

HOUSE No. 4036

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 relative to environmentally-friendly burial alternatives.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>2/17/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/17/2021</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>7/21/2021</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>7/21/2021</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>7/21/2021</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>7/22/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>7/22/2021</i>
<i>Adam J. Scanlon</i>	<i>14th Bristol</i>	<i>7/22/2021</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>	<i>8/12/2021</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>8/12/2021</i>
<i>Erika Uytterhoeven</i>	<i>27th Middlesex</i>	<i>12/15/2021</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>1/3/2022</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>1/5/2022</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/1/2022</i>

HOUSE No. 4036

By Representatives Higgins of Leominster and Lewis of Framingham, a petition (accompanied by bill, House, No. 4036) of Natalie M. Higgins, Jack Patrick Lewis and others relative to burial alternatives that protect the environment. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to environmentally-friendly burial alternatives.

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 lines 40 and 43, in each instance, the following words:- ,
20 alkaline hydrolysis, natural organic reduction.

21 SECTION 8. Section 4 of chapter 113 of the General Laws, as so appearing, is hereby
22 amended by striking out, in line 9, the words “buried or cremated” and inserting in place thereof
23 the following words:- disposed of by burial, cremation, alkaline hydrolysis or natural organic
24 reduction.

25 SECTION 9. Section 14 of chapter 113A of the General Laws, as so appearing, is hereby
26 amended by inserting after the word “burial”, in lines 49 and 50, in each instance, the following
27 words:- , alkaline hydrolysis, natural organic reduction.

28 SECTION 10. Section 1 of chapter 114 of the General Laws, as appearing in the 2018
29 Official Edition, is hereby amended by inserting after the introductory paragraph the definition:-

30 "Alkaline hydrolysis" or "hydrolysis", the reduction of human remains to bone fragments
31 and essential elements in a licensed hydrolysis facility using heat, pressure, water and base
32 chemical agents.

33 SECTION 11. Said section 1 of said chapter 114, as so appearing, is hereby further
34 amended by inserting after the definition of “Grave liner” the following definition:-

35 "Hydrolysis facility", a structure, room or other space in a building or structure
36 containing 1 or more hydrolysis vessels, to be used for alkaline hydrolysis.

37 SECTION 12. Said section 1 of said chapter 114, as so appearing, is hereby further
38 amended by inserting after the definition of “Monument or memorial” the following 2
39 definitions:-

40 “Natural organic reduction”, the contained, accelerated conversion of human remains to
41 soil.

42 "Natural organic reduction facility", a structure, room or other space in a building or real
43 property where natural organic reduction of a human body occurs.

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

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

48 Section 6. Such corporation may conduct cremation, alkaline hydrolysis in a hydrolysis
49 facility or natural organic reduction in a natural organic reduction facility upon the bodies of the
50 dead. Such corporation may provide necessary buildings and appliances therefor and for the
51 disposition of the remains of the dead on any land within its cemetery which the department of
52 environmental protection determines is suitable therefor, subject to the section 43D, and such
53 buildings and appliances shall be a part of the cemetery and be dedicated to the burial of the

54 dead, and shall be held by said corporations subject to the duties, and with the privileges and
55 immunities, which they now have by law.

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

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

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

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

68 Section 43M. Except as otherwise provided by law, or in case of a dead body being
69 rightfully carried through or removed from the commonwealth for the purpose of burial or
70 disposition elsewhere, every dead body of a human being dying within the commonwealth, and
71 the remains of any body after dissection therein, shall be decently buried, entombed in a
72 mausoleum, vault or tomb or disposed of by cremation, alkaline hydrolysis or natural organic
73 reduction within a reasonable time after death. The permanent disposition of such bodies or
74 remains shall be by interment in the earth or deposit in a chamber, vault or tomb of a cemetery
75 owned, maintained and operated in accordance with the laws of this commonwealth, by deposit

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

99 Notwithstanding any general or special law to the contrary and for the purposes of this
100 section, a board of health may serve as the duly authorized representative for the purpose of
101 requesting cremation, alkaline hydrolysis or natural organic reduction of unclaimed remains by
102 signing a form under the following circumstances: (i) the unclaimed remains shall be in a
103 location that is within the jurisdiction of the board of health; (ii) the board of health has received
104 notice from a licensed funeral director that either no person has come forward to claim the
105 remains or that no person may legally claim the remains; provided, however, that the board of
106 health shall wait 30 days after such notification under this clause prior to signing the form. The
107 unclaimed remains shall then be viewed by a medical examiner or forensic investigator
108 designated by the chief medical examiner pursuant to section 14 of chapter 38, who shall
109 authorize the cremation, hydrolysis or natural organic reduction only when no further
110 examination or judicial inquiry concerning the death is necessary. The office of the chief medical
111 examiner may waive the fee set forth in said section 14 of said chapter 38 for cremation
112 authorizations pursuant to this section. There shall be no liability for a board of health or an
113 employee, agent, or licensee thereof that authorizes the disposal of unclaimed remains in
114 accordance with this section. Nothing in this section shall supersede the obligations of the office
115 of the chief medical examiner as set forth in this chapter and chapter 38.

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

118 Section 44. Cremation, alkaline hydrolysis or natural organic reduction shall not be
119 conducted upon the body of a deceased person within 48 hours after the person's decease, unless
120 the person died of a contagious or infectious disease. If the death occurred within the
121 commonwealth, cremation, alkaline hydrolysis or natural organic reduction shall not be

122 conducted upon the body by any corporation described in section 6 until the corporation's
123 officers have received (i) the certificate or burial permit required by law before burial; and (ii) a
124 certificate from a medical examiner or similarly authorized person who has viewed the body and
125 made personal inquiry into the cause and manner of death and is of opinion that no further
126 examination or judicial inquiry concerning the same is necessary. If the death occurs without the
127 commonwealth, the medical examiner's certificate may be provided by a medical examiner or
128 similarly authorized person in whose jurisdiction the death occurred or the reception and
129 cremation, hydrolysis or natural organic reduction of the body of a deceased person shall be
130 governed by a by-law or regulation made or approved by the department of public health as
131 provided in section 9.

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

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

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

144 Upon the burial, removal, hydrolysis, natural organic reduction or cremation of a body,
145 the superintendent or other officer in charge of the cemetery, hydrolysis facility, natural organic
146 reduction facility or crematory shall indorse upon the coupon accompanying the permit the fact
147 of such burial, removal, hydrolysis, natural organic reduction or cremation, with the date thereof,
148 shall make and preserve in the files of the cemetery or crematory a record of such burial,
149 removal, hydrolysis, natural organic reduction or cremation, including any recital in the burial
150 permit relative to service of the deceased as a veteran as defined in section 10 of chapter 46, and
151 also the location of the grave or other receptacle of the body or remains of the deceased, and
152 shall forthwith return the coupon to the office issuing the same; provided, that if there is no
153 officer in charge of the cemetery or crematory, such duties shall be performed by the undertaker.