

HJ 27 – Interim Study of Morticians and Funeral Services: Background Paper

ECONOMIC AFFAIRS INTERIM COMMITTEE
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Beyond cremation, the Montana Code Annotated (MCA) has no specific laws regarding final disposition methods such as green burial, natural organic reduction, and alkaline hydrolysis.

FINAL DISPOSITION IN THE MCA

Various aspects of the final disposition (i.e. rights and procedures) of human remains are addressed in several titles of the MCA. However, final disposition *methods* (i.e. processes) are found in Title 37, chapter 19: Morticians and Funeral Services.

Title 37, chapter 19, part 7 requires licensing of crematoriums and describes associated procedures, such as authorization and handling. Part 7 also explicitly grants the Board of Funeral Service rulemaking authority pertaining to cremation procedures.

The MCA defines cremation as “the technical process, using heat, that reduces human remains to bone fragments. The reduction takes place through heat and evaporation” ([37-19-101](#)); no other final disposition methods are described.

OVERVIEW OF FINAL DISPOSITION METHODS (2026)

Traditional Burial: Use of embalming, casket, vault, and headstone in a cemetery.

Cremation: Use of flame and heat in a cremator reduces human remains to ash in about 90 minutes.

Green Burial / Natural Burial: No embalming; uses biodegradable materials for burial of human remains in a designated burial ground, often in a natural setting without markers.

Natural Organic Reduction / Human Composting: Use of a compost chamber containing organic material (e.g. straw, alfalfa, mulch) decomposes human remains into soil over period of about 2 months.

Alkaline Hydrolysis / Aquamation: Use of water, potassium/sodium hydroxide, heat, and pressure in a chamber dissolves human remains into liquid and bone in under 24 hours; liquid remains are disposed of, and bone fragments are retained and converted into a powder-like material, similar to ashes.

OTHER STATES' STANCES ON FINAL DISPOSITION METHODS

Many states do not have any legislation or regulations specific to the “non-traditional” final disposition methods described above. In some cases, a specific method may be considered legal because it fits within existing statute, despite not being explicitly defined as a method. In other cases, a specific method is statutorily legal because the method was defined and added to code.

The processes below list the states where these methods are either expressly legal or legally acceptable:

Green Burial: Green burial is a nationally legal method insofar as embalming, caskets, and vaults are not a requirement for burial.

The following states provide specific regulations pertaining to the process: CA, GA, MD, and WA.

Natural Organic Reduction: AZ, CA, CO, DE, GA, ME, MD, MN, NV, NJ, NY, OR, VT, and WA.

Alkaline Hydrolysis: AL, AZ, CA, CO, CT, FL, GA, HI, ID, IL, KS, ME, MD, MI, MN, MO, NV, NC, ND, OK, OR, SC, TN, UT, VT, WA, WV, and WY.

Alkaline Hydrolysis is expressly *illegal* in NH and OH.