

HOUSE BILL No. 2331

By Committee on Federal and State Affairs

Requested by Jessica Lucas on behalf of the Sedwick County Government

2-7

Proposed Amendments to
House Bill No. 2331
Senate Committee on Federal and State Affairs
"Crematory"
Prepared by Office of Revisor of Statutes

1 AN ACT concerning ~~cremation~~; authorizing the disposition of the
2 unclaimed remains of deceased persons by district coroners; providing
3 exemptions from liability for actions taken to dispose of such remains;
4 amending K.S.A. 22a-215 and repealing the existing section.

disposition of human remains

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 22a-215 is hereby amended to read as follows: 22a-

and 65-1769

7 215. (a) The coroner shall cause the body of a deceased person to be
8 delivered to the immediate family or the next of kin of the deceased in
9 accordance with the provisions of K.S.A. 65-904, and amendments
10 thereto. If there is no immediate family or next of kin, *or if the immediate*
11 *family or next of kin refuse to accept the remains of such deceased person,*
12 *then the coroner shall ~~report and make delivery~~ notify and deliver such*
13 *remains* in accordance with the provisions of article 9 of chapter 65 of
14 Kansas Statutes Annotated. If no such delivery is required, the coroner
15 shall cause the body of such deceased person to be cremated or buried. The
16 state or county officer responsible for the final disposition of the deceased
17 person may authorize and order the cremation or burial of such deceased
18 person.
19

authorizing use of the word "crematory" as part of the business name for
businesses owned by the same person who owns a licensed crematory;

20 (b) Cremation or burial expenses shall be paid from any property
21 found with the body. If there is no property found with the body or if the
22 property is not sufficient to cover such expenses and if the deceased was
23 eligible for assistance under the provisions of article 7 of chapter 39 of
24 Kansas Statutes Annotated, expenses of final disposition shall be paid in
25 accordance with the provisions of K.S.A. 39-713d, and amendments
26 thereto. Otherwise, such expenses shall be paid from the county general
27 fund unless the deceased died in the custody of the secretary of
28 corrections. Expenses of final disposition of the unclaimed bodies of
29 deceased inmates in the custody of the secretary of corrections shall be
30 paid by the department of corrections.

31 (b)(c) *A coroner in possession of the cremated remains of a deceased*
32 *person may relinquish custody of such cremated remains if:*

33 (1) *No person has claimed such cremated remains during the three*
34 *years following the date of death or any period of time prescribed by*
35 *K.S.A. 22a-231 et seq., and amendments thereto, for preserving a*

1 decedent's remains, whichever is longer;

2 (2) the coroner publishes notice in a newspaper of general
3 circulation in the county where the death occurred and states that such
4 remains shall be disposed in accordance with this section unless such
5 remains are claimed by the immediate family or the next of kin of the
6 deceased within 30 days following the date such notice is published; and
7 (3) no claim on such cremated remains is made within the time
8 prescribed in paragraph (2).

9 (d) If a person, who is authorized to take custody of the cremated
10 remains of a deceased person, claims such remains, then such person shall
11 be required to reimburse the coroner for the costs of such cremation and
12 any other applicable fees assessed by the office of the district coroner.

13 (e) Cremated remains disposed of pursuant to subsection (b) shall be:

14 (1) Buried by placing the remains in a church or cemetery plot or a
15 scatter garden, or in a tomb, mausoleum, crypt, columbarium or other
16 permanent non-accessible chamber; or

17 (2) if the decedent was a veteran, relinquished to the director of the
18 Kansas commission of veteran's affairs office, or the director's designee,
19 or a national cemetery.

20 (f) Nothing in this section shall require a coroner to determine or
21 seek the determination of whether a decedent was a veteran if the office of
22 the district coroner was informed or otherwise discovered that:

23 (1) Such decedent was not a veteran; or

24 (2) such decedent did not desire any funeral or burial-related
25 services or ceremonies recognizing such decedent's service as a veteran.

26 (g) The office of the district coroner shall not be liable for any costs
27 or damages arising from the disposition of cremated remains conducted in
28 accordance with this section, except in cases of gross negligence or willful
29 misconduct.

30 (h) If after investigation the coroner determines that property found
31 with the body of a decedent has insubstantial commercial value, the
32 coroner may destroy or otherwise dispose of such property. Neither the
33 coroner nor the county where the death occurred shall be liable for any
34 action taken pursuant to this subsection.

35 (i) Any coroner who, over the protest of the immediate family or next
36 of kin of the deceased, delivers or causes to be delivered the body of a
37 deceased person for final disposition to a particular embalmer, funeral
38 director or funeral establishment, shall be deemed guilty of a class B
39 nonperson misdemeanor and upon conviction thereof shall forfeit the
40 coroner's office.

41 ~~Sec. 2. K.S.A. 22a-215 is hereby repealed.~~

42 Sec. 3. This act shall take effect and be in force from and after its
43 publication in the statute book.

Insert Attachment A

and 65-1769 are

And renumbering sections accordingly

Attachment A

Sec. 2. K.S.A. 65-1769 is hereby amended to read as follows: 65-1769. ~~On and after July 1, 2011, (a)~~ A crematory operator shall, in connection with such person's licensed crematory, use the words "crematory operator" or any other title implying that such person is engaged in the business of cremation.

~~(b) Nothing in K.S.A. 65-1760 et seq. and amendments thereto, shall be construed to prohibit a person who holds a crematory license from using the word "crematory" in the name or title of any other business or operation owned by such person if such business or operation is licensed under article 17 of chapter 65 of Kansas Statutes Annotated, and amendments thereto.~~