

2023 -- H 6045

LC001335

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- FUNERAL DIRECTOR/EMBALMER  
AND FUNERAL SERVICE ESTABLISHMENTS

Introduced By: Representatives McGaw, Ajello, Kazarian, Place, Kislak, Craven,  
Speakman, Cotter, Sanchez, and Carson

Date Introduced: March 03, 2023

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. The title of Chapter 5-33.2 of the General Laws entitled "Funeral  
2 Director/Embalmer and Funeral Service Establishments" is hereby amended to read as follows:

3 ~~CHAPTER 5-33.2~~

4 ~~Funeral Director/Embalmer and Funeral Service Establishments~~

5 CHAPTER 5-33.2

6 FUNERAL DIRECTOR/EMBALMER, FUNERAL SERVICE ESTABLISHMENTS AND

7 NATURAL ORGANIC REDUCTION

8 SECTION 2. Sections 5-33.2-1 and 5-33.2-4 of the General Laws in Chapter 5-33.2 entitled  
9 "Funeral Director/Embalmer and Funeral Service Establishments" are hereby amended to read as  
10 follows:

11 **5-33.2-1. Definitions.**

12 As used in this chapter:

13 (1) "Board" means the state board of funeral directors/embalmers.

14 (2) "Cemetery agency" means any agency defined in § 23-18-1 responsible for the disposal  
15 or burial of deceased human beings, by cremation, natural organic reduction or in a grave,  
16 mausoleum, vault, columbarium or other receptacle but does not include a family cemetery  
17 corporation or a private cemetery corporation.

18 ~~(2)~~(3) "Cremation" means a two-part (2) procedure where a dead human body or body parts

1 are reduced by direct flames to residue that includes bone fragments and the pulverization of the  
2 bone fragments to a coarse powdery consistency.

3 (4) "Cremation authorization" and "natural organic reduction authorization" mean the  
4 crematory or natural organic reduction form authorizing a cremation or natural organic reduction  
5 which is signed by the next of kin or authorizing agent, this crematory or natural organic reduction  
6 form must be a separate document and cannot be a part of another form or document.

7 (5) "Cremation permit" and "natural organic reduction permit" mean the burial and removal  
8 permit required pursuant to this section that is annotated for disposition of the remains of a deceased  
9 human being by cremation or natural organic reduction.

10 ~~(3)~~(6) "Department" means the Rhode Island department of health.

11 ~~(4)~~(7) "Division" means the division of professional regulation created under chapter 26 of  
12 this title.

13 ~~(5)~~(8) "Embalmer" means any person who has completed an internship; full course of study  
14 at an accredited mortuary science school; has passed the national board examination; and is  
15 engaged in the practice or profession of embalming, as defined in this section.

16 ~~(6)~~(9) "Embalming" means the practice, science, or profession of preserving, disinfecting,  
17 and preparing in any manner dead human bodies for burial, cremation, natural organic reduction,  
18 or transportation.

19 ~~(7)~~(10) "Funeral" means a period following death in which there are religious services or  
20 other rites or ceremonies with the body of the deceased present.

21 ~~(8)~~(11)(i) "Funeral directing" means:

22 (A) Conducting funeral services; or

23 (B) The arrangement for disposition of dead human bodies, except in the case of any  
24 religion where the preparation of the body or the provision of funeral services should be done  
25 according to religious custom or belief.

26 (ii) Only funeral directors/embalmers working for a licensed funeral establishment are  
27 allowed to meet with families for the purpose of arranging funerals. Provided, that any person who  
28 assumed an ownership interest from his or her spouse or any widow or widower of a licensed  
29 funeral director who at the time of November 1, 1995, has been meeting with families to arrange  
30 for the conducting of funeral services is allowed to continue this practice.

31 ~~(9)~~(12) "Funeral director/embalmer" means any person engaged, or holding himself or  
32 herself out as engaged, in the practice or profession of funeral directing, and the science, practice,  
33 or profession of embalming as previously defined, including a funeral director of record, who may  
34 be a funeral director at more than one establishment or any other word or title intending to imply

1 or designate him or her as a funeral director/embalmer, undertaker, or mortician. The holder of this  
2 license must be the holder of an embalmer's license.

3 ~~(10)~~(13) "Funeral director/embalmer intern" means any person engaged in learning the  
4 practice or profession of funeral directing and the science, practice, or profession of embalming  
5 under the instruction and supervision of a funeral director/embalmer licensed and registered under  
6 the provisions of this chapter and actively engaged in the practice or profession of funeral directing  
7 and embalming in this state.

8 ~~(11)~~(14) "Funeral establishment" means a fixed place, establishment, or premises, licensed  
9 by the department, devoted to the activities that are incident, convenient, or related to the care and  
10 preparation, arrangement, financial and otherwise, for the funeral, transportation, burial, or other  
11 disposition of human dead bodies and including, but not limited to, a suitable room with all  
12 instruments and supplies used for the storage or preparation of dead human bodies for burial or  
13 other disposition.

14 ~~(12)~~(15) "Funeral merchandise" means those items that are normally presented for sale as  
15 part of the funeral home operation on a for-profit basis. These items include caskets, sealed,  
16 warranted outer-burial containers, and burial clothing. Not included are urns, grave markers, and  
17 non-sealed outer-burial containers. All persons engaged in the sale of funeral merchandise must  
18 comply with the provisions of chapter 33.1 of this title.

19 (16) "Holding facility" or "temporary storage facility" means an area that:

20 (i) Is designated for the retention of human remains prior to cremation or natural organic  
21 reduction;

22 (ii) Complies with all applicable public health laws;

23 (iii) Preserves the health and safety of the crematory or natural organic reduction facility  
24 personnel; and

25 (iv) Is secure from access by anyone other than authorized persons. The interior of such  
26 facility shall not be visible from any area accessible to the general public.

27 (17) "Natural organic reduction" means the contained, accelerated conversion of human  
28 remains to soil.

29 (18) "Natural organic reduction facility" means a structure, room, or other space in a  
30 building or real property where natural organic reduction of a human body occurs.

31 ~~(13)~~(19) "Person" includes individuals, partnerships, corporations, limited-liability  
32 companies, associations, and organizations of all kinds.

33 ~~(14)~~(20) "Practice of funeral service" means a person engaging in providing shelter, care,  
34 and custody of human dead remains; in the practice of preparing of the human dead remains by

1 embalming or other methods for burial or other disposition; in entering into a funeral service  
2 contract; engaging in the functions of funeral directing and/or embalming as presently known,  
3 including those stipulated within this chapter and as defined in the Federal Trade Commission  
4 “Funeral Rule.” The practice of conducting funeral services shall be conducted in the presence of  
5 a licensed funeral director/embalmer.

6 **5-33.2-4. Unlicensed practice unlawful.**

7 It is unlawful for any person to engage in, conduct, or hold himself or herself out as engaged  
8 in the practice of funeral directing, ~~and/or~~ embalming, and/or natural organic reduction, or of  
9 preparing for or disposing of dead human remains by any means in this state or preserving in any  
10 manner, dead human bodies, in this state, unless he or she holds a funeral director/embalmer’s  
11 license issued in accordance with the provisions of this chapter. It is unlawful for any person,  
12 partnership, association, corporation, limited-liability company, or other organization to open or  
13 maintain a place or establishment at which to engage in or conduct, or hold himself, herself, or  
14 itself out as engaging in or conducting, the business of funeral directing and/or natural organic  
15 reduction without that place or establishment being licensed under this chapter as a funeral  
16 establishment. Notwithstanding the provisions of this section, a person under the supervision of a  
17 licensed funeral director/embalmer is allowed to: fulfill duties not specifically prohibited by this  
18 chapter, and those duties allowed by the Federal Trade Commission funeral rule.

19 SECTION 3. Chapter 5-33.2 of the General Laws entitled "Funeral Director/Embalmer and  
20 Funeral Service Establishments" is hereby amended by adding thereto the following section:

21 **5-33.2-27. Natural organic reduction.**

22 (a) Whenever in the general or public laws, or any rule or regulation, any reference to  
23 "funeral director/embalmer and funeral service establishments" shall appear or "funeral service  
24 establishments" shall appear, it shall be deemed to mean and shall mean "funeral  
25 director/embalmer, funeral establishments and natural organic reduction."

26 (b) The process of natural organic reduction shall be subject to the standards set forth in §  
27 5-33.2-4.

28 (c) All crematories or natural organic reduction facilities shall be subject to inspection by  
29 the Rhode Island department of health. Upon inspection, the crematory or natural organic reduction  
30 facility may be asked to produce any and all records for the operation and maintenance of the  
31 crematory or natural organic reduction facility. These records may include, but not be limited to,  
32 cremation or natural organic reduction authorizations, rules and regulations of the crematory or  
33 natural organic reduction facility, procedures as set forth in this section and the written procedure  
34 of the identification of remains.

1 (d) Additional requirements for incorporation of natural organic reduction facilities.

2 (1) Approval. A cemetery agency seeking the approval to operate a natural organic  
3 reduction facility shall submit for approval by the department of health the following:

4 (i) A list of the directors, employees, and certificate holders of the cemetery corporation;

5 (ii) A certified survey of the site and location within the municipality it will be situated;

6 (iii) A business plan for the operation of the natural organic reduction facility to include,  
7 but not be limited to, number of expected natural organic reductions per year, number of natural  
8 organic reduction units, manufacture, capital costs, financing, anticipated number of employees, of  
9 types of services provided, pricing thereof;

10 (iv) A description of the impact of the proposed natural organic reduction facility on other  
11 natural organic reduction facilities, if any, within the municipality;

12 (v) Plans, designs, and costs of any structures to be erected or retrofitted for the natural  
13 organic reduction facility use; and

14 (vi) A description of any approvals or permits required by state or local law. No natural  
15 organic reduction facility shall be approved until such other approvals or permits have been  
16 obtained;

17 (2) Further information. Within thirty-five (35) days following receipt of the information  
18 required by subsection (b) of this section the department of health may request from the cemetery  
19 corporation any additional information or documentation and technical assistance deemed  
20 necessary to review such information. Such information shall not be deemed complete until the  
21 requested additional information has been received. If no such request is made, the submission shall  
22 be deemed complete on the thirty-fifth day after its receipt by the department of health;

23 (3) Determination. The department of health shall approve or deny the proposed natural  
24 organic reduction facility within ninety (90) days of the completed submission;

25 (4) Notification. The city or town shall provide written notice of its determination to the  
26 cemetery business. If a negative determination is made, such notice shall state the reasons therefor.  
27 Notice shall be made by registered or certified mail addressed to the cemetery business at its  
28 principal office.

29 (e) Natural organic reduction facility operations. Cemetery agencies that operate a natural  
30 organic reduction facility shall have the following duties and obligations:

31 (1) Maintenance and privacy:

32 (i) A natural organic reduction facility shall be maintained in a clean, orderly, and sanitary  
33 manner, with adequate ventilation and shall have a temporary storage area available to store the  
34 remains of deceased human beings pending disposition by natural organic reduction, the interior of

1 which shall not be accessible to the general public;

2 (ii) Entrances and windows of the facility shall be maintained at all times to secure privacy,

3 including:

4 (A) Doors shall be tightly closed and rigid;

5 (B) Windows shall be covered; and

6 (C) Entrances shall be locked and secured when not actively attended by authorized facility

7 personnel;

8 (2) Natural organic reduction process:

9 (i) The natural organic reduction process shall be conducted in privacy. No person except

10 authorized persons shall be admitted into the reduction area, holding facility, or the temporary

11 storage facility while the remains of deceased human beings are being naturally organically

12 reduced. Authorized persons, on admittance, shall comply with all rules of the cemetery agency

13 and not infringe upon the privacy of the remains of deceased human beings;

14 (ii) The following are authorized persons:

15 (A) Licensed, registered funeral directors, registered residents, and enrolled students of

16 mortuary science;

17 (B) Officers and trustees of the cemetery agency;

18 (C) Authorized employees or their authorized agents of the cemetery agency;

19 (D) Public officers acting in the discharge of their duties;

20 (E) Authorized instructors of funeral directing schools;

21 (F) Licensed physicians or nurses; and

22 (G) Members of the immediate family of the deceased and their authorized agents and

23 designated representatives;

24 (3) Identification of deceased human beings:

25 (i) No natural organic reduction facility shall naturally organically reduce the remains of

26 any deceased human being without the accompanying natural organic reduction permit, required

27 pursuant to § 5-33.2-1, which permit shall constitute presumptive evidence of the identity of the

28 remains. From the time of such delivery to the natural organic reduction facility, until the time the

29 natural organic reduction facility distributes the remains as directed, the facility shall be responsible

30 for the remains of the deceased human being. Further, a natural organic reduction authorization

31 form shall accompany the permit required in § 5-33.2-1. This form, provided or approved by the

32 facility, shall be signed by the next of kin or authorizing agent attesting to the permission for the

33 natural organic reduction of the deceased, and disclosing to the natural organic reduction facility

34 that such body does not contain a battery, battery pack, power cell, radioactive implant, or

1 radioactive device, if any, and that these materials were removed prior to the natural organic  
2 reduction process;

3 (ii) Upon good cause being shown rebutting the presumption of the identity of such  
4 remains, the natural organic reduction shall not commence until reasonable confirmation of the  
5 identity of the deceased human being is made. This proof may be in the form of, but not limited to,  
6 a signed affidavit from a licensed physician, a member of the family of the deceased human being,  
7 the authorizing agent or a court order from the state court within the county of the cemetery  
8 corporation;

9 (iii) The facility shall have a written plan to ensure that the identification established by  
10 the natural organic reduction permit accompanies the remains of the deceased human being through  
11 the natural organic reduction process and until the identity of the deceased is accurately and legibly  
12 inscribed on the container in which the remains are temporarily placed;

13 (4) Opening of a container holding the remains of the deceased human being:

14 (i) The remains of a deceased human being shall be delivered to the natural organic  
15 reduction facility in an alternative container or in external wrappings sufficient to contain the  
16 remains and also designed to fully decompose in the natural reduction process. Such alternative  
17 container or external wrappings holding the remains of the deceased human being shall not be  
18 opened after delivery to the natural organic reduction facility unless there exists good cause to  
19 confirm the identity of the deceased, or to ensure that no material is enclosed which might cause  
20 injury to employees or damage to natural organic reduction facility property, or upon reasonable  
21 demand by members of the immediate family or the authorized agent;

22 (ii) In such instances in which alternative container or wrappings are opened after delivery  
23 to the natural organic reduction facility such action shall only be conducted by the licensed funeral  
24 director or registered resident delivering the remains of the deceased human being and a record  
25 shall be made, which shall include the reasons for such action, the signature of the person  
26 authorizing the opening thereof, and the names of the person opening the container or wrappings  
27 and the witness thereto, which shall be retained in the permanent file of the natural organic  
28 reduction facility. The opening of the container or wrapping shall be conducted in the presence of  
29 the witness and shall comply with all rules and regulations intended to protect the health and safety  
30 of natural organic reduction facility personnel;

31 (5) Ceremonial casket natural organic reduction disclosure. In those instances in which the  
32 remains of deceased human beings are to be delivered to a natural organic reduction facility in a  
33 casket that is not to be naturally organically reduced with the deceased, timely disclosure thereof  
34 must be made by the person making the funeral arrangements to the natural organic reduction

1 facility that prior to natural organic reduction the remains of the deceased human being shall be  
2 transferred to an alternative container. Such signed acknowledgement of the authorizing person,  
3 that the timely disclosure has been made, shall be retained by the natural organic reduction facility  
4 in its permanent records;

5 (6) Transferring remains.

6 (i) The remains of a deceased human being shall not be removed from the casket,  
7 alternative container, or external wrappings in which it is delivered to the natural organic reduction  
8 facility unless explicit, signed authorization is provided by the person making funeral arrangements  
9 or by a public officer discharging his or her statutory duty, which signed authorization shall be  
10 retained by the natural organic reduction facility in its permanent records;

11 (ii) When the remains of a deceased human being are to be transferred to an alternative  
12 container, the transfer shall be conducted in privacy with dignity and respect and by the licensed  
13 funeral director or registered resident who delivered those remains. The transferring operation shall  
14 comply with all rules and regulations intended to protect the health and safety of facility personnel;

15 (7) Commingling human remains. The natural organic reduction of remains of more than  
16 one deceased human being in a reduction container at any one time is unlawful, except upon the  
17 explicit, signed authorization provided by the persons making funeral arrangements and the signed  
18 approval of the natural organic reduction facility which shall be retained by the natural organic  
19 reduction facility in its permanent records;

20 (8) Processing of remains:

21 (i) Upon the completion of the natural organic reduction of the remains of a deceased  
22 human being, the interior of the natural organic reduction container shall be thoroughly swept or  
23 otherwise cleaned so as to render the natural organic reduction container reasonably free of all  
24 matter. The contents thereof shall be placed into an individual container and not commingled with  
25 other remains. The natural organic reduction permit shall be attached to the individual container  
26 preparatory to final processing;

27 (ii) A magnet and sieve, or other appropriate method of separation, may be used to divide  
28 the remains from unrecognizable incidental or foreign material;

29 (iii) The incidental and foreign material of the natural organic reduction process shall be  
30 disposed of in a safe manner in compliance with all sanitary rules and regulations as byproducts;

31 (iv) The remains shall be pulverized until no single fragment is recognizable as skeletal  
32 tissue;

33 (v) The pulverized remains shall be transferred to a container or to multiple containers, if  
34 so requested in writing by the person making the funeral arrangements for the natural organic



1 reduction. Such container or containers shall have inside dimensions of suitable size to contain the  
2 remains of the person who was naturally organically reduced;

3 (vi) The prescribed container or containers shall be accurately and legibly labeled with the  
4 identification of the human being whose remains are contained therein, in a manner acceptable to  
5 the department of health;

6 (9) Disposition of remains. The authorizing agent shall be responsible for the final  
7 disposition of the remains. Disposition of remains resulting from the natural organic reduction  
8 process are not recoverable once scattered or interred. Remains shall be disposed of by scattering  
9 them in a designated scattering garden or area in a cemetery, or by prior authorization by the  
10 cemetery agency, by placing them in a grave, crypt, or niche, or retrieval of the remains pursuant  
11 to prior authorization by the authorizing agent or person specifically designated by the authorizing  
12 agent. Upon completion of the natural organic reduction process, the cemetery agency shall notify  
13 the authorizing agent and funeral firm making the arrangements that the natural organic reduction  
14 process has been completed and that the remains are prepared to be disposed of in accordance with  
15 this subsection. After disposition, the cemetery agency shall be discharged from any legal  
16 obligation or liability concerning the remains. If, after a period of one hundred twenty (120) days  
17 from the date of the natural organic reduction, the authorizing agent has not instructed the cemetery  
18 agency to arrange for the final disposition of the remains or claimed the remains, the cemetery  
19 corporation may dispose of the remains in any manner permitted by this section. The cemetery  
20 agency, however, shall keep a permanent record identifying the site of final disposition. The  
21 authorizing agent shall be responsible for reimbursing the cemetery agency for all reasonable  
22 expenses incurred in disposing of the remains. Upon disposing of the remains, the cemetery agency  
23 shall be discharged from any legal obligation or liability concerning the remains. Except with the  
24 express written permission of the authorizing agent, no person shall place remains of more than  
25 one person in the same temporary container or urn;

26 (10) Natural organic reduction facility operation certification. Any employee of a natural  
27 organic reduction facility whose function is to conduct the daily operations of the cremation or  
28 natural organic reduction process shall be certified by an organization approved by the department  
29 of health. Proof of such certification shall be posted in the natural organic reduction facility and  
30 available for inspection at any time. Any new employees of a natural organic reduction facility  
31 required to be certified under this section shall be certified within one year of their employment.  
32 Any employees of a natural organic reduction facility required to be certified under this section and  
33 retained prior to the effective date of this section shall be certified within one year of such effective  
34 date. Renewal of such certification shall be completed every five (5) years from the date of

1 [certification.](#)

2 SECTION 4. This act shall take effect upon passage.

=====  
LC001335  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- FUNERAL DIRECTOR/EMBALMER  
AND FUNERAL SERVICE ESTABLISHMENTS

\*\*\*

- 1           This act would provide for the creation, operation and duties of natural organic reduction
- 2 facilities as cemetery corporations for the contained, accelerated conversion of human remains to
- 3 soil.
- 4           This act would take effect upon passage.

=====  
LC001335  
=====