

LAWS OF DELAWARE
VOLUME 84
CHAPTER 261
152nd GENERAL ASSEMBLY
FORMERLY
HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 162
AS AMENDED BY
HOUSE AMENDMENT NO. 3

AN ACT TO AMEND TITLES 9, 12, 16, 24, AND 29 OF THE DELAWARE CODE RELATING TO HUMAN REMAINS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 2704, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2704. Disposition of remains.

~~Any~~ An approved institution ~~which shall have that has~~ received a dead body ~~pursuant to~~ under this subchapter shall, ~~upon~~ on completion of the study ~~thereof, of the body,~~ deliver the body as then constituted to the ~~coroner~~ Medical Examiner's Office of the county in which ~~such~~ the approved institution ~~shall be~~ is situate for ~~burial or cremation,~~ natural organic reduction, as defined under § 3101 of this title, burial, or cremation. ~~and such~~ The approved institution shall pay the expenses of ~~such~~ burial or cremation ~~the natural organic reduction,~~ as defined under § 3101 of this title, burial, or cremation, and of the preparation of ~~such~~ the body therefor, at the rates provided by law or which are usual and customary in such ~~cases,~~ provided that cases. However, with the approval of the Inspector of Anatomy ~~mentioned in~~ under § 2706 of this title, ~~such an~~ the approved institution may retain certain portions of said body for special research or teaching purposes.

Section 2. Amend § 3101, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

§ 3101. Definitions.

For purposes of this chapter:

() "Final remains" means the body of a deceased individual, including what results following cremation or natural organic reduction.

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

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

Section 3. Amend Subchapter III, Chapter 31, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Subchapter III. Burial, Removal or Cremation ~~Removal, Cremation, or Other Disposition~~ of Dead Bodies

§ 3151. Permit for removal, burial or other disposition; foreign permits; prerequisites for permit.

When a death or a fetal death occurs or a dead body is found, the body ~~shall~~ may not be disposed of until the ~~burial/transit~~ burial or transit permit is completed. ~~Said permit is required to~~ The burial or transit permit must accompany the body and ~~is to~~ must be:

- (1) Given to the sexton of the cemetery when the body is interred.
- (2) Retained by the funeral director when the cemetery has no sexton.
- (3) In cases of cremation or natural organic reduction:

a. with the ashes in cases of cremation, Retained with the final remains.

b. ~~or by~~ Retained by the funeral director if so desired.

§ 3157. ~~Cremation; prohibited except in licensed crematory.~~ Cremation or natural organic reduction; prohibited except in licensed crematory or natural organic reduction facility.

~~No~~ A person shall may not destroy or dispose of by burning ~~in this State or natural organic reduction~~ the body of an individual dead from any cause, except in a ~~crematorium or crematory~~ crematory or natural organic reduction facility licensed for this express purpose and under the conditions provided in §§ ~~3158-3164~~ §§ 3158 through 3164 of this title.

§ 3158. ~~Crematory;~~ Crematory or natural organic reduction facility; approval for construction; requirements; inspection.

(a) A person, firm, ~~organization~~ organization, or association desiring to acquire, erect, or construct a crematory or natural organic reduction facility shall first obtain approval from the Department of Natural Resources and Environmental Control.

(b) The crematory ~~shall~~ or natural organic reduction facility must be constructed in accordance with regulations adopted under Chapters 60 and 79 of Title 7 and ~~shall may not~~ be located, managed, or conducted at any time in such a way as to be a public nuisance.

(c) The crematory ~~shall be~~ or natural organic reduction facility is subject at all times to inspection by the Department of Natural Resources and Environmental Control, the Department of Health and Social Services, and by ~~such~~ officers of the state law-enforcement departments as may desire to inspect it.

§ 3159. Permit for ~~cremation;~~ cremation or natural organic reduction; issuance, ~~retention~~ retention, and inspection.

(a) A body may be cremated or subjected to natural organic reduction only after the preparation of a special cremation or natural organic reduction permit signed by the chief medical examiner or an assistant or deputy medical examiner. In the presentation of the cremation or natural organic reduction permit to the chief medical examiner or the chief medical examiner's representative for signature, the permit must be accompanied by a death certificate signed by the attending physician and by a cremation or natural organic reduction authorization signed by the next-of-kin or legal representative of the deceased. The signature of the chief medical examiner or the chief medical examiner's representative to the cremation or natural organic reduction permit ~~shall constitute~~ constitutes an affirmation that there is no medical reason why the cremation or natural organic reduction should not take place. The chief medical examiner or an assistant or deputy medical examiner ~~shall have~~ has the authority to hold the remains of the deceased pending any investigation into the cause and manner of death.

(b) One copy of the cremation or natural organic reduction permit ~~shall~~ must be retained by the person, firm, ~~corporation~~ corporation, or association conducting the ~~crematory~~ cremation or natural organic reduction, and ~~shall~~ must be produced for inspection or other purposes when asked for by the inspecting authority. A second copy of the cremation or natural organic reduction permit ~~shall~~ must accompany the death certificate when it is filed in the Office of Vital Statistics.

§ 3160. Report of ~~cremation;~~ cremation or natural organic reduction.

Within 24 hours after the cremation or natural organic reduction is completed a report indicating the name of the individual, the individual's address while alive, the date and cause of death, the names of the individuals signing the permit, the date of the completion of the cremation or natural organic reduction, and the disposal of the ~~ashes~~ final remains ~~shall~~ must be forwarded by the person in charge of the crematory or natural organic reduction facility to the central Office of Vital Statistics.

§ 3161. Delivery, ~~transportation~~ transportation, and disposal of ~~ashes;~~ final remains.

The ~~ashes~~ final remains resulting from the cremation or natural organic reduction of a body may be delivered by the attendants of the crematory or natural organic reduction facility to any member of the family of the deceased designated to receive them or to the person arranging for the ~~cremation;~~ cremation or natural organic reduction. After this delivery, ~~they~~ the

final remains may be transported in any way in the State and disposed of in such a way as is desired by the person receiving them.
the final remains.

§ 3162. Witnesses at ~~cremation.~~ cremation or natural organic reduction.

A representative of the family or some individual accredited to act as representative of the family of the individual being cremated or subjected to natural organic reduction may be present at the time the cremation or natural organic reduction is being carried out, out, subject to crematory or natural organic reduction facility operational constraints.

§ 3163. Permit where death occurs in this State and cremation or natural organic reduction takes place elsewhere.

The provisions of § 3159 of this title, ~~respecting the signatures requiring the signature~~ of the chief medical examiner or an assistant or deputy medical examiner ~~and by the Attorney General or a deputy attorney general, are required in respect of examiner, apply with respect to the cremation or natural organic reduction~~ of the body of an individual dying in the State but removed to ~~any other another~~ state for the purpose of ~~cremation.~~ cremation or natural organic reduction.

§ 3164. Cremation or natural organic reduction in this State when death occurred elsewhere.

The cremation or natural organic reduction in this State of the ~~bodies of persons dying in other states~~ body of an individual who has died in another state is permissible if all the legal requirements of the state in which the death occurred have first been complied with.

~~§ 3165-3169. [Repealed.]~~ § 3165. Analysis of Material Samples for Natural Organic Reduction

A natural organic reduction facility shall be responsible for:

(a) Ensuring that the natural organic reduction vessel maintains a minimum temperature of 131 degrees Fahrenheit for a minimum of 72 hours during the process of natural organic reduction.

(b) Collecting material samples for analysis that are representative of each instance of natural organic reduction.

(c) Developing and using a natural organic reduction process in which the final remains resulting from the process do not exceed the following limits:

<u>Metals and other testing parameters</u>	<u>Limit (mg/kg dry weight), unless otherwise specified</u>
<u>Fecal coliform</u>	<u>< 1,000 Most probable number per gram of total solids (dry weight)</u>
<u>Salmonella</u>	<u>< 3 Most probable number per 4 grams of total solids (dry weight)</u>
<u>Arsenic</u>	<u>≤ 11 ppm</u>
<u>Cadmium</u>	<u>≤ 7.1 ppm</u>
<u>Lead</u>	<u>≤ 150 ppm</u>
<u>Mercury</u>	<u>≤ 8 ppm</u>
<u>Selenium</u>	<u>≤ 18 ppm</u>

(d) Analyzing, using a third-party laboratory, the natural organic reduction facility's material samples of final remains according to the following schedule:

(1) After receiving an initial permit, the natural organic reduction facility must analyze each of the first 20 instances of final remains for the parameters identified in subsection (b) of this subsection.

(2) If any of the first 20 instances of final remains yield results exceeding the limits identified in subsection (b) of this section, the natural organic reduction facility must conduct appropriate processes to correct the levels of the chemicals identified in subsection (b) and have the resultant remains tested to ensure they fall within the identified limits.

(3) If any of the first 20 instances of final remains yield results exceeding the limits identified in subsection (b) of this section, the natural organic reduction facility must analyze each additional instance of final remains for the parameters

identified in subsection (b) of this section until a total of 20 samples, not including those from remains that were re-processed under subsection (b)(2) of this section, have yielded results within the limits of subsection (b) on initial testing.

(4) After 20 material samples of final remains have met the limits outlined in subsection (b) of this section, the natural organic reduction facility must analyze, at a minimum, 25 percent of the natural organic reduction facility's monthly instances of final remains for the parameters identified in subsection (b) of this section until 80 total material samples of final remains have met the requirements of subsection (b), not including any samples that required re-processing to meet those requirements.

(5) After 80 material samples of final remains have met the limits of subsection (b) of this section, the natural organic reduction facility must analyze, at a minimum, one instance of final remains each month.

(e) Complying with any testing requirements established by the Delaware Division of Public Health for content parameters additional to those specified in subsection (b) of this section.

(f) Not releasing any final remains that exceed the limits identified in subsection (b) of this section.

(g) Preparing, maintaining, and providing upon request by the Delaware Division of Public Health an annual report each calendar year. The annual report must detail the natural organic reduction facility's activities during the previous calendar year and must include the following information:

(1) Name and address of the natural organic reduction facility.

(2) Calendar year covered by the report.

(3) Annual quantity of final remains.

(4) Results of any laboratory analyses of final remains.

Section 4. Amend § 3101, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3101. Definitions.

The following words, terms and phrases, when used in this chapter shall have the meanings ascribed to them under this section, except where the context clearly indicates a different meaning:

(1) "Board" ~~shall mean~~ means the State Board of Funeral Services established in this chapter.

(2) "Burial" ~~shall mean~~ means the interment of human remains.

(3) "Cremation" ~~shall mean~~ means the process of burning human remains to ashes.

(4) "Division" ~~shall mean~~ means the State Division of Professional Regulation.

(5) "Embalming" ~~shall mean~~ means the disinfecting or preservation of a dead human body, entirely or in part, by the use of chemical substances, fluids, or gases in the body, or by the introduction of the same into the body by vascular or hypodermic injection, or by the direct application of the same into the organs or cavities.

(6) "Embalming room assistant" ~~shall mean~~ means a person who has met all of the requirements, including all necessary training in blood borne pathogens standards, and who has received all necessary vaccinations related to the industry, to be able to perform their duties in the embalming or dressing room areas for the preparation of a deceased human remains. Such individual shall not possess the ability to embalm a decedent.

(7) "Funeral director" ~~shall mean~~ means a person engaged in the care of human remains or in the disinfecting and preparing by embalming of human remains for the funeral service, transportation, burial, ~~entombment or cremation~~ entombment, cremation, or natural organic reduction, and who ~~shall file~~ files all death certificates or permits as required by Chapter 31 of Title 16.

(8) "Funeral establishment" ~~shall mean~~ means any place used in the care and preparation of human remains for funeral service, burial, ~~entombment or cremation;~~ entombment, cremation, or natural organic reduction; said place shall also include areas for embalming, the convenience of the bereaved for ~~viewing~~ viewing, and other services associated with human remains. A funeral establishment shall also include a place or office in which the business matters associated with funeral services are conducted. Satellite funeral establishments existing as of May 12, 1988, shall not be required to include an area for embalming.

(9) "Funeral services" ~~shall mean~~ means those services rendered for the disinfecting, embalming, burial, ~~entombment or cremation~~ entombment, cremation, or natural organic reduction of human remains, including the sale of those goods and services usual to arranging and directing funeral services.

(10) "Intern" ~~shall mean~~ means a person, duly registered with the Board, engaged in training to become a licensed funeral director in this State under the direction and personal supervision of a state-licensed funeral director.

(11) "Natural organic reduction" means as defined in § 3101 of Title 16.

(12) "Natural organic reduction facility" means as defined in § 3101 of Title 16.

~~(11)~~(13) "Nonresident funeral director" ~~shall mean~~ means a funeral director licensed in another state, district, territory or foreign country.

~~(12)~~(14) "Person" ~~shall mean~~ means a corporation, company, association and partnership, as well as an individual.

~~(13)~~(15) "Practitioner" ~~shall mean~~ means a funeral director.

~~(14)~~(16) "Protective hairstyle" includes braids, locks, and twists.

~~(15)~~(17) "Race" includes traits historically associated with race, including hair texture and a protective hairstyle.

~~(16)~~(18) "Student of mortuary science" ~~shall mean~~ means a person registered in an official accredited Institution of Mortuary Science program.

~~(17)~~(19) "Substantially related" means the nature of the criminal conduct, for which the person was convicted, has a direct bearing on the fitness or ability to perform 1 or more of the duties or responsibilities necessarily related to the provision of funeral services.

Section 5. Amend § 3105, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

§ 3105. Powers and duties.

(a) The Board of Funeral Services ~~shall have the authority to~~ may do all of the following:

(17) Regulate natural organic reduction and natural organic reduction facilities.

Section 6. Amend § 3119, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3119. Interference with free choice of funeral establishment; operating mortuary in cemetery; accepting fees from cemeteries.

~~No~~ A person licensed for the practice of funeral services, ~~nor~~ or any person acting on behalf of the ~~licensee~~ shall licensee, may not do any of the following:

(3) Receive or accept any commission, fee, ~~remuneration~~ remuneration, or benefit of any kind from any cemetery, ~~mausoleum or~~ mausoleum, crematory, or natural organic reduction facility, or from any proprietor or agent thereof, in connection with the sale or transfer of any cemetery lot, entombment vault, burial ~~privilege or~~ privilege, cremation, or natural organic reduction, nor act, directly or indirectly, as a broker or jobber of any cemetery property or interest therein.

Section 7. Amend § 3121, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3121. ~~Cremation.~~ Cremation or natural organic reduction.

(a) ~~Where~~If not previously identified, human remains may not be cremated or subjected to natural organic reduction until they have been identified by either the next-of-kin, the person authorized to make funeral arrangements, or the medical examiner. This subsection ~~shall~~does not apply to disposition of human remains by any school of anatomy, medicine, or dentistry.

(b) A natural organic reduction facility may not admit human remains under the following circumstances:

(1) The human remains contain radioactive implants.

(2) The human remains are those of an individual who died as the result of a radiological incident or accident.

(3) The remains are those of an individual who had or is suspected of having one or more of the following conditions:

a. Prion disease infection.

b. Mycobacterium tuberculosis infection.

c. Ebola virus disease infection.

d. Any viral or other public health risk the Division of Public Health determines may not be eliminated in the process of natural organic reduction.

~~(b)-(c)~~ Human remains shall designated for cremation must be transported to a crematory using a rigid, leak-resistant container which meets all of the following criteria:

(1) Is made of readily combustible material.

(2) Is of sufficient strength and rigidity for ease of handling.

(3) Complies with all local, state, and federal governmental emissions regulations.

(4) Is not composed of metal or polyethylene.

(5) Maintains a secure closure for the respectful conveyance of the decedent.

(d) Human remains designated for natural organic reduction must be transported to a natural organic reduction facility using a leak-resistant container that maintains a secure closure for the respectful conveyance of the decedent.

~~(e)-(e)~~ A person who knowingly engages a Delaware-licensed funeral establishment to arrange for the cremation or natural organic reduction of the deceased human remains shall also be responsible, following ~~cremation,~~ cremation or natural organic reduction, for the identification and arrangement of the final disposition of ~~said the human remains.~~ remains, in accordance with all applicable laws and regulations. Failure to do so within 60 days of the date of death ~~shall be~~is grounds for the funeral establishment of record to submit notification to the Attorney General that the cremated remains or remains following natural organic reduction have been abandoned.

~~(d)-(f)~~ Cremated remains which have been unclaimed or abandoned for a period of more than 12 months from the date of death may be disposed of in a cemetery of the funeral establishment's choice, in a manner so as to permit the return of ~~said the~~ cremated remains to the appropriate authorized individual at a future date. All expenses surrounding the disposition and subsequent retrieval of the cremated remains shall be at the sole expense of the authorizing party. A record of the disposition of ~~said the~~ cremated remains must be maintained by the funeral establishment of record.

(g) Human remains following natural organic reduction which have been unclaimed or abandoned for a period of more than two months from the date of completion of the natural organic reduction process may be disposed of in a cemetery or other natural, protected area under the ownership or control of the funeral establishment, in accordance with all applicable laws and

regulations. All expenses surrounding the disposition and disposal of the remains following the natural organic reduction process are at the sole expense of the authorizing party.

Section 8. Amend § 1002, Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1002. Definitions.

As used in this chapter:

(1) “Cemetery” means land or structure used or intended to be used for the ~~interment/entombment~~ interment or entombment of human remains, including facilities used for the final disposition of cremated ~~remains~~; remains or remains subjected to natural organic reduction, as defined under § 3101 of Title 16.

Section 9. Amend § 260, Title 12 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

§ 260. Definitions.

As used in this subchapter, unless the context otherwise requires:

(3) “Declaration instrument” means a written instrument, signed by a declarant, governing the disposition of the declarant’s ~~last-final~~ remains and the ceremonies planned after a declarant’s death, including a document governing the disposition of ~~last-final~~ remains under this title or a United States Department of Defense Record of Emergency Data Form (DD Form 93) or any successor form executed by the declarant. Such a declaration may be made within a prepaid funeral, burial, ~~or cremation~~ cremation, or natural organic reduction contract with a ~~mortuary or crematorium~~; mortuary, crematory, or natural organic reduction facility.

~~(5)~~(4) “~~Last-“Final~~ remains” or “last remains” means the deceased’s body ~~or cremains after death~~; after death, including what results following cremation or natural organic reduction.

(6) “Natural organic reduction” means as defined under § 3101 of Title 16.

(7) “Natural organic reduction facility” means as defined under § 3101 of Title 16.

~~(7)~~(9) a. “Third party” means a person:

1. Who is requested by a declaration instrument to act in good faith in reliance upon such instrument;
2. Who is delegated discretion over ceremonial or dispositional arrangements in a declaration instrument under § 264 of this title; or
3. Who is delegated discretion over ceremonial or dispositional arrangements in a declaration instrument.

b. “Third party” includes, but is not limited to, a funeral director, mortician, mortuary, ~~crematorium~~; crematory, or cemetery.

Section 10. Amend § 265, Title 12 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 265. Declaration of disposition of ~~last-final~~ remains; form.

The following declaration of disposition of ~~last-final~~ remains must be substantially in the following form:

DECLARATION OF DISPOSITION OF ~~LAST-FINAL~~ REMAINS

I, (Name of Declarant), being of sound mind and lawful age, hereby revoke all prior declarations, wills, codicils, trusts, powers of appointment, and powers of attorney regarding the disposition of my ~~last-final~~ remains, and I declare and direct that after my death the following provisions be taken:

1. If permitted by law, my body shall be (Initial ONE choice):

Buried. I direct that my body be buried at .

Cremated. I direct that my cremated remains be disposed of as follows:

.

Subjection to natural organic reduction. I direct that my remains following natural organic reduction be disposed of as follows:

.

Entombed. I direct that my body be entombed at .

Other. I direct that my body be disposed of as follows: .

Disposed of as (Name of Designee) shall decide in writing. If is unwilling or unable to act, I nominate as my alternate designee.

2. I request that the following ceremonial arrangements be made (initial desired choice or choices):

I request (Name of designee) make all arrangements for any ceremonies, consistent with my directions set forth in this declaration. If is unwilling or unable to act, I nominate as my alternate designee.

Funeral. I request the following arrangements for my funeral:

.

Memorial Service. I request the following arrangements for my memorial service:

.

3. Special Instructions. In addition to the instructions above, I request (on the following lines you may make special requests regarding ceremonies or lack of ceremonies):

.

Note: Those persons or entities asked to carry out a declarant’s intent regarding disposition of ~~last-final~~ remains and ceremonial arrangements need do so only if the declarant’s intent is reasonable under the circumstances. “Reasonable under the Circumstances” may take into consideration factors such as a known prepaid funeral, burial, ~~or cremation~~ cremation, or natural organic reduction plan of the declarant, the size of the declarant’s estate, cultural or family customs, the declarant’s religious or spiritual beliefs, the known or reasonably ascertainable creditors of the declarant, and the declarant’s financial situation prior to death.

I may revoke or amend this declaration in writing at any time. I agree that a third party who receives a copy of this declaration may act according to it. Revocation of this declaration is not effective as to a third party until the third party learns of my revocation. My estate shall indemnify any third party for costs incurred as a result of claims that arise against the third party because of good-faith reliance on this declaration.

I execute this declaration as my free and voluntary act, on .

(Declarant) .

The following section regarding organ and tissue donation is optional. To make a donation, initial the option you select and sign below.

In the hope that I might help others, I hereby make an anatomical gift, to be effective upon my death, of:

A. Any needed organs/tissues.

B. The following organs/tissues:

.

Donor signature: .

Notarization Optional:

State of Delaware

County of :

Acknowledged before me by , Declarant, on , . My commission expires:

*(Seal) Notary Public .

Section 11. Amend § 4701A, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly: e as follows:

§ 4701A. Definitions.

For purposes of this ~~chapter~~, “next of kin” means ~~1 of the following~~: chapter:

(1) “Natural organic reduction” means as defined in § 3101 of Title 16.

(2) “Next of kin” means 1 of the following:

(1)a. A spouse.

(2)b. If no spouse, the decedent’s adult children.

(3)c. If no spouse or adult children, the decedent’s parents.

(4)d. If no spouse, adult children, or parents of the decedent, the person who is legally entitled to claim the decedent’s remains for final disposition.

Section 12. Amend § 4706, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4706. Investigation of deaths.

(a) When ~~any person shall die~~ an individual dies in this State, as a result of violence, by suicide or by casualty if such occurred not longer than 1 year and 1 day prior to death, while under anesthesia, by abortion or suspected abortion, by poison or suspicion of poison, by overdose death as defined at § 4799A of Title 16 or suddenly when in apparent health or when unattended by a physician or in any prison or penal institution or when in police custody or from a disease resulting from employment including disease related to injury or from an undiagnosed cause which may be related to a disease constituting a threat to public health or in any suspicious or unusual manner or if there is any unclaimed body or ~~if anybody is to be cremated, it shall be a body is to be cremated or subjected to natural organic reduction, it is~~ the duty of the person having knowledge of ~~such the death~~ or of the person issuing a permit for cremation or natural organic reduction under ~~§ 3162–§ 3159~~ of Title 16 immediately to notify the Chief Medical Examiner, an Assistant Medical ~~Examiner~~ Examiner, or a Deputy Medical Examiner, as the case may be, who in turn shall notify the Attorney General of the known facts concerning the time, place, ~~manner~~ manner, and circumstances of ~~such the death~~. ~~Any~~ A person who ~~shall-wilfully neglect or refuse~~ neglects or refuses to report ~~such the death~~ or who ~~shall refuse~~ refuses to make available prior medical or other information pertinent to the death investigation or who, without an order from the Division of Forensic Science, ~~shall-wilfully touch, remove or disturb~~ touches, removes, or disturbs the clothing or any article ~~upon-on~~ or near the body shall ~~upon-on~~ conviction be subject to imprisonment for not more than 1 year or pay a fine of not more than \$1,000, or both.

Section 13. Amend § 4711, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4711. Disposition of unclaimed body or remains of indigent person.

(b) When there is a written consent of the next of kin or other legally responsible party, the remains of an indigent person may be ~~cremated~~ subjected to natural organic reduction, cremated, or donated for scientific research.

Section 14. Amend § 7902A, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7902A. Definitions.

As used in this chapter unless otherwise stated:

(1) “Abandoned cemetery” ~~shall mean~~ means a cemetery where there is no owner of record in the respective county’s recorder of deeds records.

(3) “Cemetery” ~~shall mean~~ means land or structure used or intended to be used for the ~~interment/entombment~~ interment or entombment of human remains including facilities used for the final disposition of ~~cremated remains~~. final remains following cremation or natural organic reduction, as defined under § 3101 of Title 16.

(4) “Cemetery company” ~~shall mean any~~ means a person engaged in the business of 1 more of the following:

a. Selling or offering for sale any grave or entombment right in a cemetery and representing to the public that the entire cemetery property, a single grave, or entombment right therein will be indefinitely cared ~~for; or~~ for.

b. Maintaining a facility used for the interment of human remains, whether a full ~~body or cremated human remains~~. body, cremated remains, or remains following natural organic reduction, as defined under § 3101 of Title 16.

(6) “Distressed cemetery” means any land or structure used or intended to be used for the ~~interment/entombment~~ interment or entombment of human remains including facilities used for the final disposition of cremated remains or remains following natural organic reduction, as defined under § 3101 of Title 16, whereby the owner lacks sufficient financial resources for the maintenance or preservation of ~~said the~~ cemetery as determined by the Board. An abandoned cemetery may qualify as a distressed cemetery if registered with the State by a responsible ~~party/volunteer~~. party or volunteer.

(7) “Distressed Cemetery Fund” or “Fund” means the money collected ~~as provided here in~~ under this chapter for maintenance or preservation of a distressed cemetery.

Section 15. Within one year of [the enactment of this Act], the State Board of Funeral Services, the Department of Natural Resources and Environmental Control, and the Department of Health and Social Services shall promulgate or change regulations as necessary regarding this Act.

Section 16. This Act is effective immediately and is to be implemented the earlier of the following:

(1) Twelve months from the date of the Act’s enactment.

(2) Notice by the Division of Professional Regulation published in published in the Register of Regulations that final regulations to implement this Act have been adopted.

Approved May 16, 2024