

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 765 Session of 2021

INTRODUCED BY LANGERHOLC, STEFANO AND MENSCH, JUNE 15, 2021

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, JUNE 15, 2021

AN ACT

1 Amending the act of June 8, 1891 (P.L.212, No.184), entitled "An
 2 act in relation to cremation of human bodies in this
 3 Commonwealth," further providing for permit to cremate and
 4 for information for cremation; providing for cremation
 5 temperature; further providing for penalties; and providing
 6 for definitions and for duties of the Department of
 7 Environmental Protection.

8 The General Assembly of the Commonwealth of Pennsylvania
 9 hereby enacts as follows:

10 Section 1. Sections 1 and 2 of the act of June 8, 1891
 11 (P.L.212, No.184), entitled "An act in relation to cremation of
 12 human bodies in this Commonwealth," are amended to read:

13 Section 1. Permit to Cremate

14 Every [undertaker or proprietor or person in charge of any
 15 crematory or furnace or place] crematory operator where any
 16 human corpse shall or may be cremated [or incinerated], shall,
 17 before removing any such corpse to, or receiving any such corpse
 18 at, such crematory, [furnace or place for cremating or
 19 incinerating the same,] obtain a permit to cremate [or
 20 incinerate] such corpse from the [board or] department of health
 21 or local health [authorities] authority of the city or locality

1 within which such crematory [furnace or place is situate] is
2 located.

3 Section 2. Before such permit shall be granted, every person
4 applying therefor, shall deposit and file in the office of such
5 [board or] department of health or local health [authorities]
6 authority, a certificate signed [in ink by the physician
7 attending during the last illness of such deceased person, (or
8 the certificate of the coroner), and the undertaker and
9 proprietor or person in charge of such crematory, furnace or
10 place, setting forth the decedent's name, age, sex, birthplace,
11 color, last residence by ward, street and number, if such
12 residence was in a city, otherwise as nearly as may be, the time
13 of residence therein, the place of last previous residence, the
14 cause, place and time of death, the place, date and hour of the
15 intended cremation or incineration, and, when practicable, the
16 names of the father and mother of deceased.] by the coroner and

17 the crematory operator setting forth the individual's name, age,
18 gender, residence, the cause, place and time of death and the
19 date and hour of the intended cremation.

20 Section 2. The act is amended by adding a section to read:

21 Section 2.1. A crematory operator must maintain a one-hour
22 average temperature of at least one thousand six hundred degrees
23 Fahrenheit in the cremation chamber, with a minimum residence
24 time for combustion gases of at least one second, when remains
25 are being cremated.

26 Section 3. Section 3 of the act is amended to read:

27 Section 3. Any person wilfully violating any of the
28 provisions of this act or being present at, helping or assisting
29 in any cremation [or incineration] of any human corpse where a
30 permit has not been previously obtained in conformity with and

1 as required by this act, shall forfeit and pay for every offense
2 [not less than fifty dollars nor more than three hundred
3 dollars, to be recovered before alderman or police magistrate]
4 within the city or county where the offense shall be committed.

5 Section 4. The act is amended by adding a section to read:

6 Section 4. The following words and phrases when used in this
7 act shall have the meanings given to them in this section unless
8 the context clearly indicates otherwise:

9 "Cremation." A process that reduces human remains to bone
10 fragments. The term includes processing and the pulverization of
11 the bone fragments.

12 "Cremation chamber." A furnace or apparatus for burning
13 human remains to bone fragments.

14 "Crematory." A building that houses the cremation chamber,
15 notwithstanding if the building serves only the function of
16 cremation or the building also contains the administrative
17 offices, mortuary preparation rooms, cemetery maintenance
18 facilities or other related tasks performed by the crematory
19 operator.

20 "Crematory operator." The individual who is authorized to
21 operate the crematory and perform the cremation process.

22 Section 5. The Department of Environmental Protection may
23 not require a cremation to occur at a temperature greater than
24 the temperature set forth in section 2.1 of the act.

25 Section 6. This act shall take effect in 90 days.