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HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 1
FOR
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:

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~~Medical
6 Examiner's Office of the county in which ~~such the~~ approved institution ~~shall be~~is situate for ~~burial or cremation,~~natural
7 organic reduction, as defined under § 3101 of this title, ~~burial, or cremation.~~ ~~and such~~The approved institution shall pay the
8 expenses of ~~such burial or cremation~~the natural organic reduction, as defined under § 3101 of this title, ~~burial, or~~
9 cremation, and of the preparation of ~~such the~~ body therefor, at the rates provided by law or which are usual and customary
10 in such ~~eases,~~provided that cases. However, with the approval of the Inspector of Anatomy ~~mentioned in~~under § 2706 of
11 this title, ~~such an~~the approved 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 ~~eremation;~~ 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 ~~erematory~~ 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 ~~eremation;~~ 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 ~~eremation;~~ 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 ~~eremation;~~ 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) Ensuring that the natural organic reduction vessel maintains a minimum temperature of 131 degrees Fahrenheit
92 for a minimum of 72 hours during the process of natural organic reduction.

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

94 (c) Developing and using a natural organic reduction process in which the final remains resulting from the process
95 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>

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

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

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

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

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

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

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

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

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

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

130 (2) Calendar year covered by the report.

131 (3) Annual quantity of final remains.

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

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

135 § 3101. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

166 (11)(13) “Nonresident funeral director” ~~shall mean~~ means a funeral director licensed in another state, district,
167 territory or foreign country.

168 (12)(14) “Person” ~~shall mean~~ means a corporation, company, association and partnership, as well as an
169 individual.

170 (13)(15) “Practitioner” ~~shall mean~~ means a funeral director.

171 (14)(16) “Protective hairstyle” includes braids, locks, and twists.

172 (15)(17) “Race” includes traits historically associated with race, including hair texture and a protective
173 hairstyle.

174 (16)(18) “Student of mortuary science” ~~shall mean~~ means a person registered in an official accredited
175 Institution of Mortuary Science program.

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

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

181 § 3105. Powers and duties.

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

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

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

186 § 3119. Interference with free choice of funeral establishment; operating mortuary in cemetery; accepting fees
187 from cemeteries.

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

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

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

197 § 3121. ~~Cremation.~~ Cremation or natural organic reduction.

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

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

203 (1) The human remains contain radioactive implants.

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

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

207 a. Prion disease infection.

208 b. Mycobacterium tuberculosis infection.

209 c. Ebola virus disease infection.

210 (4) The human remains were previously embalmed.

211 (5) The Board of Funeral Services determines that the human remains are carrying or are reasonably believed
212 to be carrying a viral or other public health risk that either will not be eliminated in the process of natural organic
213 reduction or for which it cannot be determined whether the risk will be eliminated in the process of natural organic
214 reduction.

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

217 (1) Is made of readily combustible material.

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

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

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

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

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

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

230 ~~(d)~~(f) Cremated remains which have been unclaimed or abandoned for a period of more than 12 months from the
231 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
232 of ~~said the~~ cremated remains to the appropriate authorized individual at a future date. All expenses surrounding the
233 disposition and subsequent retrieval of the cremated remains shall be at the sole expense of the authorizing party. A record
234 of the disposition of ~~said the~~ cremated remains must be maintained by the funeral establishment of record.

235 (g) Human remains following natural organic reduction which have been unclaimed or abandoned for a period of
236 more than two months from the date of completion of the natural organic reduction process may be disposed of in a
237 cemetery or other natural, protected area under the ownership or control of the funeral establishment, in accordance with all
238 applicable laws and regulations. All expenses surrounding the disposition and disposal of the remains following the natural
239 organic reduction process are at the sole expense of the authorizing party.

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

242 § 1002. Definitions.

243 As used in this chapter:

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

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

249 § 260. Definitions.

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

251 (3) "Declaration instrument" means a written instrument, signed by a declarant, governing the disposition of
252 the declarant's ~~last final~~ remains and the ceremonies planned after a declarant's death, including a document governing
253 the disposition of ~~last final~~ remains under this title or a United States Department of Defense Record of Emergency

254 Data Form (DD Form 93) or any successor form executed by the declarant. Such a declaration may be made within a
255 prepaid funeral, burial, ~~or cremation~~ cremation, or natural organic reduction contract with a ~~mortuary or crematorium.~~
256 mortuary, crematory, or natural organic reduction facility.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

280 .

281 Subjection to natural organic reduction. I direct that my remains following natural organic reduction be disposed

282 of as follows:

283 .

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

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

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

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

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

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

292 .

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

294 .

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

297 .

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

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

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

309 (Declarant) .

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

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

313 A. Any needed organs/tissues.

314 B. The following organs/tissues:

315 .

316 Donor signature: .

317 Notarization Optional:

318 State of Delaware

319 County of :

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

321 *(Seal) Notary Public .

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

324 § 4701A. Definitions.

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

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

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

328 ~~(1)~~a. A spouse.

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

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

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

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

335 § 4706. Investigation of deaths.

336 (a) When ~~any person shall die~~ an individual dies in this State, as a result of violence, by suicide or by casualty if
337 such occurred not longer than 1 year and 1 day prior to death, while under anesthesia, by abortion or suspected abortion, by
338 poison or suspicion of poison, by overdose death as defined at § 4799A of Title 16 or suddenly when in apparent health or
339 when unattended by a physician or in any prison or penal institution or when in police custody or from a disease resulting
340 from employment including disease related to injury or from an undiagnosed cause which may be related to a disease
341 constituting a threat to public health or in any suspicious or unusual manner or if there is any unclaimed body or ~~if anybody~~
342 ~~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
343 having knowledge of ~~such the~~ death or of the person issuing a permit for cremation or natural organic reduction under §

344 ~~3162~~ § 3159 of Title 16 immediately to notify the Chief Medical Examiner, an Assistant Medical ~~Examiner~~ Examiner, or a
345 Deputy Medical Examiner, as the case may be, who in turn shall notify the Attorney General of the known facts concerning
346 the time, place, ~~manner~~ manner, and circumstances of ~~such~~ the death. ~~Any~~ A person who ~~shall~~ wilfully neglect or refuse
347 neglects or refuses to report ~~such~~ the death or who ~~shall~~ refuse ~~refuses~~ to make available prior medical or other information
348 pertinent to the death investigation or who, without an order from the Division of Forensic Science, ~~shall~~ wilfully touch,
349 ~~remove or disturb~~ touches, removes, or disturbs the clothing or any article ~~upon~~ on or near the body shall ~~upon~~ on
350 conviction be subject to imprisonment for not more than 1 year or pay a fine of not more than \$1,000, or both.

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

353 § 4711. Disposition of unclaimed body or remains of indigent person.

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

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

358 § 7902A. Definitions.

359 As used in this chapter unless otherwise stated:

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

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

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

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

368 b. Maintaining a facility used for the interment of human remains, whether a full ~~body or cremated human~~
369 remains body, cremated remains, or remains following natural organic reduction, as defined under § 3101 of Title
370 16.

371 (6) “Distressed cemetery” means any land or structure used or intended to be used for the
372 ~~interment/entombment~~ interment or entombment of human remains including facilities used for the final disposition of
373 cremated remains or remains following natural organic reduction, as defined under § 3101 of Title 16, whereby the

374 owner lacks sufficient financial resources for the maintenance or preservation of ~~said~~the cemetery as determined by
375 the Board. An abandoned cemetery may qualify as a distressed cemetery if registered with the State by a responsible
376 ~~party/volunteer.~~ party or volunteer.

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

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

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

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

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

SYNOPSIS

House Bill 162 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 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.

This Substitute No. 1 to HB 162 adds requirements to those already set forth in HB 162 for natural organic reduction facilities and changes the permissible chemical limits for final remains after natural organic reduction. This Substitute also sets forth circumstances that preclude remains from being admitted to a natural organic reduction facility. This Substitute defines “final remains” and “last remains” identically in Title 12 of the Delaware Code to allow for the use of either phrase throughout that Title. This Substitute also makes typographical and technical corrections to conform existing and drafted law to the standards of the Delaware Legislative Drafting Manual.

