

HOUSE No. 2436

The Commonwealth of Massachusetts

PRESENTED BY:

Homar Gómez

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 to eliminate fees for the removal of a child’s body by the Office of the Chief Medical Examiner.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Homar Gómez</i>	<i>2nd Hampshire</i>	<i>1/14/2025</i>

HOUSE No. 2436

By Representative Gómez of Easthampton, a petition (accompanied by bill, House, No. 2436) of Homar Gómez for legislation to eliminate fees for the removal of a child’s body by the Office of the Chief Medical Examiner. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act to eliminate fees for the removal of a child’s body by the Office of the Chief Medical Examiner.

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: Title This Act shall be known as "The Benson Bill".

2 Section 2: Purpose The purpose of this Act is to eliminate the financial burden placed on
3 grieving families for the removal and handling of a deceased child’s body by the Office of the
4 Chief Medical Examiner (OCME). Recognizing the profound emotional toll of losing a child, the
5 Commonwealth of Massachusetts seeks to ensure compassion and support for families during
6 this difficult time.

7 Section 3: Definitions

8 1. Child: For the purposes of this Act, a "child" shall be defined by a reportable fetal
9 death , as defined by MGL Part 1 Title XVI Chapter 111, to the age of 60 months.

10 2. Medical Examiner Charges: Any fees assessed by the OCME related to the
11 transportation, removal, or handling of a deceased child’s body. Including and not limited to
12 cremation fees for viewing.

13 Section 4: Prohibition of Fees

14 1. Effective immediately upon enactment, the OCME is prohibited from imposing
15 any fees or charges on families for the removal, transportation, or handling of a deceased child’s
16 body.

17 2. Any existing statutory or regulatory provisions allowing for such fees shall be
18 deemed null and void as they pertain to deceased children.

19 Section 5: Budgetary Adjustments

20 1. The Commonwealth of Massachusetts shall allocate sufficient funding to the
21 OCME to offset the revenue impact of eliminating these fees.

22 2. The OCME shall submit an annual report to the Legislature detailing:

23 a. The total number of child cases handled by the office.

24 b. The associated costs absorbed by the office due to this Act.

25 c. Any recommendations for additional funding if necessary.

26 Section 6: Severability If any provision of this Act or its application is held to be invalid,
27 that invalidity shall not affect other provisions or applications of the Act which can be given
28 effect without the invalid provision or application, and to this end, the provisions of this Act are
29 severable.

30 Section 7: Effective Date This Act shall take effect 90 days after its passage.

31 Legislative Declaration The Commonwealth recognizes that the loss of a child is an
32 unimagined tragedy, and families should be afforded dignity and support during such times. By
33 removing these fees, Massachusetts reaffirms its commitment to the well-being and compassion
34 of its residents.