



SPONSOR: Rep. Lynn & Rep. Morrison & Sen. Sturgeon
Reps. Baumbach, K. Johnson, Minor-Brown, Neal

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 162

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 (Two-thirds of all members elected to each house thereof concurring therein):

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

3 § 2704. Disposition of remains.

4 ~~Any~~An approved institution ~~which shall have that has~~ received a dead body ~~pursuant to~~under this subchapter
5 shall, ~~upon~~on completion of the study ~~thereof, of the body,~~ deliver the body as then constituted to the coroner of the county
6 in which ~~such~~the approved institution ~~shall be is~~ situate for ~~burial or cremation,~~natural organic reduction, as defined under
7 § 3101 of this title, burial, or cremation. ~~and such~~The approved institution shall pay the expenses of ~~such~~burial or
8 ~~cremation~~the natural organic reduction, as defined under § 3101 of this title, burial, or cremation, and of the preparation of
9 ~~such~~the body therefor, at the rates provided by law or which are usual and customary in such ~~eases,~~provided that cases.
10 ~~However,~~ with the approval of the Inspector of Anatomy ~~mentioned in~~under § 2706 of this title, ~~such an~~the approved
11 institution may retain certain portions of said body for special research or teaching purposes.

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

14 § 3101. Definitions.

15 For purposes of this chapter:

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

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

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

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

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

24 § 3151. Permit for removal, burial or other disposition; foreign permits; prerequisites for permit.

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

28 (1) Given to the sexton of the cemetery when the body is interred.

29 (2) Retained by the funeral director when the cemetery has no sexton.

30 (3) In cases of cremation or natural organic reduction:

31 a. ~~with the ashes in cases of cremation;~~ Retained with the final remains.

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

33 § 3157. ~~Cremation; prohibited except in licensed crematory.~~ Cremation or natural organic reduction; prohibited
34 except in licensed crematory or natural organic reduction facility.

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

38 § 3158. ~~Crematory;~~ Crematory or natural organic reduction facility; approval for construction; requirements;
39 inspection.

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

43 (b) The crematory ~~shall~~ or natural organic reduction facility must be constructed in accordance with regulations
44 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
45 as to be a public nuisance.

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

49 § 3159. Permit for ~~cremation;~~ cremation or natural organic reduction; issuance, ~~retention~~ retention, and inspection.

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

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

64 § 3160. Report of ~~cremation~~ cremation or natural organic reduction.

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

70 § 3161. Delivery, ~~transportation~~ transportation, and disposal of ~~ashes~~ final remains.

71 The ~~ashes~~ final remains resulting from the cremation or natural organic reduction of a body may be delivered by
72 the attendants of the crematory or natural organic reduction facility to any member of the family of the deceased designated
73 to receive them or to the person arranging for the ~~cremation~~ cremation or natural organic reduction. After this delivery,
74 ~~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
75 receiving ~~them~~ the final remains.

76 § 3162. Witnesses at ~~cremation~~ cremation or natural organic reduction.

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

80 § 3163. Permit where death occurs in this State and cremation or natural organic reduction takes place elsewhere.

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

85 § 3164. Cremation or natural organic reduction in this State when death occurred elsewhere.

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

89 ~~§ 3165-3169. [Repealed.]~~ § 3165. Analysis of Material Samples for Natural Organic Reduction

90 A natural organic reduction facility shall be responsible for:

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

92 (b) Developing and using a natural organic reduction process in which the final remains resulting from the process

93 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>≤ 20 ppm</u>
<u>Cadmium</u>	<u>≤ 10 ppm</u>
<u>Lead</u>	<u>≤ 150 ppm</u>
<u>Mercury</u>	<u>≤ 8 ppm</u>
<u>Selenium</u>	<u>≤ 18 ppm</u>

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

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

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

109 (3) If any of the first 20 instances of final remains yield results exceeding the limits identified in subsection
110 (b) of this section, the natural organic reduction facility must analyze each additional instance of final remains for the
111 parameters identified in subsection (b) of this section until a total of 20 samples, not including those from remains that were
112 re-processed under subsection (b)(2) of this section, have yielded results within the limits of subsection (b) on initial
113 testing.

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

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

121 (d) Complying with any testing requirements established by the Delaware Department of Public Health or local
122 health department for content parameters additional to those specified in subsection (b) of this section.

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

124 (f) Preparing, maintaining, and providing upon request by the Delaware Department of Public Health or local
125 health department an annual report each calendar year. The annual report must detail the natural organic reduction facility's
126 activities during the previous calendar year and must include the following information:

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

128 (2) Calendar year covered by the report.

129 (3) Annual quantity of final remains.

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

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

133 § 3101. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

164 ~~(11)~~(13) "Nonresident funeral director" ~~shall mean~~ means a funeral director licensed in another state, district,
165 territory or foreign country.

166 ~~(12)~~(14) "Person" ~~shall mean~~ means a corporation, company, association and partnership, as well as an
167 individual.

168 ~~(13)~~(15) "Practitioner" ~~shall mean~~ means a funeral director.

169 (14)(16) “Protective hairstyle” includes braids, locks, and twists.

170 (45)(17) “Race” includes traits historically associated with race, including hair texture and a protective
171 hairstyle.

172 (16)(18) “Student of mortuary science” ~~shall mean~~ means a person registered in an official accredited
173 Institution of Mortuary Science program.

174 (17)(19) “Substantially related” means the nature of the criminal conduct, for which the person was convicted,
175 has a direct bearing on the fitness or ability to perform 1 or more of the duties or responsibilities necessarily related to
176 the provision of funeral services.

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

179 § 3105. Powers and duties.

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

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

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

184 § 3119. Interference with free choice of funeral establishment; operating mortuary in cemetery; accepting fees
185 from cemeteries.

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

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

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

195 § 3121. ~~Cremation.~~ Cremation or natural organic reduction.

196 (a) ~~Where~~ If not previously identified, human remains may not be cremated or subjected to natural organic
197 reduction until they have been identified by either the next-of-kin, the person authorized to make funeral arrangements, or

198 the medical examiner. This subsection ~~shall~~does not apply to disposition of human remains by any school of anatomy,
199 medicine, or dentistry.

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

202 (1) Is made of readily combustible material.

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

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

205 (4) Is not composed of metal or polyethylene.

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

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

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

214 ~~(d)~~(e) Cremated remains which have been unclaimed or abandoned for a period of more than 12 months from the
215 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
216 of ~~said~~the cremated remains to the appropriate authorized individual at a future date. All expenses surrounding the
217 disposition and subsequent retrieval of the cremated remains shall be at the sole expense of the authorizing party. A record
218 of the disposition of ~~said~~the cremated remains must be maintained by the funeral establishment of record.

219 (f) Human remains following natural organic reduction which have been unclaimed or abandoned for a period of
220 more than two months from the date of completion of the natural organic reduction process may be disposed of in a
221 cemetery or other natural, protected area of the funeral establishment's choice. All expenses surrounding the disposition
222 and disposal of the remains following the natural organic reduction process are at the sole expense of the authorizing party.

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

225 § 1002. Definitions.

226 As used in this chapter:

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

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

232 § 260. Definitions.

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

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

240 (5) "Last remains" means the deceased's body ~~or remains after death.~~ after death, including what results
241 following cremation or natural organic reduction.

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

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

244 (7) a. "Third party" means a person:

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

250 b. "Third party" includes, but is not limited to, a funeral director, mortician, mortuary, ~~crematorium,~~
251 crematory, or cemetery.

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

254 § 265. Declaration of disposition of last remains; form.

255 The following declaration of disposition of last remains must be substantially in the following form:

256 DECLARATION OF DISPOSITION OF LAST REMAINS

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

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

261 Buried. I direct that my body be buried at .

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

263 .

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

266 .

267 Entombed. I direct that my body be entombed at .

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

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

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

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

274 Funeral. I request the following arrangements for my funeral:

275 .

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

277 .

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

280 .

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

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

291 I execute this declaration as my free and voluntary act, on .
292 (Declarant) .

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

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

296 A. Any needed organs/tissues.

297 B. The following organs/tissues:

298 .

299 Donor signature: .

300 Notarization Optional:

301 State of Delaware

302 County of :

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

304 *(Seal) Notary Public .

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

307 § 4701A. Definitions.

308 For purposes of this ~~chapter~~, "~~next of kin~~" means ~~1 of the following~~: chapter:

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

310 (2) "Next of kin" means 1 of the following:

311 (1)a. A spouse.

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

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

314 (4)d. If no spouse, adult children, or parents of the decedent, the person who is legally entitled to claim

315 the decedent's remains for final disposition.

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

318 § 4706. Investigation of deaths.

319 (a) When ~~any person shall die~~ an individual dies in this State, as a result of violence, by suicide or by casualty if
320 such occurred not longer than 1 year and 1 day prior to death, while under anesthesia, by abortion or suspected abortion, by
321 poison or suspicion of poison, by overdose death as defined at § 4799A of Title 16 or suddenly when in apparent health or
322 when unattended by a physician or in any prison or penal institution or when in police custody or from a disease resulting
323 from employment including disease related to injury or from an undiagnosed cause which may be related to a disease
324 constituting a threat to public health or in any suspicious or unusual manner or if there is any unclaimed body or ~~if anybody~~
325 ~~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
326 having knowledge of ~~such the~~ death or of the person issuing a permit for cremation or natural organic reduction under §
327 ~~3162-§ 3159~~ of Title 16 immediately to notify the Chief Medical Examiner, an Assistant Medical ~~Examiner~~ Examiner, or a
328 Deputy Medical Examiner, as the case may be, who in turn shall notify the Attorney General of the known facts concerning
329 the time, place, ~~manner~~ manner, and circumstances of ~~such the~~ death. ~~Any~~ A person who ~~shall~~ wilfully ~~neglect or refuse~~
330 neglects or refuses to report ~~such the~~ death or who ~~shall refuse~~ refuses to make available prior medical or other information
331 pertinent to the death investigation or who, without an order from the Division of Forensic Science, ~~shall~~ wilfully ~~touch,~~
332 ~~remove or disturb~~ touches, removes, or disturbs the clothing or any article ~~upon~~ on or near the body shall ~~upon~~ on
333 conviction be subject to imprisonment for not more than 1 year or pay a fine of not more than \$1,000, or both.

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

336 § 4711. Disposition of unclaimed body or remains of indigent person.

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

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

341 § 7902A. Definitions.

342 As used in this chapter unless otherwise stated:

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

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

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

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

351 b. Maintaining a facility used for the interment of human remains, whether a full ~~body or cremated human~~
352 ~~remains~~. body, cremated remains, or remains following natural organic reduction, as defined under § 3101 of Title
353 16.

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

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

362 Section 15. Within one year of the enactment of this Act, the Department of Health and Social Services and the
363 Department of Natural Resources and Environmental Control shall promulgate or change regulations as necessary
364 regarding this Act.

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

366 (1) One year from the date of the Act's enactment.

367 (2) Notice by the Secretaries of the Department of Health and Social Services and Department of Natural
368 Resources and Environmental Control published in the Register of Regulations that final regulations to implement this Act
369 have been adopted.

SYNOPSIS

This Act authorizes the process of natural organic reduction to be used in this State. Natural organic reduction is the gentle, respectful process that accelerates the decomposition of human remains to soil. This process uses large vessels to hold human remains together with straw, wood chips, or other natural materials for about 30 days. The human remains and organic materials, mixed together with warm air, are periodically turned and the process eventually results in reduction of the human remains to a soil material that can then be provided to the deceased individual's family. Natural organic reduction is considered a more eco-friendly cremation alternative, forgoing the usage of formaldehyde and the release of carbon dioxide and mercury into the atmosphere. The process also uses 1/8 the energy of cremation.

Section 3 of this Act removes "and by the Attorney General or a deputy attorney general" from § 3163 of Title 16, which was overlooked when Chapter 164 of Volume 68 of the Laws of Delaware was enacted, removing similar language in § 3159 of Title 16. Section 12 of this Act replaces the citation to § 3162 of Title 16 with a citation to § 3159. Section 3162 was transferred to § 3159 when Chapter 31 was reenacted by Chapter 274 of Volume 68 of the Laws of Delaware, but this citation was overlooked.

This Act takes effect the earlier of 1 year from the date of the Act's enactment or notice in the Register of Regulations that final regulations to implement this Act have been adopted.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

This Act requires a greater than majority vote for passage because § 28 of Article IV of the Delaware Constitution requires the affirmative vote of two-thirds of the members elected to each house of the General Assembly to expand the scope of an existing crime within the jurisdiction of the Court of Common Pleas, Family Court, or Justice of the Peace Court.