

367.97501 Definitions for KRS 367.97501 to 367.97537.

As used in KRS 367.97501 to 367.97537, unless the context requires otherwise:

- (1) "Authorizing agent" means the person legally entitled to order the cremation of the human remains. The right to control the disposition of the remains of a deceased person, unless other directions have been given by the decedent, vests in, and the duty of disposition devolves upon the following in the order named:
 - (a) The decedent through a preneed cremation authorization;
 - (b) The surviving spouse of the decedent;
 - (c) The surviving adult children of the decedent;
 - (d) The surviving parents of the decedent;
 - (e) The surviving adult grandchildren of the decedent;
 - (f) The surviving adult siblings of the decedent;
 - (g) A next closest adult relative of the decedent; or
 - (h) In the absence of any of the above, by order of District Court.
- (2) "Casket" means a rigid container which is designed for the encasement of human remains constructed of wood, metal, or other material.
- (3) "Closed container" means a sealed container or urn in which cremated remains are placed and enclosed in a manner that prevents leakage or spillage of cremated remains or the entrance of foreign material.
- (4) "Cremated remains" means the fragments remaining after the cremation process has been completed.
- (5) "Cremation" means the heating process that reduces human remains to bone fragments through combustion and evaporation.
- (6) "Cremation authorization form" means a form promulgated by administrative regulation of the Attorney General by which the next class of authorizing agent from the decedent in the order set forth in subsection (1) of this section expresses consent to the decedent's cremation. The form shall include information concerning the parties' rights and responsibilities.
- (7) "Cremation chamber" means an enclosed space designed and manufactured for the purpose of cremating human remains.
- (8) "Cremation container" means a container in which human remains may be delivered to a crematory for cremation that is:
 - (a) Rigid enough to support the weight of the corpse, closed, and leakproof;
 - (b) Composed of a combustible material or other material approved by the crematory authority; and
 - (c) A proper and dignified covering for the human remains.
- (9) "Crematory authority" means the legal entity which is licensed by the Attorney General to operate a crematory and conduct cremations. Crematory authority does not include state university health science centers.
- (10) "Crematory" means a fixed building or structure that contains one (1) or more

cremation chambers for the reduction of bodies of deceased persons to cremated remains. "Crematory" includes crematorium.

- (11) "Crematory operator" means the person in charge of a licensed crematory authority.
- (12) "Holding facility" means an area designated for the retention of human remains prior to cremation.
- (13) "Human remains" means the body of a deceased person or part of a body or limb that has been removed from a living person, in any state of decomposition, prior to cremation.
- (14) "Pathological waste" means human tissues, organs, and blood or body fluids, in liquid or semiliquid form that are removed from a person for medical purposes. "Pathological waste" does not include amputations.
- (15) "Preneed cremation authorization form" means a properly witnessed form promulgated by administrative regulation of the Attorney General by which a decedent, prior to his death, has authorized his cremation. The form shall include information concerning the parties' rights and responsibilities.
- (16) "Processed remains" means the end result of pulverization, by which the residual from the cremation process is reduced and cleaned leaving only fragments reduced to unidentified dimensions.
- (17) "Retort operator" means a person operating a cremation chamber.
- (18) "Scattering area or garden" means an area which may be designated by a cemetery and located on a dedicated cemetery property where cremated remains which have been removed from their container can be mixed with or placed on top of the soil or ground cover.
- (19) "Temporary container" means a receptacle for cremated remains, usually made of plastic, cardboard, ceramics, plastic film, wood, or metal, designed to prevent the leakage of processed remains or the entrance of foreign materials which will hold the cremated remains until an urn or other permanent container is acquired.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 140, sec. 1, effective July 15, 1994.