

# SENATE . . . . . No. 165

---

## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the Year Two Thousand Nine  
\_\_\_\_\_

An Act relative to the Board of Registration in Embalming and Funeral Directing..

*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. Chapter 114 of the General Laws is hereby amended by striking out section  
2   6, as appearing in the 1994 Official Edition, and inserting in place thereof the following section:

3   -

4           Section 6. Such corporation may cremate bodies of the dead, and may provide  
5   necessary buildings and appliances therefor and for the disposition of ashes of the dead on any  
6   land within its cemetery, or property owned by a funeral home which the department of  
7   environmental protection determines is suitable therefor, subject to the provisions of section  
8   forty-three D, and such buildings and appliances shall be a part of the cemetery or property  
9   owned by a funeral home, and be dedicated to the storage of the dead bodies, and shall be held  
10   by said corporations subject to the duties, and with the privileges and immunities, which they  
11   now have by law.

12           SECTION 2. Said chapter 114 is hereby further amended by striking out section 43D, as  
13   appearing in the 1994 Official Edition, and inserting in place thereof the following section: -

14                   Section 43D. Every community mausoleum, other than property owned by a  
15 funeral home with a crematorium or a structure containing crypts erected or controlled by a  
16 church or religious society and used only as a repository for the remains of the clergy or  
17 dignitaries of such church or religious society, and every crematory, columbarium or other  
18 structure, other than a columbarium located within a building owned or occupied by a church or  
19 religious services and their families, intended to dispose of or hold or contain the bodies or  
20 remains of the dead, erected on or after July first, nineteen hundred and thirty-six, shall be  
21 located only within the limits of a cemetery containing no less than twenty acres, which shall  
22 have been in existence and actually used for burial purposes for a period of at least five years  
23 immediately preceding the time of the erection thereof.

24                   SECTION 3. Said chapter 114 of the General Laws is hereby further amended by  
25 inserting after section 49, the following section: -

26                   Section 49A. Notwithstanding the provisions of other general or special law, rule  
27 or regulation to the contrary no embalmer, funeral director, or funeral establishment shall engage  
28 or employ anyone who is engaged in any business related to the disposition of human remains  
29 other than embalming, funeral directing and cremation of said human remains. An establishment  
30 which permits any business related to the disposition of human remains to operate or advertise  
31 on its premises, and an embalmer, funeral director, crematorium, or funeral establishment which  
32 operations or advertises on the premises of, or permits his or its name to be used, other than in  
33 uncompensated referrals, in connection with, any business related to the disposition of human  
34 remains, shall be deemed to be engaged in such business.