

SENATE No. 165

The Commonwealth of Massachusetts

PRESENTED BY:

Morrissey, Michael (SEN)

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the Board of Registration in Embalming and Funeral Directing.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Morrissey, Michael (SEN)	Norfolk and Plymouth
Roger Hamel	Hamel, Wickens & Troupe Funeral Home 26 Adams St. Quincy, MA 02169

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S00207 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO THE BOARD OF REGISTRATION IN EMBALMING AND FUNERAL DIRECTING.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 114 of the General Laws is hereby amended by striking out section 6,
2 as appearing in the 1994 Official Edition, and inserting in place thereof the following section: -

3 Section 6. Such corporation may cremate bodies of the dead, and may provide necessary
4 buildings and appliances therefor and for the disposition of ashes of the dead on any land within its
5 cemetery, or property owned by a funeral home which the department of environmental protection
6 determines is suitable therefor, subject to the provisions of section forty-three D, and such buildings
7 and appliances shall be a part of the cemetery or property owned by a funeral home, and be
8 dedicated to the storage of the dead bodies, and shall be held by said corporations subject to the
9 duties, and with the privileges and immunities, which they now have by law.

10 SECTION 2. Said chapter 114 is hereby further amended by striking out section 43D, as appearing
11 in the 1994 Official Edition, and inserting in place thereof the following section: -

12 Section 43D. Every community mausoleum, other than property owned by a funeral home
13 with a crematorium or a structure containing crypts erected or controlled by a church or religious
14 society and used only as a repository for the remains of the clergy or dignitaries of such church or
15 religious society, and every crematory, columbarium or other structure, other than a columbarium
16 located within a building owned or occupied by a church or religious services and their families,
17 intended to dispose of or hold or contain the bodies or remains of the dead, erected on or after July
18 first, nineteen hundred and thirty-six, shall be located only within the limits of a cemetery
19 containing no less than twenty acres, which shall have been in existence and actually used for burial
20 purposes for a period of at least five years immediately preceding the time of the erection thereof.

21 SECTION 3. Said chapter 114 of the General Laws is hereby further amended by inserting after
22 section 49, the following section: -

23 Section 49A. Notwithstanding the provisions of other general or special law, rule or
24 regulation to the contrary no embalmer, funeral director, or funeral establishment shall engage or
25 employ anyone who is engaged in any business related to the disposition of human remains other
26 than embalming, funeral directing and cremation of said human remains. An establishment which
27 permits any business related to the disposition of human remains to operate or advertise on its
28 premises, and an embalmer, funeral director, crematorium, or funeral establishment which
29 operations or advertises on the premises of, or permits his or its name to be used, other than in
30 uncompensated referrals, in connection with, any business related to the disposition of human
31 remains, shall be deemed to be engaged in such business.