



Cremation, Interment and Funeral Services Act

**CREMATION, INTERMENT AND
FUNERAL SERVICES REGULATION**

B.C. Reg. 298/2004

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Consolidated Regulations of British Columbia

This is an unofficial consolidation.

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This consolidation includes any amendments deposited and in force as of the currency date at the bottom of each page. See the end of this regulation for any amendments deposited but not in force as of the currency date. Any amendments deposited after the currency date are listed in the B.C. Regulations Bulletins. All amendments to this regulation are listed in the *Index of B.C. Regulations*. Regulations Bulletins and the Index are available online at www.bclaws.ca.

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Cremation, Interment and Funeral Services Act

**CREMATION, INTERMENT AND
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B.C. Reg. 298/2004

PART 1 – GENERAL

Definitions

- 1** (1) In this regulation:
- “**Act**” means the *Cremation, Interment and Funeral Services Act*;
- “**appliance**” means a device designed and constructed for the purpose of cremating human remains;
- “**container**” means a receptacle for the purpose of holding, enclosing and transporting human remains, but does not include a receptacle that is designed for the purpose of enclosing or partially enclosing another receptacle in which the human remains are placed in a lot in a cemetery or mausoleum;
- “**former Act**” means the *Cemetery and Funeral Services Act*;
- “**industry training authority**” means the industry training authority established under the *Industry Training Authority Act*;
- “**interment right contract**” means a contract that provides for a right of interment for human remains or cremated remains in a lot;
- “**professional engineer**” means a person who is registered under the *Professional Governance Act* as a professional engineer or professional engineering licensee;
- “**professional geoscientist**” means a person who is registered under the *Professional Governance Act* as a professional geoscientist or professional geoscience licensee.
- (2) Subject to subsection (3), a word or phrase used in this regulation that is defined in the *Business Practices and Consumer Protection Act* has the meaning defined in that Act.
- (3) A word or phrase used in this regulation that is defined in this regulation or in the *Cremation, Interment and Funeral Services Act* has the meaning as defined in this regulation or that Act.

[am. B.C. Reg. 11/2021, App. 3, s. 3.]

Respectful handling

- 2** A person who has possession of human remains must handle the human remains in a respectful manner.

Persons permitted to transfer human remains

- 3** (1) Subject to section 6, only the following people **may** move human remains from a place where the remains are held to a place of interment or cremation, a place where a bereavement rite or ceremony is held, the business premises or storage

facilities of a funeral provider or to a depot of a common carrier for long distance transport:

- (a) a funeral director licensed under this Act;
- (b) an employee of a licensed funeral provider who is acting under the supervision of a licensed funeral director;
- (c) a person who, under the direction of a licensed funeral director, is transferring the remains under a contract with the licensed funeral provider;
- (d) a person who is acting under a permit issued under subsection (2).

(2) On request, the director may

- (a) issue a permit authorizing a person to transfer human remains in the manner described in subsection (1) if the person
 - (i) is not acting in the course of the person's business, or
 - (ii) is acting in the course of the person's business and, under section 36.1 of this regulation, the person is exempt from the obligation to be licensed as a funeral provider and a funeral director under section 55 (1) of the Act, and
- (b) establish conditions for the permit.

[am. B.C. Reg. 121/2019, s. 1.]

Manner of transferring human remains

- 4 (1) If a person referred to in section 3 is transferring human remains, the person must transfer the human remains in a manner that prevents the remains from causing a hazard to the health of any other person.
- (2) If a person referred to in section 3 (1) (d) is transferring human remains, the person must transfer the human remains in a rigid container that
- (a) has sufficient strength to contain and move the human remains,
 - (b) is constructed so that it does not leak or cause a hazard to the health of any other person, and
 - (c) is capable of being closed so that the public is not able to see the human remains.

Vehicle for the transfer of human remains

- 5 (1) If a person referred to in section 3 (1) (a) to (c), is transferring human remains, the person must transfer human remains in an enclosed vehicle that
- (a) is used primarily for that purpose,
 - (b) is kept in a sanitary condition,
 - (c) is an adequate size to accommodate the full length of the remains,
 - (d) has no advertising displayed on its exterior other than the name, address and telephone number of the person transferring the remains, and

- (e) is capable of transferring the container containing human remains so that the container is out of public view.
- (2) If a person referred to in section 3 (1) (d) is transferring human remains under a permit, the person must transfer the human remains in a vehicle that
 - (a) is in sanitary condition immediately before, during and immediately after the transfer,
 - (b) is an adequate size to accommodate the full length of the remains, and
 - (c) is capable of transferring the container containing human remains so that the container is out of public view.
- (3) A person who is permitted to transfer human remains under section 3 must
 - (a) transfer the human remains to the intended destination as quickly as is practicable, and
 - (b) ensure that during the period the human remains are in the vehicle, a person is in the vehicle or the vehicle is locked and secure.

**Transportation of human remains following exhumation
or disinterment**

- 6** For the purposes of section 17 of the Act, a funeral provider who is transporting human remains or is permitting human remains to be transported to a place outside the cemetery or mausoleum from which the human remains were exhumed or disinterred must ensure that the human remains
- (a) are sealed in a container that prevents any seepage of fluids or escape of gases or offensive odours,
 - (b) are transported in a vehicle that is
 - (i) kept in sanitary condition,
 - (ii) of an adequate size to accommodate the full length of the human remains, and
 - (iii) capable of transferring the container containing human remains so that the container is out of public view,
 - (c) unless the exhumation or disinterment is ordered by a court or authorized under section 15 of the *Coroners Act*, are accompanied by a copy of the director's approval of the exhumation or disinterment under section 16 (2) (b) of the Act, and
 - (d) are transported to the intended destination as quickly as is practicable.

Disposition of human remains

- 7** (1) With the approval of the director, human remains may be disposed of at the place where the person died, if
- (a) the person dies at a remote location in British Columbia, and

- (b) it is impossible or very impracticable to remove the remains of the person from that location to a cemetery, mausoleum or crematorium.
- (2) An applicant for approval under subsection (1) must provide evidence to the director that
 - (a) the registered owner of the land on which the disposition of human remains is to occur consents to the disposition, or
 - (b) the land on which the disposition is to occur is Crown land that has been reserved for interment purposes under the *Land Act*.
- (3) Section 55 (1) of the Act does not apply in circumstances where the director grants approval under subsection (1).

Disposition of unclaimed cremated remains

- 8** (1) An operator of a crematorium or a funeral provider may dispose of cremated remains in the possession of the operator or funeral provider only if all of the following conditions are met:
- (a) no person referred to in section 5 (1) (a) to (k) of the Act has claimed the right to control the disposition of cremated remains during the one year period immediately following cremation;
 - (b) the operator or funeral provider has published a notice that
 - (i) provides the information referred to in subsection (2),
 - (ii) is placed in 2 issues of a newspaper circulating in the area in which the cremation was arranged, and
 - (iii) is published in the newspapers referred to in subparagraph (ii) at least 14 days apart;
 - (c) no person referred to in section 5 (1) (a) to (k) of the Act claimed the remains within the 30 day period after the date of the second publication referred to in paragraph (b) (iii).
- (2) The notice referred to in subsection (1) (b) must include the following:
- (a) the name of the deceased person whose cremated remains have not been claimed;
 - (b) the name of the operator or funeral provider that is proposing to dispose of the cremated remains;
 - (c) the location, and the projected date and time at which the cremated remains are to be disposed of;
 - (d) a statement to the effect that a person with a right to control the disposition of cremated remains under section 5 of the Act may claim the cremated remains before the disposition occurs.

Requirements for containers referred to in section 11 of the Act

- 9** A container referred to in section 11 of the Act must meet the following requirements:

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- (a) it must have sufficient strength to contain and move human remains;
- (b) it must be capable of being closed so that the public is not able to see the human remains;
- (c) it must be constructed so that it does not leak or otherwise cause a hazard to any person's health;
- (d) it must be rigid.

Containers for cremation

- 10** (1) For the purposes of section 12 (c) of the Act, a container that encloses human remains must be combustible and rigid.
- (2) A funeral director or, if there is no funeral director, the person referred to in section 5 of the Act who has control over the human remains, must ensure that the container enclosing the human remains for the purpose of cremation does not contain any of the following:
- (a) plastic;
 - (b) fiberglass;
 - (c) foam or styrofoam;
 - (d) rubber;
 - (e) polyvinyl chloride;
 - (f) zinc.

Identification of funeral provider or operator

- 11** A funeral provider and an operator may advertise, contract, operate or otherwise carry on business in British Columbia only under the name that appears on the licence issued to the funeral provider or operator, as the case may be.

Identification of affiliation

- 12** (1) A person who is an operator, a funeral provider or a memorial dealer must clearly state his or her business address, in all directories, and advertising and marketing materials.
- (2) If an operator, a funeral provider or a memorial dealer is a corporation that is owned in whole or in part by a public company, as defined in the *Business Corporations Act*, the operator, funeral provider or memorial dealer, as the case may be, must state this fact clearly in all contracts, business letterhead and advertising and marketing materials of the operator, funeral provider or memorial dealer.
- (3) A society established for the purpose of making available funeral services or cemetery services or both to its members must disclose to each potential member and, on request, to each member all contractual relationships that the society has at the time with funeral providers, operators and memorial dealers.

Prohibited charges

- 13 An operator and a funeral provider must not charge for holding or storing cremated remains during the 60 day period following cremation.

Term of licences

- 14 (1) Subject to subsection (2), the director may issue a licence under section 55 (1) of the Act for a term that is not greater than 3 years.
- (2) The director may issue a licence for any term to an applicant for the purpose of operating a place of interment on a non commercial basis.

Location of licensed activity

- 15 A funeral provider and an operator must have a licence for each location from which the funeral provider or operator conducts business in British Columbia.

Reporting to a director

- 16 If a licensed funeral provider or a licensed operator is a corporation, the funeral provider or operator must report to the director in writing within 14 days of the change occurring
- (a) a change in the senior officers, as defined in the *Business Corporations Act*, of the corporation, and
 - (b) a material change in the beneficial ownership of the shares of the corporation.

PART 2 – PLACES OF INTERMENT**Application for certificate of public interest**

- 17 An applicant for a certificate of public interest for a site must submit to the director the following information:
- (a) a copy of a plan deposited in the Land Title Office;
 - (b) the legal description of the site;
 - (c) a map that shows the location of the site in relation to surrounding areas and access roads;
 - (d) a report on the site by a professional engineer or professional geoscientist that includes
 - (i) a description of the site and the drainage of the site in respect to adjoining property and the soil conditions and underlying rock formations of the site, and
 - (ii) an assessment by the professional engineer or professional geoscientist of the suitability of the site to be used as the proposed place of interment and a recommendation about the site's suitability for this use;

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- (e) a description of the proposal for development of a place of interment on the site and, if development is to be carried out in stages, a statement of the order of development and a description of each stage of the development of the place of interment;
- (f) in the case of a mausoleum or columbarium to be built on the site, a plan showing
 - (i) the sections, rooms, corridors and other divisions of the proposed mausoleum and columbarium, and
 - (ii) if any descriptive names and numbers are to be applied by the operator to the sections, rooms, corridors or other divisions, those descriptive names and numbers;
- (g) evidence that the applicant owns the site or holds an option to purchase for the site.

[am. B.C. Reg. 11/2021, App. 3, s. 4.]

Application for licence to operate a place of Interment

- 18** An applicant for a licence to act as or hold himself, herself or itself out as an operator of a place of interment must submit the following to the director:

- (a) a map that shows
 - (i) each proposed area for interment in relation to other areas of the place of interment,
 - (ii) every lot, fence, walk, road, watercourse and building in the place of interment and the dimensions of each,
 - (iii) the total area of the lots and the total area of land in the place of interment, and
 - (iv) descriptive names or numbers for each proposed area for interment;
- (b) if the applicant is a corporation,
 - (i) the names of all the directors, senior officers, as defined in the *Business Corporations Act*, and beneficial owners of the voting shares of the corporation, and
 - (ii) copies of the most recent financial statements or, if a newly incorporated company is the applicant, a statement of the proposed financial organization of the company;
- (c) if the applicant is a partnership, the full name and address of each partner in the partnership;
- (d) if the applicant is a sole proprietorship, the full name and address of the proprietor;
- (e) a detailed plan for the future care and maintenance of the property, including
 - (i) the manner in which the applicant proposes to fund the care and maintenance of the place of interment, and

- (ii) the manner in which the applicant intends to keep monies for the care and maintenance of the place of interment separate from all other monies of the applicant;
- (f) a financial feasibility study for the place of interment for each year of the 5 year period following projected date of receipt of the licence, that includes
 - (i) the amount the applicant expects to spend on land, development and maintenance, and
 - (ii) the source of the funds for the operation of the place of interment.

Approval for additional areas

- 19** Before an operator of a place of interment interments human remains or cremated remains in an area of the place of interment that is not included in plans provided to the director under section 18 (a) and (e) for that place of interment, the operator must
- (a) submit to the director plans of the type referred to in section 18 (a) and (e) for that proposed area of interment, and
 - (b) obtain the approval of the director for interring human remains and cremating remains in this area.

Required amount of contribution to care funds

- 20** (1) In subsections (2) and (3), “right of interment” does not include a right of interment of cremated remains or human remains in a columbarium niche or mausoleum crypt.
- (2) Except as provided in subsection (3), an operator that has a care fund for a cemetery must, for each right of interment at the cemetery that is sold, make a deposit to that fund of not less than 25% of the selling price of the right of interment.
- (3) An operator of a place of interment listed in Column 1 of Schedule 1 to this regulation must, for the type of right of interment set out opposite in Column 2 that is sold by the operator, make a deposit to the care fund of not less than the percentage of the selling price of the right of interment set out opposite in Column 3.
- (4) Except as provided in subsection (3), an operator that has a care fund for a mausoleum or columbarium must make a deposit to the care fund of not less than 10% of the selling price for each right of interment related to a mausoleum or columbarium.
- (5) An operator that has a care fund for a place of interment must make a deposit to the care fund of not less than \$10 for each memorial installed at the place of interment.

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Administration of care fund

- 21** (1) If the director orders an operator to establish a care fund, the operator must, within 30 days of the date the operator receives an amount required under section 20 to be deposited to the care fund, pay that amount to a savings institution with instructions that the funds be placed into the care fund.
- (2) The care fund trust agreement referred to in section 28 (5) (b) of the Act must include the following terms:
- (a) subject to subsection (3), the trust is irrevocable;
 - (b) the trust obligations may be transferred from one savings institution to another savings institution;
 - (c) the trustee must not pay an operator an amount referred to in section 32 (1) of the Act until the trustee has received from the operator an invoice or other written statement that sets out the amount expended and the manner in which the operator has expended money for the care and maintenance of the place of interment;
 - (d) the trustee must hold or reinvest the balance of a care fund for a place of interment that is not required by the operator for the care and maintenance of that place of interment.
- (3) The care fund trust agreement may be cancelled and the trust revoked if
- (a) a new trust agreement is entered into under section 31 of the Act,
 - (b) the trust agreement is transferred from one savings institution to another,
 - (c) the director approves the cancellation of the trust agreement and the entering into a new trust agreement with a different savings institution, or
 - (d) the director determines that the trust fund is no longer required as a result of a decision made under section 52 of the Act.

Administration of care fund by municipality, regional district or improvement district

- 22** (1) A care fund held by a municipality, regional district or improvement district
- (a) must be accounted for as a trust fund,
 - (b) may be invested only in the securities approved by the director or that would be permissible investments for the municipality, regional district or improvement district concerned if the care fund were a reserve fund.
- (2) Subject to subsection (4), a local government must invest at least once each calendar year the funds in a care fund held by the local government.
- (3) If the funds in a care fund referred to in subsection (1) are less than \$500, no investment is required until the funds in the care fund equal \$500.
- (4) In administering a care fund, a local government must
- (a) hold the money required by section 20 to be deposited to the care fund in a separate account with a savings institution, and

- (b) deposit the money referred to in paragraph (a) to the care fund on or immediately prior to each December 31.
- (5) A local government may use the interest and dividend income earned by a care fund administered for a place of interment operated by the local government only for the purpose of paying the liabilities of the local government arising out of care and maintenance services provided by any person for the place of interment.

Auditors

- 23** The class of persons referred to in section 30 (1) (b) of the Act is the class composed of persons each of whom is
- (a) a member, or a partnership whose partners are members, in good standing of
 - (i) the provincial or territorial Institute/Order of Chartered Accountants within Canada, or
 - (ii) the Certified General Accountants Association of British Columbia, or
 - (b) a person who is certified by the Auditor Certification Board continued under the *Business Corporations Act*.

Reporting requirements

- 24** (1) This section does not apply to
- (a) a municipality, regional district or improvement district, or
 - (b) an operator with respect to a place of interment for which the operator has established a care fund.
- (2) If requested by the director, an operator of a place of interment must file with the director, as soon as practicable after receipt of the request, a report that sets out the manner in which the operator intends to provide for care and maintenance of the place of interment.
- (3) The report required by subsection (2) must include the following information respecting the place of interment:
- (a) the operator's average cost of care and maintenance services arising during the previous 5 years;
 - (b) the operator's cost of care and maintenance services arising during the prior year;
 - (c) the cost of care and maintenance services for the next 5 years, as projected by the operator;
 - (d) the manner of obtaining the funds required to pay the costs referred to in paragraph (c);
 - (e) if care and maintenance services are provided by volunteers,

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- (i) the total of the number of days that each volunteer was required to expend in providing care and maintenance services during the previous 5 years,
- (ii) the average number of days that each volunteer is likely to be required to expend in providing care and maintenance services for the next 5 years, and
- (iii) the number of persons who have agreed to provide, without payment, care and maintenance services for the place of interment.

Reclamation of right of interment previously sold

- 25 (1) With prior approval of the director, an operator may sell a right of interment for a lot in a place of interment where the right of interment for the lot has been sold previously, but only if
- (a) the owner of the right of interment is at least 90 years of age or, if living, would be at least 90 years of age,
 - (b) a period of at least 50 years has elapsed from the date the prior right of interment was sold,
 - (c) at least 90 days have passed since the date the operator sent a notice of the operator's intention to resell the right of interment to the last known address of the interment right holder and the operator has not received a response from the interment right holder, and
 - (d) the operator has made diligent attempts to contact the interment right holder but is not able to locate or contact the interment right holder.
- (2) On receipt of an application from an operator, the director may approve or reject the application for a sale of the right of interment with or without conditions.
- (3) If the director refuses the application, the director must give the applicant written reasons for the decision.
- (4) If a right of interment for a lot is sold in the circumstances described in subsection (1), and the right of interment is subsequently required for use by the original interment right holder, the operator must provide another right of interment of equal or greater value that is acceptable to the original interment right holder or the person who has authority under section 5 of the Act with respect to the deceased interment rights holder.

Application for conversion of place of interment

- 26 An applicant for preliminary approval for a place of interment under section 51 (3) of the Act must submit the following to the director:
- (a) a detailed description of the place of interment including
 - (i) the location of the place of interment,
 - (ii) the number of people interred in the place of interment at the time of application, and

- (iii) the number of rights of interment with respect to the place of interment that have been sold but not yet exercised;
- (b) a description of the intended use to which the place of interment is to be converted and the rationale for the proposed conversion;
- (c) a plan for the conversion that includes the following:
 - (i) whether human remains or cremated remains interred at the place of interment will need to be moved and, if so, to what location and how this removal is to occur;
 - (ii) the effect of the conversion on the rights of interment sold with respect to the place of interment but not yet exercised, and how the applicant intends to deal with those affected rights;
 - (iii) the effect of the conversion on memorials in the place of interment, and if the conversion requires relocation or removal of or otherwise affects the memorials, the manner in which the applicant proposes to reduce the impact on the memorials;
 - (iv) the effect of the conversion on records held with respect to the place of interment and the applicant's plans respecting the storage and preservation of those records.

Records related to interments

- 27** (1) An operator of a place of interment must keep a record of each interment that occurs at the place of interment that includes the following:
- (a) the name of the deceased;
 - (b) the date and location of interment;
 - (c) the name and mailing address of a person who had a kinship relationship with the deceased;
 - (d) a copy of the written authorization required under section 8 (1) of the Act from the person who under section 5 of the Act had the right to control the disposition of human remains and the address of the person who gave the authorization;
 - (e) a copy of the burial permit or if the death occurred outside the Province, a copy of the burial permit or other document required under section 22 of the *Vital Statistics Act* for the burial of the human remains.
- (2) An operator of a place of interment must keep
- (a) an original or a copy of each interment rights contract for an interment in the place of interment, and
 - (b) if the operator has notice of a transfer of a right of interment, all relevant information respecting a sale or other transfer of the interment rights of an interment rights holder.
- (3) Before or at the time that an operator of a place of interment ceases to carry on business, the operator

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- (a) must notify the director of this fact, and
 - (b) provide, in a manner satisfactory to the director, for the safekeeping of the records required to be kept under this section.
- (4) If an operator receives records for safekeeping under subsection (3), the operator must ensure that the condition of the records does not deteriorate from the time of receipt by the operator.

PART 3 – CREMATORIA**Application for licence to operate a crematorium**

- 28** (1) An applicant for a licence to act as or hold himself, herself or itself out as an operator of the crematorium must submit to the director a document
- (a) that is executed on behalf of
 - (i) the municipal council, if the land is within a municipality,
 - (ii) the regional board, if the land is within an electoral area of a regional district, or
 - (iii) the local trust committee, if the land is within a local trust area as defined in the *Islands Trust Act*, and
 - (b) in which the municipal council, the regional board or the local trust committee, as the case may be, confirms that
 - (i) the proposed use is permitted by its bylaws, and
 - (ii) the site and the building plans for the crematorium have been approved by or on behalf of the municipal council, regional board or local trust committee, as the case may be.
- (2) Subsection (1) applies only with respect to a crematorium that
- (a) has never been operated before, and
 - (b) is located within a municipality, an electoral area of a regional district or a local trust area, as defined in the *Islands Trust Act*.
- (3) An applicant for a licence to act as or hold himself, herself or itself out as an operator of a crematorium must submit the following to the director:
- (a) the site and building plans for the crematorium approved by or on behalf of the appropriate local government;
 - (b) a document signed by a professional engineer that certifies that
 - (i) the crematorium is constructed in accordance with the plans referred to in paragraph (a),
 - (ii) a test of the operation of the crematorium has been completed and the test demonstrated that the crematorium operates in accordance with the manufacturer's specifications, the bylaws of the applicable local government and the laws of the Province, and

- (iii) the professional engineer has the necessary knowledge, skill and experience to certify this document;
- (c) if the applicant is a corporation,
 - (i) the names of all the directors, senior officers, as defined in the *Business Corporations Act*, and beneficial owners of the voting shares of the corporation, and
 - (ii) copies of the most recent financial statements or, if a newly incorporated company is the applicant, a statement of the proposed financial organization of the company;
- (d) if the applicant is a partnership, the full name and address of each partner in the partnership;
- (e) if the applicant is a sole proprietorship, the full name and address of the proprietor;
- (f) unless a different fee is required by the administrative authority, the fee required under Schedule 2 to this regulation.

Obligations of crematorium operator

- 29** (1) Before an operator of a crematorium adds an appliance that is not covered by the operator's licence or modifies or replaces an appliance for that crematorium, the operator must apply to the director for approval.
- (2) To apply for approval in the circumstances described in subsection (1), an operator must submit a certified statement of a professional engineer that the appliance added, modified or replaced, as the case may be, is suitable for the cremation of human remains.
- (3) This section does not apply to the annual or other routine maintenance recommended by the manufacturer of the appliance.

Records related to cremation

- 30** (1) An operator of a crematorium must keep records of each cremation performed at the crematorium that include
- (a) the name of the deceased,
 - (b) the date of cremation and the times at which the cremation started and ended,
 - (c) the name and mailing address of a person who had a kinship relationship with the deceased,
 - (d) the person to whom the cremated remains were released,
 - (e) a copy of the written authorization required under section 8 (1) of the Act from the person who under section 5 of the Act had the right to control the disposition of cremated remains and the address of the person who gave the authorization, and
 - (f) the type of container used for the cremation.

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- (2) Before or at the time that an operator of a crematorium ceases to carry on business, the operator
- (a) must notify the director of this fact, and
 - (b) must provide, in a manner satisfactory to the director, for the safekeeping of the records required to be kept under this section.

PART 4 – FUNERAL SERVICES**Application for licence as funeral provider**

- 31 An applicant for a licence to act as or hold himself, herself or itself out as a funeral provider must submit to the director,
- (a) if the applicant is a corporation,
 - (i) the names of all the directors, senior officers, as defined in the *Business Corporations Act*, and beneficial owners of the voting shares of the corporation, and
 - (ii) copies of the most recent financial statements or, if a newly incorporated company is the applicant, a statement of the proposed financial organization of the company,
 - (b) if the applicant is a partnership, the full name and address of each partner in the partnership,
 - (c) if the applicant is a sole proprietorship, the full name and address of the proprietor,
 - (d) evidence satisfactory to the director that the applicant complies or is capable of complying with sections 33 and 32, and
 - (e) unless a different fee is required by the administrative authority, the fee required under Schedule 2 to this regulation.

Facility requirements for funeral providers

- 32
- (1) A funeral provider must ensure that any meeting with one or more customers or potential customers occurs in a separate room that is private and suitable for the purpose of discussing funeral services.
 - (2) If a funeral provider accepts human remains and does not do disinfecting, preservation or restoration of human remains, the funeral provider must have at least one separate room for the care and preparation of human remains prior to disposition, and must ensure that this room meets the following requirements:
 - (a) is at least 11 square metres in size;
 - (b) is clearly labeled from the outside to prohibit access by anyone other than staff of the funeral provider and other authorized persons;
 - (c) is well lit and mechanically ventilated to the outside of the building;
 - (d) is capable of being easily disinfected;

- (e) the surfaces of the room are composed of non-porous materials that are capable of preventing fluids from soaking into them;
 - (f) is equipped with a first aid kit;
 - (g) contains a holding table or examining table that is capable of being disinfected easily;
 - (h) contains a sink that has hot and cold running water;
 - (i) has a vacuum breaker on each water supply for each station in this room;
 - (j) contains storage facilities for equipment and supplies;
 - (k) contains enough, protective eyewear and disposable protective covering for hands, body and feet for each person who works in this room;
 - (l) contains sheets or towels;
 - (m) contains disinfectants, germicidal soap, paper towels, a pail and mop, and detergent.
- (3) If a funeral provider disinfects, preserves or restores human remains, the funeral provider must also ensure that the room referred to in subsection (2) is equipped with
- (a) a second sink, or the sink referred to in subsection (2) must have two compartments,
 - (b) a continuous flow eyewash facility with a minimum duration of 15 minutes,
 - (c) supplies necessary for the disinfection, preservation and restoration of human remains performed by the funeral provider, and
 - (d) sanitary drains for the disposal of bodily fluids and embalming fluids, that are equipped with splash guards and a backflow valve.

[am. B.C. Reg. 44/2016, s. 1.]

Obligations of funeral providers

- 33** (1) For each location at which a funeral provider carries on business, the funeral provider must
- (a) maintain public liability insurance, unless, under section 36.1 of this regulation, the funeral provider is exempt from the obligation to be licensed as a funeral provider under section 55 (1) of the Act,
 - (b) employ at least one funeral director, unless the funeral provider is a funeral director,
 - (c) employ or contract with an embalmer, unless the funeral provider is an embalmer, and
 - (d) have refrigeration acceptable to the director for the storage of human remains.
- (2) Despite subsection (1) (d), a funeral provider is not required to have refrigeration at each location if the funeral provider has access to refrigeration for the storage of human remains that is acceptable to the director.

CREMATION, INTERMENT AND FUNERAL SERVICES REGULATIONPart 4 – Funeral Services

- (3) A funeral provider must ensure that a location at which the funeral provider carries on business is separated from other business premises and has a private entrance from the street or the public area.

[am. B.C. Reg. 121/2019, s. 2.]

Display of containers

- 34** (1) A funeral provider must maintain and make available to the public a book, brochure, internet site or other written or electronic information that
- (a) shows in a clear and comprehensive manner the entire product line of containers that the funeral provider offers for sale, and
 - (b) includes a photograph or drawing of each container, the make and model number of each container and the price for each container.
- (2) If a funeral provider has a room or area for the display of containers or models of containers for examination by the public, the funeral provider must include in the display room or area
- (a) the funeral provider's lowest-priced container, or a full or partial replica of the lowest-priced container, and
 - (b) a minimum of
 - (i) six different containers,
 - (ii) full or partial replicas of six different containers, or
 - (iii) a combination of containers and models of containers representing six different containers.
- (3) A funeral provider must ensure that, for each container and model of a container referred to in subsection (2), the price of the container is clearly set out and is affixed to the container.

[am. B.C. Reg. 44/2016, s. 2.]

Licensing of funeral directors and embalmers

- 35** (1) Subject to subsection (4), an applicant for a licence to act as or hold himself or herself out as a funeral director must submit to the director
- (a) evidence that applicant has received
 - (i) a certificate of qualification issued by the Industry Training Authority, within the 2 year period immediately before the date the application is filed, for a program in funeral service education that
 - (A) is designated as a recognized program under the *Industry Training Authority Act*,
 - (B) requires that students complete a minimum of 3 600 hours of practical training that is supervised by a funeral director, and
 - (C) requires that students have direct involvement with negotiating, entering into and administering 50 funeral contracts, or

- (ii) a certificate or other document evidencing that the applicant has completed a program in funeral directing in another jurisdiction that, in the opinion of the director, is equivalent to the program referred to in subparagraph (i),
 - (b) the names and contact information for 3 references who are able to attest to the competency of the applicant,
 - (c) the name of the funeral provider who intends
 - (i) to employ the applicant as a funeral director, or
 - (ii) to contract with the applicant for the provision of services by the applicant as a funeral director, and
 - (d) unless a different fee is required by the administrative authority, the fee required under Schedule 2 to this regulation.
- (2) Subject to subsection (4), an applicant for a licence to act as or hold himself or herself out as an embalmer must submit to the director
- (a) evidence that applicant has received
 - (i) a certificate of qualification issued by the Industry Training Authority, within the 2 year period immediately before the date the application is filed, for a program in embalming education that is
 - (A) designated as a recognized program under the *Industry Training Authority Act*,
 - (B) requires that students complete 50 embalmings that are supervised by an embalmer, or
 - (ii) a certificate or other document evidencing that the applicant has completed a program in embalming education in another jurisdiction that, in the opinion of the director, is equivalent to the program referred to in subparagraph (i),
 - (b) the names and contact information for 3 references who are able to attest to the competency of the applicant,
 - (c) the name of the funeral provider who intends
 - (i) to employ the applicant as an embalmer, or
 - (ii) to contract with the applicant for the provision of services by the applicant as an embalmer, and
 - (d) unless a different fee is required by the administrative authority, the fee required under Schedule 2 to this regulation.
- (3) Subject to subsection (4), a person may apply for a licence to act as or hold himself or herself out as both a funeral director and an embalmer if the person complies with both subsections (1) and (2).
- (4) Subsections (1) (a) and (b) and (2) (a) and (b) do not apply if
- (a) the applicant is applying for renewal of a licence, or

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- (b) the applicant is a funeral director or embalmer or both, as the case may be, whose licence lapsed
 - (i) during the 2 year period before the filing of the application for the same type of licence under this section, and
 - (ii) for a reason that is unrelated to the director suspending or cancelling the applicant's licence.

Exemption from Act – bereavement rites and ceremonies

- 36** An individual who conducts bereavement rites and ceremonies, but does not perform any of the other functions of a funeral director, is exempt from the obligation to be licensed as a funeral director under section 55 (1) of the Act.

Exemption from Act – remote service area

- 36.1** (1) In this section:

“designated area” means the area within the perimeter boundary of a regional district and, for greater certainty, includes municipalities within that perimeter boundary;

“electoral area” means an electoral area in a regional district as specified by the letters patent for the regional district;

“remote service area” means a municipality or an electoral area that

- (a) is not accessible in all seasons by a highway that goes from the municipality or electoral area to the business location of the licensed funeral director in closest proximity to the municipality or electoral area, and
 - (b) is at least 200 km by highway or ferry from the business location of the licensed funeral director in closest proximity to the municipality or electoral area.
- (2) On the approval of the director, an individual may perform the functions of a funeral provider and funeral director in a remote service area as indicated in a resolution referred to in subsection (3) (a) (i) or (ii).
- (3) An individual seeking the director's approval under subsection (2) to perform the functions of a funeral provider and funeral director in a remote service area must
- (a) submit to the director,
 - (i) if the remote service area is a municipality, a resolution of the council of the municipality in support of the individual performing the functions of a funeral provider and funeral director in the municipality, or
 - (ii) if the remote service area is an electoral area in a regional district, a resolution of the board of the regional district in support of the individual performing the functions of a funeral provider and funeral director in the electoral area, and

- (b) authorize a criminal record check or a criminal record check verification, as applicable, under the *Criminal Records Review Act*.
- (4) If approval is given by the director under subsection (2) the individual is exempt from the obligation to be licensed as a funeral provider and as a funeral director under section 55 (1) of the Act in the remote service area for a period of up to 3 years, as determined by the director, which period begins on the date of the director's approval.
- (5) No more than 2 individuals may be exempt from the obligation to be licensed as a funeral provider and as a funeral director under section 55 (1) of the Act within a designated area.

[en. B.C. Reg. 121/2019, s. 3.]

Licensing of apprentice funeral directors and embalmers

- 37**
- (1) In this section, a reference to a licensed funeral director or a licensed embalmer means a funeral director or an embalmer who is licensed and has been licensed for the immediately preceding 2 years.
 - (2) For the purposes of section 55 (6) of the Act, an apprentice to a funeral director is acting under supervision and direction as follows:
 - (a) if the apprentice has either completed fewer than 1 800 hours of practical training or negotiated, entered into and administered fewer than 25 funeral contracts, when a licensed funeral director is
 - (i) present at the time the apprentice is assisting with or performing the functions of a funeral director, and
 - (ii) observing and guiding the assistance with or performance of those functions;
 - (b) in any other case, when the apprentice has access to, and may readily communicate with, a licensed funeral director while assisting with or performing the functions of a funeral director.
 - (2.1) For the purposes of section 55 (6) of the Act, an apprentice to an embalmer is acting under supervision and direction as follows:
 - (a) if the apprentice has completed fewer than 25 embalmings, when a licensed embalmer is
 - (i) present at the time the apprentice is assisting with or performing the functions of an embalmer, and
 - (ii) observing and guiding the assistance with or performance of those functions;
 - (b) in any other case, when the apprentice has access to, and may readily communicate with, a licensed embalmer while assisting with or performing the functions of an embalmer.
 - (3) An applicant for a licence to act as or hold himself or herself out as an apprentice to a funeral director or an embalmer or both must submit to the director

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- (a) if the applicant is to be an apprentice to a funeral director, enrollment in a funeral services program designated as a recognized program under the *Industry Training Authority Act*,
 - (b) if the applicant is to be an apprentice to an embalmer, enrollment in an embalming education program designated as a recognized program under the *Industry Training Authority Act*,
 - (c) if the applicant is to be an apprentice to both a funeral director and an embalmer, enrollment in the programs referred to in paragraphs (a) and (b),
 - (d) a letter from a funeral provider that includes the information set out in subsection (4), and
 - (e) a statement signed by the licensed funeral director or licensed embalmer who is to provide the supervision and direction of the applicant, agreeing to perform this role as set out in subsection (2) or (2.1), as applicable.
- (4) A letter referred to in subsection (3) (d) from a funeral provider must state the following:
- (a) the applicant is to be employed by the funeral provider as an apprentice funeral director or embalmer or both;
 - (b) the funeral provider agrees to ensure that the applicant is acting under the supervision and direction, as set out in subsection (2) or (2.1), of
 - (i) a licensed funeral director, if the applicant is to be an apprentice to a funeral director,
 - (ii) a licensed embalmer, if the applicant is to be an apprentice to an embalmer, and
 - (iii) a licensed funeral director while performing functions of a funeral director and a licensed embalmer while performing functions of an embalmer, if the applicant is to be an apprentice to both a funeral director and an embalmer;
 - (c) the funeral provider performs disinfection, preservation or restoration of human remains at the business premises of the funeral provider, or has access to facilities where the funeral provider performs these services;
 - (d) the facilities at which the funeral provider performs the services referred to in paragraph (c) meet the requirements set out in section 32.
- (5) A funeral provider must notify the director in writing of the termination of the employment of an apprentice to a funeral director, to an embalmer or to both who is employed by the funeral provider immediately after the termination of the employment.
- (6) Unless the director otherwise permits, an apprentice to a funeral director, an embalmer or both must, during the period the apprentice is licensed,
- (a) have continuous employment with a funeral provider,

- (b) if performing functions of a funeral director, perform those functions only under the supervision and direction, as set out in subsection (2), of a licensed funeral director, and
- (c) if performing the functions of an embalmer, perform those functions only under the supervision and direction, as set out in subsection (2.1), of a licensed embalmer.

[am. B.C. Reg. 44/2016, s. 3.]

Continuing education

- 38** (1) A person licensed as a funeral director, embalmer or both must complete a minimum of
- (a) 6 hours of training in a program of funeral services that is approved by the director, if licensed as a funeral director, and
 - (b) 6 hours of training in a program of embalming that is approved by the director, if licensed as an embalmer,
- during each successive 2 year period where the first 2 year period commences on the date the person first received his or her licence to act as a funeral director or an embalmer or both in the Province.
- (2) Despite subsection (1), the director may at any time require a funeral director or embalmer to take additional training in a program of funeral services education or embalming.

Obligations of funeral directors and embalmers

- 39** (1) A person who is licensed as a funeral director must be employed by, or under contract to, a funeral provider, or be licensed as a funeral provider, while acting as a funeral director.
- (2) A person who is licensed as an embalmer must be employed by, or under contract to, a funeral provider, or be licensed as a funeral provider, while acting as an embalmer.

Reporting requirements of funeral director

- 40** A funeral director must provide to the person referred to in section 5 (1) (a) to (k) of the Act who has control over the human remains a written list of all the property, money, and other items of significant value found on the human remains in the funeral director's possession or under the control of the funeral director.

Display of licences

- 41** A funeral provider must display the following in a conspicuous location in the part of the business premises of the funeral provider that is accessible to members of the public:
- (a) a copy of the licence issued to the funeral provider;

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- (b) a copy of each licence issued with respect to an embalmer, funeral director or apprentice to an embalmer or funeral director who is employed by or performs services for the funeral provider under contract.

Change of address or employer

- 42**
- (1) At least one month before a funeral provider changes the location from which the funeral provider conducts business, the funeral provider must notify the director in writing of the change of address.
 - (2) An embalmer, a funeral director or an apprentice to an embalmer or a funeral director who
 - (a) ceases to be employed by, or
 - (b) ceases to provide embalmer or funeral director services tothe funeral provider named by the embalmer or funeral director under section 35 (1) (c) or (2) (c), must notify the director in writing immediately following the change in employment.
 - (3) At the time an embalmer, funeral director or an apprentice to an embalmer or a funeral director cease to provide embalmer or funeral director services or ceases to be an apprentice, the embalmer, funeral director or apprentice must return his or her licence to the director.

Records

- 43**
- (1) A funeral provider must keep a record of each funeral service provided by the funeral provider that includes:
 - (a) the name of the deceased;
 - (b) if the human remains were interred, the date and place of interment;
 - (c) if the human remains were cremated, the date and place of cremation and the disposition of the cremated remains;
 - (d) the name and mailing address of a person who had a kinship relationship with the deceased;
 - (e) a copy of the written authorization required under section 8 (1) of the Act from the person who under section 5 of the Act, had the right to control the disposition of human remains and the address of the person who gave the authorization;
 - (f) a copy of the burial permit or if the death occurred outside the Province, a copy of the burial permit or other document required under section 22 of the *Vital Statistics Act* for the burial of the human remains.
 - (2) A funeral provider must
 - (a) maintain, at business premises in British Columbia, a copy of every preneed cemetery or funeral services contract entered into by that funeral provider, and

- (b) ensure that the records of the money received and disbursed under all preneed cemetery and funeral services contracts is able to be provided on request of the director.
- (3) Before or at the time that a funeral provider ceases to carry on business, the funeral provider must provide in a manner satisfactory to the director for the safekeeping of the records required to be kept under this section.

Offences

- 44 (1) A person who contravenes section 8, 12, 27, 30, 37 (5), 42 or 43 commits an offence.
- (2) An operator of a crematorium or a funeral provider must not dispose of cremated remains unless all the conditions set out in section 8 have been met.

SCHEDULE 1**PAYMENTS INTO CARE FUND**

| Item | Column 1 Place of Interment | Column 2 Type of Right of Interment | Column 3 Percentage of Selling Price |
|------|---|---|---|
| 1 | Cedar Valley Memorial Gardens, Nanaimo Valley View Memorial Gardens, Surrey Vancouver Masonic | An interment right contract in which an interment right is purchased for a person before the person's death | 20% |
| 2 | Hatley Memorial Gardens, Victoria Schara Tzedek, New Westminster | Any type of interment right contract | 20% |
| 3 | Cedar Valley Memorial Gardens, Nanaimo Valley View Memorial Gardens, Surrey | An interment right contract in which an interment right is purchased for a person after the person's death | 22 1/2% |

SCHEDULE 2**LICENCE APPLICATION FEES**

- 1 Unless the administrative authority requires a fee for a type of licence referred to in Column 1, an applicant for that type of licence must submit with the person's application for a licence the application fee set out opposite:

| Column 1 Type of Licence | Column 2 Amount of Fee |
|---|---------------------------|
| For each location that a funeral provider carries on business | \$400 |
| For a funeral director licence | \$100 |
| For an embalmer licence | \$100 |

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Schedule 2

| Column 1 Type of Licence | Column 2 Amount of Fee |
|---|---------------------------|
| For a joint licence for both a funeral director and embalmer, if the licences are issued or renewed at the same time | \$100 |
| For a licence to operate a crematorium at any location but does not include an application to amend or renew that licence | \$450 |

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