

**HB 1577-FN – AS INTRODUCED**

2014 SESSION

14-2450  
10/03

HOUSE BILL            ***1577-FN***

AN ACT                relative to regulating alkaline hydrolysis for the disposal of human remains.

SPONSORS:            Rep. Vaillancourt, Hills 15; Rep. Winters, Hills 18; Sen. Watters, Dist 4; Sen. Reagan, Dist 17

COMMITTEE:          Executive Departments and Administration

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ANALYSIS

This bill establishes procedures for the use of alkaline hydrolysis for the disposal of human remains. This bill requires a facility to be licensed and provides rulemaking authority for the board of funeral directors and embalmers for the purposes of the bill.

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Explanation:          Matter added to current law appears in ***bold italics***.  
                                Matter removed from current law appears [~~in brackets and struck through.~~]  
                                Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Fourteen*

AN ACT relative to regulating alkaline hydrolysis for the disposal of human remains.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 New Chapter; Alkaline Hydrolysis of Human Remains. Amend RSA by inserting after chapter  
2 325-A the following new chapter:

3 CHAPTER 325-B

4 ALKALINE HYDROLYSIS OF HUMAN REMAINS

5 325-B:1 Definitions. In this chapter:

6 I. “Alkaline hydrolysis” means the technical process that reduces human remains to bone  
7 fragments by use of an American Society of Mechanical Engineers (ASME) certified pressure vessel  
8 that operates above atmospheric pressure using the parameters of heat, time, and solution sufficient  
9 to achieve complete dissolution of all tissue remains.

10 II. “Alkaline hydrolysis facility” means a building or structure which contains a chamber for  
11 alkaline hydrolysis and a holding facility.

12 III. “Alkaline hydrolysis facility authority” means the legal entity subject to licensing by the  
13 board to maintain and operate an alkaline hydrolysis facility and perform alkaline hydrolysis.

14 IV. “Authorizing agent” means a person vested with the right to control the disposition of  
15 human remains pursuant to RSA 290, including but not limited to, family members or funeral  
16 directors in charge of the final disposition arrangements.

17 V. “Board” means state board of registration of funeral directors and embalmers, as defined  
18 in RSA 325:2.

19 VI. “Bone fragments” means the remaining bone fragments following the alkaline hydrolysis  
20 process and prior to powdering.

21 VII. “Casket” means a rigid container made of wood, metal, or other similar material,  
22 ornamented and lined with fabric, which is designed for the encasement of human remains.

23 VIII. “Change of ownership” means the change in the controlling interest of an established  
24 alkaline hydrolysis facility.

25 IX. “Communicable disease” means communicable disease, as defined by RSA 141-C:2, VI.

26 X. “Delivery receipt form” means a form provided by a funeral establishment to an alkaline  
27 hydrolysis facility authority to document the receipt of human remains by such authority for the  
28 purpose of alkaline hydrolysis.

29 XI. “Funeral director” means funeral director as defined in RSA 325:1, VIII and licensed in  
30 accordance with RSA 325:14.

31 XII. “Holding facility” means an area within an alkaline hydrolysis facility, separate from

**HB 1577-FN – AS INTRODUCED**  
**- Page 2 -**

1 public areas, designated for the retention of human remains prior to alkaline hydrolysis.

2 XIII. “Human remains” means the body of a deceased person or a human body part, in any  
3 stage of decomposition and includes limbs or other portions of human anatomy that are removed  
4 from a person or human remains for medical purposes during treatment, surgery, biopsy, autopsy, or  
5 medical research.

6 XIV. “Leak proof pouch” means a plastic, vinyl, protein-based, or similar material bag that is  
7 made specifically for the containment of human remains.

8 XV. “Next-of-kin” means next-of-kin as defined in RSA 290:16, IV.

9 XVI. “Operator” means the individual responsible for the day-to-day operation of the  
10 alkaline hydrolysis facility.

11 XVII. “Owner” means the individual, partnership, or corporation with a controlling interest  
12 in the alkaline hydrolysis facility.

13 XVIII. “Permanent container” means a receptacle made of durable material for the long-  
14 term placement of remains.

15 XIX. “Powdering” means the process used to reduce bone fragments to unidentifiable  
16 remains.

17 XX. “Remains” means the reduction of bone fragments to small particles following  
18 powdering.

19 XXI. “Remains receipt form” means a form provided by an alkaline hydrolysis facility  
20 authority to an authorizing agent or his or her representative that identifies remains following  
21 alkaline hydrolysis and the person authorized to receive such remains.

22 XXII. “Temporary container” means a receptacle made of cardboard, plastic, or other similar  
23 material in which remains are placed prior to the placement of such remains in an urn or other  
24 permanent container.

25 XXIII. “Violations against a decedent” means actions that desecrate or tamper with human  
26 remains or personal effects, lead to the misidentification of a decedent, or allow the commingling of  
27 remains of more than one decedent.

28 325-B:2 Alkaline Hydrolysis Facility, License Required. An alkaline hydrolysis facility shall not  
29 be established, operated, or maintained in this state except by an alkaline hydrolysis facility  
30 authority licensed by the board under this chapter. The board shall issue a license to an alkaline  
31 hydrolysis facility authority that satisfies the requirements for licensure under this chapter. Human  
32 remains shall not be processed via alkaline hydrolysis in this state except at an alkaline hydrolysis  
33 facility operated by an alkaline hydrolysis facility authority licensed under this chapter.

34 325-B:3 Environmental, Building, and Location Requirements.

35 I. An alkaline hydrolysis facility shall comply with all applicable environmental statutes and  
36 regulations.

37 II. An alkaline hydrolysis facility may be constructed at any location in accordance with all

1 applicable zoning and building codes.

2           III. Alkaline hydrolysis for dissolution of human remains shall comply with the following  
3 requirements:

4           (a) The alkaline hydrolysis facility shall only utilize a commercially available, purpose-  
5 built system.

6           (b) Dissolution systems which operate above atmospheric pressure shall only employ an  
7 American Society of Mechanical Engineers' (ASME) certified pressure vessel as a dissolution  
8 chamber.

9           (c) The dissolution system shall use parameters of heat, time, and solution circulation  
10 sufficient to achieve complete dissolution of all tissue remains.

11           (d) The alkaline dissolution process shall ensure that the discharge liquid that is a  
12 byproduct of the dissolution process meets the facility's sewage collection and treatment facility  
13 requirements regarding acceptable temperature, biological oxygen demand/chemical oxygen demand  
14 (BOD/COD), and pH level and shall comply with Environmental Protection Agency regulations in 40  
15 C.F.R. section 403.5.

16           (e) Equipment used for alkaline hydrolysis of human remains may not be used for the  
17 disposal of animals or other biological materials.

18           (f) No facility using the alkaline hydrolysis process may discharge liquid as a byproduct  
19 of the process into a septic system. This prohibition does not prevent the facility from discharging  
20 into a holding tank that is periodically pumped and transported to a suitable disposal facility.  
21 Facilities who choose to discharge into a holding tank which is transferred to a sewage treatment  
22 facility are not exempt from the effluent requirements for BOD/COD and pH levels specified by that  
23 facility or compliance with Environmental Protection Agency regulations in 40 C.F.R. section 403.5.

24           325-B:4 License; Application; Requirements; Fee. An applicant for an initial or renewal license  
25 as an alkaline hydrolysis facility authority shall file a written application with the board. The  
26 application shall be accompanied by the license fee required under RSA 325-B:7 and a certificate  
27 confirming that the operator has attended, prior to issuance of the license, a training course provided  
28 by the manufacturer of the alkaline hydrolysis chamber maintained and operated by the alkaline  
29 hydrolysis facility authority and shall set forth the full name and address of the applicant, the  
30 address and location of the alkaline hydrolysis facility, the name of the alkaline hydrolysis facility  
31 operator, the name and address of the owner of the alkaline hydrolysis facility, and additional  
32 information as required by the board, including evidence of the applicant's ability to comply with  
33 rules adopted under this chapter. The application shall include the applicant's social security  
34 number if the applicant is an individual. The social security number shall not be a public record and  
35 shall only be used for administrative purposes.

36           325-B:5 License; Expiration. Except as otherwise provided in this chapter, licenses issued  
37 pursuant to this chapter shall expire 3 years after the date of issuance. Licenses shall be issued only

**HB 1577-FN – AS INTRODUCED**  
**- Page 4 -**

1 for the alkaline hydrolysis facility authority named in the application and shall not be transferable  
2 or assignable.

3 325-B:6 Change in Location, Ownership, or Name.

4 I. An alkaline hydrolysis facility authority desiring to relocate shall file a written application  
5 with the board at least 30 days prior to the designated date of such relocation. The application shall  
6 be accompanied by a fee as determined by the board in rules adopted under RSA 541-A.

7 II. An alkaline hydrolysis facility authority desiring to change ownership of an alkaline  
8 hydrolysis facility shall file a written application with the board at least 30 days prior to the  
9 designated date of such change. The application shall be accompanied by a fee as determined by the  
10 board in rules adopted under RSA 541-A.

11 III. An alkaline hydrolysis facility authority desiring to change its name shall file a written  
12 application with the board at least 30 days prior to such change. The application shall be  
13 accompanied by a fee as determined in rules adopted under RSA 541-A.

14 325-B:7 Licensure; Fees.

15 I. The application for an initial or renewal license as an alkaline hydrolysis facility authority  
16 shall include a fee determined in rules adopted under RSA 541-A.

17 II. If the license application is denied, the license fee shall be returned to the applicant,  
18 except that the board may retain an administrative fee and may retain the entire license fee if an  
19 inspection has been completed prior to such denial.

20 III. The board shall collect a fee for reinstatement of a license that has lapsed or has been  
21 suspended. The board shall collect a fee for a duplicate original license.

22 IV. The board shall collect a fee for a certified statement that an alkaline hydrolysis facility  
23 authority is licensed in this state and a fee for verification that an alkaline hydrolysis facility  
24 authority is licensed in this state.

25 V. All fees collected by the board under this chapter shall be remitted to the state treasurer  
26 for deposit in the general fund.

27 325-B:8 Inspection; Board; Duties; Authority for Appointments.

28 I. The board shall, at least once every 3 years, inspect or provide for the inspection of any  
29 alkaline hydrolysis facility operated by an alkaline hydrolysis facility authority licensed under this  
30 chapter in such manner and at such times as provided in rules adopted by the board.

31 II. The board shall issue an inspection report and provide a copy of the report to the alkaline  
32 hydrolysis authority within 10 working days after the completion of an inspection. The board shall  
33 review any findings of noncompliance contained in such report within 20 working days after such  
34 inspection.

35 III. If the board determines, after such review, that the evidence supports a finding of  
36 noncompliance by an alkaline hydrolysis facility authority with any applicable provisions of this  
37 chapter or rules adopted under this chapter, the board may send a letter to the alkaline hydrolysis

**HB 1577-FN – AS INTRODUCED**  
**- Page 5 -**

1 facility authority requesting a statement of compliance. The letter shall include a description of each  
2 alleged violation, a request that the alkaline hydrolysis facility authority submit a statement of  
3 compliance within 10 working days, and a notice that the board may take further action if the  
4 statement of compliance is not submitted. The statement of compliance shall indicate any actions by  
5 the alkaline hydrolysis facility authority which have been or will be taken and the period of time  
6 estimated to be necessary to correct each alleged violation. If the alkaline hydrolysis facility  
7 authority fails to submit such statement of compliance or fails to make a good faith effort to correct  
8 the alleged violations, the board may take further action as provided in this chapter.

9 IV.(a) The board may appoint technical advisors or other investigators to assist with any  
10 investigation or adjudication, and may, with the approval of the attorney general, appoint legal  
11 counsel for such purposes.

12 (b) To the extent the board lacks budgeted funds to conduct a significant investigation or  
13 adjudication, it may, with the approval of the attorney general, petition the governor and council to  
14 receive funds not otherwise appropriated in order to retain professional advisors in the proceeding.

15 (c) If the governor and council approve the use of funds not otherwise appropriated, the  
16 governor is authorized to issue a warrant for the approved amount out of any moneys in the treasury  
17 not otherwise appropriated. The board shall then promptly increase its licensing fees to the extent  
18 necessary to repay the amount advanced to the general fund during the next fiscal year by means of  
19 a fee surcharge.

20 325-B:9 Complaints.

21 I. Any person may submit a complaint to the board and request investigation of an alleged  
22 violation of this chapter or rules adopted under this chapter. The board shall review all complaints  
23 and determine whether to conduct an investigation relating to such complaints.

24 II. A complaint submitted to the board under this section shall be confidential. A person  
25 submitting such complaint shall be immune from criminal or civil liability of any nature, whether  
26 direct or derivative, for submitting the complaint or for disclosure of documents, records, or other  
27 information to the board relating to such complaint.

28 325-B:10 Imminent Danger; Board Powers.

29 I. If the board determines that an alkaline hydrolysis facility authority is operating an  
30 alkaline hydrolysis facility so as to create an imminent danger of death or serious physical harm to  
31 persons employed at or in proximity to such alkaline hydrolysis facility, the board may order the  
32 temporary suspension or temporary limitation of the license of the alkaline hydrolysis facility  
33 authority and may order the temporary closure of the alkaline hydrolysis facility pending further  
34 action by the board. A hearing shall be held by the board no later than 10 days after the date of such  
35 order. The board shall also simultaneously institute proceedings for revocation, suspension, or  
36 limitation of the license of the alkaline hydrolysis facility authority.

37 II. A continuance of the hearing under paragraph I shall be granted by the board upon

**HB 1577-FN – AS INTRODUCED**  
**- Page 6 -**

1 written request from the alkaline hydrolysis facility authority. Such continuance shall not exceed 30  
2 days.

3 III. A temporary suspension or temporary limitation order by the board under this section  
4 shall take effect when served upon the alkaline hydrolysis facility authority and shall not exceed 90  
5 days. If further action is not taken by the board within such period, the temporary suspension or  
6 temporary limitation shall expire.

7 325-B:11 Deny or Refuse to Renew License; Grounds. The board may deny or refuse to renew a  
8 license under this chapter or take disciplinary action against an alkaline hydrolysis facility authority  
9 licensed under this chapter as provided in RSA 325-B:12 on any of the following grounds:

10 I. Violation of this chapter or rules adopted and pursuant to this chapter;

11 II. Conviction of any crime involving moral turpitude;

12 III. Conviction of a misdemeanor or felony under state law, federal law, or the law of another  
13 jurisdiction which, if committed within this state, would have constituted a misdemeanor or felony  
14 and which has a rational connection with the fitness or capacity of the alkaline hydrolysis facility  
15 authority to operate an alkaline hydrolysis facility;

16 IV. Conviction of a violation pursuant to RSA 325-B:15;

17 V. Obtaining a license as an alkaline hydrolysis facility authority by false representation or  
18 fraud;

19 VI. Misrepresentation or fraud in the operation of an alkaline hydrolysis facility;

20 VII. Failure to allow access by an agent or employee of the board to an alkaline hydrolysis  
21 facility operated by the alkaline hydrolysis facility authority for the purposes of inspection,  
22 investigation, or other information collection activities necessary to carry out the duties of the board;  
23 or

24 VIII. Violation of any applicable environmental statute or regulation.

25 325-B:12 Disciplinary Actions.

26 I. The board may impose any one or more of the following types of disciplinary action against  
27 an alkaline hydrolysis facility authority licensed under this chapter:

28 (a) A fine not to exceed \$20,000 per violation;

29 (b) A limitation on the license and upon the right of the alkaline hydrolysis facility  
30 authority to operate an alkaline hydrolysis facility to the extent, scope, or type of operation, for such  
31 time, and under such conditions as the board finds necessary and proper;

32 (c) Placement of the licensee on probation for a period not to exceed 2 years during which  
33 the alkaline hydrolysis facility may continue to operate under terms and conditions fixed by the  
34 order of probation;

35 (d) Suspension of the license for a period not to exceed 2 years during which the alkaline  
36 hydrolysis facility may not operate; and

37 (e) Revocation and permanent termination of the license.

**HB 1577-FN – AS INTRODUCED**  
**- Page 7 -**

1           II. Any fine imposed and unpaid under this chapter shall constitute a debt to the state of  
2 New Hampshire which may be collected in the manner of a lien foreclosure or sued for and recovered  
3 in any proper form of action in the name of the state in the superior court of the county in which the  
4 alkaline hydrolysis facility is located. The board shall, within 30 days after receipt, remit any such  
5 fines to the state treasurer for deposit in the general fund.

6           325-B:13 Appeal. Any party to a decision of the board under this chapter may appeal such  
7 decision in accordance with RSA 541.

8           325-B:14 License Reinstatement or Relicensure.

9           I. If the license of an alkaline hydrolysis facility authority has lapsed for nonpayment of fees,  
10 such license shall be eligible for reinstatement at any time upon application to the board and  
11 payment of the applicable fee as provided in RSA 325-B:7.

12           II. If the license of an alkaline hydrolysis facility authority has been placed on probation,  
13 such license shall be eligible for reinstatement at the end of the period of probation upon successful  
14 completion of an inspection if the board determines an inspection is warranted.

15           III. If the license of an alkaline hydrolysis facility authority has been suspended, such  
16 license shall be eligible for reinstatement at the end of the period of suspension upon successful  
17 completion of an inspection and payment of the applicable fee as provided in RSA 325-B:7.

18           IV. If the license of an alkaline hydrolysis facility authority has been suspended, such  
19 license may be reinstated by the board prior to the completion of the term of suspension upon  
20 petition by the licensee. After reviewing such petition and any material submitted by the licensee  
21 with such petition, the board may order an inspection or investigation of the licensee. Based on such  
22 review and such inspection or investigation, if any, the board shall grant full reinstatement of the  
23 license, modify the suspension, or deny the petition for reinstatement. The board's decision shall  
24 become final 30 days after mailing the decision to the licensee unless the licensee requests a hearing  
25 within such period. Any requested hearing shall be held according to rules of the board.

26           V. If the license of an alkaline hydrolysis facility authority has been revoked, such alkaline  
27 hydrolysis facility authority shall not be eligible for relicensure until 5 years after the date of such  
28 revocation. A reapplication for an initial license may be made by the alkaline hydrolysis facility  
29 authority at the end of such 5-year period.

30           325-B:15 Acts Prohibited; Penalty.

31           I. Maintaining or operating an alkaline hydrolysis facility in violation of this chapter or any  
32 rules of the board is a public nuisance and may be abated as a nuisance as provided by law.

33           II. It shall be a felony to establish, operate, or maintain an alkaline hydrolysis facility  
34 subject to this chapter without being licensed as an alkaline hydrolysis facility authority under this  
35 chapter, to hold oneself out to the public as an alkaline hydrolysis facility authority without being  
36 licensed, or to perform an alkaline hydrolysis without an alkaline hydrolysis authorization form  
37 signed by the authorizing agent and a completed burial transit permit for alkaline hydrolysis, and a



1 medical examiner's certificate of alkaline hydrolysis.

2 III. Signing an alkaline hydrolysis authorization form with actual knowledge that the form  
3 contains false, incorrect, or misleading information is a felony.

4 IV. A violation of any other provision of this chapter is a misdemeanor.

5 325-B:16 Injunctions. The board may maintain an action in the name of the state for an  
6 injunction against any person for establishing, operating, or maintaining an alkaline hydrolysis  
7 facility without first obtaining a license as an alkaline hydrolysis facility authority under this  
8 chapter. In charging any defendant in a complaint in such action, it shall be sufficient to charge that  
9 such defendant did, upon a certain day and in a certain county, establish, operate, or maintain an  
10 alkaline hydrolysis facility without obtaining a license as an alkaline hydrolysis facility authority  
11 under this chapter, without alleging any further or more particular facts concerning the same.

12 325-B:17 Right to Authorize Alkaline Hydrolysis. The right to authorize the alkaline hydrolysis  
13 of human remains and the final disposition of the remains, except in the case of a minor and unless  
14 other directions have been given by the decedent in the form of a testamentary disposition or a pre-  
15 need contract, vests pursuant to RSA 290.

16 325-B:18 Medical Examiner's Certificate.

17 I. The body of a deceased person shall not be subjected to alkaline hydrolysis within 48  
18 hours after his or her death unless he or she died of a contagious or infectious disease. If the death  
19 occurred within the state, the body shall not be subjected to alkaline hydrolysis by the alkaline  
20 hydrolysis facility authority until authority has received the burial transit permit for alkaline  
21 hydrolysis required by law, and a certificate from a medical examiner or deputy medical examiner  
22 that he or she has viewed the body and made personal inquiry into the cause and manner of death,  
23 and is of the opinion that no further examination or judicial inquiry concerning the same is  
24 necessary. If the death occurred within the state but the body is being transferred out of state for  
25 alkaline hydrolysis, the transfer shall not occur until the medical examiner has conducted such a  
26 view and inquiry and has issued a certificate. If the death occurs outside the state, the reception and  
27 alkaline hydrolysis of the body of a deceased person shall be governed by rules adopted by the board  
28 after consultation with the chief medical examiner.

29 II. The alkaline hydrolysis facility authority shall forward a copy of the alkaline hydrolysis  
30 certificate to the office of the chief medical examiner, accompanied by a \$60 fee. The fee shall be  
31 deposited in the medico-legal investigative fund established pursuant to RSA 611-B:28.

32 325-B:19 Alkaline Hydrolysis Facility Authority.

33 I. An alkaline hydrolysis facility authority, upon receiving human remains, shall sign a  
34 delivery receipt form and shall hold the human remains, prior to alkaline hydrolysis, as provided in  
35 this section. The form shall include the name of the deceased, the time and date of delivery of such  
36 remains, and the signatures of the owner of the alkaline hydrolysis facility or his or her  
37 representative and the funeral director or his or her representative, or the next-of-kin or designated

1 agent as provided in RSA 290.

2 II. If an alkaline hydrolysis facility authority is unable to perform alkaline hydrolysis on the  
3 human remains immediately upon taking receipt thereof, the alkaline hydrolysis facility authority  
4 shall place the human remains in a holding facility. A holding facility shall be designed and  
5 constructed to comply with all applicable public health laws, provide for the health and safety of  
6 persons employed at such facility, and prevent any unauthorized access to such facility.

7 III. An alkaline hydrolysis facility authority may refuse to accept for holding a deceased  
8 person from which there is any evidence of leakage of the body fluids from the human remains in a  
9 leak proof pouch.

10 IV. If human remains received by the alkaline hydrolysis facility authority are not  
11 embalmed, such remains shall be held no longer than 24 hours from the time of death at the alkaline  
12 hydrolysis facility unless the human remains are placed within a refrigerated facility in accordance  
13 with the laws of this state.

14 325-B:20 Alkaline Hydrolysis Facility Operation; Limitations.

15 I. No person shall be permitted in an alkaline hydrolysis facility, unless authorized by the  
16 alkaline hydrolysis facility authority, while any human remains are in the alkaline hydrolysis  
17 facility awaiting or undergoing alkaline hydrolysis, or being removed from the chamber.

18 II. The human remains of more than one person shall not be simultaneously subjected to  
19 alkaline hydrolysis within the same chamber unless the alkaline hydrolysis facility authority has  
20 received specific written authorization from the authorizing agent for the human remains to be so  
21 subjected to alkaline hydrolysis.

22 325-B:21 Alkaline Hydrolysis Facility Authority; Requirements.

23 I. An alkaline hydrolysis facility authority shall not accept human remains for alkaline  
24 hydrolysis without a proper label placed on the exterior of the leak proof pouch indicating the name  
25 of the deceased and the name and location of the funeral establishment, or the name of the next-of-  
26 kin or designated agent as provided in RSA 290.

27 II. No alkaline hydrolysis facility authority shall make or enforce any rules requiring that  
28 human remains be placed in a casket before alkaline hydrolysis. No alkaline hydrolysis facility  
29 authority shall refuse to accept human remains for alkaline hydrolysis if the human remains are  
30 received in a casket.

31 325-B:22 Alkaline Hydrolysis Authorization Form.

32 I. An alkaline hydrolysis facility authority shall not subject human remains to alkaline  
33 hydrolysis until it has received an alkaline hydrolysis authorization form as provided in paragraph  
34 II, a completed and executed burial transit permit for alkaline hydrolysis as required by law or the  
35 appropriate alkaline hydrolysis permit from the state from which the human remains were  
36 delivered, indicating that the human remains are to be subjected to alkaline hydrolysis, and a  
37 delivery receipt form.

1           II. An alkaline hydrolysis authorization form shall be signed by the authorizing agent and  
2 shall include, but not be limited to, the following information:

3           (a) The name of the deceased;

4           (b) Date and place of death;

5           (c) The identity of the funeral home, funeral director, next-of-kin, or agent responsible  
6 for the delivery of the human remains to the alkaline hydrolysis facility for alkaline hydrolysis;

7           (d) Notification that the death did or did not occur from a disease declared by the board  
8 to be infectious, contagious, communicable, or dangerous to the public health;

9           (e) The name of the authorizing agent and the relationship between the authorizing  
10 agent and the deceased;

11           (f) Authorization by the authorizing agent for the alkaline hydrolysis facility authority to  
12 resomate the human remains;

13           (g) A representation that the authorizing agent is aware of no objection to the human  
14 remains being subjected to alkaline hydrolysis by any person who has a right to control the  
15 disposition of the human remains;

16           (h) Acknowledgement by way of initials of the authorizing agent to the alkaline  
17 hydrolysis facility authority beside the specific statements outlining the requirements and  
18 authorization to remove the human remains from the temporary container or casket, in addition to  
19 the leak-proof pouch, prior to placement of human remains within the alkaline hydrolysis chamber.

20           (i) Acknowledgement by way of initials of the authorizing agent to the alkaline  
21 hydrolysis facility authority beside the specific statement acknowledging the fact, as a requirement  
22 of the alkaline hydrolysis process, all materials not made entirely of wool or silk must be removed  
23 from the human remains prior to placing the human remains within the stainless steel basket for  
24 the completion of the alkaline hydrolysis process.

25           (j) The name of the person authorized to claim the remains from the alkaline hydrolysis  
26 facility authority; and

27           (k) The intended disposition of the remains.

28           III. An alkaline hydrolysis facility authority shall retain, for at least 7 years after the  
29 alkaline hydrolysis, in printed or electronic format with suitable backup, copies of the alkaline  
30 hydrolysis authorization form, the burial transit permit for alkaline hydrolysis, the remains receipt  
31 form, delivery receipt form, and any other records required under this chapter.

32           325-B:23 Signature.

33           I. Any person signing an alkaline hydrolysis authorization form shall be deemed to warrant  
34 the truthfulness of any facts set forth on such form, including the identity of the deceased whose  
35 remains are sought to be subjected to alkaline hydrolysis and the authority of the person to  
36 authorize such alkaline hydrolysis. Any person signing an alkaline hydrolysis authorization form is  
37 personally liable for all damages resulting from false, incorrect, or misleading information contained

1 on such form.

2 II. An alkaline hydrolysis facility authority may subject human remains to alkaline  
3 hydrolysis upon the receipt of an alkaline hydrolysis authorization form signed by an authorizing  
4 agent, a completed and executed burial transit permit for alkaline hydrolysis as required by law, and  
5 the required medical examiner certificate of alkaline hydrolysis.

6 325-B:24 Potentially Hazardous Conditions. No human remains shall be subjected to alkaline  
7 hydrolysis with the knowledge that the human remains contain jewelry or other valuables unless  
8 authorized by the authorizing agent. The authorizing agent shall take all necessary steps to ensure  
9 that any jewelry or other valuables are removed prior to alkaline hydrolysis. If the authorizing  
10 agent informs the funeral director and the alkaline hydrolysis facility authority on the alkaline  
11 hydrolysis authorization form of the presence of jewelry or other valuables on the human remains,  
12 the funeral director shall ensure that all necessary steps have been taken to remove the jewelry or  
13 other valuables before delivering the human remains to the alkaline hydrolysis facility. A funeral  
14 director who knowingly fails to ensure the removal of the jewelry or other valuables prior to delivery  
15 and who knowingly delivers such human remains shall be liable for any damages resulting from  
16 such failure. If human remains with jewelry or other valuables are in the custody of an alkaline  
17 hydrolysis facility authority, such authority shall provide for the removal of such jewelry or other  
18 valuables by a licensed funeral director and embalmer or his or her agent.

19 325-B:25 Disputes.

20 I. If an alkaline hydrolysis facility authority or funeral establishment is aware of any  
21 dispute concerning the alkaline hydrolysis of human remains, or has a reasonable basis to believe  
22 that such a dispute exists or to question any of the representations made by the authorizing agent  
23 with respect to such remains, until the alkaline hydrolysis facility authority receives a court order  
24 that a dispute with respect to such remains has been settled, the alkaline hydrolysis facility  
25 authority or funeral establishment may refuse to accept such human remains for alkaline hydrolysis  
26 or to perform an alkaline hydrolysis of such remains.

27 II. If an alkaline hydrolysis facility authority or funeral establishment is aware of any  
28 dispute concerning the release or disposition of remains, the alkaline hydrolysis facility authority or  
29 funeral establishment may refuse to release remains until the dispute has been resolved or the  
30 alkaline hydrolysis facility authority or funeral establishment has been provided with a court order  
31 authorizing the release or disposition of the remains.

32 325-B:26 Remains; How Treated.

33 I. To the extent possible, upon completion of the alkaline hydrolysis, all of the recoverable  
34 residue of the alkaline hydrolysis shall be removed from the chamber and any foreign matter or  
35 anything other than bone fragments shall be removed from such residue and shall be disposed of by  
36 the alkaline hydrolysis facility authority. The remaining bone fragments shall be powdered to  
37 reduce the fragments to unidentifiable remains. This paragraph shall not apply when the

**HB 1577-FN – AS INTRODUCED**  
**- Page 12 -**

1 commingling of human remains during alkaline hydrolysis is otherwise authorized by law.

2       II. The remains with proper identification shall be placed in a temporary container or  
3 permanent container selected or provided by the authorizing agent. The remains shall not be  
4 contaminated with any other object unless specific written authorization to the contrary has been  
5 received from the authorizing agent.

6       III. If the entirety of the remains will not fit within a temporary container or permanent  
7 container, the remainder of such remains shall be returned to the authorizing agent or his or her  
8 representative in a separate container with proper identification.

9       IV. If the remains are to be shipped, the temporary container or permanent container shall  
10 be packed securely in a suitable shipping container that complies with the requirements of the  
11 shipper. Unless otherwise directed in writing by the authorizing agent, remains shall be shipped  
12 only by a method which includes an internal tracking system and which provides a receipt signed by  
13 the person accepting delivery of such remains.

14       325-B:27 Remains; Final Disposition.

15       I. The delivery of the remains to the authorizing agent or his or her representative shall  
16 constitute final disposition. If, after a period of 60 days after the date of alkaline hydrolysis, the  
17 authorizing agent or his or her representative has not directed or otherwise arranged for the final  
18 disposition of the remains or claimed the remains for final disposition as provided in this section, the  
19 alkaline hydrolysis facility authority or the funeral establishment in possession of the remains may  
20 dispose of the remains after making a reasonable attempt to contact the authorizing agent or his or  
21 her representative. This method of disposition may be used by any alkaline hydrolysis facility  
22 authority or funeral establishment to dispose of all remains in the possession of an alkaline  
23 hydrolysis facility authority or funeral establishment on or after the effective date of this chapter.

24       II. Remains following alkaline hydrolysis shall be delivered or released by the alkaline  
25 hydrolysis facility authority to the representative specified by the authorizing agent on the alkaline  
26 hydrolysis authorization form. The owner of the alkaline hydrolysis facility authority or his or her  
27 representative and the party receiving the remains shall sign a remains receipt form. The form shall  
28 include the name of the deceased, the date, time, and place of receipt of the remains, and the  
29 signatures of the owner of the alkaline hydrolysis facility or his or her representative and the  
30 authorizing agent or his or her representative. If the remains are shipped, a form used by the  
31 shipper may be used in lieu of a completed remains receipt form if the shipper's form contains the  
32 information required for a remains receipt form. Both the party delivering such remains and the  
33 party receiving such remains shall retain a copy of the remains receipt form or shipper's form. Upon  
34 delivery, the remains may be further transported within this state in any manner without a permit.

35       325-B:28 Rulemaking. The board shall adopt rules, pursuant to RSA 541-A, relative to:

36       I. Procedures for licensure of alkaline hydrolysis facility authorities.

37       II. Establishing all required fees.

1           III. The content of all forms.

2           IV. Conditions under which human remains of persons whose death was caused by a disease  
3 declared by the board to be infectious, contagious, communicable, or dangerous to the public health  
4 may be transported in this state to an alkaline hydrolysis facility for the purpose of alkaline  
5 hydrolysis. The board shall consult with the chief medical examiner on rules adopted under this  
6 paragraph.

7           V. Minimum sanitation standards for all alkaline hydrolysis facilities.

8           VI. Inspection procedures for alkaline hydrolysis facilities as required under RSA 325-B:8.

9           325-B:29 Alkaline Hydrolysis Facility Authority; Bylaws. An alkaline hydrolysis facility  
10 authority may enact reasonable bylaws not inconsistent with this chapter for the management and  
11 operation of an alkaline hydrolysis facility operated by such authority. Nothing in this section shall  
12 prevent an alkaline hydrolysis facility authority from enacting bylaws which contain more stringent  
13 requirements than those provided in this chapter.

14           2 Repeal. RSA 325-A:30, II, relative to prohibiting the disposal of human remains through a  
15 reductive process utilizing alkaline hydrolysis, is repealed.

16           3 Effective Date. This act shall take effect January 1, 2015.

**HB 1577-FN - FISCAL NOTE**

AN ACT                    relative to regulating alkaline hydrolysis for the disposal of human remains.

**FISCAL IMPACT:**

The Departments of Justice and Corrections, Judicial Branch, Board of Registration of Funeral Directors and Embalmers, and New Hampshire Association of Counties state this bill, **as introduced**, will increase state and county expenditures, and state revenue by an indeterminable amount in FY 2015 and each year thereafter. There will be no fiscal impact on county and local revenue, or local expenditures.

**METHODOLOGY:**

The Department of Justice states this bill places licensing and regulatory authority over alkaline hydrolysis with the Board of Registration of Funeral Directors and Embalmers. The Department indicates the misdemeanor and felony offenses contained in the bill will have no fiscal impact on the Department of Justice as these offenses are typically prosecuted by county attorney's offices or district court prosecutors. The Department states the pre-disposal examination of remains by a medical examiner and the \$60 fee paid to the medico-legal fund mirror current provisions relating to cremations. The Department assumes that alkaline hydrolysis will be used as an alternative to cremation and there would be no overall increase in the number of examinations required or the number of fees paid. The Department anticipates the Board will require assistance with the promulgation of rules and the administrative enforcement of violations. The Department states it may also become involved in the prosecution of licensing actions. The Department is not able to project the number of administrative enforcement or licensing actions and therefore cannot estimate the fiscal impact.

The Judicial Branch states the proposed bill provides a comprehensive licensing and regulatory scheme governing alkaline hydrolysis of human remains, including provisions for administrative fines and penalties. The Branch indicates the following sections of the proposed law may have a fiscal impact on the Branch:

- RSA 325-B:12, II - Collection of fines by superior court action;
- RSA 325-B:13 - Appeals of administrative actions to the Supreme Court;
- RSA 325-B:15, I – Authorizes nuisance licenses;
- RSA 325-B:15, II - Unspecified felony to operate without a license;
- RSA 325-B:15, III - Unspecified felony to sign a false authorization form;
- RSA 325-B:15, IV - Unspecified misdemeanor for any other violation of the chapter;

- RSA 325 B-16 - Authorizes the board to maintain an action in the name of the state for an injunction against any person for establishing, operating, or maintaining an alkaline hydrolysis facility without obtaining a license;
- RSA 325 B-23, I - Personal liability to the signor for damages resulting from false information on an alkaline hydrolysis form;
- RSA 325 B-24 - Liability for a funeral director for damages resulting from knowingly failing to remove jewelry or other valuables prior to delivery of the human remains to the alkaline hydrolysis facility; and
- RSA 325 B-25 – Provision for courts to settle disputes concerning the alkaline hydrolysis or disposition of human remains.

The Branch states that, with so many of points of potential financial impact, it is likely the additional cost to the Branch will exceed \$10,000. The Branch is not able to estimate the fiscal impact.

The Board of Registration of Funeral Directors and Embalmers estimates this bill will have a fiscal impact of less than \$10,000 and the actual fees will be established through rulemaking.

The Department of Corrections states there will be no fiscal impact to the Department for class A misdemeanors since the term of incarceration for a class A misdemeanor is less than one year and sentences of one year or less are served at the county correctional facilities. The Department is not able to predict the number of individuals who may be found guilty of a felony, but states the average annual cost of incarcerating an individual in the general prison population for the fiscal year ending June 30, 2013 was \$32,872. The cost to supervise an individual by the Department's division of field services for the fiscal year ending June 30, 2013 was \$570.

The New Hampshire Association of Counties states to the extent more individuals are charged, convicted, and sentenced to incarceration in a county correctional facility, the counties may have increased expenditures. The Association is unable to determine the number of individuals who might be charged, convicted or incarcerated as a result of this bill to determine an exact fiscal impact. The average annual cost to incarcerate an individual in a county correctional facility is approximately \$35,000. There is no impact on county revenue.

The Judicial Council states the bill will have no fiscal impact.