

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

**SUBCHAPTER 140-20.2
CEMETERIES AND MORTUARIES RULES AND REGULATIONS**

Part 001	General Provisions		§ 140-20.2-405	Embalming	
§ 140-20.2-001	Definitions		Requirements		
Part 100	Sanitary	Permitting	§ 140-20.2-410	Transport	
Procedures for Funeral Establishments, Crematoria, and Cemeteries			Requirements Within the CNMI		
§ 140-20.2-101	Sanitary	Permitting	§ 140-20.2-415	Transport	
Requirements			Requirements Into or Outside of the CNMI		
§ 140-20.2-105	Branch	Office	§ 140-20.2-420	Funeral Establishment	
Sanitary Permits			Operational and Sanitary Requirements		
§ 140-20.2-110	Sanitary	Permit	§ 140-20.2-425	Crematorium	
Application and Fees			Operational and Sanitary Requirements		
§ 140-20.2-115	Sanitary	Permit	Part 500	Disposition	and
Renewals			Exhumation of Human Remains		
§ 140-20.2-120	Display of	Sanitary	§ 140-20.2-501	General Disposition	
Permits			§ 140-20.2-505	Disposition	of
§ 140-20.2-125	Change	of	Abandoned Remains		
Ownership, Operation, or Location			§ 140-20.2-510	Exhumation	
			Procedures		
Part 200	Burial	Arrangements,	§ 140-20.2-515	Cemetery Operational	
Permit Application, and Fees			Requirements		
§ 140-20.2-201	Burial Arrangements		Part 600	Sanitary Inspections	
§ 140-20.2-205	Burial	Permit	§ 140-20.2-601	Pre-operation	
Application			Inspection		
§ 140-20.2-210	Fees		§ 140-20.2-605	Inspection Frequency	
§ 140-20.2-215	Burial Permit Records		§ 140-20.2-610	Inspection for Permit	
			Renewal		
Part 300	Infection Control		§ 140-20.2-615	Additional	
§ 140-20.2-301	Responsibilities		Inspections		
§ 140-20.2-305	Prevention Plans		§ 140-20.2-620	Access to Premises	
§ 140-20.2-310	Universal Precautions		and Due Notice		
§ 140-20.2-315	Waste Management		§ 140-20.2-625	Inspection Reports;	
§ 140-20.2-320	Protective Clothing		Demerit Values; Demerit Scores		
and Laundry			§ 140-20.2-630	Content of Inspection	
§ 140-20.2-325	Employee	Health	Reports		
Precautions			§ 140-20.2-635	Service of Inspection	
§ 140-20.2-330	Public	Health	Reports		
Precautions			§ 140-20.2-640	Timely Correction of	
			Violations of Critical Control Points		
Part 400	Funeral	Service	§ 140-20.2-645	Re-grading	After
Operational Requirements			Corrective Action		
§ 140-20.2-401	Preserving	and	§ 140-20.2-650	Verification	and
Storage of Human Remains			Documentation of Correction		

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

Part 700	Suspension, Revocation of Sanitary Permit		§ 140-20.2-750	Resumption of Operations
§ 140-20.2-701	Suspension and Revocation of Permit		Part 800	Miscellaneous Provisions
§ 140-20.2-705	Reinstatement of Permit		§ 140-20.2-801	Severability
§ 140-20.2-710	Revoked Permit May Not Be Reinstated		§ 140-20.2-805	Repeal Clause
§ 140-20.2-715	No New Permit		§ 140-20.2-810	References
§ 140-20.2-720	Closing		§ 140-20.2-815	Schedule A
§ 140-20.2-725	Notification of Commissioner of Public Safety		Appendix A	Burial Permit
§ 140-20.2-730	Notice Posted of Closure		Appendix B	On Island Burial Transit Certificate
§ 140-20.2-735	Inspection Report		Appendix C	Off Island Burial Transit Certificate
§ 140-20.2-740	Penalties and Fines for Violations of the Act		Appendix D	Authorization to Embalm or Cremate
§ 140-20.2-745	Ceasing Operations and Reporting		Appendix E	Cremation Certificate
			Appendix F	Exhumation Permit
			Appendix G	Funeral Establishment, Crematorium, and Cemetery Inspection Report Form

Subchapter Authority: 1 CMC §§ 2603 and 2605; 3 CMC § 2123(a)(1); 3 CMC § 2627.

Subchapter History: Amdts Adopted 25 Com. Reg. 20714 (July 15, 2003); Amdts Adopted 24 Com. Reg. 19940 (Dec. 27, 2002); Amdts Proposed 24 Com. Reg. 19602 (Oct. 30, 2002); Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001) (repealing the June 1984 Public Cemetery Rules and Regulations).

Commission Comment: PL 1-8, tit. 1, ch. 12, codified as amended at 1 CMC §§ 2601-2633, created the Department of Public Health and Environmental Services (DPHES) within the Commonwealth government. See 1 CMC § 2601. 1 CMC § 2603(g) grants the Department the power and duty to administer public cemeteries. 1 CMC § 2605 directs the Department to adopt rules and regulations regarding those matters over which it has jurisdiction, including interments and dead bodies, disinterments of dead human bodies, and cemeteries and burial grounds. See 1 CMC § 2605(f), (g), and (h).

Executive Order 94-3 (effective August 23, 1994) reorganized the Commonwealth government executive branch, changed agency names and official titles, and effected numerous other revisions. According to Executive Order 94-3 § 105:

Section 105. Department of Public Health.

The Department of Public Health and Environmental Services is re-designated the Department of Public Health.

The full text of Executive Order 94-3 is set forth in the commission comment to 1 CMC § 2001.

PL 3-45 (effective Feb. 11, 1983), formerly codified at 3 CMC §§ 2611-2618, originally addressed public cemeteries in the CNMI. 3 CMC § 2614 made DPHES responsible for the management, care, operation maintenance and administration of public cemeteries. 3 CMC § 2615 authorized DPHES to promulgate regulations to govern burials and public cemeteries in the CNMI.

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

PL 11-117 (effective Jan. 25, 2000), the “Public Cemetery Act of 1999,” codified at 3 CMC §§ 2621-2627, repealed PL 3-45. See PL 11-117 § 10. PL 11-117 § 6, codified at 3 CMC § 2624, authorizes the Department of Public Health to administer and manage public cemeteries and authorizes regulations for burial permits, fees, and exhumation.

PL 12-48 (effective Apr. 26, 2001), the “Commonwealth Environmental Health and Sanitation Act of 2000,” codified at 3 CMC §§ 2121-2147, revised the Commonwealth statutes related to environmental health and sanitation. PL 12-48 § 3 repealed former 3 CMC §§ 2121-2126 and enacted new sanitation provisions. PL 12-48 § 3 (§ 2122), 3 CMC § 2122, requires a sanitary permit to operate enumerated establishments, including funeral establishments, crematoriums, and cemeteries. PL 12-48 § 3 (§ 2123), 3 CMC § 2123, directs the Secretary of Public Health to promulgate rules and regulations required to ensure the sanitary operation of listed establishments.

In 1984, pursuant to PL 3-45 § 5 (formerly 3 CMC § 2615), the Department of Public Health and Environmental Services promulgated “Operation, Management and Maintenance of Public Cemeteries Rules and Regulations.” The history of these regulations is as follows: Adopted 6 Com. Reg. 2872 (June 15, 1984); Proposed 5 Com. Reg. 2157 (May 27, 1983).

The February 2002 “Cemeteries and Mortuaries Rules and Regulations” repealed the June 1984 regulations in their entirety. See Cemeteries and Mortuaries Rules and Regulations § 8.13, 24 Com. Reg. at 18325 (Sept. 24, 2001), codified at NMIAC § 140-20.2-805.

Public Law 16-51 (effective Jan. 15, 2010), the “Commonwealth Healthcare Corporation Act of 2008,” codified at 3 CMC § 2801 et seq., established the Commonwealth Healthcare Corporation, which assumed the duties of the Department of Public Health as of January 15, 2011.

Part 001 - General Provisions

§ 140-20.2-001 Definitions

Whenever used in the rules and regulations in this subchapter, the following terms shall have the meaning set forth below:

- (a) “Alternative container” means an unfinished wood box or other non-metal receptacle or enclosure resistant to leakage or spillage, without ornamentation or a fixed interior lining, which is designed for the encasement of human remains and which is made of fiberboard, pressed-wood, composition materials (with or without an outside covering) or like materials used to transport human remains to their final disposition.
- (b) “BEH” means the Bureau of Environmental Health within the Department of Public Health.
- (c) “Board” means the CNMI Medical Profession Licensing Board.
- (d) “Body parts”:
 - (1) “Body parts” means limbs or other human anatomy that are removed from a person or human remains for medical purposes during treatment, medical procedures, surgery, biopsy, autopsy, or medical research; or human bodies or any portion of bodies that have been donated to science for medical research purposes.
 - (2) “Preserved body parts” means a body part(s) that has been placed into a preservative, such as but not limited to formaldehyde, which due to its hazardous nature requires special

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

handling to prevent human exposure.

(e) “Burial permit” means the authority granted by BEH to release human remains, not including historical human remains, for burial.

(f) “Burial plot” means a parcel of land or lot used for interment of human remains in a cemetery.

(g) “Casket” means a rigid container resistant to leakage or spillage, which is designed for the encasement of human remains and which is usually ornamented and lined with fabric.

(h) “Columbarium” means a structure or room, or other space in a building or structure of durable or lasting fireproof construction, containing niches, used or intended to be used, as an interment site to contain cremated human remains.

(i) “CNMI” means the Commonwealth of the Northern Mariana Islands.

(j) “Coved” means a curved piece of molding placed where the juncture of the wall and floor meet that is used to prevent dirt or grime from settling in this space by providing a smooth curved surface that may be cleaned easily.

(k) “CHC” means the Commonwealth Health Center.

(l) “Communicable disease” means a disease caused by an infectious agent or the toxic product produced by an infectious agent that can be transmitted directly or indirectly from one individual to another.

(m) “Cradle-to-grave manifest” means the documented chain of custody records kept by generators of bio-hazardous or hazardous waste, which includes information about the amount and type of waste accumulated, the date of generation, and the names of all individuals handling the waste from point of generation to the waste’s final disposal.

(n) “Cremated remains” means all human remains recovered after the completion of the cremation, which may possibly include the residue of any foreign matter including casket material, clothing, or eyeglasses, that was cremated with the human remains.

(o) “Cremation” means a procedure whereby a dead human body or body parts shall be reduced by direct flame to residue that includes bone fragments, which may then be pulverized to coarse powdery consistency.

(p) “Crematorium” means a fixed place, establishment, or premises licensed to do business as a crematorium that is devoted to the activities which are incident, convenient, or related to the care, preparation and arrangement, financial and otherwise, for the cremation of human dead bodies and including, but not limited to, a suitable room with all instruments and supplies used for the cremation services.

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

- (q) “Critical control points” means a fundamental element of a process or procedure that must be carried out in a specific controlled manner to ensure that the overall process or procedure does not create an unacceptable health risk or produce an byproduct that creates an unacceptable health risk.
- (r) “Crypt” means an above ground chamber in a mausoleum of sufficient size to contain human remains.
- (s) “Death certificate” means a document reporting the death of a human being that has been duly attested to by a licensed physician, filed with the CNMI’s Recorder’s Office, and copies submitted to the Office of Vital and Health Statistics within the Department of Public Health.
- (t) “Department” or “DPH” means the Department of Public Health.
- (u) “DLNR” means the Department of Lands and Natural Resources.
- (v) “DPW” means the Department of Public Works.
- (w) “Embalmer” means any person licensed by the Board and engaged, or holding him or herself out as engaged in the practice, science, or profession of embalming.
- (x) “Embalming” means the practice, science or profession of preserving, disinfecting, and preparing a dead human body for burial or transport by injection of an embalming fluid both arterially and into the body cavities.
- (y) “Exhumation” means the removal of human remains from a burial site for the purpose of transferring the remains to another burial site or for performing investigative procedures authorized by CNMI authorities.
- (z) “Funeral” means a period following death in which there are religious services or other rites or ceremonies with the human remains of the deceased present.
- (aa) “Funeral director” means any person engaged, or holding himself or herself out as engaged in the practice or profession of funeral service, or with a title intending to imply or designate him or her as a funeral director or undertaker.
- (bb) “Funeral director of record” means the funeral director registered with BEH as the person in charge of a funeral establishment, crematorium, or cemetery.
- (cc) “Funeral establishment” means a fixed place, establishment, or premises licensed to do business as a funeral establishment and operated by a funeral director of record that is devoted to funeral services and the activities which are incident, convenient, or related to the care, preparation and arrangement, financial and otherwise, for the funeral, transportation and burial, or other disposition of human remains and including, but not limited to, a suitable room with all instruments and supplies used for the storage and/or preparation of dead human bodies for burial or other disposition.

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

(dd) “Funeral merchandise” means those items that are normally presented for sale as part of the funeral establishment operation on a for-profit basis. These items include but are not limited to caskets, alternative containers, burial clothing, burial vaults, urns, and grave markers.

(ee) “Funeral service” means:

- (1) Conducting funeral ceremonies; or
- (2) Providing cremation services; or
- (3) Making the arrangements for disposition of human remains, excluding historic human remains, that may include but not limited to dressing or adorning the body.

(ff) “Historical burial site” means the site at which historical human remains are placed or buried.

(gg) “Historical human remains” means the lifeless remains of a human being that died during or prior to the end of World War II (1945) and is not interred in a public cemetery.

(hh) “Human remains” means the lifeless remains of a human being that died after 1945.

(ii) “Imminent health hazard” means a significant threat or danger to the health, safety, and welfare of the public that is considered to exist when there is evidence sufficient to show that the product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent harm or injury to persons in the community based on:

- (1) The extent of the potential harm or injury; and
- (2) The nature, severity, and duration of anticipated harm or injury.

(jj) “Interment” means the burial of human remains into a cemetery burial plot, burial at sea, or the placement of human remains into a vault, crypt of a mausoleum, or the placement of cremated human remains into a niche of a columbarium.

(kk) “Intern” means any person engaged in learning the science, practice or profession of embalming under the instruction and supervision of an embalmer preceptor duly licensed and registered with the Board.

(ll) “Mausoleum” means an above ground structure or building of durable or lasting construction containing crypts or spaces that are used, or intended to be used, as a finalburial site.

(mm) “Next of kin” means the spouse, children over 18 years of age, parents, or siblings of the deceased, in this order of priority.

(nn) “Off island burial transit certificate” means documentation accompanying human remains, not including historic human remains, entering or leaving the CNMI that contains signatures from persons releasing the remains to the custody of the common carrier(s) transporting the remains, as well as information as to how the human remains were prepared and to which country the human remains shall be released for final disposition.

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

(oo) “Office of statistics” means the Office of Vital and Health Statistics, Bureau of Health Planning within the Department.

(pp) “On island burial transit certificate” means the documentation accompanying human remains, not including historical human remains, transported within the CNMI containing the signatures of all individuals who accepted custody of said human remains from point of origin on through to final disposition.

(qq) “Person” means an individual, association, corporation, partnership, other legal entity, government, or governmental subdivision or agency.

(rr) “Private cemetery” means a place or area set apart on hallowed ground to serve as the final resting-place for the dead, which is managed by a funeral director of record. This term also includes all facilities located on the site generally associated or found in cemeteries, which may include, but not be limited to, mausoleums, columbaria, parking lots, landscaped areas, a chapel, a house of meditation, or other structures appropriate in a cemetery.

(ss) “Public cemetery” means a place or area set apart to serve as the final resting-place for the dead and managed by a funeral director of record for the CNMI Government or the Office of Veteran Affairs. This term also includes all public facilities located on the site generally associated or found in public cemeteries, which may include, but not be limited to, mausoleums, columbaria, parking lots, landscaped areas, a chapel, a house of meditation, or other structures appropriate in a cemetery.

(tt) “Responsible person” means the person who has accepted responsibility for contacting the proper authorities and professionals to arrange the care, preparation, preservation, transport, or final disposition of human remains.

(uu) “Sanitary permit” means the authority granted by BEH for a physical establishment to be used to conduct funeral services based on the environmentally safe, healthy, and sanitary maintenance and management of operations.

(vv) “Secretary” means the Secretary of the Department or his/her duly authorized representative.

(ww) “Urn” means a canister, box, or sealable container used to enclose cremated human remains.

(xx) “Vault” means a below ground concrete or hollow block chamber of sufficient size to contain human remains.

Modified, 1 CMC § 3806(d), (f), (g).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

Commission Comment: In subsection (ii), the Commission corrected the spelling of “the.” The Commission inserted

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

commas after the words “establishment” in subsections (p) and (cc), “safety” in subsection (ii), “practice” in subsection (kk), “meditation” in subsections (rr) and (ss), and “healthy” in subsection (uu) pursuant to 1 CMC § 3806(g).

Part 100 - Sanitary Permitting Procedures for Funeral Establishments, Crematoria and Cemeteries

§ 140-20.2-101 Sanitary Permitting Requirements

(a) No person shall conduct, maintain, manage, or operate a funeral establishment, funeral establishment branch office, crematorium, or cemetery without a valid sanitary permit issued to him or her by BEH.

(b) A sanitary permit shall not be required by those persons who solely conduct religious ceremonies, or who dress or adorn human remains, if the deceased did not die from nor was afflicted with a highly communicable disease.

(c) A permitted funeral establishment, funeral establishment branch office, crematorium, or cemetery must be distinct and separate from other non-funeral service related activities including, but not limited to private dwellings and other business establishments.

(d) No sanitary permit to operate a funeral establishment, funeral establishment branch office, crematorium, or cemetery shall be issued by BEH unless the applicant for the permit has satisfied all of the requirements listed below:

- (1) Has been issued a certificate of occupancy for all structures from DPW;
- (2) Holds a valid business license for funeral services; and
- (3) Employs a licensed embalmer or funeral director registered with BEH who shall be in charge of the funeral establishment, funeral establishment branch office, crematorium, or cemetery as the funeral director of record.

Modified, 1 CMC § 3806(f).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

Commission Comment: The Commission inserted commas after the words “manage” in subsection (a) and “crematorium” in subsection (c) pursuant to 1 CMC § 3806(g).

§ 140-20.2-105 Branch Office Sanitary Permits

(a) The branch office of a funeral establishment shall have a separate sanitary permit, but shall not be required to employ a separate funeral director of record.

(b) One branch office shall be allowed to operate under the funeral establishment permit, and this one branch office may be permitted to operate without a preparation room.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

§ 140-20.2-110 Sanitary Permit Application and Fees

- (a) Sanitary permit applications for a funeral establishment, funeral establishment branch office, crematorium, or cemetery shall be made on forms furnished by BEH which specify what services the establishment shall offer such as storage, preparation, embalming, cremation, interment, and/or ceremonial services.
- (b) All applications for sanitary permits shall be accompanied by a fee as set forth in the Department's schedule of fees.
- (c) BEH shall issue a sanitary permit receipt of: to the applicant upon
- (1) A completed application specifying the funeral director of record;
 - (2) The application fee; and
 - (3) A recommendation to permit the applicant by BEH Health Inspector, as specified in a completed inspection report.
- (d) Every sanitary permit issued under this section shall specify the name of the establishment as listed on the application and the funeral director(s) of record.

Modified, 1 CMC § 3806(f).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

Commission Comment: The Commission inserted a comma after the word "interment" in subsection (a) pursuant to 1 CMC § 3806(g).

§ 140-20.2-115 Sanitary Permit Renewals

- (a) All sanitary permits issued under the provisions of the regulations in this subchapter shall be renewed annually by the holders thereof.
- (b) The sanitary permit holder shall pay to BEH a yearly renewal fee as set forth in the Department's schedule of fees for each funeral establishment, funeral establishment branch office, crematorium, and cemetery sanitary permit.
- (c)(1) Applications accompanied by the renewal fee shall be filed with BEH twenty working days prior to the expiration date of the sanitary permit for each year.
- (2) Applications filed after twenty working days prior to the expiration date of the sanitary permit shall be accompanied by a late fee as set forth in the Department's schedule of fees in addition to the renewal fee cited above.
- (d) The sanitary permit holder whose establishment continues to operate after the sanitary permit(s) has lapsed shall be penalized as provided in § 140-20.2-740 of this subchapter.
- (e) BEH shall keep a register in which the names of all persons to whom sanitary permits have been issued under this section and the establishments' funeral directors of record shall be

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

entered. That register shall be open to public inspection upon request at BEH.

Modified, 1 CMC § 3806(c), (d), (e), (f).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

§ 140-20.2-120 Display of Sanitary Permits

A valid sanitary permit shall be displayed at all times in a conspicuous place in the premises as designated by the Secretary.

Modified, 1 CMC § 3806(f).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

§ 140-20.2-125 Change of Ownership, Operation, or Location

(a) A sanitary permit shall be issued to a specific permit holder for a specific location. Any change in management, ownership, or location shall require that a new sanitary permit be obtained by the establishment. Sanitary permits are not transferable or assignable.

(b) The permit holder shall give BEH written notice by hand delivery or by certified mail, within ten working days from the date of termination of employment, for any cause, of the funeral director of record for the funeral establishment, branch office, crematorium, or cemetery.

(1) The sanitary permit shall expire twenty working days from the date BEH was notified by the permit holder of the termination if no new funeral director is registered with BEH as the funeral director of record.

(2) No funeral services shall be conducted at the funeral establishment, branch office, crematorium, or cemetery without a funeral director being registered with BEH as the funeral director of record for that establishment.

(c) Any person who inherits any ownership interest in a funeral establishment, branch office, crematorium, or cemetery may continue to conduct the business of that establishment as their ownership interest would allow, contingent upon the following:

(1) The person has experience with meeting with families to arrange for the conducting of funeral services;

(2) The person files with BEH a statement of change-of-fact concerning that inheritance; and

(3) The business is conducted in compliance with all the requirements of the rules and regulations in this subchapter.

Modified, 1 CMC § 3806(d), (e), (f).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

Part 200 - Burial Arrangements, Permit Application, and Fees

§ 140-20.2-201 Burial Arrangements

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

- (a) Upon an individual being pronounced legally dead by a licensed physician, the next of kin or other responsible person(s) shall be responsible for the following:
- (1) Obtaining a death certificate from the Department;
 - (2) Arranging the dressing or adorning of human remains of the deceased at a permitted funeral establishment with refrigerated storage facilities or the CHC morgue; and
 - (3)(i) Arranging the transport of the human remains to the place of final disposition given that the deceased did not die from or while afflicted by a communicable disease.
 - (ii) Should the deceased have died as the result of or while afflicted by a communicable disease, arranging for a licensed embalmer, permitted funeral establishment director of record, or medical professional to store, preserve, and transport the human remains to the place of final disposition.
- (b) If human remains of no historical significance are discovered and reported as unclaimed to the Department, the Secretary shall notify the Department of Public Safety and arrange to have the human remains brought to the CHC morgue for storage in a refrigeration unit until an investigation is completed. The Secretary shall also arrange for the final disposition of the human remains as provided in the Department's "Regulations Governing Interments and Dead Bodies" [NMIAC, title 140, subchapter 10.4].
- (1) The human remains shall not be embalmed, should preservation be necessary, until the police investigation is complete or until the Chief of the Criminal Division of the Office of the Attorney General has noted by written consent that the body may be embalmed.
 - (2) If the deceased was a foreign national, the Secretary shall make every effort to contact the appropriate authorities so that they may make the necessary arrangements for final disposition of the human remains in the country of origin.
 - (3) Should the authority of the country of origin decline acceptance of the human remains, the Secretary shall make the necessary arrangements for final disposition within the CNMI as specified in § 140-20.2-505 of this subchapter.
- (c) All historic human remains shall be reported to the Historical Preservation Office for any and all exhumation, storage, transfer, preparation, and/or final disposition arrangements.

Modified, 1 CMC § 3806(c), (d), (f).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

§ 140-20.2-205 Burial Permit Application

- (a) Burial on Land
- (1) A burial permit (see appendix A), shall be issued for a specific location and shall not be transferable.
 - (2) No person shall be permitted to inter human remains, not including historic human remains, anywhere within the CNMI other than in an approved burial site in a private or public cemetery, or at sea as authorized by the Secretary.
 - (3) The next of kin or other responsible person(s) of the deceased shall apply for a burial permit to inter the human remains within the CNMI, or apply for an off island burial transit certificate with the Department and make arrangements for a common carrier to ship the human remains to a destination outside of the CNMI for final disposition.

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

(4) To prevent the possibility of disease transmission, no person shall be permitted to inter human remains without embalming or cremation if the deceased died as a result of or while afflicted by the plague, cholera, smallpox, epidemic typhus fever, yellow fever, louse-borne relapsing fever, or any other highly contagious communicable disease. Exceptions shall be allowed in those cases where the condition of the body precludes embalming.

(5) A burial permit shall not be required:

(i) Should a person wish to keep cremated human remains in perpetuity without interment in a niche of a columbarium or other burial site; or

(ii) Should a person wish to scatter cremated human remains if the cremated remains are first removed from their container. The container may then be kept by said person or properly disposed.

(6) Should the burial permit applicant wish to inter human remains in a burial plot, niche, vault, or crypt within a cemetery in the CNMI, the permit shall only be granted if:

(i) The applicant completes a burial permit form accompanied by the burial permit fee(s);

(ii) The original death certificate is filed with the CNMI Recorder's Office and copies submitted to the Office of Statistics and BEH;

(iii) Arrangements have been made to prepare, store, or preserve the human remains for burial with an on island burial transit certificate;

(iv) A burial plot has been acquired in a private cemetery, or if the burial is to be in a public cemetery, the burial plot fee has been paid and the location approved by DLNR, or the Office of Veteran Affairs; and

(v) The cemetery holds a valid sanitary permit.

(b) Burial at Sea

A permit for burial at sea shall only be granted if:

(1) The applicant completes a burial permit form accompanied by the burial permit fee(s);

(2) The original death certificate is filed with the CNMI Recorder's Office and copies submitted to the Office of Statistics and BEH;

(3) Arrangements have been made to prepare, store, or preserve the human remains for burial with an on island burial transit certificate; and

(4) The human remains are taken by boat from any harbor, or by air, for burial at sea at a point not less than three miles from the nearest shoreline.

* So in original.

Modified, 1 CMC § 3806(f).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

Commission Comment: The Commission inserted commas after the word "store" in subsections (a)(6)(iii) and (b)(3) pursuant to 1 CMC § 3806(g).

§ 140-20.2-210 Fees

Applications for the burial permit shall be made on forms furnished by the Department accompanied by an application fee of fifty dollars.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

§ 140-20.2-215 Burial Permit Records

The original copy of the burial permit shall be given to the applicant for submission to the funeral director of record who has been hired to arrange the interment of the deceased. One copy shall be kept in BEH's files for five years and a second copy shall be submitted to the Office of Statistics by BEH.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

Part 300 - Infection Control

§ 140-20.2-301 Responsibilities

The funeral director of record of a funeral establishment with embalming facilities, or of a crematorium shall have an infection control program. The program shall comply with the requirements of this part of this subchapter.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

§ 140-20.2-305 Prevention Plans

(a) Funeral directors, embalmers, and funeral establishment employees shall comply with the Occupational Safety and Health Administration's (OSHA) "Bloodborne Pathogen Standards to Prevent Occupational and Public Exposure to Bloodborne Pathogens."

(b) The establishment funeral director(s) of record shall be responsible for ensuring that employees comply with OSHA requirements including, but not limited to:

- (1) A written exposure control plan, which contains policies and detailed procedures for the safe and effective management of accidents and infectious waste with contingencies for emergencies, e.g., spills, needle sticks, waste bag ruptures, equipment failures, etc.;
- (2) Appropriate staff training in personal safety equipment usage, universal precautions, proper waste disposal, first aid, etc.;
- (3) Providing engineering controls, e.g., fume hoods, ventilation systems, etc.;
- (4) Work practice controls, such as prohibiting the recapping of used needles, promoting frequent hand washing and changing of gowns or aprons, etc.;
- (5) Adoption of universal precautions;
- (6) Availability of personal protective equipment, gloves, and clothing;
- (7) Hepatitis B vaccinations for all employees working with human remains; and
- (8) Following an established protocol for evaluation in the event that an exposure occurs.

Modified, 1 CMC § 3806(f), (g).

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

Commission Comment: In subsection (a), the Commission moved the final period inside of the closing quotation mark.

§ 140-20.2-310 Universal Precautions

(a) All equipment, refuse receptacles, and work surfaces shall be cleaned and decontaminated after direct contact with blood or other potentially infectious materials, and on a regular daily cleaning schedule.

(b) Contaminated work surfaces shall be decontaminated with a disinfectant used according to manufacturer's recommendations and on the following occasions:

- (1) After completion of procedures;
- (2) Immediately or as soon as feasible when surfaces are overtly contaminated;
- (3) After any spill of blood or other potentially infectious materials; and
- (4) At the end of each work shift.

(c) Broken glassware, reusable blades, knives, needles, or other sharp objects that are contaminated with blood or other potentially infectious materials shall be:

- (1) Properly disposed of in a closing, puncture resistant, leak proof container that is marked with the universal biological hazards symbol or color coded and is readily accessible to the work area; and
- (2) Sterilized, incinerated, or subject to chemical disinfecting according to manufacturer's recommendations prior to disposal.

(d) Broken glassware, reusable blades, knives, needles, or other sharp objects ("sharps") that are contaminated with blood or other potentially infectious materials shall:

- (1) Not be picked up directly with the hands, but handled using a brush and dustpan or forceps; and
- (2) Not be stored or processed in a manner that requires employees or hired maintenance staff to reach by hand into containers where sharps have been placed.

Modified, 1 CMC § 3806(f).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

Commission Comment: The Commission inserted commas after the word "needs" in subsections (c) and (d) pursuant to 1 CMC § 3806(g).

§ 140-20.2-315 Waste Management

(a) A sufficient number of leak proof and clearly marked appropriate waste containers with lids (where necessary), shall be readily available to prevent any and all waste from overflowing in such a manner as to risk employee exposure or to create a harborage for vermin.

(b) Waste storage containers shall be stored in an area with access limited to personnel

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

authorized to handle waste disposal.

(c) All hazardous waste, including but not limited to formaldehyde, ethanol, or other preservatives, shall be segregated, and stored away from all other wastes and:

- (1) If disposed of on site, disposal methods shall meet DEQ environmental standards; and
- (2) If to be disposed of off site, such waste shall only be handled and transported for final disposal by a DEQ registered hazardous waste transporter.

(d) All infectious waste, blood products, body parts, and fluids, pathological waste, contaminated broken glassware, reusable blades, knives, needles or other sharp objects, and contaminated body parts shall be considered regulated medical waste and segregated from all other waste at the point of generation.

(e) The funeral director of record shall keep an account of the number of containers of waste produced, as well as the type of waste produced.

(f) All regulated medical waste shall be collected by a DEQ permitted bio-hazardous waste transporter and destroyed by incineration in a DEQ permitted incinerator. The transporter shall sign receipt of the waste in the facility's cradle-to-grave manifest. A copy of the manifest shall be kept by the funeral director of record in the establishment's records.

(g) Pathological waste shall be incinerated, sterilized, or disinfected. Sterilized or disinfected material may be finely ground and flushed into a drain leading to a wastewater disposal system approved by DEQ.

(h) Contaminated body parts shall be sterilized, incinerated or undergo chemical disinfecting according to manufacturer's recommendations prior to disposal.

(i) Regulated medical waste shall be placed in a non-soluble plastic bag, which is clearly marked with the universal biological hazards symbol, or if applicable into plastic autoclaveable bags, which shall:

- (1) Be tightly closed when full so as to contain the waste completely for transport;
- (2) Not be compacted;
- (3) Be of sufficient number and of an appropriate thickness to prevent spillage or rupture throughout storage, transport, and disposal;
- (4) Be sterilized by autoclaving or incineration; and
- (5) Be transported in leak proof rigid or semi-rigid portable containment systems or carts, or vehicle compartments clearly marked with the universal biological hazard symbol and handled in a manner that shall minimize rupturing, spillage and dissemination or aerosolization during transport.

(j) Reusable carts, bins, or other containment systems shall be cleaned after each use and disinfected daily when in use.

(k) The establishment shall be in compliance with applicable sections of CNMI laws and regulations governing the generation, transportation, storage, treatment, management, and

disposal of regulated medical, hazardous and bio-hazardous waste.

Modified, 1 CMC § 3806(f).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

Commission Comment: The Commission inserted commas after the words “transport” in subsection (i)(3), “bins” in subsection (j), and “management” in subsection (k) pursuant to 1 CMC § 3806(g).

§ 140-20.2-320 Protective Clothing and Laundry

- (a) Contaminated laundry or reusable protective clothing shall not be handled directly, but handled using disposable gloves, and as little as possible.
- (b) Contaminated laundry shall be bagged in plastic or placed in a marked or color-coded container in a designated location.
- (c) Contaminated linens, sheets, smocks, or gowns shall not be used for more than one work period without being sanitized and laundered.
- (d) Contaminated laundry and reusable protective clothing shall be washed separately from other laundry and autoclaved observing universal precautions.

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

Commission Comment: The Commission inserted a comma after the word “smocks” pursuant to 1 CMC § 3806(g).

§ 140-20.2-325 Employee Health Precautions

- (a) Employees shall be required to report to the person in charge, information about their health and activities as they relate to illnesses or diseases that are transmissible through general close contact.
- (b) An employee shall report the information in a manner that allows the person in charge to prevent the likelihood of disease transmission, including:
 - (1) The date of onset of an infestation or illness as specified in this section; and
 - (2) The “return to work date” or date when treatment shall be complete or when the employee shall no longer be contagious (see schedule A [§ 140-20.2-815]).
- (c) If the employee is diagnosed with:
 - (1) Head lice, he or she may return to work twenty four hours after treatment is completed;
 - (2) Body lice, he or she may return to work twenty four hours after treatment is completed;
 - (3) Scabies, he or she may return to work twenty four hours after treatment is started;
 - (4) A viral childhood disease such as:
 - (i) Chicken pox, he or she shall abstain from work after exposure, and may return to work after all vesicles have become dry;
 - (ii) Rubella, he or she may return to work seven days after onset of rash;
 - (iii) Measles, he or she shall abstain from work after exposure, and may return to work four

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

days after the onset of rash; or

(iv) Mumps, he or she may return to work nine days after the onset of swelling.

(5) Active tuberculosis (TB), he or she may return to work upon notification by DPH's Center for Tuberculosis and Lung Disease; or

(6) Cholera, he or she may return to work upon his or her attending physician's recommendation.

(d) An employee shall also report information should he or she have any of the following symptoms, which may indicate presence of disease identified in subsection (c) above:

(1) Itching, general skin or scalp irritation;

(2) Chills and fever;

(3) Nausea; or

(4) Persistent cough.

(e) An employee shall also report information should he or she have a pustular lesion such as a boil or infected wound that is open or draining and is:

(1) On the hands or wrists, unless an impermeable cover such as a finger cot or stall protects the lesion and a single use glove is worn over the impermeable cover;

(2) On exposed portions of the arms, unless the lesion is protected by an impermeable cover; or

(3) On other parts of the body, unless the lesion is covered by a dry, durable tight-fitting bandage.

(f) An employee shall also report information should they meet one or more of the following high-risk conditions:

(1) He or she is suspected of causing, or being exposed to, a confirmed outbreak caused by *Pediculus humanus capitis*, *P. humanus humanus*, *P. humanus corporis*, *Borrelia recurrentis*, *Pthirus pubis* infestation, viruses associated with childhood illnesses, or by *Mycobacterium tuberculosis* or *Vibrio cholera*, including an outbreak within a school or at a social setting because the employee:

(i) Shared clothing, towels, or other items that may come into direct contact with hair or skin of a person who is infested with the parasite that caused the outbreak or who is suspected of being a carrier of the parasite; or

(ii) Is not immune to the illness by previous exposure and had spent a considerable amount of time with a person who is ill with the pathogen that caused the outbreak or who is suspected of being a carrier of the pathogenic agent;

(2) If he or she are not immune and live in the same household as a person who is diagnosed with a viral childhood illness, has an active case of TB, or cholera; or

(3) If he or she are not immune and live in the same household as a person who attends or works in a setting where there is a confirmed outbreak of a viral childhood illness, active cases of TB, or cholera.

(g) The person in charge shall exclude an employee from working in a funeral establishment, funeral establishment branch office, or crematorium during the period of contagion if the employee is diagnosed with an active case of head or body lice, scabies, a viral childhood illness, TB, or cholera.

(h) The person in charge may remove an exclusion due to an active case of head or body lice, scabies, a viral childhood illness, TB, or cholera if:

(1) The person excluded provides the person in charge written medical documentation from a licensed physician that specifies that the excluded person may work in an unrestricted capacity in the establishment because the person is free of the pathogenic agent(s) of concern or is not contagious as demonstrated through medical examination or laboratory testing, or by compliance with the “return to work dates” as specified in § 140-20.2-320(b) and (c).

(i) An employee shall, in a manner specified in § 140-20.2-325(b), report to the person in charge the information specified in §§ 140-20.2-325(b) through (e) and comply with exclusions and restrictions that are specified in § 140-20.2-325(g).

Modified, 1 CMC § 3806(c), (d), (e), (f), (g).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

Commission Comment: In subsection (e), the Commission changed “has” to “have” to correct a manifest error. In subsection (f)(1)(ii), the Commission changed the final period to a semicolon. In subsection (i), the original cross-references incorrectly cited §4.5, codified at § 140-20.2-320. The Commission corrected the references.

§ 140-20.2-330 Public Health Precautions

(a) The human remains of any person who died as the result of, or while afflicted by, the plague, cholera, smallpox, epidemic typhus fever, yellow fever, or louse-borne relapsing fever, or other term indicating a highly contagious or communicable disease shall be embalmed, except in those cases where the condition of the body precludes embalming, or cremated prior to holding ceremonial funeral services, shipping on a common carrier, or conducting the final interment.

(b) Attendance at a public funeral for any person who has died as the result of the plague, cholera, smallpox, epidemic typhoid, yellow fever, louse-borne relapsing fever or other term indicating such disease shall be restricted to those persons who are not in the quarantinable stage of the disease as determined by the Secretary.

Modified, 1 CMC § 3806(g).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

Commission Comment: In subsection (a), the Commission changed “whom” to “who” to correct a manifest error.

Part 400 - Funeral Service Operational Requirements

§ 140-20.2-401 Preserving and Storage of Human Remains

(a) Once human remains have been received by the CHC morgue or a funeral director from the burial permit holder, the remains shall be stored in a properly designed refrigeration unit unless they are embalmed (see § 140-20.2-405(c)), cremated, or interred within twenty four hours, as witnessed by the funeral director’s signature on an on island burial transit certificate.

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

(b) Due to the CNMI's subtropical climate, should the burial permit holder wish to hold an open casket viewing of the deceased during a funeral ceremony, the permit holder, or if retained, the funeral director of record, shall ensure that the human remains are stored or preserved, and interred in one of the following manners:

(1) Embalmed before the viewing and subsequently interred or cremated within forty eight hours;

(2) If not embalmed before the viewing, held no longer than ten hours with the casket open after which time the casket shall be closed and the body shall be returned to refrigerated storage, or interred, or cremated within twenty four hours; or

(3) Refrigerated for the duration of the viewing, then returned to refrigerated storage, or interred or cremated within twenty four hours.

Modified, 1 CMC § 3806(c), (e), (f).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

§ 140-20.2-405 Embalming Requirements

(a) No person shall embalm human remains unless licensed by the Board as an embalmer or registered with a permitted funeral establishment as an intern under the direct supervision of another licensed embalmer.

(b) No human remains shall be embalmed if the death is subject to investigation by autopsy, but such remains shall be stored in a properly designed refrigeration unit.

(c) Embalmed human remains shall be interred at a burial site or niche within a mausoleum, or cremated within forty eight hours after death.

(d) Human remains shall be embalmed according to the "Federal Trade Commission, Funeral Industry Practices," and the arteries and body cavities of the remains shall be injected with an embalming fluid of at least the equivalent of ten percent of the body weight.

Modified, 1 CMC § 3806(e), (g).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

Commission Comment: In subsection (d), the Commission moved the comma after "Practices" inside of the closing quotation mark.

§ 140-20.2-410 Transport Requirements Within the CNMI

(a) General Preparation for Transport

(1) The human remains of any person who died as the result of, or while afflicted by, the plague, cholera, smallpox, epidemic typhus fever, yellow fever, louse-borne relapsing fever, or other term for these diseases indicating a highly contagious or communicable disease shall be embalmed if the condition of the body permits, or cremated prior to disposition.

(2) No person within the CNMI other than a funeral director, licensed medical professional,

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

or emergency medical technician shall transport from one house, building or other structure to another, unembalmed human remains of any deceased individual who died from, or while afflicted by, a highly communicable disease that poses an imminent health hazard. The next of kin or other responsible person(s) of the deceased shall contact a permitted funeral establishment, crematorium, or licensed medical facility to arrange transport of the deceased to another location.

(b) Casket Rentals for Transport Purposes

(1) Human remains transported within the CNMI shall be enclosed in a strong, sealed outer case to prevent seepage of body fluids to the outside.

(2) When caskets are made available to rent for transport or on any other temporary basis to save burial expenses, the following provisions shall apply:

(i) Said caskets shall be manufactured specifically for multi-use purposes and advertised as such;

(ii) No casket manufactured for a single use shall be used more than once; and

(iii) Funeral directors shall inform the next of kin or other responsible person(s) of its previous use and obtain written authorization from them acknowledging the fact that the funeral merchandise provided has been previously used in whole or in part.

(c) Transport Documentation for Within CNMI

(1) An on island burial transit certificate shall be prepared by the funeral director, licensed medical professional, or emergency medical technician who receives human remains from the next of kin or other responsible person(s) prior to releasing the human remains to the custody of the transporter.

(2) The on island burial transit certificate shall contain the following information (see appendix B):

(i) Name of the deceased and official date of death;

(ii) An indication whether or not a communicable disease is suspected or known to have afflicted the deceased;

(iii) The name of the person who initially releases the human remains for transport, to pronounce the body legally dead, for preparation, or disposition, and every person thereafter who accepts the human remains for transport, to pronounce the body legally dead, for preparation, or disposition;

(iv) The place where the deceased was originally located, and any place thereafter where the human remains were stored, from the time of death to the time of final disposition;

(v) The name of the funeral director accepting the human remains for final disposition; and

(vi) The specific location and date of final disposition.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

Commission Comment: In subsection (a)(1), the Commission changed “whom” to “who” to correct a manifest error.

§ 140-20.2-415 Transport Requirements Into or Outside of the CNMI

(a) Preparation for Transport

(1) The human remains of any person whom died as the result of, or while afflicted by, the

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

plague, cholera, smallpox, epidemic typhus fever, yellow fever, louse-borne relapsing fever, or other term for these diseases indicating a highly contagious or communicable disease shall be embalmed if the condition of the body permits, or cremated prior to shipping on a common carrier.

(2) No person shall transport into the CNMI human remains, not including historic human remains, unless the human remains were handled in one of the following manners:

- (i) Embalmed according to the Federal Trade Commission, "Funeral Industry Practices"; or
- (ii) Cremated to prevent any possible threat of disease transmission.

(3) No person shall transport out of the CNMI human remains, not including historic human remains, unless the human remains were handled in one of the following manners:

- (i) Embalmed according to the Federal Trade Commission, "Funeral Industry Practices";
- (ii) Cremated to prevent any possible threat of disease transmission; or
- (iii) The next of kin or other responsible person(s) of the deceased has obtained a waiver from both the common carrier shipping the human remains and the governing authority of the state or country that shall accept the human remains for final disposition. The waiver shall also clearly state that embalming or cremation is not required for the human remains to be released and accepted in the state or country of their final intended destination.

(b) Casket Rentals for Transport Purposes

(1) The human remains transported into or out of the CNMI shall be enclosed in a strong, sealed outer case to prevent seepage of body fluids to the outside.

(2) When caskets are made available to rent for transport or on any other temporary basis to save burial expenses, the following provisions shall apply:

- (i) Said caskets shall be manufactured specifically for multi-use purposes and advertised as such;
- (ii) No casket manufactured for a single use shall be used more than once; and
- (iii) Funeral directors shall inform the next of kin or other responsible person(s) of its previous use and obtain written authorization from them acknowledging the fact that the funeral merchandise provided has been previously used in whole or in part.

(3) The original on island burial transit certificate, and if applicable the burial permit, shall be kept by the funeral director of record and a copy submitted to the Office of Statistics and BEH where it shall be kept on file for at least five years.

(c) Transport Documentation to Ship Into or Outside of the CNMI

(1) Human remains shipped into the CNMI shall include a valid state or country burial transit certificate designating the preservation methods used or waiver thereof.

(2) A burial transit certificate issued under the law of another State, which accompanies human remains brought into the CNMI for final disposition, shall be authority for final disposition of the human remains in the CNMI.

(3) An off island burial transit certificate shall be prepared for the shipment of human remains outside of the CNMI. The funeral director, licensed medical professional, or emergency medical technician shall prepare the documentation before receiving human remains from the next of kin or other responsible person(s) and subsequently releasing the human remains to the custody of the common carrier.

(4) The off island burial transit certificate shall contain the following information (see appendix C):

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

- (i) Name of the deceased and official date of death;
 - (ii) An indication that the human remains pose no public health hazard accompanied by a waiver* from the common carrier and the country of final disposition;
 - (iii) The name of the person who initially releases the human remains, and the person(s) accepting the human remains to pronounce death, to prepare the remains for transport, and any person thereafter who accepts custody of the human remains until they are released to the common carrier;
 - (iv) The place where the deceased was prepared for transport;
 - (v) The name of the common carrier that will transport the body outside of the CNMI; and
 - (vi) The common carrier's signed authorization to transport the human remains and the date of transport.
- (5) The original off island burial transit certificate shall accompany the human remains during transit to the country of final disposition, and copies shall be submitted to the Office of Statistics and BEH.

* So in original.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

§ 140-20.2-420 Funeral Establishment Operational and Sanitary Requirements

- (a) Documentation
 - (1) Should the human remains, not including historical human remains, need to be embalmed, the funeral establishment funeral director of record shall also complete an authorization to embalm or cremate and submit copies to the Office of Statistics and BEH.
 - (2) An authorization to embalm or cremate shall contain the following information (see appendix D):
 - (i) Name and signature of the next of kin or responsible person(s) who authorizes embalming;
 - (ii) Relationship of that person to the deceased;
 - (iii) Date that authorization was given; and
 - (iv) Name of the person receiving authorization to embalm on behalf of the funeral establishment or crematorium.
- (b) Operational Requirements
 - (1) Each funeral establishment that is constructed or extensively remodeled shall obtain a valid certificate of occupancy from DPW verifying that the renovated structure complies with the provisions of the Building Safety Code and the Department of Public Safety's fire and safety standards, before applying for a sanitary permit or permit renewal. Should a funeral establishment be operating out of a preexisting structure that was converted into a funeral establishment, the person in charge shall also obtain a valid certificate of occupancy from DPW prior to applying for a sanitary permit.
 - (2) Any funeral establishment that comes into possession of cremated human remains, whether or not it performed the cremation in its crematorium, shall retain the remains until they are delivered, placed, or shipped pursuant to the instructions of the person(s) entitled to custody

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

or control of the cremated remains.

(c) Sanitary Requirements

(1) The funeral establishment shall be maintained in good repair and operated in a safe, healthy, and sanitary manner to prevent any potential harm from befalling the establishment's personnel or the public.

(2) Each funeral establishment that is used for the care and preparation of human remains for burial, storage, or transportation, as well as for visitation and ceremonial funeral services, shall have two structurally separate rooms. One shall be used for the care, preparation, and custody of the human remains, and a separate room shall be used for confidential funeral arrangement conferences and ceremonies.

(3) Both the preparation room and the conference room shall:

(i) Be kept in good repair, clean and maintained in such a manner as to present no potential hazards to the health, safety, or welfare of the employees or the public;

(ii) Be adequately lighted throughout all the rooms to avoid accidents due to poor visibility and to make dirt and debris easily visible to ensure thorough cleaning each day;

(iii) Be adequately ventilated at all times to eliminate odor and supply a frequent air exchange;

(iv) Have readily assessable toilet and hand washing facilities provided with tissue, liquid soap, soap dispensers and disposable towels or hot air hand dryer(s) for employees and the public;

(v) Have readily available running drinking water provided in adequate quantities to ensure that toilet facilities work properly at all times and that the facility is cleaned at least daily and more frequently as required to maintain a sanitary environment;

(vi) Be connected to the Commonwealth Utility Corporation's sewer system or have a DEQ permitted individual wastewater disposal system;

(vii) Be maintained in good repair and free of trash or garbage accumulation by the provision of an adequate number of appropriate refuse containers. The general refuse containers shall be kept in a convenient location, and shall not act as a harborage for insects, rodents, or other vermin;

(viii) Have a contract with a DEQ permitted bio-hazardous waste transporter for regulated medical waste pickup; and

(ix) As a safety measure, have a stocked first aid kit readily available for responding to minor medical incidences such as fainting, distress, or other minor ailments that may occur during daily operations or ceremonial services.

(4) Preparation Room

(i) Access doors to the preparation room shall be self closing and the floor shall be sealed with tile, cement, or other nonabsorbent flooring that is easily cleanable. Floor and wall junctures shall be coved and have gaps no wider than a 1 mm (1/32"). The floor shall also be equipped with a floor drain and shall be graded towards the drain for easy rinsing and cleaning.

(ii) A ducted exhaust air ventilation system shall be provided. This system shall create directional airflow that draws air into the work area through the entryway. The exhaust air shall not be re-circulated to any other area of the building, shall be discharged to the outside, and shall be dispersed away from occupied areas and air intakes. The system shall be operational and maintained in good repair at all times.

(iii) The room shall be fully equipped with industry approved instruments and equipment such

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

as embalming tables, hoppers, sinks, etc., designed for the express purpose of preparing and embalming human remains for burial, transportation, or other disposition, which shall be well maintained in a clean and sanitary condition.

(iv) All preparation and embalming instruments and equipment shall be made of nonabsorbent easily cleanable material, which shall be properly cleaned and sterilized between each use.

(v)(A) Sterilization shall be performed using an autoclave, sterilizer, or sanitizing solution used according to the manufacturer's recommendations between each use.

(B) Sterilized equipment and utensils shall be stored in a designated location separated from used or soiled equipment and utensils.

(vi) The preparation room shall be devoted to activities related to the preparation of human remains, storage, or embalming and for no other purpose.

(vii) The room's storage facilities shall be secure from access by all unauthorized persons.

(viii) No food or drink shall be allowed within the preparation room at any time.

(ix) An eye wash station, first aid kit, and hand washing facilities shall be readily available to employees.

(x) No person shall be permitted in the preparation room during the course of preparation or embalming except employees of the funeral establishment, next of kin or other responsible person(s) of the deceased, and/or persons authorized by the next of kin or other responsible person(s) of the deceased.

(d) The funeral establishment grounds shall be:

(1) Maintained free of trash and garbage accumulation by the provision of an adequate number of refuse containers. The refuse containers shall be equipped with tight fitting lids, kept in a convenient location, and not act as a harborage for insects, rodents or other vermin; and

(2) Well maintained in that vegetation is cut frequently to prevent overgrowth, which may act as a harborage for insects, rodents, or other vermin.

Modified, 1 CMC § 3806(f).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

Commission Comment: The Commission corrected the spelling of the word "its" in subsection (b)(2) pursuant to 1 CMC § 3806(g). The Commission inserted commas after the words "placed" in subsection (b)(2), "storage" in subsection (c)(2), "safety" in subsection (c)(3)(i), "rodents" in subsections (c)(3)(vii) and (d)(2), and "distress" in subsection (c)(3)(ix) pursuant to 1 CMC § 3806(g).

§ 140-20.2-425 Crematorium Operational and Sanitary Requirements

(a) Documentation

(1) Should the human remains, not including historical human remains, need to be cremated, the funeral establishment or crematorium funeral director of record shall complete an authorization to embalm or cremate and submit copies to the Office of Statistics and BEH.

(2) An authorization to embalm or cremate shall contain the following information (see appendix D):

(i) Name and signature of the next of kin or responsible person(s) who authorizes cremation;

(ii) Relationship of that person to the deceased;

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

- (iii) Date that authorization was given; and
- (iv) Name of the person receiving authorization to cremate on behalf of the funeral establishment or crematorium.
- (3) The next of kin or other responsible person(s) shall be required to personally identify the human remains prior to cremation and sign the authorization to embalm or cremate. If this is not possible, the human remains shall not be cremated.
- (4) Cremation within 24 hours of death
 - (i) A cremation certificate (see appendix E), issued by the Secretary shall only be necessary should the burial permit applicant request that a deceased person be cremated within twenty four hours after his or her death, or if the Secretary has established that the deceased died of a contagious or infectious disease that poses an imminent health hazard.
 - (ii) Prior to issuing a cremation certificate, the Secretary shall determine that the cause and manner of death is such that no further examination or judicial inquiry is necessary. Only then may a cremation certificate be granted by the Secretary.
 - (iii) The human remains shall not be cremated by any crematorium until the funeral director of record has received the original cremation certificate from the Secretary.
 - (iv) After the cremation has been performed, the crematorium shall submit copies of the cremation certificate to the Office of Statistics and BEH by hand delivery or certified mail.
 - (v) A cremation of human remains, not including historic human remains, shall not be performed until the necessary documentation and consents are issued pursuant to the rules and regulations in this subchapter.
- (b) Operational Requirements
 - (1) A crematorium employee shall not accept custody of unidentified human remains.
 - (2) Human remains designated for cremation shall be cremated without unreasonable delay.
 - (3) When the crematorium is unable to cremate the human remains immediately upon accepting custody, the crematorium shall provide a secured refrigerated holding facility that shall comply with § 140-20.2-401 of this subchapter and applicable public health laws, and that preserves the dignity of the human remains.
 - (4) Crematorium holding facilities shall be secure from access by all unauthorized persons.
 - (5) Any crematorium which comes into possession of cremated human remains, whether or not it performed the cremation, shall retain the remains until they are delivered, placed, or shipped pursuant to the instructions of the person(s) entitled to custody or control of the cremated remains.
 - (6) A metal, indestructible identifying disk shall be placed in the cremation chamber with the human remains for the purpose of identifying said remains. The name of the crematorium and the business license number shall be imprinted on said disk.
 - (7) The crematorium shall not simultaneously cremate more than one dead body within the same cremation chamber.
 - (8) Upon completion of each cremation, the human remains shall be removed and the chamber shall be cleaned and all recoverable residue of the cremation process shall be removed before each successive set of human remains are inserted.
 - (9) The funeral director shall ensure that all prostheses, bridgework, pacemaker, or other medical device(s) are removed from the remains prior to cremation and these personal affects* are delivered to the next of kin or other responsible person(s).
 - (10) Each urn into which cremated remains are placed shall be made of a durable material,

which shall enclose the cremated remains entirely.

(11)(i) Cremated remains shall be enclosed in an urn that is packed securely into a box, which has been securely sealed.

(ii) Cremated remains shall only be shipped by a method which has an internal tracing system available and which provides a receipt signed by the person accepting delivery.

(c) Sanitary Requirements

(1) The floor shall be sealed with tile, cement, or other nonabsorbent flooring that is easily cleanable. Floor and wall junctures shall be coved and have gaps no wider than 1 mm (1/32"). The floor shall also be equipped with a floor drain and shall be graded towards the drain for easy rinsing and cleaning.

(2) A ducted exhaust air ventilation system shall be provided. This system shall create directional airflow that draws air into the work area through the entryway. The exhaust air shall not be re-circulated to any other area of the building, shall be discharged to the outside, and shall be dispersed away from occupied areas and air intakes. The system shall be operational and maintained in good repair at all times.

(3) The preparation room shall be devoted to activities related to the preparation of human remains, storage, or cremation, and for no other purpose.

(4) No food or drink shall be allowed within the preparation or incineration chamber area at any time.

(5) No person shall be permitted in the crematory preparation room or incineration chamber area while any human remains are in the area awaiting cremation, or being cremated, or while the cremation remains are being removed from the cremation chamber, except employees of the crematorium, next of kin or other responsible person(s) of the deceased, and/or persons authorized by the next of kin or other responsible person(s) of the deceased.

(d) The crematorium grounds shall be:

(1) Maintained free from trash and garbage accumulation by the provision of an adequate number of refuse containers. The refuse containers shall be equipped with tight fitting lids, kept in a convenient location, and shall not act as a harborage for insects, rodents, or other vermin; and

(2) Well maintained in that vegetation is cut frequently to prevent overgrowth, which may act as a harborage for insects, rodents, or other vermin.

* So in original.

Modified, 1 CMC § 3806(c), (d), (e), (f), (g).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

Commission Comment: In subsection (c)(1), the Commission changed "a 1 mm" to "1 mm" to correct a manifest error. The Commission inserted commas after the words "placed" in subsection (b)(5), "pacemaker" in subsection (b)(9), and "rodents" in subsections (d)(1) and (d)(2) pursuant to 1 CMC § 3806(g).

Part 500 - Disposition and Exhumation of Human Remains

§ 140-20.2-501 General Disposition

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

- (a) All human remains prepared for final disposition shall be treated in a dignified fashion, and burial or cremation arrangements made in an expedient manner.
- (b) No human remains, excluding historic human remains, may be interred without a burial permit.
- (c) Only embalmed human remains may be interred into a crypt of a mausoleum.
- (d) This section shall not apply to the cremation or interment of various body parts from different human bodies.

Modified, 1 CMC § 3806(f).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

§ 140-20.2-505 Disposition of Abandoned Remains

- (a) The Secretary may arrange with a funeral establishment or crematorium for unclaimed human remains, excluding historic human remains, to be interred or cremated after said bodies have remained unclaimed for more than two weeks after all reasonable attempts have been made and due diligence exercised to contact the next of kin or other responsible person(s) through a public notice in a newspaper of general circulation to come forth to identify said bodies.
- (b) Records documenting where unclaimed human remains were interred or cremated shall be maintained by the funeral establishment director of record that provided the funeral services, the Office of Statistics and BEH.
- (c) This section shall not apply to the cremation or interment of various body parts from different human bodies.

Modified, 1 CMC § 3806(e).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

§ 140-20.2-510 Exhumation Procedures

- (a) Exhumation applications for historical human remains should be obtained from the Historical Preservation Office.
- (b) Exhumation of interred human remains for legal or health related reasons shall only be performed upon obtaining an exhumation permit (see appendix F), from the Department.
- (c) The Secretary shall only consider an application for exhumation from the following authorities or person(s):
 - (1) A member of the next of kin or other responsible person(s) of the deceased for the intent purpose of relocation to another burial plot, for cremation, or for an investigative autopsy to be performed by a licensed pathologist; or

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

- (2) The attending physician of the deceased or the Commissioner of the Department of Public Safety for the specific purpose of conducting an investigative autopsy to be performed by a licensed pathologist; or
- (3) The Historical Preservation Office for the specific purpose of relocating or conducting an archaeological investigation of historical burial sites, war dead, or historical human remains.
- (d) Exhumation permits shall include the name of the applicant; if possible, the name of the deceased to be exhumed; location from which the human remains are to be removed; and to where the remains shall be relocated for interment, cremation, or investigative procedures.
- (e) All applications for an exhumation permit for legal or health related reasons shall be accompanied by a fee as set forth in the Department's Schedule of Fees.
- (f) Applications for an exhumation permit for legal or health related reasons shall be received by BEH twenty working days prior to the requested date of exhumation. Once received, the Secretary shall have twenty working days to:
- (1) If possible, confirm the original location of the deceased with the Office of Statistics and the funeral director of record who performed the initial interment or his or her duly authorized agent, or other acting person in charge;
 - (2) If applicable, the Secretary shall contact the private or public cemetery funeral director of record to schedule a date for the exhumation to take place; and
 - (3) Approve the exhumation on the condition that the exhumation poses no public health hazard and that only funeral establishment employees or medical professionals familiar with proper infection control methods as set forth in part 300 of this subchapter perform the exhumation.
- (g) The funeral director of record or Secretary shall ensure that during an exhumation for legal or health related reasons, all individuals coming into direct contact with exhumed human remains that were not embalmed or cremated, or where preparation of the remains prior to burial is unknown, shall wear disposable protective clothing, eye wear, and masks. This precaution is necessary to prevent possible transmission to those individuals exhuming the human remains if viable pathogens are present.
- (h) Exhumed human remains, not including historic human remains, shall be placed in a sturdy leak proof container for transport to the new site of disposition, or to where the investigative procedures are to take place.
- (i) Upon interring the human remains which were exhumed for legal or health related reasons, an on island burial transit certificate, an exhumation permit, and a new burial permit (at no additional fee) shall accompany the remains and be signed by the appropriate custodians.
- (1) The original documents shall be kept by the funeral director of record or responsible person(s) receiving the human remains for final disposition and kept in the cemetery records for five years.
 - (2) Copies of the on island burial transit certificate and the exhumation permit shall be submitted to the Office of Statistics and BEH.

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

(j) Exhumations of human remains, not including historic human remains, shall be conducted during regular government office hours.

Modified, 1 CMC § 3806(c), (d), (e), (f).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

§ 140-20.2-515 Cemetery Operational Requirements

(a) General Requirements

(1) All cemetery grounds are recommended to contain a crematorium, columbarium, and mausoleum(s) to make the best use of available land. Mausoleums or columbaria therein shall be:

(i) Designed by an architect familiar with the specific structural requirements for mausoleums and columbaria and who is licensed by the CNMI Board of Professional Licensing; and

(ii) Constructed by a construction firm that holds a valid CNMI business license; or

(iii) If already constructed, the structure has been permitted by DPW as meeting the requirements of the Building Safety Code.

(2) Each burial plot shall be numbered and given a specific burial assignment.

(3) The cemetery funeral director of record shall keep a current and accurate map and burial plot record showing the location of each burial plot. An update of these maps shall be provided to the Office of Statistics and BEH annually on the renewal date of the cemetery's sanitary permit.

(4)(i) Only one body shall be interred per burial plot except when a waiver provided by the funeral director of record stating that the burial permit applicant of the recently deceased, and the burial permit applicant or responsible person(s) of the previously interred, consent to the multiple use of the burial plot for other family members or loved ones.

(ii) Multiple use burial plots shall not be disturbed or exhumed for reuse until a period of at least five years has transpired since a previous burial unless the burial permit applicant also applies for an exhumation permit with the Department.

(5) Upon completion of the burial, cemetery personnel shall backfill each burial plot or should the next of kin or other responsible person(s) wish, they shall backfill the burial plot under the supervision of cemetery personnel.

(6) Cemetery funeral directors of record shall provide for regular maintenance of the cemetery grounds to control vegetation and ensure accessibility to the cemetery at all times.

(7) No permanent plants shall be permitted to be planted directly in the soil of a burial plot in any cemetery although a vase or pot may be installed flush with the ground near the grave marker for the placement of flowers or other plants.

(b) Public Cemetery Requirements

(1) Public cemetery grounds shall be subdivided into burial plots of such dimension to accommodate one adult, child or infant sized casket for burial.

(i) Adult sized burial plots shall be six feet deep and eight feet by four feet in dimension, and provide a space of three feet between other burial plots on each side and six feet between each row.

(ii) Child sized burial plots shall be six feet deep and, six feet by four feet in dimension, and

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

provide a space of three feet between other burial plots on each side and six feet between each row.

(iii) Infant sized burial plots shall be six feet deep and three feet by three feet in dimension, and provide a space of three feet between other burial plots on each side and six feet between each row.

(2) Upon receipt of an application for a burial permit in a public cemetery, BEH shall contact DLNR to ensure that the applicant has been assigned a burial plot.

(3) Markers for a burial plot shall be uniform in size and placement and shall have the following dimensions: three inches in height, by a maximum of eighteen inches in length by twelve inches wide and shall be countersunk at least two inches into the ground. No headstones or other improvements are permitted on or adjacent to the burial plot. This will allow for easy mowing maintenance of the burial grounds.

(4) Markers for mausoleum crypts, or columbarium niches, within a public cemetery shall be no larger than twelve inches by eighteen inches, made of weather resistant material, and mounted flush beneath the crypt or niche.

Modified, 1 CMC § 3806(e), (f).

History: Amdts Adopted 25 Com. Reg. 20714 (July 15, 2003); Amdts Adopted 24 Com. Reg. 19940 (Dec. 27, 2002); Amdts Proposed 24 Com. Reg. 19602 (Oct. 30, 2002); Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

Commission Comment: The 2003 amendments deleted former subsection (b)(4) and amended subsection (b)(3). The Commission re-designated former subsection (b)(5) accordingly.

The Commission inserted a comma after the word “columbarium” in subsection (a)(1) pursuant to 1 CMC § 3806(g).

Part 600 - Sanitary Inspections

§ 140-20.2-601 Pre-operation Inspection

Before a sanitary permit is issued, a BEH Health Inspector shall conduct one or more pre-operation inspections to verify that:

(a) The applicant has been issued a business license by the Department of Commerce to conduct the particular business for which the sanitary permit is being requested;

(b) The applicant has obtained a certificate of occupancy from the DPW; and

(c) The applicant’s establishment is sanitary and complies with the requirements of the rules and regulations in this subchapter.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

§ 140-20.2-605 Inspection Frequency

(a) Once a sanitary permit has been granted to an applicant, a BEH Health Inspector shall conduct an inspection of the establishment at least once every six months thereafter unless otherwise provided below. A sample inspection report is attached to the rules and regulations in this subchapter as appendix G.

(b) Except as provided in § 140-20.2-615 below, at such time that an establishment receives a grade “A” on three consecutive inspections, inspections of the establishment shall be reduced to one per year until such time that the establishment receives a grade “B” or lower on an inspection. After receiving a grade “B” or lower, the establishment shall be subject to inspections once every six months until such time that the establishment again qualifies for the reduced number of inspections under this section.

Modified, 1 CMC § 3806(c), (d), (e), (f).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

§ 140-20.2-610 Inspection for Permit Renewal

The BEH Health Inspector shall physically inspect an establishment before issuing an annual renewal of the sanitary permit.

Modified, 1 CMC § 3806(f).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

§ 140-20.2-615 Additional Inspections

Additional inspections shall be prioritized, and may be conducted more frequently than once every six months based on consideration of the following:

(a) Past performance on an inspection which uncovered adverse public health conditions and nonconformance with critical control points as specified in the regulations in this subchapter;

(b) The number of people who may be affected should an imminent health hazard occur, and whether the population served is a highly susceptible population to the potential hazard; and

(c) Complaints received by the Secretary concerning the establishment’s operation or sanitary condition that may present an unacceptable health risk.

Modified, 1 CMC § 3806(d), (e), (f).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

§ 140-20.2-620 Access to Premises and Due Notice

After the BEH Health Inspector presents official credentials and provides notice of intent to inspect the establishment or premises during the hours of operation or other reasonable time, the

person in charge shall permit the BEH Health Inspector access, either in the company of an employee or otherwise, to all persons employed by, and to all parts of the establishment or premises, and shall permit examination and copying of any and all records, to insure compliance with the rules and regulations in this subchapter. If the person in charge denies access to the BEH Health Inspector, the BEH Health Inspector shall inform the person in charge that:

(a) The holder of a sanitary permit is required to allow access to BEH Health Inspectors as specified under § 2128 of the “Commonwealth Environmental Health and Sanitation Act of 2000” [3 CMC § 2128]; and

(b) Access to the establishment or premises is a condition of maintaining a sanitary permit to operate an establishment specified in § 2122 of the “Commonwealth Environmental Health and Sanitation Act of 2000” [3 CMC § 2122]. If, after the BEH Health Inspector presents this information, the person in charge is still unwilling to grant access to the establishment or premises, the BEH Health Inspector shall schedule a hearing within ten working days to suspend the sanitary permit on the basis of being unable to conduct an inspection. The BEH Health Inspector shall note in the inspection report the details surrounding the person in charge’s refusal to grant access to the establishment or premises.

Modified, 1 CMC § 3806(d), (e), (f).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

§ 140-20.2-625 Inspection Reports; Demerit Values; Demerit Scores

(a) Whenever the BEH Health Inspector makes an inspection and discovers that any provision of the rules or regulations in this subchapter has been violated, he shall record his findings on an inspection report form, which shall be provided to the permit holder or person in charge. Each violation has been assigned a demerit score (see appendix H).

(b) Upon completion of an inspection, the BEH Health Inspector shall total the demerit point values for all requirements in violation, such total becoming the grade for the establishment. Grades shall be based on the following demerit scores:

- (1) Grade A - An establishment having a score of not more than ten demerits;
- (2) Grade B - An establishment having a score of more than ten, but not more than twenty;
- (3) Grade C - An establishment having a score of more than twenty, but not more than thirty.

(c) An establishment with a score of more than thirty demerits shall be considered an imminent health hazard and shall not be granted a sanitary permit, or in the case of a renewal, shall be subject to immediate suspension and closure as specified in § 2135(a) of the “Commonwealth Environmental Health and Sanitation Act of 2000” [3 CMC § 2135(a)]. Immediately following such a grading during an inspection, the BEH Health Inspector shall post a closure notice placard in an obvious location at the front door of the establishment to alert the public. Anyone other than the Secretary or a BEH Health Inspector is prohibited from removing this placard.

Modified, 1 CMC § 3806(d), (e), (f).

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

§ 140-20.2-630 Content of Inspection Reports

Whenever a BEH Health Inspector makes an inspection, he shall notify the permit holder or person in charge of such violations by means of an inspection report. In such notification, the BEH Health Inspector shall:

- (a) Set forth the specific violations found, together with the demerit score of the establishment;
- (b) Establish a specific and reasonable period of time for correction of the violations found as specified in § 140-20.2-640 of this subchapter;
- (c) State that failure to correct any deficiencies in accordance with the provisions of any applicable laws, rules or regulations may result in suspension of the permit;
- (d) State that an opportunity for appeal from any inspection findings shall be provided if a written request for a hearing is filed with the Secretary within the period of time established for notice of corrections; and
- (e) Request that the person in charge sign an acknowledgment of receipt of the inspection report. However, failure or refusal to sign receipt of the inspection report shall not relieve the permit holder or person in charge from the obligation to correct the violations noted in the inspection report within the specified time frame.

Modified, 1 CMC § 3806(c), (d), (g).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

Commission Comment: In subsection (e), the Commission corrected the spelling of “acknowledgment.”

§ 140-20.2-635 Service of Inspection Reports

Inspection reports shall be deemed to have been properly served when a copy of the inspection report form or other notice has been delivered personally to the permit holder or person in charge, or such inspection report has been sent by registered or certified mail, return receipt requested, to the last known address of the permit holder. The permit holder or person in charge shall be required to maintain copies of the inspection report forms at the establishment for a period of seven years. The Secretary shall also maintain files of the inspection report and proofs of service.

Modified, 1 CMC § 3806(e).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

§ 140-20.2-640 Timely Correction of Violations of Critical Control Points

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

- (a) A permit holder who has received a demerit score of more than ten points shall correct a violation of a critical control point and implement corrective actions within a reasonable time period as specified in the inspection report, or as provided in subsections (b) and (c) below.
- (b) Considering the nature of the potential health risk involved and the complexity of the corrective action needed, the permit holder may avoid suspension of the sanitary permit under § 2135(b) of the “Commonwealth Environmental Health and Sanitation Act of 2000” [3 CMC § 2135(b)], if the permit holder can make corrections or repairs within the following time frames:
- (1) Five working days for deficiencies that involve general cleaning and easily resolvable critical control point violations;
 - (2) Fifteen working days for deficiencies or violations that require more man hours due to the scope of work, including but not limited to minor building repairs and the purchase of necessary equipment;
 - (3) Thirty working days for deficiencies requiring the purchase of equipment or materials necessary for remodeling that may not be found on island, but must be requested from an off-island supplier or contractor.
- (c) The Secretary may agree to an extension of the compliance period if:
- (1) The permit holder provides in writing sufficient evidence that the specified time frame with which to comply is not feasible due to insurmountable circumstances and agrees to an alternative date;
 - (2) No imminent health hazard would result from the delay; and
 - (3) The reasons are deemed justified by the Secretary.
- However, a second request for an extension shall be cause for suspension of the sanitary permit.

Modified, 1 CMC § 3806(c), (e), (f).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

§ 140-20.2-645 Re-grading After Corrective Action

The applicant or person in charge of any establishment or premises that received a low grade may at any time make a written request for an inspection for the purpose of re-grading the establishment after corrective action has been completed. Upon receipt of a written request, which includes a signed statement from the person in charge that the initial inspection report’s corrective actions have been carried out, a BEH Health Inspector shall schedule an inspection, for a fee, within ten working days of receipt at the BEH office.

Modified, 1 CMC § 3806(e).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

§ 140-20.2-650 Verification and Documentation of Correction

- (a) At the next inspection after a BEH Health Inspector advised an establishment or person to make a correction of a violation of a critical control point or deviation, the BEH Health Inspector

shall enter the specifics about the previous violation and information about the corrective action on the inspection report.

(b) After receiving notification that the permit holder has corrected a violation of a critical control point, or at the end of the specified period of time for correction, the BEH Health Inspector shall verify correction of the violation through inspection, document the information on an inspection report, and enter the report in BEH records.

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

Part 700 - Suspension, Revocation of Sanitary Permit

§ 140-20.2-701 Suspension and Revocation of Permit

(a) The Secretary may suspend a sanitary permit without prior hearing thereby immediately closing the establishment if a violation is of a nature so as to constitute an imminent health hazard. Suspension without prior hearing may be imposed for such time until the violation is corrected, or may be imposed pending a hearing. Notice of suspension and closure shall be provided to the permit holder or person in charge prior to the suspension and closure taking effect. Hearings requested following the suspension of a permit without prior hearing shall be scheduled as soon as possible, but not later than five business days from the date of closure. Hearings shall be conducted in accordance with the provisions of the Administrative Procedure Act [1 CMC §§ 9101, et seq.].

(b) A sanitary permit may be suspended by the Secretary pursuant to this section upon a finding that the permit holder or a person in his employ or under his supervision or control has continuously violated the requirements of the “Commonwealth Environmental Health and Sanitation Act of 2000” [3 CMC §§ 2121-2147] or the rules and regulations in this subchapter, although such violations do not constitute an imminent health hazard; or if the establishment has failed to pay fees assessed against it for violations of the Act and the regulations promulgated thereunder; or if the establishment has in any way continuously disregarded the Secretary’s efforts to satisfy the requirements of the Act or these regulations. The Secretary shall provide notice of intent to suspend a sanitary permit by giving written notice thereof to the holder, in which case, the permit holder shall have ten calendar days within which to request a hearing. Suspension may be imposed for such time until the violation is corrected or may be imposed as a penalty for repeated violations, in which case, it shall not exceed six months. Hearings shall be conducted in accordance with the provisions of the Administrative Procedure Act [1 CMC §§ 9101, et seq.].

(c) Revocation of a permit may occur after a permit holder has had his permit suspended on two separate occasions, but continues to violate the requirements of the “Commonwealth Environmental Health and Sanitation Act of 2000” [3 CMC §§ 2121-2147] or the rules and regulations in this subchapter, or if the establishment has resumed operations after being closed by the Secretary as provided for in the Act. The Secretary shall provide notice of intent to revoke a sanitary permit by giving written notice thereof to the permit holder, in which case the permit holder shall have ten calendar days within which to request a hearing. A hearing for revocation

of the sanitary permit shall be conducted in accordance with the provisions of the Administrative Procedure Act [1 CMC §§ 9101, et seq.].

(d) Following an administrative hearing, the permit holder may seek judicial review of the Secretary's decision in accordance with the provisions of the Administrative Procedure Act [1 CMC §§ 9101, et seq.]. Pending a final determination it shall be discretionary with the court to stay the enforcement of the order of suspension or revocation upon the furnishing of adequate bond.

Modified, 1 CMC § 3806(d), (e), (f), (g).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

Commission Comment: The Commission changed "Administrative Procedures Act" to "Administrative Procedure Act" to correct manifest errors.

§ 140-20.2-705 Reinstatement of Permit

When the holder of a permit believes he has corrected a condition upon his premises or some other violation for which his permit has been suspended, he may write a letter to BEH for reinstatement of the permit. BEH, upon receipt of such letter, shall schedule an inspection of the premises within five working days. If the findings of this inspection show that the violation has been corrected, the Secretary shall reinstate the permit where suspension was imposed until such time that the violations were corrected. If suspension of the permit was imposed for reasons other than the need to take corrective action, the suspension shall remain in effect through the period specified for suspension.

Modified, 1 CMC § 3806(e).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

§ 140-20.2-710 Revoked Permit May Not Be Reinstated

A permit is no longer valid and may not be reinstated when it has been revoked, except upon order of the court.

Modified, 1 CMC § 3806(f).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

§ 140-20.2-715 No New Permit

No person whose permit has been revoked shall be eligible to obtain a new permit for a period of one year.

Modified, 1 CMC § 3806(e).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

§ 140-20.2-720 Closing

The Secretary shall effect the closing of any establishment or activity whose permit has been suspended or revoked. Upon the request of the Secretary, the Commissioner of the Department of Public Safety shall provide police personnel to enforce such closing.

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

§ 140-20.2-725 Notification of Commissioner of Public Safety

BEH shall notify the Commissioner of the Department of Public Safety of any suspension or revocation of a permit and the Commissioner of Public Safety shall assure that the suspended or revoked permit holder shall not resume operation until reinstated by the Secretary.

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

§ 140-20.2-730 Notice Posted of Closure

Whenever any establishment requiring a permit is closed, a BEH Health Inspector shall post a notice, easily visible to the public, stating that said establishment is closed by order of the Secretary for violations of the “Commonwealth Environmental Health and Sanitation Act of 2000” [3 CMC §§ 2121-2147] and the rules and regulations in this subchapter. No person other than the Secretary or the BEH Health Inspector shall remove, deface, destroy, or conceal such notice.

Modified, 1 CMC § 3806(d).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

Commission Comment: The Commission inserted a comma after the word “destroy” pursuant to 1 CMC § 3806(g).

§ 140-20.2-735 Inspection Report Public Information

The inspection report shall be considered a public document and BEH shall make it available for inspection and copying as provided by law.

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

§ 140-20.2-740 Penalties and Fines for Violations of the Act

Those permit holders found violating the requirements or the rules and regulations in this subchapter or the “Commonwealth Environmental Health and Sanitation Act of 2000” [3 CMC §§ 2121-2147] shall, upon issuance of notice to the permit holder or person in charge by BEH, be fined and penalized in the following manner:

- (a) First Offense: The permit holder shall receive a warning letter.

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

(b) Second Offense: The permit holder shall be fined of up to \$500.00.

(c) Subsequent Offenses: The permit holder shall be subject to a fine of up to \$1,000.00 for each subsequent offense. A permit holder who has received notice of imposition of a fine shall have ten calendar days from the date of service of the notice to request a hearing. Hearings shall be conducted in accordance with the provisions of the Administrative Procedures Act [1 CMC §§ 9101, et seq.].

Modified, 1 CMC § 3806(d), (e).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

§ 140-20.2-745 Ceasing Operations and Reporting

(a) A permit holder shall immediately discontinue operations and notify a BEH Health Inspector if an imminent health hazard arises because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, the onset of an apparent food borne, waterborne, or vector borne illness or outbreak, gross unsanitary occurrence or condition, or other circumstance that may endanger public health.

(b) A permit holder need not discontinue operations in an area of an establishment that is unaffected by the imminent health hazard.

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

§ 140-20.2-750 Resumption of Operations

If operations are discontinued as specified under § 140-20.2-745 above or otherwise according to law, the permit holder shall obtain approval from a BEH Health Inspector before resuming operations.

Modified, 1 CMC § 3806(c).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

Part 800 - Miscellaneous Provisions

§ 140-20.2-801 Severability

If any provision of the rules or regulations in this subchapter or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of the these rules and regulations or the application of its provisions to persons or circumstances other than those to which is held invalid shall not be affected thereby.

Modified, 1 CMC § 3806(d), (g).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

Commission Comment: The Commission changed “or than those” to “other than those” to correct a manifest error.

§ 140-20.2-805 **Repeal Clause**

The Rules and Regulations Governing the Operation, Management and Maintenance of Cemeteries, promulgated by the Department and published in the Commonwealth Register vol. 6 no. 6, June 15, 1984, are hereby repealed in their entirety.

Modified, 1 CMC § 3806(f).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

§ 140-20.2-810 **References**

- (a) “Blood Borne Pathogens,” Occupational Safety and Health Administration (OSHA), 29 CFR Part 1910-1000 to end, section 1910.1030, pp. 316-326, July 1, 1994.
- (b) California Business and Professions Code, sections 9750-9770, 9780-9789, 9650-9663.
- (c) Citation, “Construction, Maintenance and Use of Mausoleums,” article 9, Kansas Dept. of Health and Environment.
- (d) 6 CMC § 3108, article 1. General Offenses, “Excavation for or Removal of Human Remains.”
- (e) “Funeral Industry Practices,” Federal Trade Commission, 16 CFR, chapter 1, part 453.
- (f) “Funeral Directors and Embalmers,” 38 Am. Jur. 2nd.
- (g) “Mortuaries, Cemeteries, Embalmers, Undertakers, and Mortuary Authorities,” title 11, Administrative Rules, Hawaii Department of Health, chapter 22, Hawaii.
- (h) PL 3-33 § 9.16.030 “Excavating, digging, or looking for remains.” 1982.
- (i) CNMI PL 3-64, law creating the “Commonwealth Recorder’s Office,” 1 CMC §§ 3701-3712.
- (j) CNMI PL 11-117, “Public Cemetery Act of 1999.”
- (k) CNMI PL 12-057, “Commonwealth Environmental Health and Sanitation Act of 2000.”
- (l) “Regulations Governing Interments and Dead Bodies,” Commonwealth Register vol. 17 no. 1, January 15, 1995.
- (m) “Rules and Regulations Governing the Operation, Management and Maintenance of Cemeteries,” Commonwealth Register vol. 6 no. 6, June 15, 1984.

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

(n) “Rules and Regulations Pertaining to Embalmers, Funeral Directors and Funeral Service Establishments” (R5-33.2-Emb), Rhode Island Department of Health, September 1997.

(o) “Rules and Regulations for the Orderly Management of the Cemetery,” Proposed, San Isidro Church Parish Council, Rota.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

Commission Comment: In subsections (a), (c), (d), (f) through (m), and (o), the Commission moved punctuation inside of the closing quotation marks.

§ 140-20.2-815 **Schedule A**

(a) Return to Work Dates for Parasitic Infestations

(1) Head Lice: Return to work twenty four hours after treatment.

(i) Appropriate treatment 1% permethrin. (TMNix, Rid), may be obtained over the counter. Reapplication in seven to ten days may be necessary.

(ii) Recommend concurrent disinfection of clothing and bedding by washing in hot water and drying in the hot cycle of a dryer for 20 minutes.

(2) Body Lice: Return to work twenty four hours after treatment.

(i) Appropriate and effective treatment may require a doctor visit since 5% permethrin is not sold over the counter.

(ii) Recommend concurrent disinfection of clothing and bedding by washing in hot water and drying in the hot cycle of a dryer for 20 minutes.

(iii) Clothing and bedding need to be dusted with pediculocides such as 1% malathion, 0.5% permethrin powder, or 2% temefos.

(3) Scabies:

(i) Return to work twenty four hours after treatment started.

(ii) Recommend concurrent disinfection of clothing and bedding by washing in hot water and drying in the hot cycle of a dryer for 20 minutes.

(b) Return to Work Dates for Viral Illnesses

(1) Measles: Excluded from work four days before to four days after the onset of rash. Illness may not be recognized before the onset of rash.

(2) Mumps: Exclusion from work nine days after the onset of swelling (parotitis) if susceptible (those not immunized). Susceptible contacts should be immunized.

(3) Rubella: Exclusion from work for seven days after onset of rash. Pregnant contacts, especially those in first trimester, should be identified, serologically tested, and advised accordingly.

(4) Chickenpox: Exclude from work until all vesicles become dry.

(i) Period of transmissibility is one to five days prior to the onset of the rash and continues until all lesions are crusted (usually 5 days).

(ii) Susceptible (not previously infected nor immunized) should be considered infectious ten to twenty one days following exposure.

(iii) Susceptible contacts should be immunized. Vericella vaccine is effective in preventing

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

illness and or modifying it if used within three days, and possibly up to five days, after exposure. Consider VZIG for those ineligible for the vericella vaccine.

(c) Return to Work Dates for Bacterial Infections

(1) *Vibrio cholera*: There is not a direct person to person transmission of cholera. Transmission is by way of a fecal oral route between people. Therefore, if transmission were to occur, potential communicability would be limited to shedding of the bacteria over several days after becoming infected.

(2) Tuberculosis: A person with active or suspected TB should be referred to DPH's Center for Tuberculosis and Lung Disease for treatment, as should any individual who has had close contact with another person with active TB. The date that a diagnosed patient may return to work is dependent upon the Center for Tuberculosis and Lung Disease's evaluation.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

**Appendix A
Burial Permit**



**Commonwealth of the Northern Mariana Islands
Department of Public Health
Division of Public Health
*Bureau of Environmental Health***

BURIAL PERMIT

1. Applicant's name (First, Middle, Last)		2. Date (Mo/Day/Yr)
3. Deceased's Legal Name (First, Middle, Last)		4. Date of Death (Mo/Day/y\Yr)
5. Funeral Service Establishment Business License no.:		
Office Use Only		
7. Deceased was afflicted with communicable disease that posed an imminent health hazard (Y/N)?	8. Prepared for final disposition (embalming / cremation / NA)	9. Burial at Sea (Y/N)
10. Place of Final Disposition Burial Plot No. (if applicable) :		11. Burial date (Mo/Day/Yr)
Original copy to Funeral Director of Record		
14. Comments:		15. Office Use Only: Copy Received (Mo/Day/Yr.) Office of Statistics : BEH :

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

**Appendix B
On Island Burial Transit Certificate**

**SAMPLE
ANGEL'S FUNERAL HOME**

ON ISLAND BURIAL TRANSIT CERTIFICATE

1. Deceased's Legal Name (First, Middle, Last)		2. Pronounced dead (Mo/Day/Yr)	
3. Place of Death (Facility/Residence, and Village)		4. Communicable illness suspected? () Yes () No () Not sure	
5. Person releasing (First, Middle, Last) (if applicable) Signature		6. Date Released: 7. Time (24:00):	8. Reason: () To pronounce dead () Prepare () Embalm () Cremate () Inter () Other
9. Person receiving (First, Middle, Last) / Title Signature		10. Funeral establishment; Business License (If applicable):	
11. Person releasing (First, Middle, Last) (if applicable) Signature		12. Date Released: 13. Time (24:00):	14. Reason: () Prepare () Embalm () Cremate () Inter () Other
15. Person receiving (First, Middle, Last) / Title Signature		16. Funeral establishment: Business License (If applicable):	
17. Prepared for final disposition by: () embalmed () cremated () N/A	18. Place of final disposition		19. Office Use Only: Copy Received (Mo/Day/Yr.) Office of Statistics : BEH :
20. Comments:			
Original copy for Funeral Director of Record receiving deceased for final disposition			

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

Appendix C
Off Island Burial Transit Certificate



Commonwealth of the Northern Mariana Islands
Department of Public Health
Office of the Secretary of Public Health

OFF ISLAND BURIAL TRANSIT CERTIFICATE

1. Applicant's name (First, Middle, Last)		2. Date (Mo/Day/Yr)	
3. Deceased's Legal Name (First, Middle, Last)		4. Date of Death (Mo/Day/Yr)	
5. Prepared for final disposition (embalmed / cremated / waived)		Time (24:00)	
6. Funeral director (First, Middle, Last) Signature		7. Date Prepared (Mo/Day/Yr)	
8. Funeral Establishment		9. License No.	
10. Country of Final Disposition	11. Carrier (Flight or Vessel No.)	12. Departure Date Mo/Day/Yr Time (24:00)	
13. There is no public health hazard in the removal of these remains. _____ Secretary of Health		14. Date (Mo/Day/Yr)	
15. Carrier Authorization (First, Middle, Last), Title Signature		16. Date (Mo/Day/Yr)	
17. Comments:		18. Copy Received (Mo/Day/Yr.) Office of Statistics : BEH :	
Original copy to accompany deceased to place of final disposition			

P.O. Box 409 CK, Saipan, MP 96950-0409
Telephone: (670) 234-8950 FAX: (670) 234-8930

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

Appendix D
Authorization to Embalm or Cremate

SAMPLE



Commonwealth of the Northern Mariana Islands
Commonwealth Health Center

AUTHORIZATION TO EMBALM OR CREMATE

The undersigned hereby authorize (Name of Institution or Responsible Person of Deceased)

to release the body of (Name of Deceased)

to (Funeral Establishment or Crematorium) or his or her agents, and authorize and direct the

funeral director of record or his or her agents to care, embalm and otherwise prepare said body for burial, entombment, cremation, or burial at sea or other disposition and to remove any devices or prostheses as listed: () N/A or 1. 2. 3. and transmit such device to the responsible person of deceased.

I hereby represent that I am of the same and nearest degree of relationship to the deceased and/or are legally authorized or charged with the responsibility for such burial and/or other disposition.

Table with 2 columns: Name, Relationship, Witness, Date

I, (Funeral Director of Record) certify as the funeral director of record that the

deceased was prepared on (Mo/Day/Yr). The deceased died from or while afflicted by a communicable disease and was preserved through () embalming () cremation or () N/A.

by (embalmer or funeral director), license no. (If embalmed)

in accordance with the Commonwealth Rules and Regulations Governing Funeral Establishments, Services, Crematoriums and Cemeteries.

Original copy for Funeral Director of record and copies sent to CNMI Office of Statistics and BEH

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).



Appendix E
Cremation Certificate
Commonwealth of the Northern Mariana Islands
Department of Public Health
Office of the Secretary of Public Health

CREMATION CERTIFICATE

I, _____, the Secretary of the Department of Public Health,
(Name of Secretary of Public Health)

hereby authorize _____ to cremate the body
(Name of Crematorium)

of _____ under the supervision of
the _____
(Name of Deceased)

funeral director of record, _____, and direct the
(Name of funeral director of record)

funeral director of record or his or her agents to care, embalm and otherwise prepare said body for cremation to
remove any devices or prostheses as listed: () N/A or 1. _____ 2. _____
3. _____ and transmit such device to the responsible person of deceased.

Furthermore, (Select one: () Item 1. or () Item 2. and complete appropriate section)

1. I, _____, as Secretary of Public Health hereby
(First, Middle, Last Name)

certify that the deceased did not die in such a manner as to require further examination or judicial inquiry
concerning the same. Therefore the human remains of said deceased shall be cremated within twenty four
(24) hours of death in acceptance of _____, a member
(Name Of Responsible Person Of Deceased)
of the immediate family and/or responsible person's, request to cremate in an expedient manner in keeping
with the decedent's wishes and/or religious beliefs, or;

2. I, _____, as Secretary of Public Health hereby
(First, Middle, Last Name)

certify that the deceased died from, or while afflicted by, a communicable disease that poses an imminent
health hazard to the community. Therefore, in the interest of protecting public health, I direct that the body
of said deceased be cremated within twenty four (24) hours of death. No further examination or judicial
inquiry concerning the death is required.

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

I, _____, certify as the funeral director of record that the
(Funeral Director of Record)

deceased was cremated on _____ by _____,
(Name of Funeral Director)

license no. _____, in accordance with the Commonwealth Rules and Regulations Governing
Funeral Establishments, Services, Crematoriums and Cemeteries.

Original for crematorium files and copies submitted to CNMI Office of Statistics and BEH upon completion of services

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

**Appendix F
Exhumation Permit**



**Commonwealth of the Northern Mariana Islands
Department of Public Health
Office of the Secretary of Public Health**

EXHUMATION PERMIT

1. Applicant's name (First, Middle, Last)		2. Date (Mo/Day/Yr)
3. Deceased's Legal Name (First, Middle, Last)		4. Date of Death (Mo/Day/Yr)
5. Relationship to decedent	6. Reason for exhumation	7. Original burial site location
8. Deceased was afflicted with communicable disease (Y/N)?	9. Prepared for final disposition (embalmed / cremated / NA)	10. Investigative work location
11. Original disposition performed by (Name) Signature	12. Exhumed and relocated by (Name) Signature	
13. Place of Final Disposition Burial Plot No. (if applicable) :		14. New disposition date (Mo/Day/Yr)
15. Approved by Secretary of Health (First, Middle, Last) Signature		16. Date (Mo/Day/Yr)
17. Comments		18. Copy Received (Mo/Day/Yr.) Office of Statistics : BEH :
Original copy for funeral director or record arranging final disposition.		

P.O. Box 409 CK, Saipan, MP 96950-0409
Telephone: (670) 234-8950 FAX: (670) 234-8930

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

Inspector must indicate each violation found and the corrective measures to be taken by the establishment and the time allowed for the violations to be corrected. Establishment permit holders or applicants may request for an extension by providing sufficient evidence in writing that the time frame is insufficient, that no imminent health hazard would result from the delay, and an alternative date is agreed upon. An imminent health hazard is sufficient reason for immediate permit suspension and/or closure.

ITEM	YES	NO	SCORE	ITEM	YES	NO	SCORE
General: valid license, Cert of Occup, and Permit (if renewal)?			1	Preparation Room: Floor graded, nonabsorbent, easy to clean, no gaps, graded to floor drain?			4
Separate from other businesses?			2	Access doors self closing?			3
Director of record is registered?			1	Ventilated, negative air flow and to no other room?			3
Records: kept 5 yr.; maps, permits, and all cert. complete & copies submitted?			2	Room equipped with appropriate equipment, sinks, and instruments?			3
Infection Control: Comply with OSHA Bloodborne Pathogen Stds?			5	Instruments sterilized between use employing appropriate techniques?			5
Written exposure control plan with procedures, corrective and emergency action?			5	No food or drink, used solely for prep?			3
Staff receive training?			3	Controlled access to room and waste?			3
Engineering & work practice controls?			3	First aid kit, eye wash, & wash facilities?			4
Use universal precautions?			5	Crematorium: Certificates, waivers, records complete and copies submitted?			1
Use PPE, gloves, & clothing only once? Dirty linen kept separate?			3	Floor graded, nonabsorbent, easy to clean, no gaps, graded to floor drain?			4
Surfaces clean, equipment sufficient for use and kept sterile?			3	Ventilated, negative air flow and to no other room?			3
Proper waste containers of sufficient number with symbols or coding?			3	Chamber, casket, and equipment comply with "Funeral Industry Practices," CFR ?			3
Follow CFR guidelines for all waste?			5	No food or drink, used solely for prep?			3
Waste records complete & accurate?			5	Controlled access to room and waste?			3
Use DEQ registered waste hauler?			4	Prostheses removed prior to cremation?			2
Staff vaccinated for Hepatitis B?			4	1 body per chamber with metal ID disk and chamber cleaned after each use?			2
Employees required to report illness?			3	Exhumations: Permits and Certificates complete and copies submitted?			1
Preservation & Storage: Embalming methods comply with CFR?			5	PPE used during exhumation?			3
Performed only by licensed embalmer or supervised intern?			5	Cemetery: Clean, maintenance schedule followed, free of trash, vermin, vegetation maintained?			2
Adhere to holding, cremation and burial time limits?			3	Documentation complete and kept 5 yr.?			1
Suitable refrigeration units?			3	Structures permitted by DPW?			1
Establishment: Clean, maintenance schedule followed, free of trash, vermin, vegetation maintained?			2	Plots: 6' deep, 3' between, 6' rows adult 8'x4', child (6'x4'), infant (3'x3')?			1
Well lighted and ventilated?			2	Burial plots numbered, mapped, and copies submitted annually?			1
Hot & cold potable water available?			4	Plants or ornaments place in container as oppose to planted directly in soil?			1
Toilet facilities readily accessible, clean, well stocked, rooms for both public and employees?			3	All fees and penalties paid?			2

History: Adopted 24 Com. Reg. 19034 (Feb. 28, 2002); Proposed 23 Com. Reg. 18277 (Sept. 24, 2001).