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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 3458

03/08/2018 Authored by Halverson  
The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act  
1.2 relating to health; modifying certain cremation provisions; amending Minnesota  
1.3 Statutes 2016, sections 149A.941, subdivisions 12, 27; 149A.95, subdivision 4,  
1.4 by adding a subdivision.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2016, section 149A.941, subdivision 12, is amended to  
1.7 read:

1.8 Subd. 12. **Authorization to hydrolyze required.** No alkaline hydrolysis facility shall  
1.9 hydrolyze or cause to be hydrolyzed any dead human body or identifiable body part without  
1.10 receiving written authorization to do so from the person or persons who have the legal right  
1.11 to control disposition as described in section 149A.80 or the person's legal designee. The  
1.12 written authorization must include:

1.13 (1) the name of the deceased and the date of death of the deceased;

1.14 (2) a statement authorizing the alkaline hydrolysis facility to hydrolyze the body;

1.15 (3) the name, address, telephone number, and relationship to the deceased, ~~and signature~~  
1.16 of the person or persons authorized to accept the hydrolyzed remains, as designated by the  
1.17 person or persons with legal right to control final disposition or a legal designee;

1.18 (4) directions for the disposition of any nonhydrolyzed materials or items recovered  
1.19 from the alkaline hydrolysis vessel;

1.20 (5) acknowledgment that the hydrolyzed remains will be dried and mechanically reduced  
1.21 to a granulated appearance and placed in an appropriate container and authorization to place

2.1 any hydrolyzed remains that a selected urn or container will not accommodate into a  
2.2 temporary container;

2.3 (6) acknowledgment that, even with the exercise of reasonable care, it is not possible to  
2.4 recover all particles of the hydrolyzed remains and that some particles may inadvertently  
2.5 become commingled with particles of other hydrolyzed remains that remain in the alkaline  
2.6 hydrolysis vessel or other mechanical devices used to process the hydrolyzed remains;

2.7 (7) directions for the ultimate disposition of the hydrolyzed remains; and

2.8 (8) a statement that includes, but is not limited to, the following information: "During  
2.9 the alkaline hydrolysis process, chemical dissolution using heat, water, and an alkaline  
2.10 solution is used to chemically break down the human tissue and the hydrolyzable alkaline  
2.11 hydrolysis container. After the process is complete, the liquid effluent solution contains the  
2.12 chemical by-products of the alkaline hydrolysis process except for the deceased's bone  
2.13 fragments. The solution is cooled and released according to local environmental regulations.  
2.14 A water rinse is applied to the hydrolyzed remains which are then dried and processed to  
2.15 facilitate inurnment or scattering."

2.16 Sec. 2. Minnesota Statutes 2016, section 149A.941, subdivision 27, is amended to read:

2.17 Subd. 27. **Alkaline hydrolysis procedures; release of hydrolyzed remains.** Following  
2.18 completion of the hydrolyzation, the inurned hydrolyzed remains shall be released according  
2.19 to the instructions given on the written authorization to hydrolyze. If the hydrolyzed remains  
2.20 are to be shipped, they must be securely packaged and transported by a method which has  
2.21 an internal tracing system available and which provides for a receipt signed by the person  
2.22 accepting delivery. Where there is a dispute over release or disposition of the hydrolyzed  
2.23 remains, an alkaline hydrolysis facility may deposit the hydrolyzed remains with a court of  
2.24 competent jurisdiction pending resolution of the dispute or retain the hydrolyzed remains  
2.25 until the person with the legal right to control disposition presents satisfactory indication  
2.26 that the dispute is resolved. Alkaline hydrolysis facilities must follow the same procedures  
2.27 for release of hydrolyzed remains as other crematories, as specified in section 149A.95,  
2.28 subdivision 18a.

2.29 Sec. 3. Minnesota Statutes 2016, section 149A.95, subdivision 4, is amended to read:

2.30 Subd. 4. **Authorization to cremate required.** No crematory shall cremate or cause to  
2.31 be cremated any dead human body or identifiable body part without receiving written  
2.32 authorization to do so from the person or persons who have the legal right to control

3.1 disposition as described in section 149A.80 or the person's legal designee. The written  
3.2 authorization must include all of the following information:

3.3 (1) the name of the deceased and the date of death;

3.4 (2) a statement authorizing the crematory to cremate the body;

3.5 (3) the name, address, relationship to the deceased, and signature of the person or persons  
3.6 with legal right to control final disposition or a legal designee;

3.7 (4) the name, address, telephone number, and relationship to the deceased of the person  
3.8 or persons authorized to accept the cremated remains, as designated by the person or persons  
3.9 with legal right to control final disposition or a legal designee;

3.10 (5) certification that the body does not contain any implanted mechanical or radioactive  
3.11 device, such as a heart pacemaker, that may create a hazard when placed in the cremation  
3.12 chamber;

3.13 ~~(5)~~ (6) authorization to remove the body from the container in which it was delivered,  
3.14 if that container is not appropriate for cremation, and to place the body in an appropriate  
3.15 cremation container and directions for the disposition of the original container;

3.16 ~~(6)~~ (7) authorization to open the cremation chamber and reposition the body to facilitate  
3.17 a thorough cremation and to remove from the cremation chamber and separate from the  
3.18 cremated remains, any noncombustible materials or items;

3.19 ~~(7)~~ (8) directions for the disposition of any noncombustible materials or items recovered  
3.20 from the cremation chamber;

3.21 (8) (9) acknowledgment that the cremated remains will be mechanically reduced to a  
3.22 granulated appearance and placed in an appropriate container and authorization to place  
3.23 any cremated remains that a selected urn or container will not accommodate into a temporary  
3.24 container;

3.25 ~~(9)~~ (10) acknowledgment that, even with the exercise of reasonable care, it is not possible  
3.26 to recover all particles of the cremated remains and that some particles may inadvertently  
3.27 become commingled with disintegrated chamber material and particles of other cremated  
3.28 remains that remain in the cremation chamber or other mechanical devices used to process  
3.29 the cremated remains; and

3.30 ~~(10)~~ (11) directions for the ultimate disposition of the cremated remains.

4.1 Sec. 4. Minnesota Statutes 2016, section 149A.95, is amended by adding a subdivision to  
4.2 read:

4.3 Subd. 18a. Release of cremated remains form. Every crematory or other funeral  
4.4 establishment shall create a release of cremated remains form. The form shall include all  
4.5 of the following information for each decedent:

4.6 (1) the name of the deceased and the crematory identification number assigned to the  
4.7 body;

4.8 (2) the name of the crematory that performed the cremation;

4.9 (3) the name of the funeral establishment that handled the funeral arrangements;

4.10 (4) the name of the person representing the establishment who released the cremated  
4.11 remains;

4.12 (5) the name, address, and relationship to the decedent of the person authorized to receive  
4.13 the cremated remains as designated on the cremation authorization form;

4.14 (6) the date and time of when the remains were released; and

4.15 (7) the signature of the person or persons who accepted the cremated remains. All persons  
4.16 on the cremation authorization form authorized to accept the cremated remains must sign  
4.17 before the remains can be released.