

HOUSE BILL NO. 529

INTRODUCED BY B. HARRIS

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A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS GOVERNING CREMATORIIUMS; ALLOWING A CREMATORY OPERATOR TO RECEIVE HUMAN REMAINS DIRECTLY FROM THE PLACE OF DEATH; DIRECTING CREMATORY OPERATORS OR CREMATORY TECHNICIANS TO INSPECT FOR AND REMOVE POTENTIALLY HAZARDOUS IMPLANTS IN HUMAN REMAINS AND TO ENSURE THAT HUMAN REMAINS ARE PLACED IN A CREMATION CONTAINER BEFORE CREMATION; AND AMENDING SECTION 37-19-705, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 37-19-705, MCA, is amended to read:

**"37-19-705. ~~Cremation~~ Direct cremation -- cremation procedures -- cremation containers. (1)**

Human remains may not be cremated except in a licensed crematory. A crematory operator may receive human remains directly from the place of death, prepare the remains for cremation, and perform the cremation.

(2) Human remains may not be cremated within 24 hours after the time of death.

(3) A body may not be cremated with a pacemaker or other potentially hazardous implant, as defined by the board, including any toxic or explosive-type sealed implants, in place. The authorizing agent is responsible for disclosing the existence of ~~any a pacemakers pacemaker~~ pacemaker or other hazardous ~~implants~~ implant. A crematory operator or crematory technician shall inspect for and remove a pacemaker or other potentially hazardous implant in human remains received by the crematory.

(4) A crematory shall hold human remains, prior to their cremation, under the following conditions:

(a) In the event the crematory is unable to perform cremation upon receipt of the human remains, it shall place the human remains in a holding facility.

(b) If the human remains are not embalmed, they may not be held longer than 48 hours after the time of death outside of a refrigerated facility.

(5) Human remains delivered to a crematory may not be removed from the cremation container, and the cremation container must be cremated with the human remains. If a crematory receives human remains that are not in a cremation container, then the crematory operator or crematory technician shall place the human remains

1 in a cremation container before cremation.

2 (6) Unauthorized persons may not be permitted in the retort area while any human remains are awaiting  
3 cremation, being cremated, or being removed from the cremation chamber.

4 (7) The unauthorized, simultaneous cremation of human remains of more than one person within the  
5 same cremation chamber is prohibited unless the crematory has received express written authorization from all  
6 appropriate authorizing agents for the human remains to be cremated simultaneously. A written authorization  
7 exempts the crematory from liability for commingling of the product of the cremation process provided the  
8 authorization is complied with.

9 (8) The identification of the human remains, as indicated on the cremation container, must be verified  
10 by the crematory operator or crematory technician immediately prior to the cremation container being placed  
11 within the cremation chamber. The identification must be removed from the cremation container and be placed  
12 near the cremation chamber control panel where it must remain until the cremation process is complete.

13 (9) Upon completion of the cremation process, all recoverable residue must be removed from the  
14 cremation chamber. All residue of the cremation process must be separated from material other than bone  
15 fragments, which must be processed so as to reduce the bone fragments to unidentifiable particles.

16 (10) Cremated remains, with proper identification, must be packed and placed in a temporary container  
17 or urn ordered by the authorizing agent.

18 (11) If the cremated remains will not fit within the dimensions of the temporary container or urn, the  
19 remainder of the cremated remains must be returned to the authorizing agent in a separate container.

20 (12) If the cremated remains are to be shipped, the temporary container or designated receptacle ordered  
21 by the authorizing agent must be packed securely in a suitable, sturdy, pressure resistant, and properly sealed  
22 container.

23 (13) Cremated remains may be shipped only by a method that has an internal tracing system available  
24 and that provides a receipt signed by the person accepting delivery."

25 - END -