

**10 GCA HEALTH AND SAFETY
CH. 30 CEMETERY AND MORTUARY**

**CHAPTER 30
CEMETERY AND MORTUARY**

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**ARTICLE 1
CEMETERY**

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§ 30101. Approval: Cemetery.

It shall be unlawful to establish a cemetery, crypt, mausoleum, vault or crematory without the prior written approval of the Director of the location, plans and specifications.

SOURCE: GC § 9601

§ 30102. Application.

Any person desiring to establish or purchase a cemetery, crypt, mausoleum, vault or crematory shall make application for approval to the Director, submitting a complete set of plans with full description of the grounds, plots, buildings, roads, water supply and sewage disposal. No changes, alterations or additions shall be made in the original plans and other stated matters without the approval of the Director.

SOURCE: GC § 9601.1

§ 30103. Records.

Every person in charge of any crypt, cemetery, mausoleum, vault or crematory shall keep a complete record of all dead human bodies interred, disinterred, removed or cremated. He shall keep an adequate map or plot record of all locations in which bodies have been buried, which will, at all times, be kept current and available to the Director for examination.

SOURCE: GC § 9601.2

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§ 30104. Exhuming or Disinterment.

Exhuming or disinterment shall be prohibited except with approval of the Director.

SOURCE: GC § 9601.3

§ 30105. Same: Hours of Closing.

All cemeteries shall be closed and locked at the hour designated by the Director.

SOURCE: GC § 9601.4

§ 30106. One Body per Grave.

Only one (1) body shall be buried in each grave, except that with the approval of the Director, family members may be interred and companion concrete or steel lawn crypts, as defined by the Director, may be used for the burial of more than one (1) body in each grave.

SOURCE: GC § 9601.5.

§ 30107. Grave Standards.

Graves shall be not less than six (6) feet in depth below the surface level of the adjoining ground and shall be not less than one (1) foot larger in width and length than the coffin; provided, however, that where concrete or steel vaults are used to contain the body, the grave shall be not less than eighteen (18) inches in depth below the surface level of the adjoining ground.

SOURCE: GC § 9601.6.

§ 30108. Public Cemetery.

The Governor is authorized to set aside from public lands such amount thereof as he may deem necessary for the establishment of a public cemetery. Any such cemetery so established shall be under the cognizance of the Department of Parks and Recreation.

SOURCE: GC § 9601.7.

**ARTICLE 2
MORTUARY**

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§ 30201. Definitions.

As used in this Article:

(a) *Mortuary* means any place used for such activities as are incident, convenient or related to the preparation and arrangements for the funeral, transportation, burial, cremation or other disposition of dead human bodies;

(b) *Mortician* means any person engaged in or conducting or holding himself out as engaged in or conducting any of the following:

(1) preparing for the burial or disposal and directing and supervising the burial or disposal of dead human bodies;

(2) maintaining a mortuary as defined in this Section; or

(3) using, in connection with his name or the name of a mortuary the words funeral director, undertaker or mortician or any other title implying that he is engaged as a mortician; and

(c) *Embalming* means the preservation and disinfection or attempted preservation and disinfection of a dead human body by injection, both arterially and into the body cavities of an amount of approved embalming fluid at least the equivalent of ten percent (10%) of the body weight. An approved embalming fluid shall have disinfecting capacities at least equivalent of five percent (5%) of formaldehyde gas when diluted in accordance with manufacturers specifications and shall contain no alcohol.

SOURCE: GC § 9602.

§ 30202. Communicable Disease.

A mortician or embalmer shall immediately report to the Director a case on which such mortician or embalmer may be called where the deceased person died from or while having any communicable disease.

SOURCE: GC § 9602.1.

§ 30203. Disposition of Unembalmed Dead Human Bodies.

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All unembalmed dead human bodies shall be buried or cremated within twenty-four (24) hours after death unless kept under refrigeration in the custody of the Director or as may be authorized by the Director.

SOURCE: GC § 9602.2.

§ 30204. Transportation of Infected Body within the Territory of Guam.

No person shall transport any dead human body of any person who died from or while having any communicable disease as specified in Chapter 4, Division 1 of this Title, within Guam, including from one (1) house, building or other structure to another house, without a permit from the Director which shall specify the conditions under which such move may be made.

SOURCE: GC § 9602.3.

§ 30205. Transportation into or from the Territory of Guam.

No dead human body shall be transported into or from the territory of Guam without a permit unless it has been embalmed and is in a sound casket.

SOURCE: GC § 9602.4.

§ 30206. Limitation on Transportation.

Notwithstanding the provisions of §§ 30204 and 30205, the transportation into, from or within Guam of bodies of persons who have died from plague, smallpox, Asiatic cholera, yellow fever, typhus fever, typhoid fever or anthrax is prohibited without a permit from the Director and unless all activities, preparation and transportation in connection therewith occurring within Guam are under his supervision.

SOURCE: GC § 9602.5.

NOTE: § 9602.5 of P.L. 15-96 incorrectly referred to itself in the first phrase. It was probably the Legislature's intent to refer to the two preceding sections, or possibly only § 9602.4.

§ 30207. Construction Standards.

When any mortuary is constructed or extensively remodeled or when an existing structure is converted for use as a mortuary, then the owner or person in charge or control should comply with the provisions of §21102 of this Part regulations promulgated there under.

SOURCE: GC § 9602.6.

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