provided in the signed agreement between the funeral establishment and the responsible party. In the event the NOR remains cannot be remediated, the NOR remains shall be disposed of in the manner required by Delaware Code, Delaware Department of Natural Resources and Environmental Control, or Delaware Health and Social Services.

13.2.8 All electronic and ~~radio active~~ radioactive devices or implants, including pacemakers, ~~defibrillators~~ defibrillators, or radioactive pain management seedings, shall be removed prior to cremation.

13.2.9 No funeral ~~home~~ establishment licensed in this state shall publicize themselves as a ~~crematorium or crematory~~ crematorium, crematory, or natural organic reduction facility unless ~~they have~~ it has that facility on premise or ~~have~~ has a financial interest in a ~~third party~~ third-party crematory or natural organic reduction facility.

13.2.10 All Authority to Cremate or Authority for Natural Organic Reduction forms shall indicate the name and address of the cremation or natural organic reduction as well as the location of refrigeration of the decedent prior to cremation or natural organic reduction, if the time parameters require refrigeration.

13.2.11 All ~~crematories and crematoriums~~ crematories, crematoriums, and natural organic reduction facilities which are not part of a licensed funeral ~~home~~ establishment operation must register with the Board for an ~~official~~ establishment permit. The establishment shall meet the requirements set forth by the Board in ~~their~~

~~regulations~~ this regulation. Whether the crematory, crematorium, or natural organic has refrigeration shall be noted on the permit at the time of issuance or renewal. No viewing of decedents would be permitted at these types of ~~crematories or crematoriums~~ crematories, crematoriums, or natural organic reduction facilities.

13.2.12 ~~Crematories and Crematoriums~~ Crematories, crematoriums, and natural organic reduction facilities which are part of a licensed funeral ~~home~~ establishment operation and within its confines or on an adjacent property to the immediate funeral ~~home facility~~ establishment would be considered an integral part of the operation and would not require separate registration with the Board. The facility shall, however, be subject to inspection at the time of the funeral ~~home~~ establishment inspection. The crematorium or natural organic reduction facility location shall be noted on the funeral ~~home~~ establishment permit at time of licensing or renewal.

13.2.13 Certified operator requirements

~~13.2.13~~ 13.2.13.1 Crematories and crematoriums shall have a certified crematory operator on the premises during the process of cremation. A certified crematory operator must be a natural person who has received official certification as a crematory operator from the Cremation Association of North America (CANA), the International Cemetery, Cremation & Funeral Association (ICCFA), the National Funeral Director Association (NFDA), or another officially recognized certification agency approved by the Board.

13.2.13.2 Natural organic reduction facilities shall have a certified natural organic reduction operator monitor the process throughout its duration and be on the premises at any time the reduction chamber is accessed or the NOR remains are handled. A certified natural organic reduction operator must be a natural person who has received official certification as a natural organic reduction operator from CANA, ICCFA, NFDA, or another officially recognized certification agency approved by the Board.

13.2.14 ~~Crematories and crematoriums~~ Crematories, crematoriums, and natural organic reduction facilities shall abide by all regulations and rules put forth by any state or federal agency regarding emissions created from the act of cremation or natural organic reduction.

13.2.15 All individuals assisting in ~~crematory or crematorium~~ crematory, crematoriums, and natural organic reduction facility operations, and hired after the effective date of these regulations, must have a minimum of a GED.

~~13.2.16 Third party crematories and crematoriums shall not hold un-embalmed human remains after their delivery to their facility for a period longer than 6 hours prior to cremation unless the facility has the capability to storage in refrigeration on premises at a temperature not to exceed 38 degrees. Third party crematories and crematoriums may only hold in refrigeration those human remains which have been delivered to them along with all the necessary documentation for cremation for a period not to exceed 24 hours. Third party crematories and crematoriums are not a registered funeral home establishment; therefore, they shall not extend the services of being a depository for the process of refrigeration. The refrigeration system shall have its own secure locking system. The presence and location of refrigeration shall be noted on the Crematory Establishment License in the case of offsite crematory or the Funeral Home Establishment License in the case of onsite funeral home crematory.~~

13.2.16 Refrigeration and storage at third-party crematories, crematoriums, and natural organic reduction facilities

13.2.16.1 Third-party crematories, crematoriums, and natural organic reduction facilities shall not hold un-embalmed human remains after delivery to their facility for a period longer than 6 hours prior to cremation or natural organic reduction unless the facility has the capability for storage in refrigeration on premises at a temperature not to exceed 38° F.

13.2.16.2 Third-party crematories, crematoriums, and natural organic reduction facilities may only hold in refrigeration those human remains which have been delivered along with all the necessary documentation for cremation or natural organic reduction, and then only for a period not to exceed 24 hours.

13.2.16.3 Any refrigeration system shall have its own secure locking system.

13.2.16.4 Third-party crematories, crematoriums, and natural organic reduction facilities shall not extend the services of being a depository for the process of refrigeration.

13.2.17 No ~~third party~~ third-party crematory or natural organic reduction facility may hold itself out to offer services direct to the public unless the facility meets all the requirements of a funeral establishment.

13.2.18 No members of the general public may be permitted to witness the placement of a ~~cremation~~ container or casket into a ~~cremation~~ reduction chamber unless the crematory ~~of record~~ or natural organic reduction facility has this procedure as a general company policy.

13.2.19 In addition to the record-keeping requirements set forth in Section 14.0, the crematory or crematorium must retain records, available upon Board demand for inspection, concerning any authorization, permit, custody, or activity logs related to the cremation process.

13.2.20 In addition to the record-keeping requirements set forth in Section 14.0, the natural organic reduction facility shall maintain records, available upon Board demand for inspection, including:

13.2.20.1 Any authorization, permit, custody, or activity logs related to the natural organic reduction process;

13.2.20.2 The facility's license from the required State agencies to operate a natural organic reduction facility; and 3 years of records reflecting the soil sample analysis testing required by Chapter 31 of Title 16 of the Delaware Code; and

13.2.20.3 All records pertaining to excess NOR remains, whether disposed of pursuant to the signed agreement between the funeral establishment and the responsible party or whether retained or disposed pursuant to Delaware Code, Delaware Department of Natural Resources and Environmental Control, or Delaware Health and Social Services.

13.2.21 No establishment may engage in the cremation or natural organic reduction of human remains until a burial or transit permit has been completed. Copies of that permit must be retained by the establishment conducting the cremation or natural human reduction.

21 DE Reg. 904 (05/01/18)
24 DE Reg. 887 (05/01/24)

14.0 Inspections [24 Del.C. §3105(a)(15)]

14.1 All funeral establishments are subject to a physical inspection by an investigator designated by the Board. All licensees and establishments are required to cooperate with the Board's investigators. Failure to comply may result in discipline pursuant to 24 **Del.C.** §3112(a)(6).

14.1.1 Inspections shall include review of record keeping practices and the completeness of records at each establishment. These records shall include the following as applicable:

14.1.1.1 Name of the deceased.

14.1.1.2 Date of death.

14.1.1.3 Place of death.

14.1.1.4 Burial or transit permit.

14.1.1.5 Date of delivery to the place of final disposition.

14.1.1.6 Name of the Funeral Director.

14.1.1.7 Contracts between representatives of the deceased and the establishment or Funeral Director.

14.1.1.8 Documents establishing the chain of custody of the deceased until final disposition including any embalming reports, cremation records, or natural organic reduction records.

14.1.1.9 Documents demonstrating compliance with applicable Federal Trade Commission regulations pertaining to funeral services and establishments.

~~14.1~~ 14.2 Embalming areas shall include, at a minimum, the following:

~~14.1.1~~ 14.2.1 A secure working lock on all doors and windows. Doors and windows should be covered in some fashion so as to not permit the visibility from outside of any areas inside the preparation room and shall close tightly;

~~14.1.2~~ 14.2.2 An entrance door to the embalming room identified by a sign indicating that entry may be hazardous and only authorized personnel are permitted;

~~14.1.3~~ 14.2.3 Floors, walls, ceilings, counters, and cabinets covered in an impervious material such as tile or finished in a coating that may be easily cleaned and disinfected;

~~14.1.4~~ 14.2.4 Hot and cold running water along with drainage that meets all state and federal regulations;

~~14.1.5~~ 14.2.5 Embalming and dressing tables in good, clean working order;

~~14.1.6~~ 14.2.6 An area for storage of all embalming chemicals that is within the locked confines of the preparation area or, alternatively, a separate securely locked and identified closet;

~~14.1.7~~ 14.2.7 Clearly labeled cabinets and drawers specifying their contents;

~~14.1.8~~ 14.2.8 Ventilation according to OSHA standards in working order;

~~14.1.9~~ 14.2.9 A copy of the most recent formaldehyde ~~short and long term~~ short-term and long-term exposure rates. Formaldehyde testing shall occur at least every 18 months;

~~14.1.10~~ 14.2.10 A copy of the most recent hazardous waste disposal receipts shall be available for inspection;

~~14.1.11~~ 14.2.11 A copy of the most recent Safety Data Sheets;

~~14.1.12~~ 14.2.12 Hazardous waste containers and sharps containers with their locations noted;

~~14.1.13~~ 14.2.13 A preparation room with a working embalming machine, embalming table, aspiration device, surgical instruments and embalming fluids customary for use during an embalming procedure;

~~14.1.14~~ 14.2.14 Emergency eye wash and shower equipment must be present and in working order;

~~14.1.15~~ 14.2.15 A minimum of 120 square feet;

~~14.1.16~~ 14.2.16 If a refrigeration unit is on the premises, the refrigeration unit shall be in a clean and sanitary working condition secured with locks in order to prevent the entrance by anyone other than authorized personnel;

~~14.1.17~~ 14.2.17 A first aid kit available near the embalming room.

14.3 If an establishment includes facilities that were previously used for embalming, but no longer are, those facilities must be fully decommissioned by notifying the Board of the decommissioning and shall be subject to

inspection to confirm that the facilities have been fully decommissioned. An embalming facility will be considered fully decommissioned when all aspiration devices, embalming machines, surgical instruments, and embalming chemicals have been removed from the space.

~~14.2~~ 14.4 Unembalmed human remains may not be kept in a refrigerated state for more than 15 calendar days unless medical/legal investigation requires further holding in ~~such~~ an un-embalmed, refrigerated state or unless religious reasons demand further holding in ~~such~~ an un-embalmed, refrigerated state.

~~14.3~~ 14.5 Pursuant to 24 **Del.C.** §3105(a)(15), ~~crematories and crematoriums~~ crematories, crematoriums, and natural organic reduction facilities shall be inspected for their compliance with Section 13.0.

21 DE Reg. 904 (05/01/18)
27 DE Reg. 887 (05/01/24)

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4 DE Reg. 159 (07/01/00)
5 DE Reg. 606 (09/01/01)
8 DE Reg. 1285 (03/01/05)
9 DE Reg. 262 (08/01/05)
10 DE Reg. 1154 (01/01/07)
12 DE Reg. 1335 (04/01/09)
16 DE Reg. 106 (07/01/12)
16 DE Reg. 655 (12/01/12)
21 DE Reg. 338 (10/01/17)
21 DE Reg. 904 (05/01/18)
24 DE Reg. 65 (07/01/20)
27 DE Reg. 887 (05/01/24)
24 DE Reg. 887 (05/01/24)