

KILLING THE FUNERAL INDUSTRY: THE PROBLEM
WITH STATES' PIECEMEAL APPROACH TO
LEGALIZING ALTERNATIVE METHODS OF
DISPOSITION

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INTRODUCTION

It is unlikely that Jeff Edwards spent one hundred and fifty thousand dollars on an alkaline hydrolysis (AH) machine to point out the deficiencies in human disposition laws in the United States.¹ Edwards offered AH to his customers because he believed it was an authorized method of disposition under Ohio law.² Starting in January 2011, Edwards became the first funeral director to perform a commercial AH disposition in the United States and successfully conducted nineteen AH dispositions using his machine.³ Before he could perform his twentieth, the Ohio Department of Health informed Edwards that AH was not an authorized method of disposition in Ohio and that death certificates would not be issued for AH dispositions.⁴ According to a health department spokeswoman, burial and cremation were the only two approved procedures for human disposition in Ohio.⁵

Edwards sued the Department of Health and the Ohio Board of Embalmers and Funeral Directors, arguing that Ohio's statute permitted the disposition of dead remains by "burial, cremation, or other manner of final disposition," and Ohio did not have any laws prohibiting AH.⁶ A Columbus judge admitted that the statute was confusing but granted a directed verdict in favor of the Department of Health and the Board, preventing him from using the one-hundred-and-fifty-thousand-dollar machine.⁷

Jeff Edwards's story shows how costly ambiguous disposition laws can be for funeral directors. This issue is currently of particular salience considering the emergence of new disposition methods like AH and Natural Organic Reduction (NOR).⁸ Experts attribute the growing interest among younger generations in new disposition methods to rising burial costs, declines in religious observance, and increased environmental consciousness.⁹ The continuation of this

1. Debbie Holmes, *Alternative Cremation Method Back in State Legislature*, WOSU (Apr. 6, 2015), <https://perma.cc/Y3JL-DBMH>.

2. T. Scott Gilligan, *Ohio Court Rules Against Alkaline Hydrolysis*, OHIO FUNERAL DIRS. ASS'N (Feb. 14, 2012), <https://perma.cc/V9BP-2MHK>.

3. *Id.*

4. *Id.*

5. *State Halts Liquid Cremation*, COLUMBUS DISPATCH (Mar. 23, 2011), <https://perma.cc/V2JG-SBCS>.

6. Gilligan, *supra* note 2; *see also* Edwards Funeral Serv. v. State, No. 11CVH03-3772, 2011 Ohio Misc. LEXIS 2475, at *1 (Ct. Com. Pl. Oct. 12, 2011).

7. Edwards Funeral Serv. v. State, No. 11CVH03-3772, 2012 Ohio Misc. LEXIS 1298 (Ct. Com. Pl. Mar. 2, 2012).

8. *See* JULIETTE O'KEEFFE, NAT'L COLLABORATING CTR. FOR ENV'T HEALTH, ALTERNATIVE DISPOSITION SERVICES: GREEN BURIAL, ALKALINE HYDROLYSIS & HUMAN COMPOSTING 2 (2023), <https://perma.cc/SH7D-Z5PH>.

9. Tanya D. Marsh, *If You're Planning for Your Death, You Have More Options Than Ever Before*, YES! MAG. (Nov. 16, 2017), <https://perma.cc/35YK-RDMJ>.

trend threatens to render antiquated state laws that only address traditional burial and cremation. Consequently, twenty-nine states have legalized AH or NOR, and legislation is pending in other states.¹⁰

States interested in legalizing AH or NOR must acknowledge the significant implications the legislative approach taken has on practitioners, consumers, and regulators, particularly in relation to the clarity the state's laws provide. States must take specific steps when legalizing AH and NOR to ensure their statutory and regulatory schemes offer clear guidance and consistent results. Requiring funeral directors like Jeff Edwards to identify the canons of statutory interpretation that would be necessary to ascertain which forms of disposition fall within the purview of "other manner of final disposition" is an untenable approach that states interested in legalizing AH or NOR must avoid.

I. BACKGROUND

The boom in the number of Americans who are choosing cremation over traditional burial when they die has been described as "the single greatest change in our funeral practices in . . . the last couple of centuries."¹¹ The growing preference for cremation has been accompanied by the emergence of innovative post-death care technologies that challenge conventional conceptualizations of burial and cremation.¹² Younger generations are increasingly interested in new disposition methods like AH and NOR because they are considered cheaper and more eco-friendly alternatives to traditional burial and cremation.¹³

States' responses to these consumer trends have varied. Twenty-seven states have legalized AH, and twelve states have legalized NOR.¹⁴ Most of these states legalized AH or NOR by expanding the definition of cremation to include AH or NOR.¹⁵ Often, these same

10. *Tracker: Where Is Alkaline Hydrolysis Legal in the US?*, EARTH FUNERAL (Feb. 2, 2023) [hereinafter *Tracker: Alkaline Hydrolysis*], <https://perma.cc/4MKX-492Z>; *Tracker: Where Is Human Composting Legal in the US?*, EARTH FUNERAL (Aug. 9, 2022) [hereinafter *Tracker: Human Composting*], <https://perma.cc/AJ3V-DQYS>.

11. Karen Heller, *The Stunning Rise of Cremation Reveals America's Changing Idea of Death*, WASH. POST (Apr. 19, 2022), <https://www.washingtonpost.com/lifestyle/2022/04/18/cremation-death-funeral/>.

12. *Id.*

13. Alex Brown, *More People Want a Green Burial, but Cemetery Law Hasn't Caught Up*, STATELINE (Nov. 20, 2019), <https://perma.cc/J9M8-KAMY>.

14. *Tracker: Alkaline Hydrolysis*, *supra* note 10; *Tracker: Human Composting*, *supra* note 10.

15. *Water Cremation and Aquamation Laws in Your State*, NOLO (Aug. 13, 2024), <https://perma.cc/M8XF-THBG>; *Tracker: Human Composting*, *supra* note 10.

states have not enacted specific statutes or regulations on AH and NOR.¹⁶ As will become evident, defining and regulating two or three different processes as if they are the same process ensures that a state's disposition laws will be debilitatingly confusing. Legalizing AH and NOR by simply broadening the definition of cremation—while declining to specifically regulate each of the new processes encompassed by the broadened definition of cremation—is an ineffective response to these technologies. Yet it is the approach most states have taken so far.¹⁷ Crafting a regulatory structure that provides clear guidance to funeral industry stakeholders requires states to avoid the temporary solution of lumping AH and NOR under the umbrella of cremation. Instead, states should enact comprehensive disposition-of-human-remains laws with unique definitions and regulatory schemes for cremation, AH, and NOR.

A. *The Death of Traditional Burial*

Post-death disposition preferences in America have changed drastically in the past few decades.¹⁸ Just a little over sixty years ago, fewer than 4% of Americans were cremated when they died.¹⁹ That figure climbed to 27% by the year 2000, and in 2020, 56% of Americans were cremated when they died.²⁰ The rising popularity of cremation is arguably the single greatest change in funeral practices in the last couple of centuries, if not ever.²¹ The trend away from traditional burial is expected to continue: According to both the Cremation Association of North America (CANA) and the National Funeral Directors Association (NFDA), four out of five Americans will choose cremation over traditional burial by 2040.²² The drastic trend away from traditional burial towards cremation shows that consumer preference regarding post-death options is malleable. This realization has prompted states to consider the legality of alternative methods of disposition like AH and NOR.

B. *Consumers Want More Post-Death Options*

The trend towards cremation and away from traditional burial has been accompanied by growing consumer interest in alternative methods of disposition.²³ Families no longer “want to be limited to traditional burial and cremation” and are seeking more

16. See sources cited *supra* note 15.

17. See *Alkaline Hydrolysis*, CREMATION ASS'N N. AM. (2024), <https://perma.cc/2CF3-ZFSZ>.

18. Heller, *supra* note 11.

19. *Why Is Cremation Becoming More Popular in the US?*, NAT'L CREMATION (2024), <https://perma.cc/T3MR-8ADU>.

20. Heller, *supra* note 11.

21. *Id.*

22. *Id.*

23. O'KEEFFE, *supra* note 8, at 2.

personalization and choice when choosing post-death options.²⁴ Although cremation is notoriously cheaper than burials, the cremation of just one body can emit harmful levels of carbon dioxide and mercury into the atmosphere.²⁵ Conventional burials harm the environment through the use of hazardous chemicals and non-biodegradable materials.²⁶ These environmental concerns have caused funeral directors to report a surge in requests for disposition options like AH and NOR.²⁷ As a result of consumer interest in alternative disposition methods, twenty-nine states have legalized AH or NOR.²⁸

C. *Alkaline Hydrolysis and Natural Organic Reduction*

AH is a cheaper, environmentally friendly alternative to cremation “that involves liquefying human remains with potassium hydroxide and 300-degree heat.”²⁹ The body is placed inside a round metal cage, which is filled with a mixture of water and hydroxide and heated up to 350 degrees Fahrenheit.³⁰ The body is broken down into its chemical components within three to twelve hours, depending on the temperature of the liquid.³¹ Once the process is complete, all that is left behind are bone fragments given to family members and a coffee-colored liquid or effluent, which is flushed down the drain.³² Indeed, professionals in the funeral industry “see alkaline hydrolysis as the future of cremation,”³³ and “[t]he Alkaline Hydrolysis Systems Market size is expected to develop revenue and exponential market growth . . . from 2024–2030.”³⁴

24. Marlaena Gonzales, *The Use of Water Cremation Increases Post-Pandemic*, CREMATION.GREEN (Nov. 2, 2021), <https://perma.cc/CBH6-K78S>.

25. Madison Hall, *Rising Costs, Declining Demand, Massive Consolidation and Government Scrutiny: The Death Industry Is Changing, Maybe for Good*, BUS. INSIDER (Aug. 3, 2023), <https://perma.cc/85CB-MUD2>.

26. Robert Campbell, *Green Burial*, WECONSERVEPA (Dec. 9, 2023), <https://perma.cc/GJ39-VMQB>.

27. Hall, *supra* note 25.

28. *Id.*; *Other Disposition Options*, GREEN BURIAL COUNCIL (2024), <https://perma.cc/2C7G-AJQX>.

29. Eric Spitznagel, *Funerals Undergoing an Eco-Friendly Makeover*, NBC NEWS (Nov. 8, 2011), <https://www.nbcnews.com/id/wbna45169209>.

30. Holmes, *supra* note 1.

31. *Id.*

32. *State Halts Liquid Cremation*, *supra* note 5; Jessica Cheng, *Green Until the End*, POPULAR SCI. (May 10, 2008), <https://www.popsci.com/environment/article/2008-05/green-until-very-end/>.

33. *Alkaline Hydrolysis: The Future Is Here*, LIGHT URNS (2024), <https://perma.cc/FAB6-A8EW>.

34. *Alkaline Hydrolysis Systems Market Overview*, VERIFIED MKT. REPS. (Sept. 2024), <https://www.verifiedmarketreports.com/product/alkaline-hydrolysis-systems-market/>.

NOR is a method of disposition where human remains are returned to soil through a natural decomposition process.³⁵ The human remains are placed in a vessel and combined with natural materials like straw and wood chips to facilitate the decomposing process, which takes roughly four to six weeks.³⁶ Once the process is complete, the family can choose the resting place for the resulting soil.³⁷ As of 2019, more than half of Americans “expressed interest in green-burial options, and experts have estimated that the emerging market . . . could create a market value in the \$1bn range.”³⁸ Experts predict that the rise of greener disposition “will move even more quickly than cremation did during the [19]60s until now.”³⁹

D. *How States Have Responded*

Generally, states take one of two approaches in legalizing alternative methods of deposition. Many states have legalized AH and NOR by simply expanding the definition of cremation to include AH, NOR, or both (the Piecemeal Approach).⁴⁰ For example, the state of Nevada legalized AH by broadening the definition of cremation to include methods other than incineration by heat and flame.⁴¹ Minnesota defines AH as a separate method of disposition in its statute.⁴² However, the subsequent statutory section reveals no separate regulations for AH in Minnesota.⁴³ A small minority of states, like Washington, that have legalized AH and NOR have taken a more comprehensive approach by defining each as a distinct method

35. *HB 2574—Natural Organic Reduction—Q&A*, OR. LEGISLATURE (2024), <https://perma.cc/U4M9-EBG9>.

36. *Id.*

37. *Id.*

38. Kari Paul, *From Cradle to Compost: The Disruptors Who Want to Make Death Greener*, *GUARDIAN* (Feb. 19, 2023), <https://perma.cc/W8G5-8RRD>; *HB 2574—Natural Organic Reduction—Q&A*, *supra* note 35.

39. Tehrene Firman, *Dying to Be Green: The Deathcare Industry’s Sustainable Evolution*, *BRIGHTLY* (Apr. 3, 2023), <https://perma.cc/6CY2-3RT8>.

40. Jacob Steele, *Watery Grave: One of the Death Care Industry’s Greenest Options Is Still Illegal in Thirty-One States and That Needs to Change*, 11 *BARRY L. ENV’T & EARTH L.J.* 1, 12 (2021).

41. WASH. REV. CODE § 68.50.110 (2024) (“Except in cases of dissection provided for in RCW 68.50.100, and where human remains are rightfully carried through or removed from the state for the purpose of burial elsewhere, human remains lying within this state, and the remains of any dissected body, after dissection, must be decently buried, undergo cremation, alkaline hydrolysis, or natural organic reduction within a reasonable time after death.”).

42. Kent Hansen, *Choosing to Be Flushed Away: A National Background on Alkaline Hydrolysis and What Texas Should Know About Regulating “Liquid Cremation,”* 5 *EST. PLAN. & CMTY. PROP. L.J.* 145, 155 (2012).

43. *Id.*

of disposition and enacting unique statutes and regulations related to each method (the Comprehensive Approach).⁴⁴

The story of Jeff Edwards provides one example of the situation a funeral director interested in offering alternative methods of disposition can end up in when a state's disposition laws are unclear. States interested in legalizing new disposition methods like AH and NOR must avoid the temptation of addressing the issue by simply amending a few words in a statute. By passing comprehensive human disposition laws that define cremation, AH, and NOR as distinct processes, states can enact subsequent statutes and regulations specifically tailored toward each method of disposition. This approach provides the requisite guidance to relevant stakeholders while ensuring that a state's regulatory scheme accounts for the meaningful differences between each method of disposition.

II. ANALYSIS

The most common legislative approach taken by states that have legalized AH or NOR has been the Piecemeal Approach.⁴⁵ States should avoid this approach because traditional cremation, AH, and NOR are different processes of reduction, therefore requiring different rules. To add complication, most states that have legalized AH or NOR through the Piecemeal Approach have declined to address AH or NOR in subsequent sections or regulations.⁴⁶ As a result, funeral directors in these states lack clear guidance to ensure their operations comply with countless state and local rules. It wasn't until Jeff Edwards had liquified nineteen human bodies that the state of Ohio decided to explain whether AH was a "manner of disposition."⁴⁷

Moreover, the Piecemeal Approach prevents future regulations from accounting for the meaningful differences between each process. States can avoid these problems by following the Comprehensive Approach taken by states like California and Washington. Rather than expanding the definition of cremation to legalize AH and NOR, these states authorize and define cremation, AH, and NOR as distinct methods of disposition and have statutes and regulations addressing the intricate parts of each method.⁴⁸ States that take the Comprehensive Approach can develop regulatory schemes that provide the requisite clarity to stakeholders while appropriately accounting for the differences between each method of disposition.

44. WASH. REV. CODE § 68.50.110 (2024); WASH. ADMIN. CODE § 308-47-010 (2023).

45. See VA. BD. OF FUNERAL DIRS. & EMBALMERS, SB129—REPORT ON HOW TO REGULATE AND IMPLEMENT THE PROCESS OF ALKALINE HYDROLYSIS 13–22 (2022).

46. *Id.*

47. See Holmes, *supra* note 1.

48. WASH. ADMIN. CODE § 308-47-010 (2023); CAL. HEALTH & SAFETY CODE § 7010.1 (2024).

A. *The Piecemeal Approach*

“When you do something *piecemeal*, you’re doing it little by little, but in a seemingly random way, with no order or system.”⁴⁹ Most states that have legalized AH or NOR have done so through the Piecemeal Approach, expanding the definition of cremation to include more than incineration by flame.⁵⁰ Moreover, these states typically decline to enact specific statutes or regulations on AH or NOR.⁵¹ Human disposition laws are inadequate in states that have taken the Piecemeal Approach. To better understand the complications that can arise from these inadequacies, let’s place ourselves in the position of a hypothetical funeral director in a state that has taken the Piecemeal Approach to legalizing AH or NOR.

Georgia is one of the states that legalized AH by expanding the definition of cremation while declining to regulate AH specifically.⁵² Greg will be our hypothetical funeral director from Georgia. Greg owns a crematorium in Atlanta and is interested in offering AH to his customers. Since AH is “legal” in Georgia, one might assume all Greg needs to do is purchase a machine, read the instructions, and find a customer. However, Greg might first consider section 12-5-29(a) of the Georgia Code, which makes it unlawful to dispose of “industrial” or “other wastes” into “any surface waters of the state.”⁵³ “Industrial wastes” is defined, in part, as any liquid resulting from the process of business.⁵⁴

Georgia’s water pollution statute could be relevant to Greg’s AH operation because he will need a place to discharge the AH effluent. Greg will need to make sure that discharging the effluent does not trigger the Georgia statute, or he could face civil liability and prosecution. If the effluent constitutes “Industrial Waste,” then Greg would not be allowed to discharge the effluent into the local wastewater or septic systems. Ultimately, the question for Greg becomes whether AH effluent is a liquid resulting from business.

Greg should also consider section 12-8-2, which makes it illegal to dispose of the contents of a septic tank, wastewater tank, or grease tank into a public storm or sewer pipeline without the written permission of the pipeline owner.⁵⁵ The process of AH generally requires operators to dispose of the effluent remaining from the process into municipal sewer systems. Before Greg purchases his machine, he must determine if an AH vessel constitutes a septic, wastewater, or grease tank. If it does, Greg will need permission from

49. *Piecemeal*, VOCABULARY.COM (2024), <https://perma.cc/N2Z6-XST2>.

50. *See* VA. BD. OF FUNERAL DIRS. & EMBALMERS, *supra* note 45.

51. *Id.*

52. GA. CODE ANN. § 43-18-1 (2024).

53. *Id.* § 12-5-29(a).

54. *Id.* § 12-5-22(4).

55. *Id.* § 12-8-2.

his local wastewater or septic system facility to discharge his AH effluent into the system.

Assuming that an AH vessel is considered a wastewater tank, Greg may still be unable to discharge the AH effluent even if he gets permission from local water authorities. Georgia does not have a regulatory provision covering whether or not state or local water facilities in Georgia are required to permit AH facility operators to discharge effluent into their systems. A reasonable person in Greg's position would not feel comfortable operating an AH facility in Georgia until they were sure that they would not face civil liability or even criminal prosecution. Georgia's laws do not provide Greg with that assurance. He might also be hesitant to spend hundreds of thousands of dollars on a machine when there are no rules governing the conditions upon which he could receive permission from the wastewater facilities to discharge the effluent into their system.

Alabama is another state that legalized AH by expanding the definition of cremation to include processes using "chemical agents" to reduce human remains to bone fragments while declining to regulate the process separately.⁵⁶ We will put ourselves in the position of Allison, a hypothetical funeral director in Alabama interested in offering AH to her customers. Alabama Code section 34-13-121(i) provides that recoverable residue from cremation may not be "commingled" with the "cremated remains of another person . . . without the prior written consent of the authorizing agent."⁵⁷ Cremated remains are defined in the statute as "human remains recovered after the completion of the cremation process, . . . and the residue of any foreign materials that were cremated with the human remains."⁵⁸

Before offering AH, Allison must determine whether the effluent resulting from the AH process constitutes "human remains" for purposes of Alabama's commingling statute. Merriam-Webster defines the word "residue" as "something that remains after a part is taken, separated, or designated or after the completion of a process."⁵⁹ Applying the plain meaning of the word "residue," AH effluent could reasonably constitute residue under the statute. Suppose AH effluent does constitute residue under Alabama's statute. In that case, Allison will need to know what procedures she needs to follow after performing an AH disposition to avoid triggering the commingling remains statute.

Because traditional cremation only leaves behind bone fragments, funeral directors who perform cremation know that they must remove all the bone fragments resulting from the cremation chamber before conducting another one. AH, on the other hand,

56. ALA. CODE § 34-13-1(a)(26) (2023).

57. *Id.* § 34-13-121(i).

58. *Id.* § 34-13-1(a)(24).

59. *Residue*, MERRIAM-WEBSTER (2024), <https://perma.cc/U5BM-SX8F>.

results in bone fragments and brown effluent.⁶⁰ Presumably, preventing trace liquids from coming into contact with one another involves an entirely different procedure than preventing the commingling of bone fragments. Unfortunately for Allison, Alabama's statute does not include any regulations on AH, and thus, she does not know how to avoid commingling remains during the AH process.

Another issue with the Piecemeal Approach is it makes regulatory provisions that need only apply to cremation apply to AH and NOR. Consider Ian, a hypothetical funeral director in Illinois whose business recently began offering AH. Family members of a decedent approach Ian and explain the decedent's wishes to be hydrolyzed upon his death. The decedent died with a pacemaker, and his family members ask Ian whether they need to plan on paying the costs of having the pacemaker surgically removed. Ian knows that funeral directors in Illinois are required to remove pacemakers and other hazardous implants before cremation.⁶¹ Ian also knows that one of the benefits of AH is that the process's lower temperature means AH presents no risk of batteries exploding, making surgical removal of devices like pacemakers unnecessary.⁶²

Illinois defines cremation as "the technical process, using heat and flame, or [AH,] that reduces human remains to bone fragments."⁶³ Since the Illinois statute defines cremation and AH as the same thing, Ian will likely have to inform the family that their loved one will have to have the pacemaker surgically removed, even though removal is technically unnecessary in this case. Ian's situation illustrates how the Piecemeal Approach to legalizing AH and NOR negatively impacts consumers, not just funeral directors. The Piecemeal Approach to legalizing AH and NOR interferes with consumer choice by arbitrarily restricting various parts of each method of disposition.

Michigan's approach to legalizing AH and NOR arguably provides stakeholders with the least guidance. While Michigan has no laws on AH, the process is seen as legal in the state, arguably covered under the state's definition of cremation: "the incineration of the body of the deceased person."⁶⁴ Mindy is our hypothetical Michiganiaan funeral director who is considering offering AH at her business. Mindy might run into Michigan's pathological waste statute, which requires pathological waste be disposed of by either (1)

60. VA. BD. OF FUNERAL DIRS. & EMBALMERS, *supra* note 45, at 4.

61. 410 ILL. COMP. STAT. 18/35(c) (2024).

62. *FAQ—Aquamation*, BIO-RESPONSE SOLS. (2024), <https://perma.cc/NMT6-VQ4K>.

63. 410 ILL. COMP. STAT. 18/5 (2018), *amended by* 2024 Ill. Laws P.A. 103-0907 (S.B. 2643).

64. MICH. COMP. LAWS § 456.522 (2023); *see also* S.B. 445, 2023 Leg., 102d Reg. Sess. (2023) (proposing that the definition of cremation be changed to "the incineration of a deceased individual's body").

incineration or cremation, (2) flushing into a sewer, (3) burial in a cemetery, (4) disposal in a landfill, or (5) by a “process approved by the department.”⁶⁵ Pathological waste includes human fluids removed during medical procedures.⁶⁶

The first thing Mindy might find confusing is that the waste statute differentiates between incineration and cremation because Michigan’s statutory definition of cremation requires “incineration.”⁶⁷ Regardless, before Mindy can offer AH, she will need to ensure that she can dispose of the AH effluent into the sewer system, since it likely constitutes pathological waste. A statute in Michigan prohibits a person from discharging into any drain matter capable of producing “detrimental deposits, objectionable odor nuisance, injury to drainage conduits or structures, or capable of producing such pollution of the waters of the state receiving the flow from the drains as to injure livestock, destroy fish life, or be injurious to public health.”⁶⁸ Michigan’s statute does not instruct Mindy on ensuring her AH operation does not trigger the waste statute.

Recently, Nevada became the seventh state to legalize NOR and did so by amending its definition of cremation to include AH and NOR.⁶⁹ Consider the hypothetical scenario of a Nevada family who wants to know what it can do with the soil of a loved one who was reduced through NOR. After NOR, families can receive up to 200 pounds of soil, which is commonly used on trees and plants; most families like to keep a portion of the remaining soil with them.⁷⁰

Since Nevada’s statute defines NOR and cremation as the same thing, the disposal requirements applicable to cremated remains apply to NOR soil. Nevada’s disposition of cremated remains statute authorizes cremated remains to be “disposed of in any manner upon private property,” or scattered at sea, at a cemetery, or over a public waterway,⁷¹ The first option will not serve consumers unless the decedent did not intend the soil to be put to any sort of environmental use. As to the second disposal option, it is unclear whether the cemetery must be used exclusively to scatter cremated remains or to plant the soil from NOR. It does not necessarily follow that a cemetery that can be used for scattering ashes can also be used to plant 200 pounds of soil.

65. MICH. COMP. LAWS § 333.13811(c)(i)–(v) (2024).

66. *Id.* § 333.13807(2).

67. MICH. COMP. LAWS § 456.522(j) (2024); *see also* S.B. 445, 2023 Leg., 102d Reg. Sess. (2023) (proposing to revise the statutory definition but retain “incineration” as part of the definition).

68. MICH. COMP. LAWS § 280.423(1) (2024).

69. NEV. REV. STAT. § 451.617 (2023).

70. *Natural Organic Reduction*, GREENER FUNERAL (2024), <https://perma.cc/R52P-2RWX>.

71. NEV. REV. STAT. § 451.700(2)–(3).

Moreover, Nevada's statute forbids scattering "cremated remains in such a manner or location that the remains are commingled with those of another person."⁷² Since NOR soil constitutes cremated remains in Nevada, it is unclear how a cemetery could be used exclusively for the purpose of planting hundreds of pounds of soil without commingling the soil. And if cemeteries cannot be used for NOR, it is hard to imagine where else NOR soil might be properly deposited, given that Nevada's arid climate renders it infeasible for many families to garden using NOR soil on their private property.⁷³ Assuming the hypothetical family in Nevada lives in an area of the state that receives little rain, they have few remaining options for preserving the memory of their loved one. Regulating NOR or AH as if they are the same process as cremation can ultimately negate the very reasons that make AH and NOR appealing forms of disposition in the first place.

These issues that confronted the funeral directors in states that took the Piecemeal Approach are by no means exhaustive. Logically, there will be uncertainty over every regulation that applies to a process of disposition that varies by method. This fear of the unknown has made funeral directors hesitant to bring these innovative methods of disposition to market.⁷⁴ Moreover, the Piecemeal Approach prevents a state's regulatory structure from accounting for the meaningful differences between each process, halting growth in the industry and placing unnecessary costs on consumers. States can legalize AH and NOR while avoiding these issues by following the Comprehensive Approach taken by states like California and Washington.

B. *The Comprehensive Approach*

Not every state has taken the Piecemeal Approach to legalizing AH and NOR. Legislators in California and Washington took a Comprehensive Approach that should serve as a guide to other states considering legalization. The Comprehensive Approach differs from the Piecemeal Approach in two fundamental respects. First, these states define cremation, AH, and NOR as their own distinct methods of disposition.

In September 2022, the California legislature legalized AH and NOR by passing Assembly Bill No. 351 and establishing regulations for the reduction and disposition of human remains.⁷⁵ California

72. *Id.* § 451.700(1)(a).

73. See *How to Compost in the Southwest: Why Plants Love to Compost*, URB. FARMING EDUC. (2024), <https://perma.cc/Z8M5-B85Y> (noting that "desert conditions pose a problem" for composters because "[c]ompost requires moisture and lots of it, but water is a resource often in short supply in the Southwest").

74. See Melissa Chan, *How Their Son's Death Drove His Parents to Find an Alternative to Tradition*, TIME (March 7, 2022), <https://perma.cc/4Z4C-Z2YJ>.

75. Assemb. B. 351, 2021-2022, Reg. Sess. (Cal. 2022).

defines cremation as “the reduction of the body of a deceased human to its essential elements by incineration.”⁷⁶ AH is defined as a “process using heat or heat and applied pressure, water, and potassium hydroxide or sodium hydroxide in a hydrolysis chamber.”⁷⁷ NOR is defined as “the process of transforming a human body into soil using the natural decomposition process, accelerated with the addition of organic materials.”⁷⁸

Washington legalized AH and NOR in May 2022 by enacting Revised Code of Washington section 68.50.110, which requires “human remains lying within [the] state” to be buried or undergo cremation, AH, or NOR “within a reasonable time after death.”⁷⁹ Washington defines cremation as “the reduction of human remains to bone fragments in a crematory by means of incineration.”⁸⁰ AH is defined as “the reduction of human remains to bone fragments and essential elements . . . using heat, pressure, water, and base chemical agents.”⁸¹ NOR is defined as “the contained, accelerated conversion of human remains to soil.”⁸²

There are multiple benefits of defining cremation, AH, and NOR as distinct methods of disposition at the beginning of a statute. For one, defining each method of disposition as its own distinct process makes it easier for a state to authorize particular methods of disposition explicitly. In contrast, in multiple states that have legalized AH or NOR, the laws never explicitly authorize AH or NOR. In Michigan, for example, AH is viewed as legal by virtue of the statutory definition of cremation: “the incineration of the body of the deceased person.”⁸³ However, Michigan law never specifically references AH. Instead of relying on an explicit authorizing provision, practitioners in Michigan that offer AH must trust that Michigan’s courts will interpret “incineration” as encompassing AH. States can avoid this confusion by defining each method of disposition and subsequently authorizing each method as an accepted form of disposition in the state, leaving no uncertainty as to the legality of the various methods.

Another reason states should define each method at the outset is that doing so allows subsequent sections and regulations to further differentiate between the component parts of each process. When a state lumps the process of AH and NOR under the umbrella of cremation, the attending parts of each process necessarily get lumped together. It would be paradoxical for a state to define NOR as

76. CAL. HEALTH & SAFETY CODE § 7010(a) (2024).

77. *Id.* § 7010.1(a)(1).

78. *Id.* § 7002.7(c).

79. WASH. REV. CODE § 68.50.110 (2024).

80. *Id.* § 68.04.110.

81. *Id.* § 68.04.290.

82. *Id.* § 68.04.310.

83. MICH. COMP. LAWS § 456.522(j) (2024).

cremation at the beginning of its statute and then differentiate between a cremation vessel and an NOR vessel in later sections. Defining cremation, AH, and NOR as distinct methods of disposition at the outset allows a state to define different parts of each process later on. California has one statute that pertains specifically to “Crematoriums” and another that only covers “[AH] facilities.”⁸⁴ Had California defined AH as cremation, distinguishing between a crematorium and an AH facility would have led to unnecessarily disruptive results. States considering legislation to legalize AH and NOR must define cremation, AH, and NOR as distinct methods of disposition to preserve the ability of subsequent laws to further distinguish between the parts of each process.

Finally, defining cremation, AH, and NOR as distinct methods of disposition provides clarity as to the rules applying to each process. When a state defines AH and NOR as cremation, it becomes harder for a state to enact subsequent sections or regulations that do not apply uniformly to all three methods. Giving cremation, AH, and NOR their own definition makes it easy for a state to indicate whether a particular regulation applies to a given process. When Washington legalized AH and NOR, legislators realized that the concerns necessitating the applicability of specific mercury regulations to crematoriums did not need to apply to AH and NOR facilities, so the legislature made those regulations nonapplicable to AH and NOR.⁸⁵ States interested in legalizing AH and NOR should define cremation, AH, and NOR as distinct methods of disposition so that legislators and regulators can readily explain the applicability of subsequent statutes and regulations towards a particular disposition method.

The second notable difference between California and Washington’s disposition laws and the laws of states that took the Piecemeal Approach is that California and Washington enacted specific statutes and regulations covering AH and NOR.⁸⁶ Crafting unique regulatory schemes for each disposition method provides industry stakeholders with the requisite clarity while ensuring that state laws readily account for the differences between cremation, AH, and NOR. The AH and NOR statutes and regulations in California and Washington cover topics ranging from the transportation of AH effluent to the collection of NOR soil temperature data.⁸⁷ Having specific statutes and regulations in place ensures that a state’s laws account for the differences between each method.

A recurring problem for the hypothetical funeral directors was determining how to dispose of the effluent that results from the AH

84. See CAL. HEALTH & SAFETY CODE §§ 8341–47 (2024) (crematoriums); *id.* §§ 8370–8382 (2024) (AH facilities).

85. WASH. REV. CODE § 70A.230.090 (2024).

86. See, e.g., CAL. BUS. & PROF. CODE § 7639.10 (2024); WASH. ADMIN. CODE § 308-47-065 (2024).

87. See CAL. BUS. & PROF. CODE § 7639.10; WASH. ADMIN. CODE § 308-47-065.

process. In states that took the Piecemeal Approach, there was no clear guidance on how to avoid triggering state and local regulations on wastewater, pollution, septic systems, and more. Funeral directors in California would not have this problem because California's Hydrolysis Facilities statute clearly instructs funeral directors on discharging AH effluent.⁸⁸ The statute requires AH facilities that discharge effluent into a sewer system to submit the results of "biological indicator spore testing" and "archived electronic hydrolysis chamber data that includes the pH, time, temperature, and pressure at which the chamber was operated."⁸⁹ In addition, the statute lists four conditions the operator of an AH facility must meet before discharging effluent into a sewer system.⁹⁰ By specifically regulating AH, California's disposition laws provide clear guidance to funeral directors on how to comply with environmental standards when discharging AH effluent.

Enacting specific regulations for each method of disposition not only improves the clarity of a state's disposition laws but also protects consumers. States that legalize AH or NOR without drafting specific regulations essentially leave the parts of these methods that are not covered by existing cremation regulations unregulated. For example, while NOR is legal in Nevada, there are no specific regulations for NOR. If done improperly, NOR is a process that can become incredibly dangerous because pathogens are not killed unless the temperature of the soil reaches a certain temperature.⁹¹ Moreover, some dangerous diseases survive the composting process even at the requisite temperature.⁹² In contrast, Washington's regulatory provisions require NOR facilities to "keep a permanent record of . . . the daily temperature data for each [NOR] process, including records showing that the minimum temperature of 131 degrees Fahrenheit was reached for seventy-two consecutive hours."⁹³ Crafting regulations specifically tailored towards each method of disposition allows states to provide practitioners with clear rules and standards while protecting consumers by ensuring appropriate regulations govern each process.

88. CAL. BUS. & PROF. CODE § 7639.10.

89. *Id.* § 7639.08.

90. *Id.* § 7639.10.

91. See Brendan Kiley, *Recompose, the First Human-Composting Funeral Home in the U.S., Is Now Open for Business*, SEATTLE TIMES, <https://www.seattletimes.com/life/recompose-the-first-human-compositing-funeral-home-in-the-u-s-is-now-open-for-business/> (Jan. 22, 2021).

92. See Brad Matthews, *Delaware Bill to Legalize Human Composting Moves to Governor's Desk*, WASH. TIMES (Mar. 22, 2024), <https://www.washingtontimes.com/news/2024/mar/22/delaware-bill-to-legalize-human-composting-moves-t/>.

93. WASH. ADMIN. CODE § 308-47-065 (2024).

California and Washington's Comprehensive Approach to legalizing AH and NOR should be a guide for states considering legalizing AH or NOR. To ensure disposition laws provide stakeholders in the funeral industry with the requisite clarity and guidance, and to account for the numerous differences between cremation, AH, and NOR, states must pass comprehensive disposition laws specifically authorizing cremation, AH, and NOR as distinct methods of disposition and then adopting unique regulatory structures for each. By taking these two steps, a state interested in legalizing AH or NOR can avoid the structural inadequacies plaguing human disposition laws in states that took the Piecemeal Approach.

III. IMPLEMENTATION

The rising costs of traditional burial, the increasing environmental consciousness among younger generations, and the waning influence of religion have sparked unprecedented consumer demand for alternative death care options.⁹⁴ The Piecemeal Approach is an inadequate legislative approach because each of these forms of disposition involve distinct processes. Funeral directors in states that lump cremation, AH, and NOR together often receive no guidance as to the applicability of regulatory provisions that might be relevant to the processes of AH or NOR but are clearly not implicated by the process of cremation.⁹⁵ Moreover, legalizing alternative methods of disposition by expanding the definition of cremation forces regulatory provisions applicable to cremation be applied to AH and NOR even when doing so is unnecessary.⁹⁶

These regulatory uncertainties leave funeral directors without a clear path to open an AH or NOR facility. States that want to offer alternative methods of disposition without causing a regulatory nightmare must pass comprehensive disposition of human remains laws, complete with unique regulatory provisions for each process. Only then can states purport to have legalized AH or NOR. States that legalized alternative methods of disposition through the Piecemeal Approach have only legalized these methods in the technical sense. For all intents and purposes, AH and NOR remain functionally illegal in those states.⁹⁷

A. *Authorizing Statute*

The first step a state should take to avoid causing confusion when passing laws to legalize new methods of disposition is to include a

94. Brown, *supra* note 13.

95. See *id.*; Steele, *supra* note 40, at 12–13; NAT'L FUNERAL DIRS. ASS'N, MODEL GUIDELINES FOR STATE REGULATION OF ALKALINE HYDROLYSIS 1–2 (2011).

96. See Philip R. Olson, *Basic Cremation*, 8 WAKE FOREST J.L. & POL'Y 149, 155 (2018).

97. See *supra* Section II.A.

statutory provision in its law that explicitly authorizes AH and NOR as accepted methods of disposition. The laws in some states that have legalized AH and NOR do not actually mention either process.⁹⁸ Michigan’s laws, for example, do not reference AH, but the process is seen as legal and is offered by practitioners in the state.⁹⁹

Broadening the definition of cremation does not necessarily signal a legislature’s intention to authorize AH and NOR as accepted methods of final disposition. The story of Jeff Edwards, the funeral director from Ohio, provides a great example of the situation practitioners find themselves in when a state’s statute does not explicitly state which methods of final disposition are accepted in the state.¹⁰⁰ Explicitly authorizing the process sought to be legalized is an easy first step states can take that will provide clarity to practitioners and consumers as to which forms of disposition are legal in the state.

B. Definitions

Simply defining AH and NOR as cremation is the best way for a state to ensure that its regulatory scheme is incapable of accounting for the differences of each process. When a state chooses to define AH and NOR as cremation, it necessarily makes the regulatory provisions applicable to cremation applicable to AH and NOR.¹⁰¹ To provide clarity and to leave room for regulators to specifically tailor provisions to each process, state laws that legalize new methods of disposition need to include statutory definitions for the terms involved in each process. Below is a table of proposed definitions that lawmakers could incorporate into future legislative or regulatory schemes.

TABLE 1: PROPOSED DEFINITIONS

Term	Definition
Cremation	<p>“The mechanical and/or thermal or other dissolution process that reduces human remains to bone fragments.”¹⁰²</p> <p>“Cremation includes the processing and usually includes the pulverization of the bone fragments.”¹⁰³</p>

98. *See, e.g.*, MICH. COMP. LAWS § 456.522 (2009); KAN. STAT. ANN. § 65-1760 (2011); VT. STAT. ANN. tit. 26 § 1211 (2023).

99. *See, e.g.*, MICH. COMP. LAWS § 456.522 (2009).

100. *See supra* Introduction.

101. *See* VA. BD. OF FUNERAL DIRS. & EMBALMERS, *supra* note 45, at 8.

102. CREMATION ASS’N OF N. AM., MODEL CREMATION LAW AND EXPLANATION 3 (2017), <https://perma.cc/J665-S28G>.

103. *Id.*

Term	Definition
Alkaline Hydrolysis	An authorized means of final disposition by which deceased human remains are reduced to bone fragments and essential elements using heat, water, alkaline chemicals, and applied pressure. ¹⁰⁴
Natural Organic Reduction	“[T]he contained, accelerated conversion of human remains to soil.” ¹⁰⁵
Hydrolysate	“[T]he resultant liquid from the hydrolysis of human remains, which liquid is a sterile, benign, micronutrient-rich solution consisting of sugars, salts, peptides, and amino acids. Hydrolysate and calcium phosphate ‘ashes’ are the two end results from the alkaline hydrolysis process.” ¹⁰⁶
Alkaline Hydrolysis Chamber	“[T]he enclosed space within which the hydrolysis of human remains is performed and any other attached, nonenclosed, mechanical components that are necessary for the safe and proper functioning of the equipment.” ¹⁰⁷
Alkaline Hydrolysis Facility	“[A] building or structure containing one or more chambers for the reduction of bodies of deceased persons by alkaline hydrolysis.” ¹⁰⁸
Alkaline Hydrolysis Container	“[A] hydrolyzable body wrapping into which the body of a deceased person is placed prior to insertion into a hydrolysis chamber. The wrapping must consist of 100-percent protein-based material, such as silk, suede, leather, feather, fur, or wool.” ¹⁰⁹
Hydrolyzed Human Remains	“[B]one fragments of a human body that are left after hydrolysis in a hydrolysis facility. ‘Hydrolyzed human remains’ does not include foreign materials, pacemakers, or prostheses.” ¹¹⁰

104. See CREMATION ASS’N OF N. AM., STATEMENT ON ALKALINE HYDROLYSIS (2018), <https://perma.cc/Z6JR-HRPZ>.

105. See WASH. REV. CODE § 68.04.310 (2024); see also *Natural Organic Reduction*, *supra* note 70 (using the same definition).

106. CAL. HEALTH & SAFETY CODE § 7017(a) (2024).

107. *Id.* § 7006.4(a).

108. *Id.* § 7006.1(a).

109. *Id.* § 7006.6(a).

110. *Id.* § 7002.5(a).

C. *Specific Regulations for AH*

The differences between the cremation process and the process of AH necessitate that states craft unique regulatory structures for each process. For instance, the effluent resulting from AH and the use and storage of alkaline chemicals implicate a variety of environmental considerations that are not implicated by cremation.¹¹¹ Accordingly, it can be difficult for practitioners to determine whether wastewater, pollution, septic, and other regulations apply equally to AH and cremation in states that legalized AH by lumping it under the same umbrella as cremation.¹¹² To provide clarity and guidance to practitioners and consumers, state laws legalizing AH must include provisions that establish which state agency or agencies AH facilities need to seek licensure from and the environmental standards that must be met to obtain licensure.¹¹³

Specifically, states must ensure their laws legalizing AH clearly explain the environmental standards that AH facility operators must comply with before discharging effluent into a wastewater or septic system. In states that simply expanded the definition of cremation to legalize AH, operators can be clueless as to what standards AH needs to meet to avoid triggering a state's hazardous waste and pollution provisions.¹¹⁴ However, because individual wastewater and septic systems vary as to the effluent discharges they can safely receive, each wastewater or septic system should establish its own requirements for the discharge of effluent from the AH process after consulting with local wastewater treatment authorities.¹¹⁵ A practitioner planning to install an AH facility would then contact the relevant wastewater or septic plant to determine which requirements must be met before effluent can be discharged or disposed of.¹¹⁶ By taking these steps, a state can account for the various environmental concerns implicated by AH and cremation while providing a clear and robust regulatory structure for practitioners and consumers.

AH facilities also require specifically tailored regulations. When a state declines to independently regulate AH facilities, there can be confusion as to whether the requirements applicable to crematoriums apply to AH facilities.¹¹⁷ In addition, it does not make sense to impose the same requirements on AH facilities as crematoriums because each facility conducts an entirely different process. In studying the implementation of AH as a means of final disposition in Virginia, the

111. VA. BD. OF FUNERAL DIRS. & EMBALMERS, *supra* note 45, at 5–6.

112. *See id.* at 13–15.

113. *See supra* notes 64–68 and accompanying text.

114. *See* VA. BD. OF FUNERAL DIRS. & EMBALMERS, *supra* note 45, at 13–15.

115. *Frequently Asked Questions on Septic Systems*, EPA (Sept. 12, 2024), <https://perma.cc/7AVV-XTWZ>.

116. *Id.*

117. *See supra* Section II.A (discussing the problems caused by statutes that lump the statutory definitions of AH and cremation together).

Virginia Board of Funeral Directors and Embalmers gave three reasons for its suggestion that new regulations be drafted to cover AH facilities:

- (1) to minimize the potential for adverse environmental impact;
- (2) to ensure the use of appropriate equipment or units that discharge effluent into wastewater or septic systems; and
- (3) to ensure the proper and safe storage and handling of caustic chemicals and/or stored process effluent that may impact water or stormwater systems if leaked or spilled.¹¹⁸

To account for the differences between AH facilities and crematoriums, and to provide clarity to operators of AH facilities, state laws legalizing AH must include provisions specifically regulating AH facilities. First, a state's regulations should clearly identify the agency responsible for licensing AH facilities in the state and the applicable requirements for licensure.¹¹⁹ Second, regulations should provide the appropriate state agency with authority to regularly inspect AH facilities to ensure compliance with the state's standards for handling human remains.¹²⁰ Finally, a state's regulations should specify all relevant permits and approvals an operator of an AH facility must obtain to legally operate the facility.¹²¹ Imposing unique requirements on AH facilities allows a state's regulatory scheme to account for the differences between the operation of each type of facility while also providing operators of AH facilities with clear instructions on how their facility should comply with applicable law. In addition, states must specifically regulate AH chambers separately from cremation chambers to avoid causing confusion about the requirements that apply to each. Georgia's regulations on cremation devices apply to cremation chambers and AH chambers, as its statute defines both AH and cremation chambers as "cremation devices."¹²² In contrast, California differentiates between AH chambers and cremation chambers and establishes specific pH standards that AH chambers must satisfy before they can be used.¹²³

118. See VA. BD. OF FUNERAL DIRS. & EMBALMERS, *supra* note 45, at 27.

119. See NAT'L FUNERAL DIRS. ASS'N, *supra* note 95, at 2–4.

120. *Id.*

121. See VA. BD. OF FUNERAL DIRS. & EMBALMERS, *supra* note 45, at 27.

122. GA. CODE ANN. § 43-18-1 (2024).

123. Compare CAL. HEALTH & SAFETY CODE § 7006.3 (2024) (defining cremation chambers), with *id.* § 7006.4 (defining hydrolysis chambers separately). See also CAL. BUS. & PROF. CODE § 7639.08 (2024) (directing the Cemetery and Funeral Bureau to adopt regulations for the licensing of AH facilities and the State Department of Public Health to "specify the minimum parameters of pH, time, temperature, and pressure" for hydrolysis chambers).

Expanding the definition of cremation to legalize AH makes a state's regulatory structure hard to navigate and prevents subsequent rules and regulations from accounting for the meaningful differences between AH and cremation. The differences between AH and cremation require states to fashion unique regulatory structures aimed at each method of disposition. Doing so will give practitioners clear standards to follow while ensuring that the state's regulations are appropriately applied to certain processes.

D. *Non-Applicability Provisions*

Similar to the reasons why states should craft specific rules and regulations for AH and NOR, states should also include non-applicability provisions to regulations that apply to cremation but do not need to apply to AH. Regulations on hazardous implants is a good example. Many states require funeral directors to remove any battery-powered implants, like pacemakers, before cremating human remains.¹²⁴ However, removal of such devices is unnecessary when human remains are hydrolyzed because the process does not produce enough heat to cause battery-powered devices to explode.¹²⁵ A state can avoid imposing the unnecessary cost of surgical removal of implants before AH by providing for the non-applicability of hazardous implant regulations to AH.

In addition, many states make their regulatory provisions on mercury applicable to crematoriums.¹²⁶ Since AH does not present the risk of airborne mercury emissions, the state of Washington added a provision to its mercury regulations specifying, "Nothing in this chapter applies to crematories as defined in RCW 68.04.070, alkaline hydrolysis, or natural organic reduction facilities as defined in RCW 68.04.320."¹²⁷ A state's regulatory provisions on topics like hazardous implants or mercury pollution may impose unnecessary restraints on new methods of disposition without the addition of certain non-applicability provisions. Before legalizing AH or NOR, lawmakers

124. *See, e.g.*, N.C. GEN. STAT. § 90-210.129 (2023); 18 VA. ADMIN. CODE § 65-20-436 (2024).

125. *Compare* Spitznagel, *supra* note 29 (noting that AH involves temperatures of around 300 degrees Fahrenheit), *with* Christopher P. Gale & Graham P. Mulley, *Pacemaker Explosions in Crematoria: Problems and Possible Solutions*, 95 J. ROYAL SOC. MED. 353, 354 (2002) (noting that the chemical reaction that causes pacemakers to explode begins to occur only above approximately 356 degrees Fahrenheit).

126. *See, e.g.*, S.C. CODE ANN. REGS. 65-62.5 St. 8 (2024); S.C. DEP'T OF HEALTH & ENV'T CONTROL, FREQUENTLY ASKED QUESTIONS: CREMATORY OPERATIONS (2016) (explaining that the South Carolina Department of Health and Environmental Control regulates the mercury emissions of crematoriums through permitting).

127. WASH. REV. CODE § 70A.230.090 (2024).

must consider whether existing rules and regulations applicable to cremation need to apply to the methods sought to be legalized.

CONCLUSION

State legislatures have no power to ignore the growing demand among consumers for alternative methods of disposition. Legislatures can, however, control the manner in which they decide to offer these options to consumers. By taking the Piecemeal Approach, states unavoidably risk the rollout of the options consumers want and unnecessarily disrupt practitioners offering such methods. The Comprehensive Approach facilitates the smooth and expeditious offering of new and innovative disposition methods to consumers while providing clear and practical guidance to practitioners. By taking the Comprehensive Approach lawmakers have the unique opportunity to breathe new life into the death care industry.