

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 64 FUNERAL HOMES AND DISPOSERS
PART 9 DIRECT DISPOSITION PRACTICES

16.64.9.1 ISSUING AGENCY: Regulation and licensing department, board of funeral services, P.O. Box 25101, Santa Fe, New Mexico 87504, (505) 827-7013.
[6/15/1996; 16.64.9.1 NMAC - Rn, 16 NMAC 64.9.1, 9/15/2001; A, 8/8/2012]

16.64.9.2 SCOPE: 16.64.9 NMAC applies to all licensed direct disposers, and direct disposition establishments.
[6/15/1996; 16.64.9.2 NMAC - Rn, 16 NMAC 64.9.2, 9/15/2001]

16.64.9.3 STATUTORY AUTHORITY: 16.64.9 NMAC is adopted pursuant to the Funeral Services Act, Sections 61-32-2, 61-32-6, 61-32-7 and 61-32-17 NMSA 1978.
[6/15/1996; 16.64.9.3 NMAC - Rn, 16 NMAC 64.9.3, 9/15/2001; A, 8/8/2012]

16.64.9.4 DURATION: Permanent.
[6/15/1996; 16.64.9.4 NMAC - Rn, 16 NMAC 64.9.4, 9/15/2001]

16.64.9.5 EFFECTIVE DATE: June 4, 1995, unless a different date is cited at the end of a section or paragraph.
[6/15/1996; 16.64.9.5 NMAC - Rn, 16 NMAC 64.9.5, 9/15/2001]

16.64.9.6 OBJECTIVE: 16.64.9 NMAC is to establish the scope of practice for direct disposers and direct disposition establishments.
[6/15/1996; 16.64.9.6 NMAC - Rn, 16 NMAC 64.9.6, 9/15/2001]

16.64.9.7 DEFINITIONS: [RESERVED]
[6/15/1996; 16.64.9.7 NMAC - Rn, 16 NMAC 64.9.7, 9/15/2001]

16.64.9.8 DIRECT DISPOSITION PRACTICES:

A. Every direct disposer in this state shall give or cause to be given to the person or persons arranging for a direct disposition, prior to the time of direct disposition, in addition to any other disclosure required by any statute or regulations, a written statement disclosing:

- (1) that prior to interment, entombment, or final disposition of a dead human body or cremated remains, the direct disposer cannot participate in any rites or ceremonies in connection with the final disposition of the remains;
- (2) that prior to interment, entombment, or final disposition of a dead human body or cremated remains, the direct disposer cannot provide facilities for rites or ceremonies in connection with the final disposition of the remains;
- (3) that a body cannot be embalmed unless embalming is required by the place of disposition, and then only by a person licensed to embalm;
- (4) that there can be no viewing of the body except for the purpose of identification;
- (5) that the purchase of any funeral merchandise, and the price thereof, from the direct disposer, does not include any rites or ceremonies or other use of facilities not inherent to the direct disposition; and
- (6) that a direct disposer may transport, or cause transportation of, a body to a place where services will be conducted with the body present, provided the direct disposer or his agent obtains a signed release from the person accepting the body, which person shall be the person having the right to control the disposition of the body, that person's agent, and the direct disposer or his agent cannot thereafter transport, or cause transportation of, the body to any place; such signed release shall be kept on file at the direct disposition establishment for a period of not less than five years.

B. A direct disposer or direct disposition establishment shall not be listed in any listing, advertisement or newspaper notice which may give the impression to the public that the direct disposer or direct disposition establishment is, in any way, engaged in the practice of funeral service.

C. No direct disposer shall allow or cause his or her name or the name of the direct disposition establishment to be used in any obituary or death notice in which a ceremony or rite for the deceased is announced,

unless such obituary or death notice makes it specifically clear that the direct disposer and direct disposition establishment are not connected in any way to the ceremony or rite.
[11/21/1986...6/15/1996; 16.64.9.8 NMAC - Rn, 16 NMAC 64.9.8, 9/15/2001; A, 11/1/2019]

HISTORY OF 16.64.9 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives:

Regulation 16, Direct Disposers Practices, 4/15/1991.

Reg. 17, Direct Disposition Practices, 8/27/1993.

Reg. 17, Direct Disposition Practices, 5/5/1995.

Section 3, Direct Disposition Rules and Regulations - Disclosure, 12/9/1988.

Section 7, Direct Disposition Rules and Regulations - Advertising, 12/9/1988.

History of Repealed Material: [RESERVED]