SENATE DOCKET, NO. 908 FILED ON: 1/18/2023

SENATE . . . . . No. 1451

The Commonwealth of Massachusetts

PRESENTED BY:

Jacob R. Oliveira

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:	
Jacob R. Oliveira	*Hampden, Hampshire and Worcester*	
Adam J. Scanlon	*14th Bristol*	*1/24/2023*
Lydia Edwards	*Third Suffolk*	*5/15/2023*

SENATE DOCKET, NO. 908 FILED ON: 1/18/2023

SENATE . . . . . No. 1451

By Mr. Oliveira, a petition (accompanied by bill, Senate, No. 1451) of Jacob R. Oliveira and Adam Scanlon for legislation relative to burial alternatives that protect the environment. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *4036* OF 2021-2022.]

The Commonwealth of Massachusetts

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

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:

SECTION 1. Section 14 of chapter 38 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting after the word “cremation”, in lines 6, 7 and 9, in each instance, the following words:- , alkaline hydrolysis, natural organic reduction.

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

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

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

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

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

SECTION 7. Section 83 of said chapter 112, as so appearing, is hereby amended by inserting after the word “cremation”, in lines 40 and 43, in each instance, the following words:- , alkaline hydrolysis, natural organic reduction.

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

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

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

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

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

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

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

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

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

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

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

Section 6. Such corporation may conduct cremation, alkaline hydrolysis in a hydrolysis facility or natural organic reduction in a natural organic reduction facility upon the bodies of the dead. Such corporation may provide necessary buildings and appliances therefor and for the

disposition of the remains of the dead on any land within its cemetery which the department of environmental protection determines is suitable therefor, subject to the section 43D, and such buildings and appliances shall be a part of the cemetery and be dedicated to the burial of the dead, and shall be held by said corporations subject to the duties, and with the privileges and immunities, which they now have by law.

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

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

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

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

Section 43M. Except as otherwise provided by law, or in case of a dead body being rightfully carried through or removed from the commonwealth for the purpose of burial or disposition elsewhere, every dead body of a human being dying within the commonwealth, and the remains of any body after dissection therein, shall be decently buried, entombed in a mausoleum, vault or tomb or disposed of by cremation, alkaline hydrolysis or natural organic

reduction within a reasonable time after death. The permanent disposition of such bodies or remains shall be by interment in the earth or deposit in a chamber, vault or tomb of a cemetery owned, maintained and operated in accordance with the laws of this commonwealth, by deposit in a crypt of a mausoleum, or by cremation, alkaline hydrolysis or natural organic reduction. The remains of a human body after cremation, hydrolysis or natural organic reduction may be deposited in a niche of a columbarium or a crypt of a mausoleum, buried or disposed of in any manner not contrary to law. Notwithstanding any general or special law to the contrary, a funeral establishment in possession of the remains of a human body which is not claimed by a next-of-kin or duly authorized representative within 12 months after the date of cremation, alkaline hydrolysis or natural organic reduction may have the remains interred or placed in a common grave, niche or crypt in a cemetery, or scattered in an area of the cemetery designated for that purpose; provided, however, that if the deceased is a veteran of the United States Armed Forces the deceased shall be interred at a veterans' cemetery. Each cemetery and funeral establishment shall maintain permanent records of such disposition. There shall be no liability for a funeral establishment, cemetery or corporation described in section 6, or any employee or agent thereof that disposes of unclaimed remains in accordance with this section. Each municipality or cemetery corporation shall maintain records which identify the name, if known, of the dead human body or remains in each burial lot, tomb or vault under its control. No deposit of the bodies or remains of the human dead shall be made in a single chamber, vault or tomb wholly or partly above the natural surface of the ground unless the part thereof below such surface is of a permanent character, constructed of materials capable of withstanding extreme climatic conditions, waterproof and air tight, and capable of being sealed permanently to prevent all escape of effluvia, and unless the part thereof above the natural surface of the ground is

constructed of natural stone of a standard not less than that required by the United States government for monuments erected in national cemeteries, of durability sufficient to withstand all conditions of weather.

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

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

Section 44. Cremation, alkaline hydrolysis or natural organic reduction shall not be conducted upon the body of a deceased person within 48 hours after the person's decease, unless the person died of a contagious or infectious disease. If the death occurred within the commonwealth, cremation, alkaline hydrolysis or natural organic reduction shall not be conducted upon the body by any corporation described in section 6 until the corporation's officers have received (i) the certificate or burial permit required by law before burial; and (ii) a certificate from a medical examiner or similarly authorized person who has viewed the body and made personal inquiry into the cause and manner of death and is of opinion that no further examination or judicial inquiry concerning the same is necessary. If the death occurs without the commonwealth, the medical examiner's certificate may be provided by a medical examiner or similarly authorized person in whose jurisdiction the death occurred or the reception and cremation, hydrolysis or natural organic reduction of the body of a deceased person shall be governed by a by-law or regulation made or approved by the department of public health as provided in section 9.

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

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

Section 47. No person having the care of a cemetery, burial ground, hydrolysis facility, natural organic reduction facility or crematory shall permit the burial, removal, hydrolysis, natural organic reduction or cremation of a human body until the permit for such burial, removal,

hydrolysis, natural organic reduction or cremation has been delivered to him, nor permit the remains of a human body to be buried therein until there has been delivered to him a certificate that the burial permit and the certificate of the medical examiner prerequisite to the disposal of said body have been duly presented.

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