

1.1 A bill for an act

1.2 relating to health; requiring removal of mercury from human bodies before
1.3 cremation; amending Minnesota Statutes 2006, section 149A.95, by adding a
1.4 subdivision; Minnesota Statutes 2007 Supplement, section 149A.95, subdivisions
1.5 6, 7, 20.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2007 Supplement, section 149A.95, subdivision 6,
1.8 is amended to read:

1.9 Subd. 6. **Acceptance of delivery of body.** (a) Except as permitted under paragraph
1.10 (b), no dead human body shall be accepted for final disposition by cremation unless
1.11 encased in an appropriate cremation container or wrapped in an impermeable sheet
1.12 or pouch and placed on a tray rigid enough for handling with ease, accompanied by
1.13 a disposition permit issued pursuant to section 149A.93, subdivision 3, including a
1.14 photocopy of the completed death record or a signed release authorizing cremation of the
1.15 body received from the coroner or medical examiner, and accompanied by a cremation
1.16 authorization that complies with subdivision 4. A crematory shall refuse to accept delivery
1.17 of a cremation container where there is:

1.18 (1) evidence of leakage of fluids from the cremation container;

1.19 (2) a known dispute concerning cremation of the body delivered;

1.20 (3) a reasonable basis for questioning any of the representations made on the written
1.21 authorization to cremate; or

1.22 (4) any other lawful reason.

1.23 (b) A crematory may accept a dead human body on a mortuary cot, approved by
1.24 the commissioner, for the purpose of performing mercury abatement as required under

S.F. No. 3884, as introduced - 2007-2008th Legislative Session (2007-2008)

2.1 subdivision 7a. Upon completion of the mercury abatement procedures, the body must be
2.2 placed in an approved cremation container.

2.3 Sec. 2. Minnesota Statutes 2007 Supplement, section 149A.95, subdivision 7, is
2.4 amended to read:

2.5 Subd. 7. **Handling of cremation containers for dead human bodies.** All
2.6 crematory employees handling cremation containers for dead human bodies shall use
2.7 universal precautions and otherwise exercise all reasonable precautions to minimize the
2.8 risk of transmitting any communicable disease from the body. No dead human body shall
2.9 be removed from the container in which it is delivered to the crematory without express
2.10 written authorization of the person or persons with legal right to control the disposition,
2.11 except as required to comply with subdivision 7a and only by a licensed mortician. If,
2.12 after accepting delivery of a body for cremation, it is discovered that the body contains an
2.13 implanted mechanical or radioactive device, that device must be removed from the body
2.14 by a licensed mortician or physician prior to cremation or, if it is discovered that the
2.15 body contains dental amalgam fillings, the fillings must be removed in accordance with
2.16 subdivision 7a prior to cremation.

2.17 Sec. 3. Minnesota Statutes 2006, section 149A.95, is amended by adding a subdivision
2.18 to read:

2.19 Subd. 7a. **Mercury abatement.** (a) No dead human body may be cremated if it
2.20 contains dental amalgam fillings. If a body is received by the crematory containing this
2.21 material, it is the responsibility of the licensed funeral director prior to cremation to remove
2.22 the material using proper tools and in a dignified manner, and to dispose of the material in
2.23 accordance with state and federal law. An unlicensed person may remove the material in
2.24 accordance with this subdivision, under supervision of a licensed funeral director.

2.25 (b) Compliance with this subdivision and subdivision 20, paragraph (b), shall be
2.26 phased in as follows:

2.27 (1) crematories adjacent to public or private school property, a residential area, a
2.28 lake, or a river must comply with this subdivision by January 1, 2010; and

2.29 (2) all other crematories must comply with this subdivision by January 1, 2012.

2.30 Sec. 4. Minnesota Statutes 2007 Supplement, section 149A.95, subdivision 20, is
2.31 amended to read:

S.F. No. 3884, as introduced - 2007-2008th Legislative Session (2007-2008)

3.1 Subd. 20. **Required records.** (a) Every crematory shall create and maintain on its
3.2 premises or other business location in Minnesota an accurate record of every cremation
3.3 provided. The record shall include all of the following information for each cremation:

3.4 (1) the name of the person or funeral establishment delivering the body for cremation;

3.5 (2) the name of the deceased and the identification number assigned to the body;

3.6 (3) the date of acceptance of delivery;

3.7 (4) the names of the cremation chamber and mechanical processor operator;

3.8 (5) the time and date that the body was placed in and removed from the cremation
3.9 chamber;

3.10 (6) the time and date that processing and inurnment of the cremated remains was
3.11 completed;

3.12 (7) the time, date, and manner of release of the cremated remains;

3.13 (8) the name and address of the person who signed the authorization to cremate;

3.14 (9) all supporting documentation, including any transit or disposition permits, a
3.15 photocopy of the death record, and the authorization to cremate; and

3.16 (10) the type of cremation container.

3.17 (b) A crematory must certify that the cremated body did not contain dental amalgam
3.18 fillings. The certification must include the process used to remove the material and the
3.19 means by which the material was disposed. The certification must be maintained with
3.20 the record required under paragraph (a).