



State of Tennessee

PUBLIC CHAPTER NO. 141

SENATE BILL NO. 931

By Crowe

Substituted for: House Bill No. 334

By Gary Hicks

AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 5, relative to alkaline hydrolysis.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 62, Chapter 5, is amended by adding the following as a new part:

62-5-801. Part definitions.

As used in this part:

(1) "Alkaline hydrolysis":

(A) Means a water-based dissolution process using alkaline chemicals and heat, and may involve agitation or pressure, to reduce human remains to a liquid and to dry bone residue; and

(B) Includes the disposal of the liquid and the processing and pulverization of dry bone residue;

(2) "Alkaline hydrolysis chamber" means the enclosed space within which the alkaline hydrolysis process takes place and that is used exclusively for alkaline hydrolysis of human remains;

(3) "Alkaline hydrolysis container" means a container:

(A) In which human remains are transported to a funeral establishment and placed in an alkaline hydrolysis chamber for resomation; and

(B) That meets substantially all of the following standards:

(i) Able to be closed in order to provide a complete covering for the human remains;

(ii) Resistant to leakage or spillage;

(iii) Rigid enough for handling with ease; and

(iv) Able to provide protection for the health, safety, and personal integrity of personnel working at an alkaline hydrolysis facility;

(4) "Body parts":

(A) Means limbs or other portions of the anatomy that are removed from a living person for medical purposes during biopsy, treatment, or surgery; and

(B) Includes dead human bodies that have been donated to science for purposes of medical education or research and parts of the dead human body that were removed for those purposes;

(5) "Casket" means a rigid container that is designed for the encasement of a dead human body and that is constructed of wood, metal, or another rigid material; is ornamented and lined with fabric; and may be combustible;

(6) "Healthcare provider" means healthcare professionals, establishments, or facilities licensed, registered, certified, or permitted pursuant to title 63 or title 68 and regulated under the authority of either the department of health or an agency, board, council, or committee attached to the department of health;

(7) "Political subdivision" means a city, town, municipality, county, or metropolitan government within this state;

(8) "Processing" means the reduction of identifiable bone fragments after the completion of the alkaline hydrolysis process to unidentifiable bone fragments by manual means;

(9) "Pulverization" means the reduction of identifiable bone fragments after the completion of the alkaline hydrolysis and processing to granulated particles by manual or mechanical means;

(10) "Resomation" means the alkaline hydrolysis process;

(11) "Temporary container" means a receptacle for resomated remains composed of cardboard, plastic, metal, or another material that can be closed in a manner that prevents the leakage or spillage of the resomated remains and the entrance of foreign material and that is of sufficient size to hold the resomated remains until the remains are placed in an urn or scattered; and

(12) "Urn" means a receptacle designed to permanently encase resomated remains.

62-5-802. Prerequisites to resomation—refund of fees.

(a) An operator of an alkaline hydrolysis facility shall not resomate or allow resomation at an alkaline hydrolysis facility of a dead human body, other than a body that was donated to science for purposes of medical education or research, until the following has occurred:

(1) The requirements of § 62-5-809 have been met, unless the decedent died from a virulent communicable disease, in which case the department of health or board of health having territorial jurisdiction where the death of the decedent occurred requires by rule or order the resomation to occur prior to the requirements of § 62-5-809 being met;

(2) The operator has received a permit from the department of health for resomation of human remains that authorizes the resomation of the decedent; and

(3) The operator has received other documentation required by this state or a political subdivision of this state.

(b) If an operator of an alkaline hydrolysis facility submits to the department of health a sworn affidavit stating the operator has completed the resomation of human remains without charge, then the department of health shall issue a refund of fees associated with the receipt of a permit as described in subdivision (a)(2).

62-5-803. Alkaline hydrolysis facility operator duties.

(a)(1) The operator of an alkaline hydrolysis facility may schedule the time for the resomation of a dead human body to occur at the operator's own convenience at any time after the conditions in § 62-5-802 have been met and the decedent or body parts have been delivered to the facility, unless, in the case of a dead human body, the operator has received specific instructions to the contrary from the alkaline hydrolysis facility.

(2) The operator of an alkaline hydrolysis facility becomes responsible for a dead human body or body parts when the body or body parts have been delivered to or accepted by the facility or an employee or agent of the facility.

(b) An operator of an alkaline hydrolysis facility shall do the following:

(1)(A) Upon receipt at the alkaline hydrolysis facility of a dead human body that has not been embalmed, place the body in a holding or refrigerated facility at the alkaline hydrolysis facility, and keep the body in the holding or refrigerated facility until near the time the resomation process commences or until the body is held at the facility for less than eight (8) hours; and

(B) If the body is held for eight (8) hours or longer, place the body in a refrigerated facility at the alkaline hydrolysis facility and keep the body in the refrigerated facility until near the time the resomation process commences; or

(2) Upon receipt of a dead human body that has been embalmed, place the body in a holding facility at the alkaline hydrolysis facility and keep the body in the holding facility until the resomation process commences.

(c) An operator of an alkaline hydrolysis facility shall resomate, in its entirety with the dead human body, the container, if any, in which the body was delivered or accepted by the facility, if the instructions for the disposition of the body requested the container be resomated with the body. However, the facility may remove noncombustible materials from the container prior to resomation.

(d) An operator of an alkaline hydrolysis facility shall not simultaneously resomate more than one (1) decedent, or body parts removed from more than one (1) decedent or living person, in the same alkaline hydrolysis chamber. This subsection (d) does not prohibit the use of alkaline hydrolysis equipment that contains more than one (1) resomation chamber.

(e) An operator of an alkaline hydrolysis facility shall not permit a person other than an employee of the facility, a licensed embalmer, or a person authorized pursuant to the instructions of the decedent, or an heir or personal representative of the decedent, if any, to be present in the holding facility or resomation room while a dead human body or body parts are being held there prior to resomation; a dead human body or body parts are being resomated; or resomated remains are being removed from the resomation chamber.

(f) An operator of an alkaline hydrolysis facility shall not remove dental gold or silver, body parts, organs, or other items of value from a dead human body prior to the resomation or from the resomated remains after resomation unless the operator was acting under instructions that specifically authorize the removal of dental gold or silver, body parts, organs, or other items of value.

(g) An operator of an alkaline hydrolysis facility who removes dental gold or silver, body parts, organs, or other items of value from a dead human body, or assists in the removal, shall not charge a fee for doing so that exceeds the actual cost to the facility for performing or assisting in the removal of those items.

(h)(1) Upon completion of the resomation process, the operator of an alkaline hydrolysis facility shall remove from the resomation chamber all resomation residue that is practicably recoverable.

(2) If the recovered resomated remains do not fit in the urn selected or in the temporary container, then the operator shall place the remainder in a separate temporary container. Resomated remains placed in a separate temporary container must be delivered, released, or disposed of together with those in the urn or other temporary container.

(3) This subsection (h) does not require an operator of an alkaline hydrolysis facility to recover a specified quantity or quality of resomated remains upon the completion of a resomation. This subsection (h) only requires an operator to recover from the resomation chamber the resomation residue that is practicably recoverable.

(i) An operator of an alkaline hydrolysis facility shall not knowingly represent that an urn or temporary container contains the recovered resomated remains of a specific decedent or of body parts removed from a specific decedent or living person when the urn or container does not. This subsection (i) does not prohibit the making of such a representation because

of the presence in the recovered resomated remains of de minimis amounts of the resomated remains of another decedent or of body parts.

(j) Operators of an alkaline hydrolysis facility or a funeral director shall ship or cause to be shipped any resomated remains by a class or method of mail, common carrier service, or delivery service that has an internal system for tracing the location of the resomated remains during shipment and that requires a signed receipt from the person accepting delivery of the resomated remains.

(k) Operators of an alkaline hydrolysis facility shall establish and maintain a system for accurately identifying each dead human body in the facility's possession and for identifying each decedent or living person from whom body parts in the facility's possession were removed throughout all phases of the holding and resomation process.

(l) An operator of an alkaline hydrolysis facility shall not knowingly use or allow the use of the same resomation chamber for the resomation of dead human bodies or body parts and bodies or body parts of animals.

62-5-804. Final disposition of remains—unclaimed resomated remains.

(a) Except as provided in subsection (b), a person shall not:

(1) Dispose of the resomated remains of a dead human body or body parts in a manner or in a location that the resomated remains are commingled with those of another decedent, or body parts removed from another decedent or living person; or

(2) Place the resomated remains of more than one (1) decedent, or of body parts removed from more than one (1) decedent or living person, in the same urn or temporary container.

(b) Notwithstanding subsection (a), a person may:

(1) Scatter resomated remains at sea, by air, or in a dedicated area at a cemetery used exclusively for the scattering on the ground of the resomated remains of dead human bodies or body parts;

(2) If complying with specific instructions from the decedent or decedents, or an heir or personal representative designated by the decedent or decedents:

(A) Commingle resomated remains of more than one (1) decedent, or of body parts removed from more than one (1) decedent or living person; or

(B) Place in the same urn or temporary container of the resomated remains of more than one (1) decedent, or of body parts removed from more than one (1) decedent or living person; and

(3) If the person is operating under the decedent's instructions, commingle the resomated remains or body parts removed from another decedent or living person, after receipt of the resomated remains or the body parts, with those of another decedent or body parts removed from another decedent or living person.

(c) Unless otherwise specified by written agreement between the operator of the alkaline hydrolysis facility or funeral establishment and the person or entity requesting the resomation of human remains, resomated human remains unclaimed one hundred eighty (180) calendar days from the date of resomation may be interred, entombed, or inurned by the operator of the facility. The operator of the facility or funeral establishment shall make a record of the disposition of the unclaimed resomated human remains available for inspection on weekdays between the hours of eight o'clock a.m. (8:00 a.m.) and four-thirty p.m. (4:30 p.m.).

62-5-805. Written receipt for remains—records.

(a) An operator of an alkaline hydrolysis facility shall ensure that a written receipt is provided to the person who delivers a dead human body or body parts to the facility for resomation.

(b) If the dead human body is other than a body that was donated to science for purposes of medical education or research, then the receipt must be signed by both a representative of the alkaline hydrolysis facility and the person who delivered the decedent to the facility and must indicate:

(1) The name of the decedent;

(2) The date and time of delivery;

(3) The type of casket or container, if any, in which the decedent was delivered to the facility;

(4) The name of the person who delivered the decedent to the facility, if applicable;

(5) The name of the funeral home or other establishment with whom the delivery person is affiliated; and

(6) The name of the person who received the decedent on behalf of the facility.

(c) If the dead human body was donated to science for purposes of medical education or research, then the receipt must indicate the name of the person who received the decedent on behalf of the facility.

(d)(1) At the time of releasing resomated remains, an operator of an alkaline hydrolysis facility shall ensure that a written receipt signed by both a representative of the facility and the person who received the resomated remains is provided to the person who received the resomated remains. Unless the resomated remains are those of a dead human body that was donated to science for purposes of medical education or research, or are those of body parts, the receipt shall indicate:

(A) The name of the decedent;

(B) The date and time of the release;

(C) The name of the person to whom the resomated remains were released;

(D) If applicable, the name of the funeral home, cemetery, or other entity to whom the resomated remains were released; and

(E) The name of the person who released the resomated remains on behalf of the alkaline hydrolysis facility.

(2) If the resomated remains are those of a dead human body that was donated to science for purposes of medical education or research or are those of body parts, then the receipt must be signed by both a representative of the alkaline hydrolysis facility and the person who received the resomated remains and the receipt must indicate the date and time of the release. For other resomated remains, the receipt must accompany the resomated remains. The signature of the person whose name is on the delivery receipt to accept delivery of the resomated remains satisfies the requirement of this section that the person receiving the resomated remains sign the receipt provided by the facility.

(e) An alkaline hydrolysis facility engaged in the business of resomating dead human bodies or body parts shall keep the following for a period of at least seven (7) years after the date of each resomation to which the information applies:

(1) A copy of each receipt issued upon acceptance by or delivery to the facility of a dead human body;

(2) A record of each resomation conducted at the facility, containing at least the name of the decedent or, in the case of body parts, the name of the decedent or living person from whom the body parts were removed, the date and time of the resomation, and the final disposition made of the resomated remains;

(3) A copy of each delivery receipt issued under this section; and

(4) A separate record of the resomated remains of each decedent or the body parts removed from each decedent or living person that were disposed of containing at least the name of the decedent; the date and time of the resomation; and the location, date, and manner of final disposition of the resomated remains.

(f) Records required to be maintained under this part are subject to inspection by the board, or an authorized representative of the board, upon reasonable notice and at a reasonable time.

62-5-806. Removal of devices or implants from remains.

If a funeral director delivers the decedent to an alkaline hydrolysis facility, then the embalmer shall take reasonable precautions to ensure necessary actions are taken to remove any device or implant from the decedent known to the funeral director, or to render the device or implant nonhazardous, prior to delivering the decedent to the facility.

62-5-807. Alkaline hydrolysis facility operator liability.

(a) The operator of an alkaline hydrolysis facility is not liable for damages in a civil action for the following actions or omissions, unless the actions or omissions were made with malicious purpose, in bad faith, or in a wanton or reckless manner:

(1) Having performed the resomation of the decedent, or having released or disposed of the resomated remains, in accordance with the instructions of the decedent or an heir or personal representative of the decedent;

(2) Having performed the resomation of the decedent or body parts removed from the decedent or living person or having released or disposed of the resomated remains in accordance with the instructions of the decedent or an heir or personal representative of the decedent; or

(3) Failure to correctly identify a dead human body prior to resomation.

(b) The operator of an alkaline hydrolysis facility is not liable for damages in a civil action for refusing to accept a dead human body or body parts or to perform a resomation under the following circumstances, unless the refusal was made with malicious purpose, in bad faith, or in a wanton or reckless manner:

(1) The operator has actual knowledge that there is a dispute regarding the resomation of the decedent or body parts, and the operator has not received an order of the court having jurisdiction ordering the resomation of the decedent or body parts;

(2) The operator has a reasonable basis for questioning the accuracy of the information or statements provided to the operator with respect to the resomation of the decedent or body parts; or

(3) The operator has any other lawful reason for refusing to accept the dead human body or body parts or to perform the resomation.

(c) The operator of an alkaline hydrolysis facility is not liable for damages in a civil action in connection with the resomation of or disposition of the resomated remains of dental gold or silver, jewelry, or other items of value delivered to the facility with a dead human body or body parts unless the actions or omissions of the operator were made with malicious purpose, in bad faith, or in a wanton or reckless manner.

(d) This section does not create a new cause of action or substantive legal right against the operator of an alkaline hydrolysis facility.

(e) This section does not affect immunities from civil liability or defenses established by law to which the operator of an alkaline hydrolysis facility may be entitled.

62-5-808. Resomation without a casket.

An operator of an alkaline hydrolysis facility shall not require a person to be resomated in a casket. However, in the discretion of the operator of a facility, a container composed of a readily biodegradable material that is suitable for resomation, other than a casket, may be required.

62-5-809. Delay of resomation.

If a person who signs the death certificate; a district attorney general; any law enforcement officer; or an emergency medical or rescue worker, emergency medical technician, or paramedic who attended the person immediately prior to or after the person's death, signs a written statement requesting the delay of a resomation based upon a reasonable belief that the cause of death may have been due to other than accidental or

natural causes, then the resomation of a dead human body must be delayed based upon that request.

62-5-810. Resomation of medical waste.

This part does not permit the resomation of body parts from a decedent or living person at the request of a hospital or other institution. Only the individual from whose body the body parts were removed, or the individual's duly appointed representative, may make arrangements with an alkaline hydrolysis facility for the resomation of body parts.

SECTION 2. The headings to sections in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 931

PASSED: March 22, 2021


RANDY McNALLY
SPEAKER OF THE SENATE


CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 13th day of April 2021


BILL LEE, GOVERNOR