

Senate Judiciary Committee

Pete Mulvey 271-4063

SB 53-FN, relative to natural organic reduction of human remains.

Hearing Date: February 11, 2025

Time Opened: 1:37 p.m.

Time Closed: 2:15 p.m.

Members of the Committee Present: Senators Gannon, Altschiller and Reardon

Members of the Committee Absent : Senators Abbas and Carson

Bill Analysis: This bill allows for the natural organic reduction of human remains and provides for regulation of the practice.

Sponsors:

Sen. Innis

Sen. Watters

Who supports the bill: 15 individuals signed in support of SB 53-FN. Contact Pete Mulvey (peter.mulvey@gc.nh.gov).

Who opposes the bill: Five individuals signed in opposition to SB 53-FN. Contact Pete Mulvey (peter.mulvey@gc.nh.gov) for further details.

Who is neutral on the bill: One person signed in as neutral for SB 53-FN. Contact Pete Mulvey (peter.mulvey@gc.nh.gov) for further details.

Summary of testimony:

Senator Daniel Innis

Senate District 7

- Senator Innis testified that he and his husband adhered to environmentalist principles.
- Senator Innis noted that his husband, Spencer, explained that he did not wish to be buried or burned.
- Senator Innis explained that SB 53-FN would legalize the process of natural organic human reduction after death and provide an alternative option to burial or cremation.
- He argued that natural organic human reduction is an environmentally friendly, sustainable deathcare option.
- He described that Natural organic human reduction uses engineered processes to accelerate soil-based decomposition of humans.

- The process of Natural Organic reduction is legal in 12 states and is elective, meaning no one is forced to use it.
- Senator Innis suggested that New Hampshire citizens should continue to live free after they die.
- Sen. Gannon asked if the process will take place in certain areas.
- Sen. Innis stated that the answer to Sen. Gannon's question will be elaborated on by later speakers.
 - He noted that heat and pressure are necessary for the process which requires specialized equipment.

Peter Morin

Executive Director, New Hampshire Funeral Director's Association (NHFDA)

- Mr. Morin testified that his association was neutral regarding SB 53-FN.
- He noted that similar proposals were contemplated in the legislature in 2024.
- Mr. Morin explained that Natural Organic Reduction is a euphemism for human composting.
- Mr. Morin testified that the NHFDA's primary concerns are that the organic natural reduction process occurs within a stainless-steel case with heat and pressure, and if the specified time frame for reduction was sufficient to truly compost the body into soil.
- He noted that soil or not, the results of the process are human remains.
 - Additionally, he stated that after 4-8 weeks bones are still intact and will need to be removed prior to dispersal.
- Mr. Morin argued that natural organic reduction raises issues relative to disease control, water, and air quality.
- He contended that the use of composted human remains is not permitted in the production of foods according to the USDA.
- Further, he noted, that neighboring states have approved, and are in the process of regulating, but have yet to implement a natural organic reduction program.
- He pointed out that the EPA and USDA have placement and disposal requirements for human compost.
- Mr. Morin explained that there is a lot about the funeral trade that is generally misunderstood.
 - For instance, New Hampshire's current cremation rate is 80% of all deaths, while the other 20% are buried, donated, etc.
 - As a result, he questions whether there is enough of a demand for natural organic reduction to make it practical.
- He noted that the NHFDA is a watchdog for the citizens of New Hampshire, and as such, the organization is concerned that the process will not be regulated enough under SB 53-FN.
 - He stated that much of the language and information within the bill was directly pulled from the cremation statute.
 - Mr. Morin contended such action was not appropriate.
 - He also noted that the fee structure cannot be in statute because it is rule making and subject to change.

- Mr. Morin explained that a ban was imposed on the practice of alkaline hydrolysis years ago, which is a similar process to what is used in natural organic reduction.
- He reiterated that the association wants to make sure regulation regarding natural organic reduction is done well so that there is no need to come back later to fix what should have been taken of at present.
- Mr. Morin testified that the NHFDA requests that, if approved, the bill provide language to lift the ban on alkaline hydrolysis as well.
 - Alkaline Hydrolysis is similar to natural organic reduction.
- Sen. Altschiller clarified that NH had an 80% cremation rate.
 - Mr. Morin replied that it did and the rate continues to climb.
- Sen. Altschiller noted that a lot of people choose cremation to avoid taking up space for burial. She asked if this process would be another option to meet that parameter. She noted that if there were PFAS that remained in the body through natural organic reduction, they do not dissipate in cremation either. She asked if the NHFDA's objections are that the rules should be a bit more detailed and tighter.
 - Mr. Morin stated that they are, they support the concept and just want tighter rules.

David Bryant

Licensed funeral director and embalmer

- Mr. Bryant stated that he does not morally oppose natural organic reduction.
- He noted that the proper handling of the deceased is sacred and paramount.
 - Additionally, he argued that the process should be effective, dignified and respectful of public trust.
- Mr. Bryant testified that there are many unanswered questions which need to be addressed before going further with legislation.
- Mr. Bryant was adamant that there is little to no demand for these services in the state.
- He stated that changes in the law relative to disposition of the deceased are necessary and should be driven by clear societal shift and necessity.
- Mr. Bryant explained that cremations once accounted for 5% of after-death options nationally and are now well over 50%.
- He noted that cremated remains take up a small amount of space while natural organic reduction produces several yards of material.

Norah Shannon Planck

Earth Funeral

- Ms. Planck testified in Support of SB 53 which she referred to as the live free and die free act.
- She stated that she first learned of natural organic reduction in 2013.
- According to Ms. Planck, Washington was the first state to legalize the process in 2019 followed by Maine, Vermont, and Massachusetts.
- She argued that people deserve more than burial or cremation for after-death options.

- Ms. Planck testified that cremations use the same amount of fossil fuels as a 500–600-mile car trip.
- She noted that the first cremation was met with hostility in the US as well, however, she argued that societal norms have changed.
- Ms. Planck observed that an open casket is common practice for some people, while considered ghoulish by others.
- Ms. Planck stated that what is morbid and what is respectful changes over time and noted that that people want to embody their personal values beyond the grave as well.
 - She explained that the natural organic reduction process is not being advocated as a method for all people, but simply for those who want it in New Hampshire.
- She concluded that people should not have to travel hundreds of miles to seek the deathcare option of their preference.

Michael Vlacich

Earth Funeral

- Mr. Vlacich testified that Earth Funeral is in support of SB-53.
- He noted that the idea of being cremated has changed and adapted overtime.
- Mr. Vlacich explained that Earth Funeral is a licensed funeral home founded in 2020 that provides the option of natural organic reduction to its patrons.
 - Earth funeral has served over 1500 families.
- He argued that natural organic reduction is a safe, dignified process which changes a human body into a soil amendment.
 - Specially engineered vessels promote decomposition and ensure no chemicals are used.
 - He stated that the process takes about a month.
- Mr. Vlacich testified that families receive all or a portion of the soil produced depending on their choice, and may then choose to donate the soil to be used for forest regeneration projects or other trusted conservation projects.
- He stated that SB 53 is an enabling legislation that provides the regulatory framework and structure to allow the deathcare option to be available to consumers.
- Mr. Vlacich stated that ultimately this bill is a matter of consumer choice.
- Sen. Gannon asked what happens with the bones in the process.
 - Mr. Vlacich responded that the bones are disposed and recycled in the same way cremated remains are, in compliance with traditional environmental rules.
 - He noted that a more precise explanation can be provided.
- Sen. Gannon followed up by asking if the bones would still be present.
 - Mr. Vlacich stated that he will look into it and get a more solid answer.
- Sen. Altschiller noted that human composting is different than what is considered traditional composting. She asked if the 45-day process decomposes all of the human material into soil.
 - Mr. Vlacich responded that he will seek an answer, but noted that the natural organic reduction process is very similar to cremation.

- He explained that SB-53 is not the same as the house bill that was proposed last year.
- Earth Funeral opposed the previous bill on the grounds that the bill was too broad.

State Rep. Jessica Lamontagne

Strafford District 17

- Representative LaMontagne noted that she was the prime sponsor of last year's legislation in the House.
- She argued that the rules regarding the handling of the body, in the case of natural organic reduction, are very similar as regulations regarding a body being sent to a crematorium.
 - She explained that very careful documentation and chain of custody rules are used as well.
- Rep. LaMontagne stated that bones are largely still intact in the use of cremation as well.
 - Natural organic reduction would use the same equipment to pulverize and incorporate the bone remnants with reduced bodily remains.
- She noted that the USDA is not involved with the regulation of cremated ashes.
 - Within the language of the bill is a requirement that the soil produced from natural organic reduction not be used for food production.
- Rep. LaMontagne said there aren't issues with disease or pathogens.
 - Soil is carefully tested where natural organic reduction is being practiced.
- She also stated that demand for the service will increase once it becomes available.
 - People want burials, or in this case final disposition, to be close to home.
- Rep LaMontagne testified that she first became interested in the process because of a family friend who had used Green Burial in Vermont.
 - It felt natural for one's body to go back to the earth.
- She also explained that individuals cannot have a natural burial in the winter without the use of fossil fuels to thaw the ground first
 - Natural organic reduction, she argued, is a way to have a natural burial even in the winter.
- Rep. LaMontagne stated that she would not recommend adding an amendment to the bill to legalize the use of alcohol hydrolysis.
 - The intent of that suggestion is not helpful and would be detrimental to the success of the bill.
 - She argued that she is not interested in seeing bodies dissolved in lye and noted that it is a very different process.
- Rep. LaMontagne closed by quoting a Joni Mitchell song.

Deanna Jurius

Deputy Director OPLC

- Ms. Jurius testified that OPLC is not taking a position on policy the decision regarding the burial of the dead.
- She suggested amendments regarding conflicts with statute.
 - She stated that her general counsel could provide the committee with some guidance as a sponsor of process changes such as requiring a five-year license for facilities using NOR and inspection requirements.

PM

Date Hearing Report completed: February 18, 2025