

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 872 (Delegate Hucker, *et al.*)
Health and Government Operations

Cremation Choice Act of 2012

This bill expands the definition of “cremation” to include “cold cremation,” which is the process of reducing human remains to fragments by deep freezing and evaporation, including any mechanical or thermal process.

Fiscal Summary

State Effect: Potential minimal increase in revenues and expenditures associated with the regulation of crematories for the State Board of Morticians and Funeral Directors and the Office of Cemetery Oversight to the extent that cold cremation is utilized.

Local Effect: None.

Small Business Effect: Potentially significant to small businesses that wish to utilize this technology.

Analysis

Current Law/Background: Under the Business Regulation and Health Occupations articles, “cremation” is currently defined as the process of reducing human remains to bone fragments through intense heat and evaporation including any mechanical or thermal process, while under the Health-General Article, “cremation” means the disposition of a dead human body by means of incineration.

Maryland crematories are regulated jointly by the State Board of Morticians and Funeral Directors in the Department of Health and Mental Hygiene and the Office of Cemetery

Oversight in the Department of Labor, Licensing, and Regulation. The Maryland Department of the Environment enforces emissions standards.

Due to a multitude of factors, including the relatively low cost of cremations and the current economic climate, cremations in the State are increasing at a rate of 1% or 2% every year. Approximately 44,000 deaths occurred in Maryland in 2009 and 33% of these deaths were disposed of by cremation, an increase from 21% in 1999.

Under cold cremation, a decedent's body is placed into a freezing gas, pressure is applied and moisture is drawn off, metal is removed, and the remains are suitable for disposal. Although in preliminary use in Sweden, this technology is not yet available in the United States. Expansion of the definition of cremation to include this type of process will allow funeral homes and crematories to consider using this process in Maryland. One company, ecoLegacy, would like to make the cold cremation process available as an alternative for Maryland consumers later this year.

To date, the definition of cremation has been expanded beyond the traditional process in several states. However, in many of these states, the statute also authorizes other alternative forms of cremation such as alkaline hydrolysis, which uses combination of heat, pressure, and a sodium hydroxide or potassium hydroxide solution to reduce human remains.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

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