

SENATE No. 1612

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 alkaline hydrolysis as an environmentally-friendly burial alternative.

PETITION OF:

NAME:

Jacob R. Oliveira

DISTRICT/ADDRESS:

Hampden, Hampshire and Worcester

SENATE No. 1612

By Mr. Oliveira, a petition (accompanied by bill, Senate, No. 1612) of Jacob R. Oliveira for legislation relative to burial alternatives that protect the environment. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1451 OF 2023-2024.]

The Commonwealth of Massachusetts

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

An Act relative to alkaline hydrolysis as an environmentally-friendly burial alternative.

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 2022
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.

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:- or alkaline hydrolysis.

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 or alkaline hydrolysis.

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.

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.

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.

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 or alkaline hydrolysis.

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

27 SECTION 10. Section 1 of chapter 114 of the General Laws, as appearing in the 2022
28 Official Edition, is hereby amended by inserting after the introductory paragraph the definition:-

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

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

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

36 SECTION 12. Said section 1 of said chapter 114, as so appearing, is hereby further
37 amended by striking out, in line 56, the following word:- cremated.

38 SECTION 13. Said chapter 114 is hereby amended by striking out section 6, as so
39 appearing, and inserting in place thereof the following section:-

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

47 SECTION 14. Section 7 of said chapter 114, as appearing in the 2022 Official Edition, is
48 hereby amended by inserting after the word "cremation", in line 3, the following words:- or
49 alkaline hydrolysis.

50 SECTION 15. Section 9 of said chapter 114, as so appearing, is hereby amended by
51 striking out, in lines 3 and 4, the words “of bodies of the dead and for the disposition of the
52 ashes” and inserting in place thereof the following words:- or alkaline hydrolysis performed
53 upon the bodies of the dead and for the disposition of the remains.

54 SECTION 16. Said section 9 of said chapter 114, as so appearing, is hereby further
55 amended by inserting after the word “cremation”, in line 10, the following words:- or hydrolysis.

56 SECTION 17. Said chapter 114 is hereby amended by striking out section 43M, as so
57 appearing, and inserting in place thereof the following section:-

58 Section 43M. Except as otherwise provided by law, or in case of a dead body being
59 rightfully carried through or removed from the commonwealth for the purpose of burial or
60 disposition elsewhere, every dead body of a human being dying within the commonwealth, and
61 the remains of any body after dissection therein, shall be decently buried, entombed in a
62 mausoleum, vault or tomb or disposed of by cremation or alkaline hydrolysis within a reasonable
63 time after death. The permanent disposition of such bodies or remains shall be by interment in
64 the earth or deposit in a chamber, vault or tomb of a cemetery owned, maintained and operated in
65 accordance with the laws of this commonwealth, by deposit in a crypt of a mausoleum, or by
66 cremation or alkaline hydrolysis. The remains of a human body after cremation or hydrolysis
67 may be deposited in a niche of a columbarium or a crypt of a mausoleum, buried or disposed of
68 in any manner not contrary to law. Notwithstanding any general or special law to the contrary, a
69 funeral establishment in possession of the remains of a human body which is not claimed by a
70 next-of-kin or duly authorized representative within 12 months after the date of cremation or
71 alkaline hydrolysis may have the remains interred or placed in a common grave, niche or crypt in

72 a cemetery, or scattered in an area of the cemetery designated for that purpose; provided,
73 however, that if the deceased is a veteran of the United States Armed Forces the deceased shall
74 be interred at a veterans' cemetery. Each cemetery and funeral establishment shall maintain
75 permanent records of such disposition. There shall be no liability for a funeral establishment,
76 cemetery or corporation described in section 6, or any employee or agent thereof that disposes of
77 unclaimed remains in accordance with this section. Each municipality or cemetery corporation
78 shall maintain records which identify the name, if known, of the dead human body or remains in
79 each burial lot, tomb or vault under its control. No deposit of the bodies or remains of the human
80 dead shall be made in a single chamber, vault or tomb wholly or partly above the natural surface
81 of the ground unless the part thereof below such surface is of a permanent character, constructed
82 of materials capable of withstanding extreme climatic conditions, waterproof and air tight, and
83 capable of being sealed permanently to prevent all escape of effluvia, and unless the part thereof
84 above the natural surface of the ground is constructed of natural stone of a standard not less than
85 that required by the United States government for monuments erected in national cemeteries, of
86 durability sufficient to withstand all conditions of weather.

87 Notwithstanding any general or special law to the contrary and for the purposes of this
88 section, a board of health may serve as the duly authorized representative for the purpose of
89 requesting cremation or alkaline hydrolysis of unclaimed remains by signing a form under the
90 following circumstances: (i) the unclaimed remains shall be in a location that is within the
91 jurisdiction of the board of health; (ii) the board of health has received notice from a licensed
92 funeral director that either no person has come forward to claim the remains or that no person
93 may legally claim the remains; provided, however, that the board of health shall wait 30 days
94 after such notification under this clause prior to signing the form. The unclaimed remains shall

95 then be viewed by a medical examiner or forensic investigator designated by the chief medical
96 examiner pursuant to section 14 of chapter 38, who shall authorize the cremation or hydrolysis
97 only when no further examination or judicial inquiry concerning the death is necessary. The
98 office of the chief medical examiner may waive the fee set forth in said section 14 of said chapter
99 38 for cremation authorizations pursuant to this section. There shall be no liability for a board of
100 health or an employee, agent, or licensee thereof that authorizes the disposal of unclaimed
101 remains in accordance with this section. Nothing in this section shall supersede the obligations of
102 the office of the chief medical examiner as set forth in this chapter and chapter 38.

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

105 Section 44. Cremation or alkaline hydrolysis shall not be conducted upon the body of a
106 deceased person within 48 hours after the person's decease, unless the person died of a
107 contagious or infectious disease. If the death occurred within the commonwealth, cremation or
108 alkaline hydrolysis shall not be conducted upon the body by any corporation described in section
109 6 until the corporation's officers have received (i) the certificate or burial permit required by law
110 before burial; and (ii) a certificate from a medical examiner or similarly authorized person who
111 has viewed the body and made personal inquiry into the cause and manner of death and is of
112 opinion that no further examination or judicial inquiry concerning the same is necessary. If the
113 death occurs without the commonwealth, the medical examiner's certificate may be provided by
114 a medical examiner or similarly authorized person in whose jurisdiction the death occurred or the
115 reception and cremation or hydrolysis of the body of a deceased person shall be governed by a
116 by-law or regulation made or approved by the department of public health as provided in section
117 9.

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

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

123 Section 47. No person having the care of a cemetery, burial ground, hydrolysis facility or
124 crematory shall permit the burial, removal, hydrolysis or cremation of a human body until the
125 permit for such burial, removal, hydrolysis or cremation has been delivered to him, nor permit
126 the remains of a human body to be buried therein until there has been delivered to him a
127 certificate that the burial permit and the certificate of the medical examiner prerequisite to the
128 disposal of said body have been duly presented.

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