

Massachusetts House of Representatives

Bill Summary

Bill #: H.5485

Title: An Act authorizing the town of Wayland Select Board to grant permission to use land for green burials

Sponsor: Rep. David Linsky and Sen. James Eldridge

Committee: Municipalities and Regional Government

Hearing Date: July 22, 2026

Current Law: Section 34 of MGL Chapter 114 prohibits burial on private land except in the case of the erection or use of a tomb on private land for the exclusive use of the family of the owner, unless the city or town grants permission, the location of the lands has been approved in writing by the board of health after notice to all persons interested and a hearing; and the board of health, upon approval of the use of any lands either for new cemeteries or for the extension of existing cemeteries, includes in its records a description of the lands.

Section 37 states that local boards of health may make regulations concerning burial grounds and interments within their towns.

310 CMR 10.58, 22.21, and 22.20B prohibit or otherwise regulate burials near public water supplies, and the removal of soil that affects the groundwater.

Summary: This special legislation would exempt the town of Wayland from contrary provisions of the existing statute, by allowing the town select board to grant permission for private land to be used for green burials.

Mirroring the state law, the land being used for such burials would still need to be identified and approved by the board of health after a public hearing.

Notes: The language was approved as Article 35 at the May 4, 2026 Annual Town Meeting; motion carried by majority voice vote.

Warrant article comments: Green or natural burials, which the Commonwealth defines as “a burial where the body is not embalmed, no metal or hard wood are used to make the casket, no gravel liner or vault are used, and a low-profile grave marker is used or no marker at all” are regulated by Massachusetts General Laws Chapter 114, Section 34 as well as several sections within the Code of Massachusetts Regulations.

Currently, families wishing a green burial on private land must petition Town Meeting for approval. Passage of this article would eliminate cumbersome delays by authorizing the Select Board to grant permission for green burials. Such approval would be granted after Board of Health approved the burial and held a public hearing.

