



MINISTRY OF SOCIAL PROTECTION

RESOLUTION NUMBER 5194 OF 2010

(DEC 10, 2010)

Regulating the provision of cemetery services, burial, exhumation, and cremation of corpses.

THE MINISTER OF SOCIAL PROTECTION

In exercise of his legal powers, particularly those conferred by Article 516 of Law 09 of 1979 and Article 2 of Decree-Law 205 of 2003, and

CONSIDERING

That Article 516 of Law 09 of 1979 assigns jurisdiction to the Ministry of Health, now the Ministry of Social Protection, to issue regulations and procedures to control any health or welfare risks to the community in cemeteries.

That it is necessary to establish an exception regime for cemeteries currently operating in the country, as well as a transition regime for compliance with this regulation.

It is considered appropriate to issue regulations governing the services provided by cemeteries, which respond to the cultural, demographic, and urban design reality of the country.

Likewise, regulations must be established to ensure compliance with health requirements that cemeteries must meet in order to protect human health and prevent possible harm to it.

In view of the foregoing, this Office,

RESOLVES:

**TITLE I GENERAL
PROVISIONS**

Article 1. Purpose. The purpose of this resolution is to regulate the services of burial, exhumation, and cremation of corpses provided by cemeteries.

Continuation of the resolution "Regulating the provision of cemetery services, burial, exhumation, and cremation of corpses."

Article 2. Scope of application. The provisions contained in this resolution apply to cemeteries that are in operation and to those that are built after the entry into force of this resolution. Cemeteries of indigenous communities are excluded from compliance with this resolution.

Article 3. Definitions. For the purposes of applying this resolution, the following definitions are adopted:

Vulnerability analysis: A study that considers and determines the probability of disasters occurring in areas under jurisdiction or influence, or that may occur as a result of activities, and the capabilities and availability of all resources to respond to them.

Coffin: A box or chest made of wood or any other material designed specifically to hold a corpse or human remains.

Health Authority: Those competent authorities assigned functions in the areas of prevention, inspection, surveillance, and health control in their respective jurisdictions to ensure compliance with the provisions of this resolution.

Health Authorization: An administrative procedure carried out by the competent health authority, whereby natural or legal persons are authorized to provide services for the burial, exhumation, and cremation of corpses in cemeteries.

Vault: An enclosed space with a ceiling, floor, and walls, which serves as the final resting place for corpses or human remains.

Corpse: A lifeless human body, whose death must, for legal purposes, be certified prior to burial or cremation by a physician or competent health official.

Cemetery: A place designated for receiving and storing corpses, skeletal remains, human remains, and ashes; columbaria and ossuaries located in churches, chapels, and monasteries are excluded from this definition.

Human ashes: Particles resulting from the process of complete combustion (cremation) of corpses, skeletal remains, or human remains.

Cinerary urn: A place designated for the storage of an urn containing human ashes resulting from the cremation of a corpse, skeletal remains, or human remains.

Cremation container: An inner box, contained within a coffin, made of easily combustible material, specially designed to hold a corpse or human remains intended for cremation.

Cremate: The act of burning or reducing corpses, human remains, skeletal remains, organs, and/or human parts to ashes by means of heat energy.

Bereaved: A blood relative, ascendant, descendant, or collateral relative, or a relative by marriage or civil union, responsible for the corpse.

Exhumation: The act of removing corpses, human remains, and skeletal remains from the place of burial, following a judicial or administrative order for funeral or legal purposes.

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Crematorium: Specialized electromechanical equipment by means of which heat energy reduces corpses, human remains, or skeletal remains to ashes within a specified time.

Burial: The act of burying or depositing corpses, skeletal remains, and human parts in cemeteries.

Morgue: Place or space designated for performing forensic autopsies and embalming procedures.

Autopsy: A surgical procedure in which information is obtained for legal or scientific purposes in the investigation of death through observation, intervention, and analysis of a human corpse.

Neonate: Live newborn.

NN: Unidentified corpse.

Fetal death: The death of the fetus in the uterine cavity before labor. This includes dead fetuses that weigh 500 g or more at birth, or whose gestational age is greater than 21 weeks of amenorrhea, or who have a body length (crown-heel) of 25 cm or more.

Ossuary: Place designated for the storage of exhumed skeletal remains.

Bone remains: Human tissue in a state of skeletal reduction.

Human remains: Limbs or organs from a dead human body.

Remodeling: Modification of some of its elements, changing its structure.

Label: To affix a label or identification.

Burial or grave: A properly defined underground space where a corpse or human remains are deposited.

Multiple burial or tomb: A properly defined underground space with the capacity to deposit two or three corpses or human remains.

Tanatopraxia: Techniques for the handling, preparation, and preservation of corpses.

Urn for ashes: Container in which all the particles resulting from the cremation of a corpse are deposited.

Viscerotomy: The collection of organs or samples of any of the anatomical components contained in the cavities of the human body, whether for medical-legal, clinical, public health, research, or teaching purposes.

Article 4. Purpose of cemeteries. To provide, as appropriate, services for the burial, exhumation, and cremation of corpses or human and skeletal remains, as well as logistical support for the performance of autopsies and religious rites.

Article 5. Classification of cemeteries.

1. According to their purpose, they are classified as follows:

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- 1.1 Vault cemeteries: These are cemeteries where burials in enclosed spaces and structures above ground level predominate.
- 1.2 Grave or tomb cemeteries: These are cemeteries where burials predominantly take place in spaces and structures below ground level.
- 1.3 Vaults and graves or tombs cemeteries: These are cemeteries where burials take place in vaults and graves or tombs.
- 1.4 High cemeteries: These are cemeteries where burials take place in vaults, ossuaries, or ashes are buried on several floors.
- 1.5 Garden cemeteries: These are cemeteries where burials take place in graves or tombs.
2. According to their nature and applicable regulations, they are classified as follows:
 - 2.1 Public cemeteries: These are all those created by a public entity.
 - 2.2 Private cemeteries: Any cemetery created by a private individual and/or legal entity.
 - 2.3 Mixed cemeteries: Any cemetery financed with public and private capital.

Paragraph. The cemeteries referred to in paragraph 1 of this article may have ossuaries, cinerary urns, and crematoria.

Article 6. Areas. All cemeteries, as applicable, must have at least the following defined areas:

1. Perimeter fence: A physical barrier constructed of weather-resistant materials or a living fence that delimits and separates the cemetery facilities from the surrounding area and prevents access by domestic animals and unauthorized persons.
2. Internal access roads: These are vehicular or pedestrian areas that must be paved, asphalted, cobbled, paved, or flattened, have adequate slopes, and have drainage for rainwater and washing.
3. Burial area: These are spaces for vaults, graves or tombs, ossuaries, and cinerary urns.
4. Exhumation site: Area or space around the grave or vault where the exhumation is performed.
5. Exhumation area and/or morgue: This is the physical structure for performing autopsies or post-exhumation processes, meeting minimum conditions for installation, operation, and privacy.
6. Social and service areas: These are areas designated for cemetery entrances and exits, circulation areas, surveillance, sanitary facilities, and administration.
7. Area for rituals: This is the area or place designated for performing religious rites and/or rituals or simply for saying goodbye and accompanying the deceased.

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8. Operations area: This is the space used for the storage of materials, machinery, tools, and waste management, among other things.
9. Burial area for unidentified or identified unclaimed bodies: Every cemetery must have an area for the final disposal of unidentified or identified unclaimed bodies or their skeletal remains or human remains.

Article 7. General systems. Every cemetery must have the following general systems in place to provide the service:

1. Identification of areas: All areas of cemeteries must have signs indicating the different facilities and their respective circulation routes. Graves, vaults, and ossuaries shall be identified by a code assigned by the cemetery administration to allow for easy identification by visitors.
2. Solid waste collection and disposal: Every cemetery must have an internal solid waste collection program, which must comply with current health and environmental regulations. In addition, every cemetery that performs exhumations, thanatopraxy, autopsies, or corpse preparation must comply with current health and environmental regulations on the matter.
3. Liquid waste disposal: All cemeteries shall have adequate sanitary systems for the collection, treatment, and disposal of wastewater, which must comply with current regulations on the subject of discharges.
4. Public services: All cemeteries must guarantee a continuous supply of water for human consumption, have storage tanks, electricity, and sanitary services. If water is supplied for washing and watering graves and ossuaries, it must be clearly and unambiguously marked with the warning "*Not suitable for human consumption.*"
5. Complementary services: All cemeteries may provide users with complementary service areas, such as funeral services, cafeterias, florists, customer service rooms, sales, wakes, and rooms for religious or ecumenical worship, among others.

TITLE II ADMINISTRATION, STAFF, INTERNAL REGULATIONS, HOURS, AND SANITATION

Article 8. Administration and responsibility. Every cemetery must have a permanent administrator. The legal representative and the administrator shall be jointly and severally liable for compliance with the provisions set forth in this resolution.

Paragraph. Cemetery administrators and legal representatives are required to report any incidents of tampering with signage, desecration, or loss of graves, vaults, or ossuaries to the competent authority.

Article 9. Personnel. Cemetery personnel must be trained and equipped with the personal protective equipment and implements required to perform their duties, in compliance with biosafety and occupational health standards.

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provided for in Title III of Law 09 of 1979 and Resolution 2400 of 1979 or the regulations that modify, add to, or replace them. The basic staffing will include all the protective equipment required for the work of personnel assigned to the handling of bodies, skeletal remains, or human remains, as well as for personnel operating in crematoria and handling solid and liquid waste.

Article 10. *Internal regulations.* All cemeteries must have internal regulations, which shall be posted in a place visible to the public.

Article 11. *Hours of service.* The service hours of public cemeteries shall be established by the municipal or district mayor, according to the characteristics of the locality, and shall be at least six (6) hours per day, stipulating the corresponding hours for burials, exhumations, and other services. The service hours of private cemeteries shall be established by the cemetery administration and must be posted in a visible place.

Article 12. *Sanitation.* Every cemetery must have a Sanitation Plan, which shall be the direct responsibility of the cemetery administration.

The Sanitation Plan must be in writing and available to the competent health authority and shall include, at a minimum, the following programs:

1. Cleaning and disinfection program for areas that require it.

Cleaning and disinfection procedures must meet the specific needs of different areas, especially areas where exhumations and autopsies are performed. Procedures must include the agents and substances used, as well as their concentrations or forms of use, and the equipment and implements required to carry out cleaning and disinfection operations and their frequency.

2. Solid waste program.

With regard to solid waste, facilities, elements, areas, resources, and procedures must be in place to ensure efficient collection, transport, handling, internal storage, sorting, transportation, and disposal, which must be carried out in accordance with established occupational health and hygiene standards in order to prevent contamination of areas, facilities, and equipment or damage to the environment.

3. Hazardous waste program.

Waste generated in the exhumation or autopsy area must be treated in accordance with the provisions of Decree 2676 of 2000 and Resolution 1164 of 2002 or any provisions that modify, add to, or replace them.

Cemeteries that generate infectious hazardous waste, located in fifth and sixth category municipalities in accordance with the classification established in Law 617 of 2000 or the regulation that modifies, add to or replace it, or in those municipalities that do not have a local or regional alternative for the final disposal of such waste, due to their geographical location and/or lack of access roads, may dispose of their infectious hazardous waste in cells or landfills authorized by the competent environmental authority.

4. Pest vector control program.

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Cemeteries must have a pest control program (arthropods and rodents) in writing and available to the health authority.

Article 13. Health and biosafety education and training. Cemetery staff who carry out burial, exhumation, or cremation activities must be trained and up to date to perform the tasks assigned to them and have training in health education, especially in hygiene and biosafety practices.

The cemetery administration must have a continuous training plan for staff from the moment they are hired. This training shall be the responsibility of the cemetery administration and may be carried out by contracted individuals or legal entities or by the health authorities. When the training plan is carried out by individuals or legal entities, they must have the authorization of the competent health authority. For this purpose, the content of the training, materials and aids used, as well as the suitability of the teaching staff, shall be taken into account.

Paragraph. The health authority, in carrying out its inspection, surveillance, and control activities, shall verify compliance with the cemetery staff training plan.

TITLE III CEMETERY SERVICES

Article 14. Services. Cemeteries within the national territory may provide one or all of the services of burial, exhumation, and cremation, for which they must comply with the provisions of this resolution.

CHAPTER I BURIALS

Article 15. Burial of corpses. The burial of corpses shall be carried out in accordance with the following conditions:

1. All burials of corpses shall be carried out in accordance with the requirements of the competent authorities.
2. In vaults and single or multiple graves, only the number of bodies for which it was designed may be buried.
3. Once the grave has been closed, it must be provisionally marked and, within a maximum period of thirty (30) calendar days, the administrator shall label it and follow the procedure established in the internal regulations of each cemetery.
4. The bereaved shall keep the tombstones in good condition in accordance with the regulations established by the cemetery administration.

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5. Gravestones of different models and characteristics, installed in historic areas and in ancient vaults in perpetuity, shall not be removed from their location and shall be maintained as historical pieces, except when ordered by a court or competent authority.
6. In cemeteries, the skeletal remains, human remains, and bodies of unidentified persons (NN) and identified and unclaimed persons shall be buried individually.
7. Vaults assigned to unidentified (NN) and identified and unclaimed corpses must be properly marked, including at least identifying information such as the autopsy protocol digits (assigned by the National Institute of Legal Medicine and Forensic Sciences), the digits of the criminal report or corpse inspection report (in the case of autopsies performed by rural doctors), and the date of the autopsy. This marking must be indelible and permanent to facilitate subsequent location.
8. The medical examiner must keep strict custody of all items associated with the individuals and deliver the bodies of unidentified persons (NN) with their respective clothing to the cemetery administration, which in turn must ensure that the body is buried with the corresponding clothing, as this may provide evidence for its eventual identification.

Article 16. Contents of vaults and graves. Only the body for which the burial license has been issued may be placed in the vaults and graves, with the exception of the mother and child(ren) who died during childbirth or the mother who died as a result of an abortion and her product (fetal death).

Article 17. Requirements for the burial of bodies. For the burial of bodies, the following documents must be submitted to the cemetery administration:

1. Death certificate.
2. Burial license issued at the municipal level by one of the following entities: Mayor's Office, Secretary of Health, or Police Inspectorate.

Article 18. Burial of identified bodies not claimed by their relatives or unidentified bodies. The burial of bodies declared by the National Institute of Legal Medicine and Forensic Sciences as unidentified or identified and unclaimed shall be carried out in public or mixed cemeteries. The administrator of the public cemetery is responsible for all work related to the burial of unidentified bodies, or identified bodies not claimed by relatives, after the body or its skeletal remains or human remains have been handed over by the responsible judicial authority.

Paragraph 1. In the event of a public health emergency, the competent authority may request the burial or cremation of unidentified or unclaimed bodies in private cemeteries.

Paragraph 2. When there is no capacity in public or mixed cemeteries, the competent authority shall be responsible for taking the necessary steps for the burial process.

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**CHAPTER II
EXHUMATIONS**

Article 19. *Characteristics of the exhumation and/or morgue area.* All public, private, or mixed cemeteries that are not perpetual must have an exhumation or morgue area, which shall have the following characteristics:

1. The area for handling corpses must be tidy, clean, and of sufficient size to allow the movement of personnel, transport carts, or stretchers for corpses.
2. It must be located in a place that allows for adequate movement of the body, access must be restricted, it must have adequate entry routes, and sufficient natural lighting must be guaranteed with high windows and artificial lighting, as well as natural or artificial ventilation.
3. Floors must be made of resistant, non-slip, uniform material, with a slope towards drainage systems that allow for easy washing, cleaning, and disinfection. Walls and ceilings must be waterproof, made of material that is easy to clean and disinfect, resistant to environmental factors, and light in color. There must be taps with hose connections to allow for cleaning. The floor-wall, wall-ceiling, and wall-wall joints must be finished with a half-round molding.
4. Sanitary unit with toilets, sinks, and shower, connected to water and drainage facilities, as well as a dressing room for the exclusive use of operational personnel in charge of exhumation procedures or related to the morgue.
5. A workbench made of material that is easy to clean and disinfect, with a flange around all edges and a drainage system.
6. Space for storing instruments and for a desk, all made of material that is easy to clean and disinfect.
7. Similarly, there should be a suitable storage area for the temporary storage of skeletal or mummified remains in plastic bags that are properly sealed and marked with the details of the body awaiting identification by relatives.
8. Have adequate systems for the treatment of wastewater generated in the course of the activity.

Paragraph. The exhumation room may function simultaneously as a morgue or thanatopraxy laboratory, complying with the requirements set forth in this resolution, without prejudice to compliance with other applicable regulations on the matter.

Article 20. *Minimum period of stay.* The minimum period of stay for the exhumation of a corpse shall be as follows:

1. For children under 7 years of age: Three (3) years from the date of burial established in the cemetery records.
2. For persons over 7 years of age: Four (4) years from the date of burial established in the cemetery records.

Paragraph. Unidentified corpses may only be exhumed by court order; otherwise, they shall be kept in their original place of burial for the purpose of

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to be easily located in the event of positive identification, further studies, and delivery to family members.

Article 21. Exhumation of bodies. The exhumation of bodies or skeletal remains shall be carried out by personnel employed by the cemetery administration when the minimum period of burial has elapsed, or prior to this period when ordered by a court, in which case the exhumation procedure shall be carried out by the competent judicial authority.

Once the corresponding exhumation has been carried out, the relatives or the cemetery administration, in the case indicated in Article 24, shall decide whether to proceed with cremation or deposit the remains in the corresponding ossuary.

Article 22. Exhumation at the request of the bereaved. When the bereaved are the owners of the land on which the burial took place and request the cemetery administration to exhume the body or remains, the administration may authorize it provided that the minimum period of stay specified in this resolution has been completed, for which purpose the procedure specified in Article 25 shall be followed.

Article 23. Obligation to notify compliance with the minimum period of permanence. In the absence of property rights over the land where the burial took place, and in order for the relatives to be present to decide on the destination of the body or remains, the cemetery administration shall inform the bereaved family by certified mail, at least thirty calendar days in advance, of the completion of the minimum period of stay specified in this resolution, to the address indicated in the burial document, which shall be provided in accordance with the information held by the cemetery or the funeral home that provided the service.

Paragraph. In any case, the contract signed between the bereaved family and the legal representative or administrator of the cemetery must respect the minimum period of stay specified in Article 20.

Article 24. Exhumation at the initiative of the cemetery administration. If, fifteen days after the minimum period of permanence has elapsed, the relatives do not appear to confirm the date of exhumation of the corpse or skeletal remains, the cemetery administration shall proceed with the exhumation.

Taking into account the capacity of the cemetery, the remains will be transferred to the common ossuary or cremated, placing the ashes in an urn or common space. In both cases, both the skeletal remains and the ashes must be properly identified.

Article 25. Procedure for carrying out the exhumation. The exhumation shall be carried out as follows:

A. From a vault. When exhuming from a vault, the following must be done:

1. Adapt the exhumation site with the appropriate preventive and safety measures.
2. Remove the coffin in compliance with the necessary biosecurity measures for this activity.
3. Move to the exhumation area to continue the process.

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4. The procedure for identifying the corpse or skeletal remains shall be carried out in the exhumation area.

B. From a grave or tomb: When exhuming from a grave or tomb, the entire process shall be carried out on site, for which the following must be done:

1. Adapt the exhumation site with the appropriate preventive and safety measures.
2. Remove the coffin in compliance with the necessary biosecurity measures.
3. The procedure for identifying the body or skeletal remains will be carried out on site.

Paragraph 1. Once the above procedure has been carried out and the skeletal remains have been received by the bereaved, they shall sign a document certifying delivery.

Paragraph 2. Minors and unauthorized persons are prohibited from attending the exhumation procedure. The relatives will be allowed to have only one person present for the identification of the body or skeletal remains, for which the administrator will provide the necessary personal protective equipment, such as a gown, gloves, cap, and face mask, all of which are disposable.

Article 26. Waste generated during the exhumation procedure. Waste generated during the exhumation process, such as crushed coffins and clothing from the corpse, must be collected in bags suitable for this type of waste and transported to the storage site for infectious hazardous solid waste, in accordance with the provisions of Decree 2676 of 2000 and Resolution 1164 of 2002 or any provisions that modify, add to, or replace them.

Article 27. Incomplete skeletal reduction. Once the exhumation has been carried out, whether from a vault or a grave, and the corpse has not reached complete skeletal reduction, preventing the placement of the skeletal remains in an ossuary, the corpse shall be placed in a high-density plastic bag with a minimum thickness of 2.6 thousandths of an inch; In this case, family members are asked to indicate the procedure to be followed, either cremation or burial in vaults or tombs, taking into account the availability of the respective cemetery.

CHAPTER III CREMATIONS

Article 28. General procedures for the cremation of corpses. Cemeteries that provide cremation services for a corpse or part thereof, in addition to complying with health regulations, must meet the following requirements:

1. Use crematoria solely for the purpose of reducing corpses, human remains, or skeletal remains to ashes.
2. Cremation furnaces must comply with current environmental standards on atmospheric emissions.

Paragraph. Cremation furnaces that provide services to cemeteries may be located within the national territory, in accordance with the provisions of the respective

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Land Use Plan (POT), Land Use Scheme (EOT), and Basic Land Use Plan (PBOT) and current environmental regulations.

Article 29. Requirements for the cremation of corpses or skeletal remains or human remains. The following requirements must be met for the cremation of corpses or remains:

1. The bodies or remains must be identified by the competent authority.
2. Have authorization for cremation or written proof of the wishes of the person while alive or of their family members after death.
3. Have a cremation license issued at the municipal level by one of the following entities: Mayor's Office, Secretary of Health, or Police Inspectorate.
4. Have authorization from the prosecutor or whoever acts on their behalf, in the event of a violent death.
5. Have a certificate from the attending physician stating that the person died of natural causes.

Paragraph 1. When death is caused by an infectious disease or any other disease that poses a serious threat to public health, this shall be determined by the competent authority, which may order the immediate cremation of the body.

Paragraph 2. In the case of the cremation of corpses or skeletal remains referred to in Article 24, authorization for cremation shall be issued by the cemetery administration.

Paragraph 3. In the case of bodies identified as unclaimed and identified bodies that have not been claimed, authorization for cremation shall be issued by the competent judicial authority.

Article 30. Characteristics of cremation containers. For the cremation of corpses or human remains, a container must be used that meets the following characteristics:

1. Cremation containers must be made of easily combustible material and may not be lacquered, painted, or varnished.
2. No metallic materials may be used in their manufacture.
3. The containers shall be cremated together with the body.

Article 31. Contents of the cremation container. The cremation container shall contain only the corpse for which the death certificate has been issued, with the exception of the mother and child or children who died during childbirth or the mother who died as a result of an abortion and her stillborn child.

Article 32. Urns for ashes. Urns for ashes must remain closed and be identified with the following information:

1. Name of the deceased.
2. Date of birth.

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3. Date of death.
4. Date and time of cremation.
5. Death certificate number.

Article 33. Atmospheric emissions. If crematoria are used, the cemetery must comply with current regulations on atmospheric emissions.

TITLE IV

LOCATION, DESIGN, CONSTRUCTION, CAPACITY, AND PROTECTION OF CEMETERIES

Article 34. Building permit. Cemeteries that begin operating after this resolution comes into force must first obtain a building permit issued by the administrative agency or office designated by the municipality or district, taking into account the relevant provisions of Law 09 of 1979 and the corresponding environmental permits.

Paragraph. Cemeteries that are in operation at the time this resolution comes into force shall obtain the authorization or approval referred to in this article only when they intend to carry out extensions or renovations.

Article 35. Basic requirements. Cemeteries must meet the following requirements:

1. Comply with the conditions set forth in Title IV of Law 09 of 1979 and its regulatory provisions.
2. Have a supply of water, electricity, and facilities for the treatment, evacuation, and disposal of liquid, solid, and gaseous waste.
3. Have access roads in passable condition.
4. Be located in the sites designated by the Land Use Plan (POT), Land Use Scheme (EOT), and Basic Land Use Plan (PBOT) of the municipality or district, in any case, away from industries or commercial activities that produce unpleasant odors or any other type of pollution, isolated from sources of unsanitary conditions and separated from homes, residential complexes, recreational areas, open dumps, landfills, processing plants, marketplaces, and schools.
5. They must not be built on land filled with waste that could cause health and environmental problems.
6. Within the internal area enclosed by the perimeter fence, there should be no other buildings, industries, facilities, or dwellings unrelated to the activity of the cemetery and its security.
7. They must have drainage systems and protective barriers when built on potentially flood-prone land.

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8. The water table must be taken into account for graves or tombs in the ground, which must not be less than zero point fifty (0.50) meters if the bottom of the grave is prefabricated and one meter (1.00) if it does not have a prefabricated slab, with respect to the bottom of the grave, to allow for the proper disposal of corpses and the absence of groundwater contamination. If located in areas of municipalities that are potentially flood-prone or that receive water drained from higher ground, they must opt for elevated cemeteries (vaults) and have the necessary protection in place to prevent flooding and landslides.

Paragraph 1. If, due to the location of a cemetery, it is not possible to have public water, garbage collection, and domestic liquid waste disposal systems, these must be provided by the cemetery itself for its operation and final disposal under proper sanitary and environmental conditions, as well as any necessary permits.

Paragraph 2. Cemeteries that were in operation prior to the entry into force of this resolution are exempt from compliance with paragraphs 4 and 8 of this article, except in cases of expansion or remodeling.

Article 36. Design and construction. The design and construction of cemeteries, in addition to the legal and regulatory provisions on building sanitation, must take into account emergency situations due to natural or man-made events and the requirements and conditions set forth below:

1. Ensure sufficient natural and artificial lighting.
2. Ensure natural and/or artificial ventilation in order to prevent the accumulation of odors, condensation of vapors, and excessive temperature rises.
3. Have an internal sanitary protection area defined as follows: A passage between the perimeter fence and the burial or interment area, which shall be a minimum of five (5) meters, ensuring the isolation of the cemetery facilities from other surrounding or neighboring areas.
4. Have specific areas for public sanitary facilities, separated by sex, in compliance with sanitary requirements.
5. Have specific areas for gatekeeping or security services, and for the management of common and hazardous solid waste.
6. Establish that the management of plant species is in accordance with current environmental regulations; the design may not include the planting of trees or plants with roots that could damage graves, vaults, ossuaries, and cinerary urns.
7. Internal circulation routes must be constructed in accordance with the provisions of paragraph 2 of Article 6 of this resolution, and some accesses must be adapted to facilitate transit for people with limited mobility.
8. The walls of vaults, ossuaries, and cinerary urns must be constructed of block, brick, concrete, or other durable materials, covered in hygienic and sanitary conditions, with external finishes that are resistant to moisture, heat, and impact.

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9. Vault complexes shall have technically designed mechanisms for the collection of liquids and the release of gases, and shall also be protected from the penetration of rainwater.
10. The roof and floor of the base of each vault block must be waterproof, smooth, and easy to clean and disinfect.
11. Gravestones must be made of weather-resistant material and placed in such a way as to prevent water accumulation.
12. The area of public cemeteries shall be determined according to the type of burial used (grave, vault, cinerary, ossuary, among others), following a study based on statistical mortality calculations for the last ten (10) years for each population or region of influence, in order to guarantee the cemetery's capacity to meet the needs of the territory of influence.
13. Public or mixed cemeteries must include vaults for unidentified bodies (NN), identified bodies, and unclaimed bodies in their designs.
14. In accordance with the classification, cemeteries must have the necessary equipment to provide the services offered and maintain all facilities and equipment in efficient technical and sanitary conditions.

Paragraph. Cemeteries that are in operation at the time of entry into force of this resolution are exempt from compliance with paragraphs 3 and 9 of this article.

Article 37. Graves or tombs. The construction of graves for the burial of bodies directly into the ground must comply with the following requirements:

1. A column of earth with a minimum depth of zero point seventy meters (0.70 m) between the surface of the ground and the top of the coffin.
2. Minimum width of zero point eight meters (0.80 m).
3. Minimum separation of zero point twenty meters (0.20 m) between graves.
4. Systems that guarantee minimal liquid infiltration for sanitary and environmental reasons, subject to the regulations set forth in this resolution.

Paragraph. When artificial isolation systems are used in the construction of graves, a minimum separation of zero point ten meters (0.10 m) shall be left between each grave and a minimum column of earth of zero point forty meters (0.40 m) from the surface.

Article 38. Vaults. The construction of vaults for the burial of corpses must comply with the following requirements:

1. The minimum internal dimensions of vaults must be zero point seven meters (0.70 m) wide, zero point seven meters (0.70 m) high, and two point five meters (2.50 m) long.
2. Those for infants must be zero point seventy meters (0.70 m) wide, zero point fifty meters (0.50 m) high, and one point seventy meters (1.70 m) long.

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3. The floor of the vaults must have a minimum slope of 1% towards the rear.

Paragraph. Cemeteries that were in operation prior to the entry into force of this regulation are exempt from compliance with paragraph 3 of this article.

Article 39. Vulnerability analysis. The designs or studies for the location and construction of cemeteries built after the entry into force of this resolution, in accordance with the provisions of the respective Land Use Plan - POT-, Land Use Plan -EOT- and Basic Land Use Plan -PBOT- and Article 496 of Law 09 of 1979 or the regulations that modify, add to, or replace them, must include potential risks and hazards, both natural and man-made, through a vulnerability analysis.

Paragraph. Cemeteries that are already in operation when this resolution comes into force shall have one year from the date of entry into force of this resolution to carry out the vulnerability analysis and submit it to the competent health and environmental authorities.

Article 40. Emergency operational plan. Every cemetery must have an Emergency Operational Plan (EOP) based on the potential risks and hazards to which it is exposed, which guarantees immediate measures in the event of an emergency, preventing risk factors from threatening human health and the environment.

The emergency operational plan must also be drawn up taking into account the identifications and risks that exist in the Land Use Plan (POT), Land Use Scheme (EOT), and Basic Land Use Plan (PBOT) at the municipal or district level.

Paragraph. Cemeteries that are in operation at the time this resolution comes into force shall have one year from the date of its entry into force to develop an emergency operational plan and submit it to the competent health and environmental authorities.

Article 41. Capacity. When a public or mixed cemetery does not have burial capacity, it is considered saturated. When 10% of temporary or total occupancy is lacking, the cemetery administration must inform the respective municipal or district administration so that it can take the appropriate measures, either by opting for a possible expansion or opening of a new cemetery or closing the service for receiving new corpses.

TITLE V

ADMINISTRATIVE PROCEDURES

Article 42. Application for a health and hygiene certificate. Cemeteries that begin operating after the date of entry into force of this resolution must obtain a health and hygiene certificate from the competent authority, for which the legal representative or administrator of the cemetery must apply to the Departmental, Municipal, or District Health Secretariat of each jurisdiction according to their competences. The following documents must be attached to the aforementioned request:

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1. A legible copy of the cemetery's certificate of existence and legal representation.
2. Certificate of land use; flowcharts of the processes of burial, exhumation, cremation, autopsies, and hazardous waste management.
3. Complete architectural plans of: buildings and facilities; electrical, hydraulic, and sanitary installations; liquid, solid, and gaseous waste treatment systems.
4. Documents necessary to verify compliance with the requirements on location and design, provided for in Title IV of this resolution.
5. Urban planning and construction licenses issued by the competent authorities.
6. If the documentation is incomplete at the time of receipt, the interested party will be informed of this fact and, if they insist on filing the application, the provisions of Article 11 et seq. of the Administrative Litigation Code will be applied.

Article 43. Procedure for issuing the health and hygiene certificate. Once the application referred to in the previous article has been filed, if the documentation is complete, the competent departmental, municipal, or district health authority shall conduct an inspection visit to the corresponding site to verify the sanitary and technical conditions and equipment essential for the operation of the cemetery, as well as compliance with the requirements established in this resolution for each case.

The health authority will carry out the inspection visit, which will be recorded in a report signed by the interested party and the officials conducting the visit.

Based on the study of the documents provided by the interested party and the results of the visit, the respective health and hygiene report will be issued by the competent authority, against which the remedies provided for in the Administrative Litigation Code may be sought.

Once the health and hygiene certificate has been obtained, and in order to verify compliance with the provisions of this resolution, cemeteries shall be subject to periodic inspection, surveillance, and control visits. These visits shall be carried out at least three times a year by the departmental, municipal, or district health authorities.

Article 44. Application for a health and hygiene certificate for cemeteries that are in operation at the time of entry into force of this resolution. In order to obtain the sanitary hygiene certificate, the owner or administrator of cemeteries that are in operation at the time of entry into force of this resolution must request an inspection visit from the competent health authorities, for which purpose they must provide said health authority with a legible copy of the following documents:

1. Certificate of existence and legal representation of the cemetery.
2. Certificate of land use.
3. Flowcharts of the processes of burial, exhumation, cremation, and hazardous waste management, among others.

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4. Basic plans: architectural plans of buildings and facilities, electrical, hydraulic, and sanitary installations, location of machinery and equipment, and liquid, solid, and gaseous waste treatment systems.

Article 45. Procedure for issuing the sanitary hygiene concept for cemeteries that are in operation at the time of entry into force of this resolution. Once the application referred to in the previous article has been filed, a minimum of three (3) inspection visits per year shall be carried out to verify compliance with the sanitary requirements contained in this resolution and those established in Law 09 of 1979 or the regulation that modifies, adds to, or replaces it.

If, during the first visit, it is found that the cemetery does not comply with all the requirements mentioned in this resolution and that such non-compliance does not pose a risk to the health of the community that works and uses its services, the legal representative or administrator of the cemetery will be asked to submit a gradual compliance plan to the competent health authority within two (2) months of the date of the visit. This plan must be approved and verified by the authority within thirty days of its submission, a period that may be extended for the same amount of time (30 days) upon technical justification.

In the event that the plan is not submitted or the provisions thereof are not complied with, the cemetery shall be subject to the penalties provided for in Law 09 of 1979 or the regulation that adds to, modifies, or replaces it, by the competent health authority.

Based on the results of the visits, the respective sanitary hygiene concept will be issued by the competent health authority, using the corresponding report.

If the first visit confirms that the cemetery complies with all the requirements set forth in this resolution and in Law 9 of 1979 or any regulation that adds to, modifies, or replaces it, the respective sanitary hygiene report will be issued by the competent health authority based on this information.

A report shall be drawn up for each visit, which shall be signed by the interested party and the officials who carry it out.

Article 46. Registration of cemeteries. Cemeteries located in municipalities classified within categories 4, 5, and 6 must be registered with the departmental health authorities, and cemeteries located in other municipalities must be registered with the municipal or district health authorities, as applicable, following the procedure established by each territorial entity.

Paragraph. Cemeteries that are in operation at the time of entry into force of this resolution must be registered within six (6) months of the entry into force of this resolution.

Article 47. Inspection, surveillance, and control. The Departmental, Municipal, and District Health Directorates shall exercise, within the framework of the powers defined in Laws 09 of 1979, 715 of 2001, and 1122 of 2007, or the regulations that modify, add to, or replace them, the actions of inspection, surveillance, and control over the sanitary and hygienic conditions of cemeteries and compliance with the provisions contained in this resolution.

Article 48. Security measures and sanctions. The Departmental, Municipal, and District Health Directorates are responsible for carrying out the procedures for the

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adoption and application of preventive measures in order to comply with the provisions of this resolution; as well as the application of the health safety measures and sanctions provided for in Articles 576 et seq. of Law 09 of 1979 and the regulations that modify, add to, or replace it.

Paragraph. National, departmental, district, or municipal police authorities shall provide their full cooperation to health authorities in order to comply with the provisions of this resolution.

Article 49. *Transition.* A period of two (2) years from the effective date of this resolution is granted for cemeteries that are in operation on that date to comply with the provisions of this resolution, except as provided in the paragraphs of Articles 39 and 40 *ibid.*

Article 50. *Validity and repeal.* This resolution shall take effect on the date of its publication and repeals any provisions that contradict it, in particular Resolutions 7731 of 1983, 16040 of 1988, 09586 of 1990, and 1447 of 2009.

PUBLISH AND COMPLY

Issued in Bogotá, D.C., on December 10, 2010

ORIGINAL SIGNED BY:

MAURICIO SANTA MARÍA SALAMANCA
Minister of Social Protection