

HOUSE No. 2193

The Commonwealth of Massachusetts

PRESENTED BY:

Natalie M. Higgins and Jack Patrick Lewis

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act expanding after-death care options.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>1/18/2023</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/18/2023</i>
<i>Adam Scanlon</i>	<i>14th Bristol</i>	<i>1/23/2023</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>1/24/2023</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>1/25/2023</i>
<i>James C. Arena-DeRosa</i>	<i>8th Middlesex</i>	<i>1/25/2023</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>1/27/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/31/2023</i>
<i>Steven Owens</i>	<i>29th Middlesex</i>	<i>1/31/2023</i>
<i>Michael P. Kushmerek</i>	<i>3rd Worcester</i>	<i>1/31/2023</i>
<i>Kelly W. Pease</i>	<i>4th Hampden</i>	<i>1/31/2023</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>2/1/2023</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/1/2023</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>2/1/2023</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	<i>2/7/2023</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>2/8/2023</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>2/8/2023</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/9/2023</i>

<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>2/17/2023</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>2/21/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/28/2023</i>
<i>Edward R. Philips</i>	<i>8th Norfolk</i>	<i>3/7/2023</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>3/20/2023</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>3/24/2023</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>3/31/2023</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>4/4/2023</i>
<i>Erika Uyterhoeven</i>	<i>27th Middlesex</i>	<i>4/13/2023</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>5/25/2023</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>6/23/2023</i>
<i>Simon Cataldo</i>	<i>14th Middlesex</i>	<i>8/7/2023</i>
<i>Kristin E. Kassner</i>	<i>2nd Essex</i>	<i>9/25/2023</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>10/2/2023</i>

HOUSE No. 2193

By Representatives Higgins of Leominster and Lewis of Framingham, a petition (accompanied by bill, House, No. 2193) of Natalie M. Higgins, Jack Patrick Lewis and others relative to expanding after-death options and the disposal of human bodies. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act expanding after-death care options.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 14 of chapter 38 of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by inserting after the word “cremation”, in lines 6, 7 and 9,
3 in each instance, the following words:- , alkaline hydrolysis, natural organic reduction.

4 SECTION 2. Said section 14 of said chapter 38, as so appearing, is hereby further
5 amended by inserting after the word “cremation”, in lines 10, 14 and 16, in each instance, the
6 following words:- , alkaline hydrolysis or natural organic reduction.

7 SECTION 3. Section 14A of chapter 85 of the General Laws, as so appearing, is hereby
8 amended by striking out, in line 26, the following word:- cremated.

9 SECTION 4. Section 202 of chapter 111 of the General Laws, as so appearing, is hereby
10 amended by striking out, in line 43, the word “cremated” and inserting in place thereof the
11 following words:- disposed of by cremation, alkaline hydrolysis or natural organic reduction.

12 SECTION 5. Said section 202 of said chapter 111, as so appearing, is hereby further
13 amended by inserting after the word “entombment”, in line 55, the following words:-, alkaline
14 hydrolysis, natural organic reduction.

15 SECTION 6. Section 82 of chapter 112 of the General Laws, as so appearing, is hereby
16 amended by inserting after the word “cremation”, in line 10, the following words:- , alkaline
17 hydrolysis, natural organic reduction.

18 SECTION 7. Section 83 of said chapter 112, as so appearing, is hereby amended by
19 inserting after the word “cremation”, in line 40 the following words:- , alkaline hydrolysis,
20 natural organic reduction.

21 SECTION 8. Section 83 of said chapter 112, as so appearing, is hereby further amended
22 by inserting after the word “cremation”, in line 43 the following words:- alkaline hydrolysis,
23 natural organic reduction.

24 SECTION 9. Section 4 of chapter 113 of the General Laws, as so appearing, is hereby
25 amended by striking out, in line 9, the words “buried or cremated” and inserting in place thereof
26 the following words:- disposed of by burial, cremation, alkaline hydrolysis or natural organic
27 reduction.

28 SECTION 10. Section 14 of chapter 113A of the General Laws, as so appearing, is
29 hereby amended by inserting after the word “burial”, in lines 49 and 50, in each instance, the
30 following words:- , alkaline hydrolysis, natural organic reduction.

31 SECTION 11. Section 1 of chapter 114 of the General Laws, as appearing in the 2018
32 Official Edition, is hereby amended by inserting after the introductory paragraph the definition:-

33 "Alkaline hydrolysis", the dissolution process which uses chemicals, heat, agitation,
34 pressure or other methods to accelerate natural decomposition and reduces the composition of
35 the body to inorganic bone fragments and a sterile solution.

36 SECTION 12. Said section 1 of said chapter 114, as so appearing, is hereby further
37 amended by inserting after the definition of "Monument or memorial" the following definition:-

38 "Natural organic reduction", the contained, accelerated conversion of human remains to
39 soil.

40 SECTION 13. Said section 1 of said chapter 114, as so appearing, is hereby further
41 amended by striking out, in line 56, the following word:- cremated.

42 SECTION 14. Said chapter 114 is hereby amended by striking out section 6, as so
43 appearing, and inserting in place thereof the following section:-

44 Section 6. Such corporation may conduct cremation, alkaline hydrolysis or natural
45 organic reduction upon the bodies of the dead. Such corporation may provide necessary
46 buildings and appliances therefor and for the disposition of the remains of the dead on any land
47 within its cemetery which the department of environmental protection determines is suitable
48 therefor, subject to the section 43D, and such buildings and appliances shall be a part of the
49 cemetery and be dedicated to the burial of the dead, and shall be held by said corporations
50 subject to the duties, and with the privileges and immunities, which they now have by law.

51 SECTION 15. Section 7 of said chapter 114, as appearing in the 2018 Official Edition, is
52 hereby amended by inserting after the word "cremation", in line 3, the following words:- ,
53 alkaline hydrolysis or natural organic reduction.

54 SECTION 16. Section 9 of said chapter 114, as so appearing, is hereby amended by
55 striking out, in lines 3 and 4, the words “of bodies of the dead and for the disposition of the
56 ashes” and inserting in place thereof the following words:-, alkaline hydrolysis or natural organic
57 reduction performed upon the bodies of the dead and for the disposition of the remains.

58 SECTION 17. Said section 9 of said chapter 114, as so appearing, is hereby further
59 amended by inserting after the word “cremation”, in line 10, the following words:- , alkaline
60 hydrolysis or natural organic reduction.

61 SECTION 18. Said chapter 114 is hereby amended by striking out section 43M, as so
62 appearing, and inserting in place thereof the following section:-

63 Section 43M. Except as otherwise provided by law, or in case of a dead body being
64 rightfully carried through or removed from the commonwealth for the purpose of burial or
65 disposition elsewhere, every dead body of a human being dying within the commonwealth, and
66 the remains of any body after dissection therein, shall be decently buried, entombed in a
67 mausoleum, vault or tomb or disposed of by cremation, alkaline hydrolysis or natural organic
68 reduction within a reasonable time after death. The permanent disposition of such bodies or
69 remains shall be by interment in the earth or deposit in a chamber, vault or tomb of a cemetery
70 owned, maintained and operated in accordance with the laws of this commonwealth, by deposit
71 in a crypt of a mausoleum, or by cremation, alkaline hydrolysis or natural organic reduction. The
72 remains of a human body after cremation, alkaline hydrolysis or natural organic reduction may
73 be deposited in a niche of a columbarium or a crypt of a mausoleum, buried or disposed of in any
74 manner not contrary to law. Notwithstanding any general or special law to the contrary, a
75 funeral establishment in possession of the remains of a human body which is not claimed by a

76 next-of-kin or duly authorized representative within 12 months after the date of cremation,
77 alkaline hydrolysis or natural organic reduction may have the remains interred or placed in a
78 common grave, niche or crypt in a cemetery, or scattered in an area of the cemetery designated
79 for that purpose; provided, however, that if the deceased is a veteran of the United States Armed
80 Forces the deceased shall be interred at a veterans' cemetery. Each cemetery and funeral
81 establishment shall maintain permanent records of such disposition. There shall be no liability
82 for a funeral establishment, cemetery or corporation described in section 6, or any employee or
83 agent thereof that disposes of unclaimed remains in accordance with this section. Each
84 municipality or cemetery corporation shall maintain records which identify the name, if known,
85 of the dead human body or remains in each burial lot, tomb or vault under its control. No deposit
86 of the bodies or remains of the human dead shall be made in a single chamber, vault or tomb
87 wholly or partly above the natural surface of the ground unless the part thereof below such
88 surface is of a permanent character, constructed of materials capable of withstanding extreme
89 climatic conditions, waterproof and air tight, and capable of being sealed permanently to prevent
90 all escape of effluvia, and unless the part thereof above the natural surface of the ground is
91 constructed of natural stone of a standard not less than that required by the United States
92 government for monuments erected in national cemeteries, of durability sufficient to withstand
93 all conditions of weather.

94 Notwithstanding any general or special law to the contrary and for the purposes of this
95 section, a board of health may serve as the duly authorized representative for the purpose of
96 requesting cremation, alkaline hydrolysis or natural organic reduction of unclaimed remains by
97 signing a form under the following circumstances: (i) the unclaimed remains shall be in a
98 location that is within the jurisdiction of the board of health; (ii) the board of health has received

99 notice from a licensed funeral director that either no person has come forward to claim the
100 remains or that no person may legally claim the remains; provided, however, that the board of
101 health shall wait 30 days after such notification under this clause prior to signing the form. The
102 unclaimed remains shall then be viewed by a medical examiner or forensic investigator
103 designated by the chief medical examiner pursuant to section 14 of chapter 38, who shall
104 authorize the cremation, alkaline hydrolysis or natural organic reduction only when no further
105 examination or judicial inquiry concerning the death is necessary. The office of the chief medical
106 examiner may waive the fee set forth in said section 14 of said chapter 38 for cremation
107 authorizations pursuant to this section. There shall be no liability for a board of health or an
108 employee, agent, or licensee thereof that authorizes the disposal of unclaimed remains in
109 accordance with this section. Nothing in this section shall supersede the obligations of the office
110 of the chief medical examiner as set forth in this chapter and chapter 38.

111 SECTION 18. Said chapter 114 is hereby further amended by striking out section 44 and
112 inserting in place thereof the following section:-

113 Section 44. Cremation, alkaline hydrolysis or natural organic reduction shall not be
114 conducted upon the body of a deceased person within 48 hours after the person's decease, unless
115 the person died of a contagious or infectious disease. If the death occurred within the
116 commonwealth, cremation, alkaline hydrolysis or natural organic reduction shall not be
117 conducted upon the body by any corporation described in section 6 until the corporation's
118 officers have received (i) the certificate or burial permit required by law before burial; and (ii) a
119 certificate from a medical examiner or similarly authorized person who has viewed the body and
120 made personal inquiry into the cause and manner of death and is of opinion that no further
121 examination or judicial inquiry concerning the same is necessary. If the death occurs without the

122 commonwealth, the medical examiner's certificate may be provided by a medical examiner or
123 similarly authorized person in whose jurisdiction the death occurred or the reception and
124 cremation, alkaline hydrolysis or natural organic reduction of the body of a deceased person shall
125 be governed by a by-law or regulation made or approved by the department of public health as
126 provided in section 9.

127 SECTION 19. Section 44A of said chapter 114, as so appearing, is hereby amended by
128 striking out, in line 1, the words “to be cremated” and inserting in place thereof the following
129 words:- prior to cremation, alkaline hydrolysis or natural organic reduction.

130 SECTION 20. Said chapter 114 is hereby further amended by striking out section 47 and
131 inserting in place thereof the following section:-

132 Section 47. No person having the care of a cemetery, burial ground, or crematory shall
133 permit the burial, removal, alkaline hydrolysis, natural organic reduction or cremation of a
134 human body until the permit for such burial, removal, alkaline hydrolysis, natural organic
135 reduction or cremation has been delivered to him, nor permit the remains of a human body to be
136 buried therein until there has been delivered to him a certificate that the burial permit and the
137 certificate of the medical examiner prerequisite to the disposal of said body have been duly
138 presented.

139 Upon the burial, removal, alkaline hydrolysis, natural organic reduction or cremation of a
140 body, the superintendent or other officer in charge of the cemetery or crematory shall indorse
141 upon the coupon accompanying the permit the fact of such burial, removal, alkaline hydrolysis,
142 natural organic reduction or cremation, with the date thereof, shall make and preserve in the files
143 of the cemetery or crematory a record of such burial, removal, alkaline hydrolysis, natural

144 organic reduction or cremation, including any recital in the burial permit relative to service of the
145 deceased as a veteran as defined in section 10 of chapter 46, and also the location of the grave or
146 other receptacle of the body or remains of the deceased, and shall forthwith return the coupon to
147 the office issuing the same; provided, that if there is no officer in charge of the cemetery or
148 crematory, such duties shall be performed by the undertaker.