HJ 27: INTERIM STUDY ON LAWS REGARDING MORTICIANS AND FUNERAL SERVICES

FINAL REPORT TO THE 70TH MONTANA LEGISLATURE

Economic Affairs Interim Committee (EAIC)
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TABLE OF CONTENTS

Introduction 1
Study Directives 1
Summary of Committee Work and Materials 2
January 20, 2026 2
Study Materials 3
Recommendations 4
Appendix A: Economic Affairs Interim Committee Members i
Senate Members i
House Members i

This report is a summary of the work of the Economic Affairs Interim Committee (EAIC), specific to EAIC's 2025-2026 morticians and funeral services study as outlined in the EAIC 2025-2026 Work Plan and House Joint Resolution 27 (2025). Members received additional information and public testimony on the subject, and this report is an effort to highlight key information and the processes followed by EAIC in reaching its conclusions. To review additional information, including audio minutes and exhibits, visit the EAIC website: https://committees.legmt.gov/#/nonStandingCommittees/9.

A full report, including links to the documents referenced in this print report, is available at the EAIC website: https://committees.legmt.gov/#/nonStandingCommittees/9.

HJ 27: MORTICIANS AND FUNERAL SERVICES

INTRODUCTION

The Legislative Council assigned House Joint Resolution 27: Interim Study on Laws Regarding Morticians and Funeral Services to EAIC for the 2025-2026 interim. The study ranked 32nd out of 36 study resolutions passed and approved by the 69th Legislature and was one of six studies assigned to EAIC.

STUDY DIRECTIVES

The intent of the study was "to improve clarity and consistency of existing statute," and to provide "a framework for other methods of final disposition to be added to statute." Specifically, the study requested the assigned committee to:

(1) examine current statutes and department rules related to the final disposition of a deceased human body;
(2) examine how other states have incorporated new technology for the 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 update terminology and definitions to be consistent with current industry standard practice; modernize and reorganize archaic language for conformity with the bill drafting manual; and build a framework for new final disposition methods and technologies to be added into statute during future legislative sessions; and
(5) collaborate on this issue with relevant stakeholders.

EAIC allocated approximately 5% (.05 full-time equivalent [FTE]) of its total work time to HJ 27, which included a panel discussion involving Montana morticians, Department of Labor and Industry representatives, public health experts, and industry representatives.

SUMMARY OF COMMITTEE WORK AND MATERIALS

JANUARY 20, 2026

EAIC hosted a panel of experts, including Terri James, executive director, and Brad Longcake, government affairs, of the Montana Funeral Directors Association (MFDA); Rick Walter, mortician, of the Montana Board of Funeral Service; and Erin Sullivan, policy analyst, of the Montana Department of Labor and Industry (DLI).

MFDA explained that current Montana law allows for two forms of final disposition—burial and cremation—while additional forms, such as green/natural burial, alkaline hydrolysis/water cremation, and natural organic reduction/human composting, have been introduced in other states but are not accounted for in the Montana Code Annotated (MCA). Additionally, MFDA noted that a general revision of statute related to funeral services is necessary to ensure consistent terminology within the MCA, to consolidate license types, and to reduce costs for licensing.

Rick Walter of the Montana Board of Funeral Service noted that new final disposition methods place pressure on existing statute, and that the question to be answered is, "Does the current regulatory structure properly serve families?" Additionally, Mr. Walter noted the importance of codifying responsibilities and scope of practice pertaining to license types, particularly in light of new final disposition methods.

DLI pointed out that many states have updated their own codes to reflect new final disposition methods by editing definitions to include greater scopes of practice. DLI explained that it is currently working with the Montana Board of Funeral Service regarding potential revisions to scope of practice legislation and noted the Cremation Association of North America as a recommended source for guidelines if EAIC decided to develop committee legislation on the topic.

EAIC asked DLI if the agency intended to propose agency legislation revising definitions (*Response: That is the intent of the review being conducted with the Board of Funeral Service.*), and whether the potential agency legislation would include alternative disposition methods, or if that would need to be a committee bill (*Response: DLI does not have a preference for the source of any legislation that would introduce new final disposition methods but would be happy to assist EAIC develop such a bill; otherwise, DLI's scope of practice review with the Board of Funeral Service could potentially include new final disposition methods, if deemed necessary.*).

EAIC asked Mr. Walter what information was required to be disclosed to consumers (*Response: Federal law addresses required disclosures very well, with the Federal Trade Commission (FTC) requiring all funeral homes nationwide to present a general price list for all goods and services available at that funeral home; but some ambiguity may occur in the language used among funeral homes; additionally, the FTC allows families to provide their own caskets, etc., but that remains an area of ambiguity.*).

EAIC asked DLI how many licensure options exist, and whether licensed practitioners must acquire and pay for multiple types (*Response: Licensure types include mortician/intern, crematory operator/technician, and facility; Mr. Walter noted that multiple types can be required for a single licensee, with fees for all types paid annually.*). EAIC asked DLI whether the issue of multiple license types for a single licensee and associated fees was to be addressed in potential agency legislation (*Response: Yes; the issue includes the consideration that licensing fees are dependent upon*

the number of licenses, which fund the board's operating costs, and will include consideration as to whether new final disposition methods should be endorsements.).

STUDY MATERIALS

- Staff Background Paper
- 2025 NFDA Cremation & Burial Report
- A Comparative Analysis of Contemporary Methods of Final Disposition

RECOMMENDATIONS

EAIC recommends pursuit of legislation to update statutes related to morticians and funeral services, with emphasis on including new methods of final disposition.

APPENDIX A:
ECONOMIC AFFAIRS INTERIM COMMITTEE MEMBERS

Before the close of each legislative session, House and Senate leadership appoint lawmakers to interim committees. The members of the Economic Affairs Interim Committee, like most other interim committees, serve one 20-month term. Members who are reelected to the Legislature, subject to overall term limits and if appointed, may serve again on an interim committee. This information is included in order to comply with section 2-15-155, MCA.

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