

HOUSE No. 4822

Section 38 contained in the engrossed Bill making appropriations for the fiscal year 2019 (see House, No. 4800), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment D of House, No. 4833). July 27, 2018.

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act relative to the cremation of certain unclaimed bodies.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the cremation of certain unclaimed bodies, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 43M of chapter 114 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by adding the following paragraph:-

3 A board of health may authorize the cremation of unclaimed remains by signing a
4 cremation form for unclaimed remains under the following circumstances: (i) the unclaimed
5 remains shall be in a location that is within the jurisdiction of the board of health; and (ii) the
6 board of health has received notice that either no person has come forward to claim the remains
7 or that no person may legally claim the remains; provided, however, that the board of health shall
8 wait 30 days after such notification under this clause prior to signing the cremation form. There

9 shall be no liability for a board of health or an employee or agent thereof that authorizes the
10 disposal of unclaimed remains in accordance with this section.

11 SECTION 2. This act shall take effect as of July 1, 2018.

The Commonwealth of Massachusetts

House of Representatives,

The committee on Bills in the Third Reading, to whom was referred the

Engrossed Bill relative to the cremation of certain unclaimed bodies (see House, No. 4822) being section 38 contained in the bill making appropriations for the fiscal year 2019 for the maintenance of the departments, boards, commissions, institutions and certain activities of the commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4800), which was returned by His Excellency the Governor pursuant to Article LVI with recommendation of amendment specified by him, (see Attachment D of House, No. 4833)

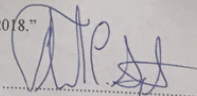
Reports recommending that the amendment recommended by His Excellency the Governor be considered in the following form:

By striking out all after the enacting clause and inserting in place thereof the following:-

"SECTION 1. Section 43M of chapter 114 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by adding the following paragraph:-

Notwithstanding any general or special law to the contrary and for the purposes of this section, a board of health may serve as the duly authorized representative for the purpose of requesting cremation of unclaimed remains by signing a cremation form under the following circumstances: (i) the unclaimed remains shall be in a location that is within the jurisdiction of the board of health; (ii) the board of health has received notice from a licensed funeral director that either no person has come forward to claim the remains or that no person may legally claim the remains; provided, however, that the board of health shall wait 30 days after such notification under this clause prior to signing the cremation form. The unclaimed remains shall then be viewed by a medical examiner or forensic investigator designated by the chief medical examiner pursuant to section 14 of chapter 38, who shall authorize such cremation only when no further examination or judicial inquiry concerning the death is necessary. The office of the chief medical examiner may waive the fee set forth in said section 14 of said chapter 38 for cremation authorizations pursuant to this section. There shall be no liability for a board of health or an employee, agent, or licensee thereof that authorizes the disposal of unclaimed remains in accordance with this section. Nothing in this section shall supersede the obligations of the office of the chief medical examiner as set forth in this chapter and chapter 38.

SECTION 2. This act shall take effect as of July 1, 2018."


.....
For the Committee.

H.R., Amendment recommended by the Governor (as approved by the committee on Bills in the Third Reading) adopted in the following form:

By striking out all after the enacting clause [at "A"] and inserting in place thereof the following:

"SECTION 1. Section 43M of chapter 114 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by adding the following paragraph:-

Notwithstanding any general or special law to the contrary and for the purposes of this section, a board of health may serve as the duly authorized representative for the purpose of requesting cremation of unclaimed remains by signing a cremation form under the following circumstances: (i) the unclaimed remains shall be in a location that is within the jurisdiction of the board of health; (ii) the board of health has received notice from a licensed funeral director that either no person has come forward to claim the remains or that no person may legally claim the remains; provided, however, that the board of health shall wait 30 days after such notification under this clause prior to signing the cremation form. The unclaimed remains shall then be viewed by a medical examiner or forensic investigator designated by the chief medical examiner pursuant to section 14 of chapter 38, who shall authorize such cremation only when no further examination or judicial inquiry concerning the death is necessary. The office of the chief medical examiner may waive the fee set forth in said section 14 of said chapter 38 for cremation authorizations pursuant to this section. There shall be no liability for a board of health or an employee, agent, or licensee thereof that authorizes the disposal of unclaimed remains in accordance with this section. Nothing in this section shall supersede the obligations of the office of the chief medical examiner as set forth in this chapter and chapter 38.

SECTION 2. This act shall take effect as of July 1, 2018."

Sent to the Senate for its action.

Steve T. James, Clerk.

Senate, July 31, 2018

The Senate concurs in the adoption of
the amendment in the form adopted by the
House.

William F. Welch, Clerk

Chapter
of the Acts of 2018

THE COMMONWEALTH OF MASSACHUSETTS

In the One Hundred and Ninetieth General Court

AN ACT RELATIVE TO THE CREMATION OF CERTAIN UNCLAIMED BODIES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the cremation of certain unclaimed bodies, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 43M of chapter 114 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by adding the following paragraph:-

A board of health may authorize the cremation of unclaimed remains by signing a cremation form for unclaimed remains under the following circumstances: (i) the unclaimed remains shall be in a location that is within the jurisdiction of the board of health; and (ii) the board of health has received notice that either no person has come forward to claim the remains or that no person may legally claim the remains; provided, however, that the board of health shall wait 30 days after such notification under this clause prior to signing the cremation form. There shall be no liability for a board of health or an employee or agent thereof that authorizes the disposal of unclaimed remains in accordance with this section.

SECTION 2. This act shall take effect as of July 1, 2018.

House of Representatives, July 18, 2018.

Preamble adopted, PAUL J. DONATO, Acting Speaker.

In Senate, July 18, 2018.

Preamble adopted, HARRIETTE L. CHANDLER, President.

House of Representatives, July 18, 2018.

Bill passed to be enacted, PAUL J. DONATO, Acting Speaker.

H 4822

In Senate, July 18, 2018.

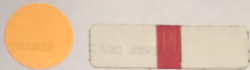
Bill passed to be enacted, HARRIETTE L. CHANDLER, President.

, 2018.

Approved,

at o'clock and minutes. . M.

Governor.



EMERGENCY PREAMBLE

(Adopted, House July 31, 2018 (70-0)
(Adopted, Senate July 31, 2018 (12-0))

AN ACT RELATIVE TO THE CREMATION OF CERTAIN UNCLAIMED BODIES.

This Act originated in the House Stewart James, Clerk.

House of Representatives, July 31, 2018.

Rightly and Truly Prepared for Final Passage.

Contains an Emergency Preamble.

Stewart James, House Clerk.

In Senate, July 31, 2018.

Rightly and Truly Prepared for Final Passage.

Contains an Emergency Preamble.

William Stukel, Senate Clerk.

Laid before the Governor July 31, 2018.

SECRETARY OF STATE
REGISTRATION DIVISION
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