HB 1324-FN - AS INTRODUCED

2024 SESSION

24-2427
10/08

HOUSE BILL ***1324-FN***

AN ACT relative to green burials and authorizing the natural organic reduction of human remains.

SPONSORS: Rep. LaMontagne, Straf. 17; Rep. Schapiro, Ches. 16; Rep. Darby, Hills. 11; Rep. Lloyd, Hills. 8; Rep. Vail, Hills. 6; Rep. Knab, Rock. 12; Rep. Dunn, Rock. 16

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill establishes scattering gardens and memorial forests as green burial locations, and establishes the regulation under the board of funeral directors and embalmers of natural organic reduction of human remains.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

24-2427
10/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to green burials and authorizing the natural organic reduction of human remains.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Cemeteries; Burials; Definitions Added. Amend RSA 289:1 by inserting after paragraph VIII the following new paragraphs:

IX. "Natural burial" means the internment of un-embalmed human remains or human remains embalmed using nontoxic embalming fluids and that rest in a nontoxic, nonhazardous, plant-derived disposition container or shroud.

X. "Cremated remains" means remains of a deceased person after incineration in a crematory disposition facility.

XI. "Natural organic reduction" means the contained, accelerated conversion of human remains to soil.

XII. "Natural organic reduction soil" means the results of performing natural organic reduction.

XIII. "Natural burial ground" means a cemetery maintained using ecological land management practices and without the use of vaults for the natural burial of human remains.

XIV. "Scattering" means the lawful dispersion of cremated or reduced remains that need not be associated with an interment right or issuance of a deed, and that may be recorded only as a service that has taken place and may not be recorded on the permanent records of the cemetery, land trust, or private property.

XV. "Scattering garden or memorial forest" means a location set aside within a municipal, religious, or private cemetery, or on land protected by a conservation trust, or other public or private land, that is used for the spreading or broadcasting of cremated remains or natural organic reduction soil. The cremated remains or natural organic reduction soil have been removed from their container, can be mixed with or placed on top of the soil or ground cover, or buried on a commingled basis, and that are nonrecoverable.

2 New Paragraph; Cemeteries and Burial Grounds; Locations. Amend RSA 289:3 by inserting after paragraph IV the following new paragraph:

V. Scattering gardens and memorial forests shall comply with the requirements for cemeteries and burial grounds in this section.

3 New Section; Cemeteries and Burial Grounds; Scattering Gardens and Memorial Forests. Amend RSA 289 by inserting after section 23 the following new section:

289:24 Scattering Gardens and Memorial Forests.

I. Cremated remains or natural organic reduction soil may be scattered anywhere at no cost with permission of the property owner.

II. Scattering gardens and memorial forests that accept cremated remains or natural organic reduction soil from unrelated persons, shall:

(a) Be owned, managed, or controlled by any municipality within this state or owned and managed by a nonprofit corporation;

(b) Be on land protected by deed, trust, or easement from future development; and

(c) Follow best practices as defined by the department of environmental services for the protections of water, plant, and soil resources.

4 Reference Added; Board of Registration of Funeral Directors and Embalmers. Amend RSA 325:8-a to read as follows:

325:8-a Board Duty; Crematory Licensing. The board shall be responsible for the administration and enforcement of RSA 325-A relative to the cremation of human remains ***and RSA 325-B, relative to natural organic reduction of human remains***.

5 New Chapter; Natural Organic Reduction of Human Remains. Amend RSA by inserting after chapter 325-A the following new chapter:

CHAPTER 325-B

NATURAL ORGANIC REDUCTION OF HUMAN REMAINS

325-B:1 Definitions. In this chapter:

I. "Natural organic reduction" means the contained, accelerated conversion of human remains to soil, hereinafter referred to as NOR.

II. "Board" means the state board of registration of funeral directors and embalmers established under RSA 325:2.

III. "Disposition container" means a container in which human remains are placed and means a container made of wood, wicker, grass, cardboard, or other bio-degradable container, or a shroud made of cotton, linen, wool, hemp or other woven plant material.

IV. "Casket" means a rigid container made of wood, metal, or other similar material, ornamented and lined with fabric, which is designed for the encasement of human remains.

V. "Natural organic reduction soil" means the results of performing NOR on a deceased person.

VI. "Reduced remains" means the residue of human remains recovered after or during the NOR process, and the further processing of such remains by pulverization, leaving only bone fragments reduced to unidentifiable dimensions which are then added back to the NOR soil.

VII. "Natural organic reduction chamber" means the enclosed space within which NOR will take place.

VIII. "Natural organic reduction facility" means a building or structure or a room or other space in a building or structure or real property where NOR is facilitated and occurs.

IX. "Natural organic reduction authority" means the legal entity subject to licensure by the board to maintain and operate a NOR facility and perform NOR.

X. "Natural organic reduction operator" means a person who is responsible for the operation of a natural organic reduction.

XI. "Authorizing agent" means a person vested with the right to control the disposition of human remains pursuant to RSA 290.

XII. "NOR delivery receipt form" means a form provided by a funeral establishment to a NOR facility to document the receipt of human remains by such authority for the purpose of NOR.

XIII. “Natural organic reduction soil receipt form" means a form provided by a reduction facility to an authorizing agent or his or her representative that identifies the NOR soil, and the person authorized to receive some or all of the soil.

XIV. “Natural organic reduction certificate” is a document provided by the NOR certifying NOR has been complete on a specified deceased person.

XV. "Funeral director" means funeral director as defined in RSA 325.

XVI. "Holding facility" means the area of a NOR facility designated for the retention of human remains prior to NOR and includes a refrigerated facility.

XVII. "Human remains" means the body of a deceased person, or a human body part, in any stage of decomposition and includes limbs or other portions of the anatomy that are removed from a person or human remains for medical purposes during treatment, surgery, biopsy, autopsy, or medical research.

XVIII. "Temporary container" means a receptacle made of cardboard, plastic, or other similar material in which NOR soils are placed prior to scattering.

325-B:2 Natural Organic Reduction Facility; License Required. A NOR facility shall not be established, operated, or maintained in this state except by a natural organic reduction authority licensed by the board under RSA 325. The board shall issue a license to a NOR authority that satisfies the requirements for licensure under the chapter. Human remains shall not be naturally organically reduced in this state except at a NOR facility operated by a NOR authority licensed under this chapter.

325-B:3 Building and Location Requirements.

I. A NOR facility shall conform to all building codes and environmental regulations.

II. A NOR facility may be constructed at any location consistent with applicable zoning and environmental regulations.

III. A person intending to construct a NOR facility shall, upon application for a building permit, provide notice of the intent to all owners of property within 250 feet of the proposed facility by verified mail, as defined in RSA 21:53.

325-B:4 License; Application; Requirements. An applicant for an initial or renewal license as a NOR authority shall file a written application with the board and shall set forth the full name and

address of the applicant, the address and location of the NOR facility, name of the NOR operator, the name and address of the owner of the facility, and additional information as required by the board, including affirmative evidence of the applicant's ability to comply with rules adopted under this chapter. The application shall include the applicant's social security number if the applicant is an individual. The social security number shall not be public record and shall only be used for administrative purposes.

325-B:5 License; Expiration. Except as otherwise provided in this chapter, NOR licenses issued pursuant to this chapter shall expire 5 years after the date of issuance. Licenses shall be issued only for the NOR authority named in the application and shall not be transferable or assignable.

325-B:6 Change in Location, Ownership, or Name.

I. A NOR authority desiring to relocate a NOR facility shall file a written application with the board at least 30 days prior to the designated date of such relocation. The application shall be accompanied by a fee as determined in rules adopted under RSA 541-A.

II. A NOR authority desiring to change ownership of a NOR facility shall file a written application with the board at least 30 days prior to the designated date of such change. The application shall be accompanied by a fee as determined in rules adopted under RSA 541-A.

III. A NOR authority desiring to change its name shall file a written application with the board at least 30 days prior to such change. The application shall be accompanied by a fee as determined in rules adopted under RSA 541-A.

325-B:7 Licensure; Fees.

I. The application for an initial or renewal license as a NOR authority shall include a fee determined in rules adopted under RSA 541-A.

II. If the license application is denied, the license fee shall be returned to the applicant, except that the board may retain an administrative fee and may retain the entire license fee if an inspection has been completed prior to such denial.

III. The office of professional licensure and certification shall collect a fee for reinstatement of a license that has lapsed or has been suspended; for a duplicate original license; and for a certified statement that a natural organic reduction authority is licensed in this state.

IV. All fees collected by the office of professional licensure and certification under this chapter shall be deposited pursuant to RSA 310:5.

325-B:8 Inspection; Board; Duties; Authority for Appointments.

I. The board, through the office of professional licensure and certification, shall at least once every 3 years inspect or provide for the inspection of any NOR facility operated by a NOR authority licensed under this chapter in such manner and at such times as provided in rules adopted by the board.

II. The board shall issue an inspection report and provide a copy of the report to the NOR authority within 10 working days after the completion of an inspection. The board shall review any findings of noncompliance contained in such report within 20 working days after such inspection.

III. If the board determines, after such review, that the evidence supports a finding of noncompliance by a NOR authority with any applicable provisions of this chapter or rules adopted under this chapter, the board may send a letter to the NOR authority requesting a statement of compliance. The letter shall include a description of each alleged violation, a request that the NOR authority submit a statement of compliance within 10 working days, and a notice that the board may take further action if the statement of compliance is not submitted. The statement of compliance shall indicate any actions by the NOR authority which have been or will be taken and the period of time estimated to be necessary to correct each alleged violation. If the NOR authority fails to submit such statement of compliance or fails to make a good faith effort to correct the alleged violations, the board may take further action as provided in this chapter.

325-B:9 Deny or Refuse to Renew License; Grounds. The board may deny or refuse to renew a license under this chapter or take disciplinary action against a NOR authority licensed under this chapter as provided in RSA 325-A:12 on any of the following grounds:

I. Violation of this chapter or rules adopted and pursuant to this chapter;

II. Conviction of any crime involving moral turpitude;

III. Conviction of a misdemeanor or felony under state law, federal law, or the law of another jurisdiction which, if committed within this state, would have constituted a misdemeanor or felony and which has a rational connection with the fitness or capacity of the NOR authority to operate a crematory;

IV. Conviction of a violation pursuant to RSA 325-A:15;

V. Obtaining a license as a NOR authority by false representation or fraud;

VI. Misrepresentation or fraud in the operation of a NOR facility; or

VII. Failure to allow access by an agent or employee of the board to a NOR facility operated by the NOR authority for the purposes of inspection, investigation, or other information collection activities necessary to carry out the duties of the board.

325-B:10 License Reinstatement or Re-licensure.

I. If the license of a NOR authority has lapsed for nonpayment of fees, such license shall be eligible for reinstatement at any time upon application to the board and payment of the applicable fee as provided in RSA 325-A:7.

II. If the license of a NOR authority has been placed on probation, such license shall be eligible for reinstatement at the end of the period of probation upon successful completion of an inspection if the board determines an inspection is warranted.

III. If the license of a NOR authority has been suspended, such license shall be eligible for reinstatement at the end of the period of suspension upon successful completion of an inspection and payment of the applicable fee as provided in RSA 325-A:7.

IV. If the license of a NOR facility has been suspended, such license may be reinstated by the board prior to the completion of the term of suspension upon petition by the licensee. After reviewing such petition and any material submitted by the licensee with such petition, the board may order an inspection or investigation of the licensee. Based on such review and such inspection or investigation, if any, the board shall grant full reinstatement of the license, modify the suspension, or deny the petition for reinstatement. The board's decision shall become final 30 days after mailing the decision to the licensee unless the licensee requests a hearing within such period. Any requested hearing shall be held according to rules of the board.

V. If the license of a NOR authority has been revoked, such NOR authority shall not be eligible for re-licensure until 5 years after the date of such revocation. A reapplication for an initial license may be made by the NOR authority at the end of such 5-year period.

325-B:11 Acts Prohibited; Penalty.

I. Maintaining or operating a NOR facility in violation of this chapter or any rules of the board is a public nuisance and may be abated as a nuisance as provided by law.

II. It shall be a felony to establish, operate, or maintain a NOR facility subject to this chapter without being licensed as a NOR authority under this chapter, to hold oneself out to the public as a NOR authority without being licensed, or to perform natural organic reduction without a NOR authorization form signed by the authorizing agent and a completed permit for transit or NOR as provided by the board or a NOR permit.

III. Signing a NOR authorization form with actual knowledge that the form contains false, incorrect, or misleading information is a felony.

IV. A violation of any other provision of this chapter is a misdemeanor.

325-B:12 Injunctions. The board may maintain an action in the name of the state for an injunction against any person for establishing, operating, or maintaining a NOR facility without first obtaining a license as a NOR authority under this chapter. In charging any defendant in a complaint in such action, it shall be sufficient to charge that such defendant did, upon a certain day and in a certain county, establish, operate, or maintain a NOR facility without obtaining a license as a NOR authority under this chapter, without alleging any further or more particular facts concerning the same.

325-B:13 Right to Authorize Natural Organic Reduction. The right to authorize the NOR of human remains and the final disposition of the NOR soil, except in the case of a minor and unless other directions have been given by the decedent in the form of a testamentary disposition or a pre-need contract, vests pursuant to RSA 290.

325-B:14 Medical Examiner's Certificate.

I. The body of a deceased person shall not be enclosed in a NOR chamber within 48 hours after death. If the death occurred within the state, the NOR process should not begin until the NOR authority has received the certificate of burial permit required by law before burial, and a certificate from a medical examiner that he or she has viewed the body and made personal inquiry into the cause and manner of death, and is of the opinion that no further examination or judicial inquiry concerning the same is necessary. If the death occurred within the state but the body is being transferred out of state for NOR, the transfer shall not occur until the medical examiner has conducted such a view and inquiry and has issued a certificate. If the death occurs without the state, the reception and NOR of the body of a deceased person shall be governed by rules adopted by the board after consultation with the chief medical examiner.

II. The NOR authority shall forward a copy of the NOR certificate, if requested, to the office of the chief medical examiner, accompanied by a $60 fee. The fee shall be deposited in the medico-legal investigative fund established pursuant to RSA 611-B:28.

325-B:15 Natural Organic Reduction Authority.

I. A NOR authority upon receiving human remains shall sign a delivery receipt form and shall hold the human remains, prior to NOR, as provided in this section. The form shall include the name of the deceased, the time and date of delivery of such remains, and the signatures of the operator of the NOR facility or his or her representative and the funeral director or his or her representative, or the next-of-kin or designated agent as provided in RSA 290.

II. If the NOR authority is unable to being the NOR process immediately upon taking receipt thereof, the NOR shall place the remains in a holding facility. A holding facility shall be designed and constructed to comply with all applicable public health laws, provide for the health and safety of persons employed at such facility, and prevent any unauthorized access to such facility.

III. If the NOR operator is unable to begin the NOR process with 24 hours from the time of receipt of body, the human remains must be placed within a refrigerated facility in accordance with the laws of this state.

IV. A NOR authority may refuse to accept for holding a disposition container from which there is any evidence of leakage of body fluids from the remains in the container.

V. A NOR authority may refuse to accept for holding or refuse to process a body which has been embalmed.

325-B:16 Natural Organic Reduction Operation; Limitations.

I. The NOR authority may restrict access to a NOR facility while any human remains are in the holding facility awaiting placement in a NOR chamber.

II. The human remains of more than one person shall not simultaneously undergo NOR within the same NOR chamber unless the NOR authority has received specific written authorization from the authorizing agent for the human remains to be so reduced.

325-B:17 Natural Organic Reduction Authority; Requirements.

I. A NOR authority shall not accept human remains for NOR without a proper label placed on the exterior of the disposition container indicating the name of the deceased and the name and location of the funeral establishment, or the name of the next-of-kin or designated agent as provided in RSA 290.

II. The NOR authority may refuse to accept human remains for NOR if the human remains are delivered to the NOR authority in a disposition container not suitable for the NOR process. If human remains are delivered to a NOR facility in an additional casket or disposition container that cannot be placed in the NOR chamber, the NOR operator shall remove the body from the casket or incompatible container. The incompatible container shall be disposed and an appropriate disposition container provided for transfer of human remains to the NOR chamber.

325-B:18 Natural Organic Reduction Authorization Form.

I. A NOR authority shall not place human remains in a NOR chamber until it has received a NOR authorization form as provided in paragraph II, a completed and executed permit for transit or NOR as provided by the board or the appropriate permit from the state from which the human remains were delivered, indicating that the human remains are to be prepared for NOR, and a delivery receipt form.

II. A NOR authorization form shall be signed by the authorizing agent and shall include, but not be limited to, the following information:

(a) The name of the deceased;

(b) Date and place of death;

(c) The identity of the funeral director involved in the preparation of the human remains for NOR, if any;

(e) The name of the authorizing agent and the relationship between the authorizing agent and the deceased;

(f) Authorization by the authorizing agent for the NOR authority to process the remains in NOR;

(g) A representation that the authorizing agent is aware of no objection to the human remains being naturally, organically reduced by any person who has a right to control the disposition of the human remains;

(h) A representation that the human remains do not contain any material, implants, or conditions that may be potentially hazardous to equipment or persons operating the NOR facility;

(i) The name of the person authorized to claim the part or all of the reduced remains from the NOR authority; and

(j) The intended disposition of the reduced remains.

III. A NOR authority shall retain, for at least 7 years after the NOR, in printed or electronic format with suitable backup, copies of the NOR authorization form, permit for transit or NOR as

provided by the permit, NOR remains receipt form, delivery receipt form, and any other records required under this chapter.

325-B:19 Signature.

I. Any person signing a NOR authorization form shall be deemed to warrant the truthfulness of any facts set forth on such form, including the identity of the deceased whose remains are sought to be naturally organically reduced and the authority of the person to authorize such NOR. Any person signing a NOR authorization form is personally liable for all damages resulting from false, incorrect, or misleading information contained on such form.

II. A NOR authority may prepare human remains for NOR upon the receipt of a NOR authorization form signed by an authorizing agent and a completed and executed permit for transit or NOR or NOR permit as required by law.

325-B:20 Removal of Foreign Objects.

I. No human remains shall be placed in an NOR chamber with the knowledge that the human remains contain jewelry or other valuables unless authorized by the authorizing agent. The authorizing agent shall take all necessary steps to ensure that any jewelry or other valuables are removed prior to NOR. If the authorizing agent informs the funeral director and the NOR authority on the NOR authorization form of the presence of jewelry or other valuables on the human remains, the funeral director shall ensure that all necessary steps have been taken to remove the jewelry or other valuables before delivering the human remains to the NOR facility. A funeral director who knowingly fails to ensure the removal of the jewelry or other valuables prior to delivery and who knowingly delivers such human remains shall be liable for any damages resulting from such failure. If human remains with jewelry or other valuables are in the custody of a NOR authority, such authority shall provide for the removal of such jewelry or other valuables by a licensed funeral director and embalmer or his or her agent.

II. Foreign objects within the human remains, such as artificial limbs and implants will be removed at late stages of the NOR process.

325-B:21 Disputes.

I. If a NOR authority or funeral establishment is aware of any dispute concerning the NOR of human remains, or has a reasonable basis to believe that such a dispute exists or to question any of the representations made by the authorizing agent with respect to such remains, until the NOR authority receives a court order that a dispute with respect to such remains has been settled, the NOR authority or funeral establishment may refuse to accept such human remains for NOR or to perform a NOR of such remains.

II. If a NOR authority or funeral establishment is aware of any dispute concerning the release or disposition of NOR soil, the NOR authority or funeral establishment may refuse to release NOR soil until the dispute has been resolved or the NOR authority or funeral establishment has been provided with a court order authorizing the release or disposition of the NOR soil.

325-B:22 Natural Organic Reduction Soil; How Treated.

I. Insofar as is possible, upon completion of the NOR, all of the recoverable NOR soil of the NOR shall be removed from the NOR chamber and any foreign matter or anything other than bone fragments shall be removed from such residue and shall be disposed of by the NOR authority. The remaining bone fragments shall be processed by pulverization so as to reduce the fragments to unidentifiable particles and returned to the NOR soil. This paragraph shall not apply when the commingling of human remains during NOR is otherwise authorized by law. The presence of incidental and unavoidable residue in the NOR chamber from a prior NOR is not a violation of this paragraph.

II. Some or all of the reduced remains with proper identification shall be placed in a container selected or provided by the authorizing agent or their representative. If the authorizing agent chooses, some or all of the NOR soil may be stored at the facility to be later scattered at a location selected by the NOR authority. The authorizing agent must consent to the NOR soil being scattered and the NOR authority must disclose how and where the NOR soil will be placed. The authorizing agent must consent to the NOR soil being intermixed with other NOR soil.

III. If any NOR soil is to be shipped, the container shall be packed securely in a suitable shipping container that complies with the requirements of the shipper. Unless otherwise directed in writing by the authorizing agent, NOR soil shall be shipped only by a method which includes an internal tracking system and which provides a receipt signed by the person accepting delivery of it.

IV. Some or all of the NOR soil shall be delivered or released by the NOR authority to the representative specified by the authorizing agent on the NOR authorization form. The owner of the NOR authority or his or her representative and the party receiving the NOR soil shall sign a NOR receipt form. The form shall include the name of the deceased, the date, time, and place of receipt of the NOR soil, and the signatures of the NOR authority or his or her representative and the authorizing agent or his or her representative. If the NOR soil is shipped, a form used by the shipper may be used in lieu of a completed NOR soil receipt form if the shipper's form contains the information required for a NOR receipt form. Both the party delivering the NOR soil and the party receiving it shall retain a copy of the NOR receipt form or shipper's form. Upon delivery, the NOR soil may be further transported within this state in any manner without a permit.

325-B:23 Final Disposition.

I. For purposes of this chapter, the delivery of the NOR soil to the authorizing agent or his or her representative shall constitute final disposition. The authorizing agent may choose to receive a portion of NOR soil, with the remainder being dispositioned as disclosed in paragraph V. If, after a period of 60 days after the date the NOR was completed, the authorizing agent or his or her representative has not directed or otherwise arranged for the final disposition of the NOR soil or claimed it for final disposition as provided in this section, the NOR authority may dispose of the NOR soil after making a reasonable attempt to contact the authorizing agent or his or her

representative. This method of disposition may be used by any NOR authority or funeral establishment to dispose of all NOR soil in the possession of a NOR authority or funeral establishment on or after the effective date of this chapter.

II. The authorizing agent may dispose or scatter NOR soil without permit at their own property or on private property, with permission.

III. The NOR authority may dispose or scatter NOR soil that has been released to them for final disposition at a scattering garden, memorial forest or other public or private land with permission or contractual arrangement.

IV. No NOR soil can be sold or used for human food production.

V. The NOR authority shall disclose, on the NOR authorization form, the method and location for final disposition of unclaimed NOR soil and any unreceived portions of NOR soil.

325-B:24 Rulemaking. The board shall adopt rules, pursuant to RSA 541-A relative to:

I. Requirements for licensure of NOR authorities.

II. Conditions under which human remains of persons whose death was caused by a disease declared by the board to be infectious, contagious, communicable, or dangerous to the public health may be transported in this state to a NOR facility for the purpose of NOR. The board shall consult with the chief medical examiner on rules adopted under this paragraph.

III. Minimum sanitation standards for all NOR facilities.

IV. Inspection procedures for NOR facilities.

325-B:25 Natural Organic Reduction Authority; Bylaws. An NOR authority may enact reasonable bylaws not inconsistent with this chapter for the management and operation of a NOR facility operated by such authority. Nothing in this section shall prevent a NOR authority from enacting bylaws which contain more stringent requirements than those provided in this chapter.

325-B:26 Chapter Construed. This chapter shall be construed and interpreted as a comprehensive natural organic reduction law, and the provisions of this chapter shall take precedence over any existing laws or rules that govern human remains that do not specifically address NOR.

6 Referenced Added; Burial Permits. Amend RSA 5-C:68 to read as follows:

5-C:68 Burial Permit Procedures. When a body is to be stored, the burial permit shall be completed by the cemetery sexton where the body is entombed and sent to the clerk of the town or city where the storage vault is located. When the body is to be moved from entombment for final disposition, the funeral director, next of kin, or designated agent shall obtain the permit from the clerk of the town or city to use as the permit for final disposition. When the body is to be cremated, at least 48 hours shall elapse before cremation can take place in accordance with RSA 325-A and a separate cremation certificate shall be obtained from the medical examiner and submitted to the crematory with the burial permit pursuant to RSA 325-A. ***When the body is to be disposed by natural organic reduction (NOR), at least 48 hours shall elapse before NOR can take place***

in accordance with RSA 325-B and a separate certificate shall be obtained from the medical examiner and submitted to the NOR facility with the burial permit pursuant to RSA 325-B. No separate permit shall be required when transporting a body by common carrier or remains to his or her final disposition.

7 Medical Examiner; Accounts. Amend RSA 611-B:27, I to read as follows:

I. Assistant deputy medical examiners shall be paid at the following rates: telephone consultations-$25; death investigations involving an external examination of the body-$140, plus mileage at the state rate; pre-cremation examinations conducted pursuant to RSA 325-A:18 -$50***; pre-natural organic reduction examinations conducted pursuant to RSA 325-B:14 - $60***.

8 Effective Date. This act shall take effect July 1, 2024.

LBA
24-2427
11/29/23

HB 1324-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to green burials and authorizing the natural organic reduction of human remains.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	**FY 2025**	**FY 2026**	**FY 2027**
Revenue	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Revenue Fund(s)	Office of Professional Licensure and Certification Fund			
Expenditures	$0	$0 to $84,000	$0 to $87,000	$0 to $90,000
Funding Source(s)	Office of Professional Licensure and Certification Fund			
Appropriations	$0	$0	$0	$0
Funding Source(s)	None			

- Does this bill provide sufficient funding to cover estimated expenditures? [X] No
- Does this bill authorize new positions to implement this bill? [X] No

METHODOLOGY:

This bill establishes scattering gardens and memorial forests as green burial locations, and establishes the regulation under the board of funeral directors and embalmers of natural organic reduction of human remains.

The Office of Professional Licensure and Certification (OPLC) states this bill amends RSA 289, defining green burials and authorizing the natural organic reduction of human remains. It creates RSA 325-B, outlining rules and procedures for this practice. As well as introduces two new license types—Natural Organic Reduction (NOR) facilities and NOR Authorities—under the Board of Registration of Funeral Directors and Embalmers, regulated by the OPLC. Additionally, it mandates the board, via the OPLC, to inspect NOR facilities every 3 years, addressing noncompliance findings within 20 working days. The board would handle enforcement and disciplinary matters.

The OPLC states the financial impact is uncertain. The number of applicants for new licenses is unknown, but OPLC could absorb the expenses related to licensing into their budget. There could be a need for an account clerk position (LG 21) depending on the number of licenses requested. This position would increase expenditures by $80,000 (salary and benefits) for the

first year, and assuming an annual step would increase to $84,000 in year 2, $86,000 in year 3 and $89,000 in year 4. Additionally, there could be increased expenditures for inspections and enforcement, possibly leading to hiring an additional inspector at a labor grade 21. The costs for a new inspector would be $84,000 in FY 2025, $87,000 in FY 2026 and $90,000 in FY 2027. Additionally, OPLC is self-funded, and fees would adhere to RSA 310:5 guidelines, however, because these are new license types the OPLC is unable to calculate the increased revenue that would be received from the new fees. The new fees could range anywhere between $10 and $250 per application. Lastly, any new fees collected would increase revenue.

It is assumed the fiscal impact will not occur until FY 2025. Additionally, this bill does not establish or provide an appropriation for new positions.

AGENCIES CONTACTED:

Office of Professional Licensure and Certification