HOUSE JOINT RESOLUTION NO. 27

INTRODUCED BY D. BAUM, L. BREWSTER, B. CLOSE, D. HAWK, J. ISALY, D. JOY, E. MATTHEWS, L. MUSZKIEWICZ, G. PARRY, J. REAVIS, J. SECKINGER, P. STRAND, J. WEBER

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY ON MORTICIANS AND FUNERAL SERVICES; EXAMINING WAYS TO IMPROVE CLARITY AND CONSISTENCY OF EXISTING STATUTE; RESEARCHING AND PROVIDING A FRAMEWORK FOR OTHER METHODS OF FINAL DISPOSITION TO BE ADDED TO STATUTE; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 70TH LEGISLATURE.

WHEREAS, existing statutes regarding the final disposition of a deceased human body are spread across no less than seven different titles in the Montana Code Annotated; and

WHEREAS, existing statute does not include provisions for other methods of final disposition of a deceased human body, including natural organic reduction or alkaline hydrolysis.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

(1) examine current statutes and department rules related to the final disposition of a deceased human body, including but not limited to:

(a) public cemetery services in Title 7, chapter 35, MCA;

(b) burial sites and human remains in Title 22, chapter 3, MCA;

(c) cemetery associations and mausoleum-columbarium authorities in Title 35, chapters 20 and 21, MCA;

(d) licensure of morticians, funeral service providers, and other related professions in Title 37, MCA;

(e) health and safety standards involved with cadavers, autopsies, and determination of death in Title 50, chapters 21 and 22, MCA;

(f) disposition rights, intestate succession, and anatomical gifts in Title 72, chapters 9, 11, and 17, MCA; and

(g) air quality permits for crematory facilities in Title 75, chapter 2, part 2, MCA.

(2) examine how other states have incorporated new technology for final disposition of deceased human bodies into existing statute, including organization and definitions;

(3) research currently available final disposition technologies, including natural organic reduction and alkaline hydrolysis, that are not provided for in statute or department rules;

(4) propose legislation to:

(a) update terminology and definitions to be consistent with current industry standard practice;

(b) modernize and reorganize archaic language for conformity with the bill drafting manual; and

(c) build a framework for new final disposition methods and technologies to be added into statute during future legislative sessions;

(5) collaborate on this issue with relevant stakeholders, including but not limited to:

(a) mortuary science professionals;

(b) crematory process professionals;

(c) representatives of each federally recognized tribal government in Montana;

(d) representatives of the board of funeral service established in section 2-15-1743, MCA;

(e) representatives of the Montana Funeral Directors Association;

(f) city or county public health experts; and

(g) representatives with expertise in other final disposition methods, including natural organic reduction and alkaline hydrolysis.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2026.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,

comments, or recommendations of the appropriate committee, be reported to the 70th Legislature.

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