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## **OLR Bill Analysis**

### **sHB 6485**

#### ***AN ACT CONCERNING NATURAL ORGANIC REDUCTION.***

#### **SUMMARY**

This bill allows for the contained, accelerated conversion of human remains to soil (“natural organic reduction”) as a process for managing human remains after death.

The bill (1) requires cemetery corporations seeking to operate a natural organic reduction facility to obtain approval from the Department of Public Health (DPH) and (2) establishes specific duties and obligations for corporations operating these facilities. Under the bill, a cemetery corporation is a corporation (i.e., cemeteries, crematories, or funeral homes) formed to dispose of or bury deceased human beings (1) by cremation or natural organic reduction or (2) in a grave, mausoleum, vault, columbarium, or other receptacle. It excludes a family or private cemetery corporation.

The bill prohibits a facility from naturally organically reducing a deceased person’s remains without having a DPH-prescribed permit to do so. It provides (1) methods for identifying remains and (2) procedures for preparing them for reduction and for managing them afterwards. It also specifies disposal options post-reduction such as being scattered in a designated area, placed in a grave, or released to the person responsible for funeral arrangements. Additionally, the bill requires facility employees involved in the daily operations of the reduction process to also be certified.

Lastly, the bill requires the DPH commissioner to adopt regulations by October 1, 2023, to implement the bill’s provisions, which must take effect by January 1, 2024.

EFFECTIVE DATE: October 1, 2023

## **CEMETERY CORPORATION DUTIES & RESPONSIBILITIES**

Under the bill, cemetery corporations that operate natural organic reduction facilities have the following duties and responsibilities:

1. maintaining the facility in a clean, orderly, and sanitary manner with adequate ventilation, a temporary storage area to store deceased persons' remains awaiting natural organic reduction, and an interior inaccessible to the public;
2. always maintaining entrances and windows to secure privacy, including tight closures for doors, window coverings, and locked and secured entrances when the facility's authorized personnel are not in attendance; and
3. conducting the natural organic reduction process in privacy and only allowing authorized personnel to be in the reduction area, holding facility, or temporary storage facility when human remains are being reduced.

Under the bill, a temporary storage area or a holding facility is any area designed to keep human remains before cremation or natural organic reduction. The area must comply with public health laws, preserve the crematory or reduction facility employees' health and safety, be inaccessible by anyone who is not an authorized person (see below), and have an interior that is not visible from a publicly accessible area.

Additionally, the bill requires the facility's authorized persons to (1) comply with all cemetery corporation rules and (2) not infringe on the privacy of a deceased person's remains. "Authorized persons" include the following individuals:

1. licensed, registered funeral directors; registered residents; and enrolled mortuary science students;
2. licensed physicians and nurses;
3. cemetery corporation officers, trustees, and authorized

- employees and agents;
4. public officers discharging their duties;
  5. funeral directing schools' authorized instructors; and
  6. immediate family members of the deceased person and their authorized agents and designated representatives.

## **FACILITY APPROVALS & EMPLOYEE CREDENTIALS**

### ***DPH Facility Approval***

Under the bill, a natural organic reduction facility is a structure, room, or other space in a building or real property where natural organic reduction of a human body occurs. A cemetery corporation seeking DPH approval to operate a facility must provide the commissioner with the following information:

1. a list of the corporation's directors, employees, and certificate holders;
2. the certified survey of the proposed facility's site and location;
3. a description of the proposed facility's impact on other natural organic reduction facilities in the county where the proposed facility will be located;
4. the plans, designs, and costs of any structures to be built or retrofitted for the facility's use; and
5. a description of any other approvals or permits required by state or local law.

The cemetery corporation must also provide the commissioner with a business plan for the proposed facility's operation, including how many reductions it expects per year and how many reduction units will be used; the manufacturing, capital costs, and financing; the anticipated number of employees; and the types of provided services and associated pricing.

The bill prohibits the commissioner from approving a natural organic reduction facility that does not have all other approvals or permits. It allows her to ask the applicant for any additional information or documentation and technical assistance necessary to review the information. The commissioner must receive all the information she requests for the submission to be considered complete.

Under the bill, the commissioner must approve or deny a proposed facility by written notice within 90 days after having a complete submission. A denial must state the reasons for it.

### ***Employee Credentials***

The bill requires natural organic reduction facility employees who conduct the daily operations of the reduction process to be certified by a DPH-approved organization. Proof of the certification must be posted in the facility and always available for inspection.

Under the bill, new facility employees who conduct these operations must be certified within one year after starting their employment. Similarly, existing employees hired before October 1, 2023, who are required to be certified must do so by October 1, 2024. These employees must be recertified every five years.

## **NATURAL ORGANIC REDUCTION PROCESS**

### ***Identification of the Deceased Person***

The bill prohibits a facility from starting natural organic reduction until it makes reasonable confirmation of the deceased person's identity. It allows for proof of identity to be in the form of a (1) signed affidavit from a licensed physician, the deceased person's immediate family member, or an authorizing agent or (2) Superior Court order.

### ***DPH Permit & Authorization Form***

The bill prohibits a facility from conducting natural organic reduction of a deceased person's remains unless it has a DPH-prescribed natural organic reduction permit and authorization form accompanying the remains. The permit is presumptive evidence of the identity of the remains (see above).

The bill requires the authorization form to be signed by the deceased person's immediate family member or authorizing agent who (1) attests to permitting natural organic reduction to occur and (2) discloses whether the body has a battery, battery pack, power cell, or a radioactive implant or device, or whether such an item was removed from the body.

Under the bill, the natural organic reduction facility must ensure that the identification established by the permit stays with the deceased person's remains throughout the natural organic reduction process and until the identity is accurately and legibly inscribed on the container in which the deceased person's remains are temporarily placed.

***Delivery of the Deceased Person's Remains***

Under the bill, the deceased person's remains must be delivered to the natural organic reduction facility in an alternative container or in external wrappings that are sufficient to contain the remains and designed to fully decompose in the reduction process.

But when a facility receives a deceased person's remains in a casket that will not be reduced with the deceased person, the bill requires a written notice of this fact from the person responsible for the deceased person's funeral arrangements. This notice must state that the remains are to be transferred to an alternative container (see below). The notice must be kept in the facility's permanent records.

The bill prohibits the alternative container and external wrappings from being opened after delivery to the facility except if there is a reasonable request to do so from the deceased person's immediate family or the family's authorized agent, or there is good cause to (1) confirm the deceased person's identity or (2) ensure there is no material that might injure facility employees or damage facility property.

The bill requires the opening of the container or wrappings after the deceased person's delivery to the facility to be done (1) by the licensed funeral director or registered person who delivered the remains and (2) in the presence of a witness. The opening must also comply with any DPH rule or regulation designed to protect the remains' integrity and

the facility employees' health and safety.

The bill requires the facility to make a record at the time of the opening and keep it in its permanent files. The record must include the reason for the opening and the (1) signature of the person who authorizes it and (2) names of anyone who conducts or witnesses it.

### ***Preparing for Reduction Process***

The bill prohibits a deceased person's remains from being removed from the casket, alternative container, or external wrappings in which the facility received them without a signed authorization from the person responsible for the deceased person's funeral arrangements or a public officer discharging their duties. This authorization must be kept in the facility's permanent records.

When remains must be transferred to an alternative container, the bill requires the transfer to be done in privacy, with dignity and respect for the remains, and by the licensed funeral director or the registered person who delivered them. The transfer must comply with DPH rules and regulations to protect the remains' dignity and the facility employees' health and safety.

The bill prohibits commingling or placing the naturally organically reduced remains of more than one deceased person in a reduction container at a time unless there is a signed authorization from the person responsible for the deceased person's funeral arrangements and a signed approval from the facility. (Presumably, this refers to remains that have not yet begun the reduction process.) The facility must keep the authorization and approval in its permanent records.

### ***Post-Reduction Procedures***

***Removing Reduced Remains From the Chamber.*** After a natural organic reduction occurs, the bill requires the reduction chamber's contents to be placed in an individual container with the natural organic reduction permit attached to the container. The bill prohibits commingling the contents with other remains.

***Removing Foreign Material From the Remains.*** The bill allows for

the use of a magnet, sieve, or other appropriate separation method to divide the remains from unrecognizable incidental or foreign material. Any material found through this process must be safely disposed of in a manner that complies with DPH sanitary rules and regulations for these byproducts.

**Pulverization.** The bill requires the naturally organically reduced remains to be pulverized until there is no single fragment recognizable as skeletal tissue. The pulverized remains must be transferred to a container, or multiple ones if the person responsible for the deceased person's funeral arrangements asks for it in writing. The container must be (1) of a suitable size to contain the remains and (2) accurately and legibly labeled with the name of the deceased person as DPH prescribes.

The bill prohibits anyone from placing the remains of more than one deceased person in the same temporary container or urn unless the person responsible for the deceased person's funeral arrangements provides written permission to do so.

**Reduction Chamber Cleaning.** Under the bill, the interior of a natural organic reduction chamber must be thoroughly swept or otherwise cleaned so that it is reasonably free of all matter after a natural organic reduction occurs.

**Notification.** After the natural organic reduction process for a deceased person's remains ends, the bill requires the cemetery corporation to notify the person responsible for the deceased person's funeral arrangements that the process is complete and the remains are prepared for disposal.

**Disposition Options.** The bill generally assigns responsibility for final disposition of the remains to the person responsible for the deceased person's funeral arrangements.

Under the bill, remains must be disposed of by (1) scattering them in a designated scattering garden or area in a cemetery; (2) placing them in a grave, crypt, or niche, with the cemetery corporation's prior authorization; or (3) keeping them, with prior authorization from the

person responsible for the deceased person's funeral arrangements. If the remains are scattered or interred, the bill prohibits their recovery.

If the person responsible for the deceased person's funeral arrangements fails to claim the remains or instruct the cemetery corporation on the arrangements for their final disposition within 120 days after the natural organic reduction process is complete, the bill allows the cemetery corporation to dispose of the remains as the bill prescribes without any further legal obligation or liability (see above). The bill requires the cemetery corporation to keep a permanent record of the final disposition site for these remains, and the person responsible for the deceased person's funeral arrangements is responsible for reimbursing the cemetery corporation for its reasonable expenses to dispose of the remains.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 17 Nay 15 (02/17/2023)