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FISCAL IMPACT REPORT

SPONSOR Pirtle/Diamond/O'Neill/Hemphill **LAST UPDATED** _____
ORIGINAL DATE 02/10/2023
BILL
SHORT TITLE Expand Definition of Cremation **NUMBER** Senate Bill 285
ANALYST Chilton

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	No fiscal impact	No fiscal impact			

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent version of this legislation.

Related to House Bill 201

Sources of Information

LFC Files

Responses Received From

Regulation and Licensing Department (RLD)

SUMMARY

Synopsis of Senate Bill 285

The main purpose of Senate Bill 285 is to allow for alkaline hydrolysis (also known as biocremation, flameless cremation, aquacremation, or water cremation) alongside the more commonly used flame cremation as a means of treating the bodies of the dead. It also updates some obsolete language used elsewhere in statute – in Section 24-12A NMSA 1978, which deals with cremation, in Section 58-17, which deals with the Endowed Care Cemetery Act, and in Section 61-32, the Funeral Services Act.

In Section 24-12A-1 and in Section 61-32-3, alkaline hydrolysis (see description under Significant Issues below) is placed alongside flame cremation in the definition of cremation. In Section 58-17-3, also a definitions subsection, cremation is defined in the same way as in Section 24-12A-1. “Cremated remains” is redefined as residue remaining after flame or alkaline hydrolysis cremation that may contain bone fragments.

This bill does not contain an effective date and, as a result, would go into effect June 16, 2023, (90 days after the Legislature adjourns) if signed into law.

FISCAL IMPLICATIONS

There is no appropriation in Senate Bill 285. RLD does not anticipate a fiscal impact to that or any other state agency.

SIGNIFICANT ISSUES

Alkaline hydrolysis, although not an accepted practice by certain religions, is increasingly used in the United States and other countries. The process involves heating the body to a high temperature in a highly alkaline solution of water and potassium hydroxide in a machine made for the purpose.

A Mayo Clinic article (<https://www.mayoclinic.org/body-donation/biocremation-resomation>) describes alkaline hydrolysis: Alkaline hydrolysis is similar to many physiological processes that occur naturally in the body. The process converts tissue and cells of the human body into a watery solution of micromolecules, leaving the bone structure of mineral compounds, such as calcium and phosphates. Since resomation (alkaline hydrolysis) is not a combustion process, it is environmentally friendly and does not produce toxic gases or air pollutants. The remains are reduced to a powder consistency, placed in a temporary container, and may be returned to the family or interred ...”

According to a 2019 analysis by Nolo (a legal article publisher in California), Florida was the first U.S. state to permit alkaline hydrolysis; Minnesota followed in 2003, Maine and Oregon in 2009, Maryland in 2010, Colorado and Kansas in 2011, Georgia and Illinois in 2012, Wyoming, Vermont and Idaho in 2014, Nevada and California in 2017, North Carolina and Utah in 2018, and Washington in 2020. Other states may have authorized the process since the NOLO article was written.

RELATIONSHIP

Related to House Bill 201. The Funeral Services Act is currently set to be repealed as of July 1, 2024; however, House Bill 201 amends the sunset date to July 1, 2030.

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