

HOUSE No. 2218

The Commonwealth of Massachusetts

PRESENTED BY:

James Arciero

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 the operation of crematories by funeral establishments.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|----------------------|---|------------------|
| <i>James Arciero</i> | <i>2nd Middlesex</i> | <i>2/16/2021</i> |
| <i>James Dolan</i> | <i>Dolan Funeral Home, 106 Middlesex Street, Chelmsford, MA 01863</i> | <i>2/18/2021</i> |

HOUSE No. 2218

By Mr. Arciero of Westford, a petition (accompanied by bill, House, No. 2218) of James Arciero and James Dolan relative to the operation of crematories by funeral establishments. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to the operation of crematories by funeral establishments.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 114 of the General Laws is hereby amended by striking out section 6, as
2 appearing in the 2016 Official Edition, and inserting in place thereof the following section:-

3 Section 6. Such corporation may cremate bodies of the dead, and may provide necessary
4 buildings and appliances therefor and for the disposition of the ashes of the dead on any land
5 within its cemetery which the department of environmental protection determines is suitable
6 therefor, subject to the provisions of section 43D, and such buildings and appliances shall be a
7 part of the cemetery or a Licensed Funeral Establishment, as the case may be, and be dedicated
8 to the burial of the dead, and shall be held by said corporations or Licensed Funeral
9 Establishments, subject to the duties, and with the privileges and immunities, which they now
10 have by law.

11 Notwithstanding any general or special law to the contrary, a person, partnership,
12 corporation, association or other organization owning a licensed funeral establishment may own

13 and operate a crematory, and a funeral director licensed pursuant to section 83 of chapter 112
14 may serve as an elected commissioner on a cemetery board for the municipality in which the
15 licensed funeral director is a resident of; provided, however, that a person, partnership,
16 corporation, association or other organization owning a licensed funeral establishment may not
17 own or operate a cemetery and a person, partnership, corporation, association or other
18 organization owning a cemetery may not own a licensed funeral establishment.

19 For the purposes of this section, “licensed funeral establishment” shall mean a fixed place
20 or establishment privately owned or maintained by a person, partnership, corporation, association
21 or other organization which has been duly registered by the board of registration in embalming
22 and funeral directing pursuant to section 83 of chapter 112 and which is located, constructed,
23 equipped and operated for the purpose of providing sanitary handling, preparation, disposition
24 and care of dead human bodies.