

HOUSE BILL No. 2780

By Committee on Federal and State Affairs

Requested by Representative James

2-17

1 AN ACT concerning the state board of mortuary arts; authorizing
2 terramation of dead human bodies in the state of Kansas; specifying
3 that terramation facilities shall be licensed and comply with local and
4 state building codes, zoning laws, ordinances and environmental
5 standards; mandating that only licensed terramation facility operators
6 may perform terramation; requiring a terramation authorization form
7 signed by an authorizing agent and a coroner's permit to terramate;
8 prohibiting the terramation of bodies with potentially hazardous
9 implants unless removed; ensuring that terramated remains are properly
10 identified and packed; establishing fees related to terramation; adding
11 references to terramation where references to cremation exist in current
12 law; amending K.S.A. 21-6106, 22a-215, 22a-246, 40-3103, 65-904,
13 65-1713, 65-1713a, 65-1723, 65-1727, 65-1734, 65-1751, 65-1753, 65-
14 3233, 65-67a03 and 75-712g and K.S.A. 2025 Supp. 65-1732, 65-2401,
15 65-2426a and 74-7301 and repealing the existing sections.

16

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

18 New Section 1. Sections 1 through 15, and amendments thereto, shall
19 be known and may be cited as the Kansas terramation regulation act.

20 New Sec. 2. As used in sections 1 through 15, and amendments
21 thereto, unless the context clearly shows otherwise:

22 (a) "Act" means the Kansas terramation regulation act.

23 (b) "Alternative container" means a receptacle, other than a casket, in
24 which dead human bodies are transported to the terramation facility and
25 placed in the terramation chamber for terramation. An "alternative
26 container" shall be:

27 (1) Composed of materials suitable for terramation;

28 (2) capable of being closed to provide a complete covering for the
29 dead human bodies;

30 (3) resistant to leakage or spillage;

31 (4) rigid enough for handling with ease; and

32 (5) able to provide protection for the health, safety and personal
33 integrity of terramation facility personnel.

34 (c) "Authorizing agent" means a person legally entitled to authorize
35 the terramation and final disposition of specific dead human bodies as

1 defined in K.S.A. 65-1734, and amendments thereto.

2 (d) "Board" means the state board of mortuary arts.

3 (e) "Dead human body" means a lifeless human body, parts of a
4 human body or the bones thereof based on the state of which it reasonably
5 may be concluded that death recently occurred.

6 (f) "Funeral director" means a person who holds a current license as a
7 funeral director issued by the board.

8 (g) "Funeral establishment" means a funeral establishment or branch
9 establishment as licensed by the board.

10 (h) "Holding facility" means an area within or adjacent to a licensed
11 terramation facility designated for the retention of dead human bodies
12 prior to the act of terramation. A "holding facility" shall:

13 (1) Comply with any applicable public health statute, regulation or
14 ordinance;

15 (2) preserve the dignity of the dead human body;

16 (3) recognize the integrity, health and safety of the terramation
17 facility's personnel operating the terramation facility; and

18 (4) be secure from access by anyone other than authorized personnel.

19 (i) "Potentially hazardous implant" means any device previously
20 placed within the now-deceased human body that would result in potential
21 harm or damage at any time during the terramation process.

22 (j) "Temporary container" means a receptacle for terramated remains,
23 usually composed of cardboard, plastic or similar material, that can be
24 closed to prevent the leakage or spillage of terramated remains or the
25 entrance of foreign material and is a single container of sufficient size to
26 hold terramated remains.

27 (k) "Terramated remains" means all human remains recovered after
28 the completion of terramation of a dead human body. "Terramated
29 remains" may include the residue of any foreign organic matter that was
30 used to terramate the dead human body.

31 (l) "Terramation" means the contained, accelerated conversion of
32 unembalmed human remains to soil in a terramation facility. "Terramation"
33 includes the processing, pulverization and incorporation of the bone
34 fragments into such soil.

35 (m) "Terramation chamber" means the enclosed space within which
36 the terramation of a dead human body is performed. Such chambers shall
37 be used exclusively for the terramation of human remains.

38 (n) "Terramation facility" means a business premises that houses the
39 terramation chamber and holding facility where dead human bodies are
40 terramated. A "terramation facility" shall be maintained at a fixed and
41 specific street address.

42 (o) "Terramation facility operator" means a person who is engaged in,
43 conducting or holding oneself out as engaged in or conducting the business

1 of terramation.

2 (p) "Terramation facility operator in charge" means the terramation
3 facility operator who is licensed and responsible for ensuring that the
4 terramation facility's license is current and that the licensed terramation
5 facility is in compliance with the laws and regulations of this state.
6 Nothing in this definition shall relieve other persons involved with a
7 terramation from complying with state and federal laws and regulations.

8 (q) "Urn" means a receptacle designed to encase terramated remains.

9 New Sec. 3. (a) No person shall operate a terramation facility to
10 terramate a dead human body or cause any dead human body to be
11 terramated unless the terramation facility is licensed under this act. This
12 prohibition shall not apply to the Kansas university medical center as
13 provided by section 10(g), and amendments thereto.

14 (b) (1) Any building used as a terramation facility shall comply with
15 all applicable local and state building codes, zoning laws, ordinances and
16 environmental standards.

17 (2) A terramation facility shall have means on site for processing
18 terramated remains either in the building or adjacent to it and a holding
19 facility for the retention of dead human bodies awaiting terramation.

20 (3) The holding facility shall be secure from access by anyone except
21 authorized personnel of the terramation facility, preserve the dignity of the
22 dead human bodies and protect the health and safety of the terramation
23 facility personnel.

24 (c) All applications for licensure as a terramation facility shall be on
25 forms furnished and prescribed by the state board of mortuary arts.

26 New Sec. 4. (a) (1) The licensed terramation facility operator in
27 charge shall supervise the licensed terramation facility on a full-time or a
28 part-time basis and perform such other duties relating to the supervision of
29 a licensed terramation facility as prescribed by the board by rules and
30 regulations.

31 (2) The terramation facility operator in charge of a licensed
32 terramation facility shall hold a Kansas terramation facility operator
33 license. Such terramation facility operator in charge shall also hold a
34 funeral director license unless the terramation facility only receives dead
35 human bodies for terramation through licensed funeral establishments or
36 branch funeral establishments.

37 (b) Only licensed terramation facility operators may perform
38 terramation.

39 (c) No terramation facility operator or terramation facility operator in
40 charge shall terramate or cause to be terramated any dead human body
41 until such terramation facility operator or terramation facility operator in
42 charge has received:

43 (1) A terramation authorization form signed by an authorizing agent.

1 The written authorization shall include:

2 (A) The identity of the dead human body and the time and date of
3 death;

4 (B) the name of the funeral director or assistant funeral director and
5 the funeral establishment or branch establishment, or the authorizing agent
6 thereof that obtained the terramation authorization;

7 (C) notification as to whether the cause of death occurred from a
8 disease declared by the department of health and environment to be
9 infectious, contagious, communicable or dangerous to the public health;

10 (D) the name of the authorizing agent and the relationship between
11 the authorizing agent and the decedent;

12 (E) authorization for the terramation facility to terramate the dead
13 human body;

14 (F) a representation that the dead human body does not contain any
15 material or implant that may be potentially hazardous or cause damage to
16 the terramation chamber or the person performing the terramation;

17 (G) the name of the person authorized to receive the terramated
18 remains from the terramation facility; and

19 (H) the signature of the authorizing agent attesting to the accuracy of
20 all representations contained on the terramation authorization form; and

21 (2) a completed and executed coroner's permit, if required by K.S.A.
22 65-2426a, and amendments thereto, indicating that the dead human body is
23 to be terramated.

24 New Sec. 5. (a) (1) No dead human body with a potentially hazardous
25 implant shall be terramated.

26 (2) The authorizing agent for the terramation of the dead human body
27 shall be responsible for informing the licensed funeral director, assistant
28 funeral director, terramation facility operator or terramation facility
29 operator in charge about a known potentially hazardous implant.

30 (3) The authorizing agent shall be responsible for ensuring that any
31 known hazardous implant is removed before the delivery of the dead
32 human body to the terramation facility.

33 (4) Any hazardous implant of a dead human body in the custody of a
34 terramation facility operator shall be removed by an embalmer at a funeral
35 establishment or branch establishment with an embalming preparation
36 room unless the removal is to take place at a medical facility by the
37 appropriate medical personnel.

38 (b) A terramation facility shall hold dead human bodies prior to
39 terramation accordingly:

40 (1) Whenever a terramation facility is unable to terramate the dead
41 human body immediately upon taking custody thereof, the terramation
42 facility operator in charge shall place the dead human body in a
43 refrigeration facility at 40 degrees fahrenheit or less or store the dead

1 human body in a terramation container at a funeral establishment or branch
2 establishment with a preparation room or holding facility approved by the
3 board; and

4 (2) a terramation facility operator or terramation facility operator in
5 charge shall not be required to accept for holding a terramation container
6 that has any evidence of body fluid leakage from the dead human body
7 inside such container.

8 (c) No unauthorized person, as determined by the terramation facility
9 operator in charge of the terramation facility, shall be permitted in the
10 terramation facility area while any dead human body is in the terramation
11 facility area awaiting terramation, being terramated or being removed from
12 the terramation chamber.

13 (d) The simultaneous terramation of more than one dead human body
14 within the same terramation chamber is prohibited without specific written
15 authorization to do so from all authorizing agents for the dead human
16 bodies to be so terramated. Such written authorization shall exempt the
17 terramation facility operator and terramation facility operator in charge
18 from all liability for the commingling of the terramated remains during the
19 terramation process.

20 (e) The terramation facility shall maintain an identification system
21 that will ensure that the terramated remains can be identified, as indicated
22 on the terramation authorization form, throughout all phases of the
23 terramation process.

24 (f) (1) Upon completion of the terramation, and insofar as practicable,
25 all of the recoverable residue of the terramation process shall be removed
26 from the terramation chamber.

27 (2) If possible, the nonreducible materials or items, other than bone
28 fragments, shall be separated from the terramated remains and disposed of
29 in a lawful manner by the terramation facility.

30 (3) The bone fragments produced by the terramation process shall be
31 processed, pulverized and incorporated into the soil produced by the
32 terramation.

33 (g) Terramated remains shall be packed as follows:

34 (1) The terramated remains with proper identification shall be placed
35 in a temporary container or urn, unless otherwise specified in a written
36 authorization received from the authorizing agent or as provided in
37 paragraph (2). The temporary container or urn contents shall be packed
38 with clean packing materials;

39 (2) if the terramated remains will not fit within the dimensions of a
40 temporary container or urn, the remainder of the terramated remains shall
41 be returned to the authorizing agent or the authorizing agent's
42 representative in a separate container attached to the first container or urn
43 identifying such containers as belonging together;

1 (3) if a temporary container is used to return the terramated remains,
2 such container shall be, at a minimum, a cardboard box with all seams
3 taped to close and increase the security and integrity of such cardboard
4 box. The outside of the container shall be clearly identified with the name
5 of the terramation facility and an indication that the container is a
6 temporary container; and

7 (4) if the terramated remains are to be shipped, the temporary
8 container or designated receptacle ordered by the authorizing agent shall
9 be securely packed in a suitable, sturdy, non-fragile container and sealed
10 properly. Terramated remains shall be shipped only by a method that has
11 an internal tracing system available and provides a receipt signed by the
12 person accepting delivery.

13 New Sec. 6. (a) (1) An authorizing agent signing a terramation
14 authorization form shall be deemed to warrant the truthfulness of any facts
15 set forth in such terramation authorization form, including the identity of
16 the deceased whose remains are sought to be terramated, and such
17 authorization agent's authority to order such terramation.

18 (2) Any person signing a terramation authorization form as an
19 authorizing agent shall be personally and individually liable for all damage
20 occasioned thereby and resulting therefrom.

21 (3) A terramation facility operator, terramation facility operator in
22 charge, assistant funeral director or funeral director may rely upon the
23 representations of the authorizing agent in the terramation authorization
24 form.

25 (b) (1) A funeral director, assistant funeral director or terramation
26 facility operator in charge shall have the authority to arrange the
27 terramation of a dead human body upon the receipt of a terramation
28 authorization form signed by an authorizing agent.

29 (2) A funeral director, assistant funeral director, terramation facility
30 operator or terramation facility operator in charge who, pursuant to a
31 terramation authorization, arranges a terramation, terramates a dead human
32 body and releases or disposes of the terramated remains shall not be liable
33 for such acts.

34 (c) A funeral director, assistant funeral director, terramation facility
35 operator or terramation facility operator in charge who refuses to arrange a
36 terramation, accept a dead human body or perform a terramation shall not
37 be liable for refusing to arrange a terramation, accept the dead human body
38 or perform the terramation until such funeral director, assistant funeral
39 director, terramation facility operator or terramation facility operator in
40 charge receives a court order or other suitable confirmation that the cause
41 of the refusal has been determined. Acceptable circumstances causing such
42 a refusal may include:

43 (1) Awareness of a dispute concerning the terramation of the dead

1 human body; or

2 (2) a reasonable basis for questioning any of the representations made
3 by the authorizing agent; or

4 (3) any other lawful reason.

5 New Sec. 7. (a) If an authorizing agent informs the funeral director,
6 assistant funeral director, terramation facility operator or the terramation
7 facility operator in charge on the terramation authorization form of the
8 presence of a hazardous implant in the dead human body to be terramated,
9 the persons who were informed by such authorizing agent shall be
10 responsible for ensuring that all necessary steps are taken to remove the
11 hazardous implant.

12 (b) Any person who delivers a dead human body to a terramation
13 facility after being informed that a hazardous implant is in the dead human
14 body but has failed to ensure prior to such delivery that the hazardous
15 implant has been removed from the dead human body pursuant to section
16 5(a)(4), and amendments thereto, such that the dead human body is
17 terramated with the hazardous implant, then such person who delivered the
18 dead human body to the terramation facility shall be liable for all resulting
19 damages.

20 New Sec. 8. (a) The state board of mortuary arts shall adopt rules and
21 regulations for the administration and implementation of this act. Such
22 rules and regulations shall:

23 (1) Include the conditions under which the dead bodies of persons
24 who died from an infectious, contagious, communicable or dangerous
25 disease can be transported from any place in the state to a terramation
26 facility for the purpose of terramation;

27 (2) establish criteria for classifying implants as hazardous in the
28 context of terramation;

29 (3) establish minimal standards of sanitation and required equipment
30 for all terramation facilities as deemed necessary for the protection of the
31 public.

32 (b) A terramation facility operator in charge may adopt reasonable
33 policies that are consistent with this act or rules and regulations adopted
34 by the board.

35 (c) The state board of mortuary arts may refuse to issue or renew a
36 license or revoke, condition, limit, censure, fine or suspend a license for
37 the terramation facility or terramation facility operator upon a finding that
38 a terramation facility operator or a terramation facility operator in charge
39 has:

40 (1) Maintained or operated a building or structure within the state as a
41 terramation facility in violation of the provisions of this act or the rules
42 and regulations adopted by the board of mortuary arts;

43 (2) performed a terramation without a terramation authorization form

1 signed by an authorizing agent;

2 (3) made any misleading, deceptive, untrue or fraudulent statements
3 in applying for or securing an original or renewal license;

4 (4) been convicted of a felony or an offense of moral turpitude and
5 has not demonstrated to the board's satisfaction that such terramation
6 facility operator in charge has been sufficiently rehabilitated to warrant the
7 public trust;

8 (5) violated any law, ordinance or rule and regulation affecting the
9 handling, custody, care or transportation of dead human bodies or
10 terramated remains;

11 (6) been rendered unfit to operate a terramation facility by reason of
12 illness, alcohol, chemicals or other types of substances or as a result of any
13 mental or physical condition;

14 (7) failed or refused to properly protect or guard against contagious,
15 communicable or infectious disease, or the spreading thereof;

16 (8) or such person's agent, employee or representative, advertised,
17 solicited or sold merchandise or services in a manner that is fraudulent,
18 deceptive or misleading in form or content;

19 (9) been found by a court of competent jurisdiction to be mentally ill,
20 mentally disabled, not guilty by reason of insanity or incompetent to stand
21 trial by a court of competent jurisdiction;

22 (10) failed to furnish the board or such board's investigators or
23 representatives with information requested by the board;

24 (11) failed to report to the board any adverse action taken against the
25 terramation facility operator, terramation facility operator in charge or the
26 terramation facility by another state or licensing jurisdiction, professional
27 association or society, governmental agency, law enforcement agency or a
28 court;

29 (12) knowingly submitted any misleading, deceptive, untrue or
30 fraudulent representation on a claim form, bill, statement or similar
31 information to an authorizing agent, consumer or representative of the
32 board;

33 (13) had a license to operate a terramation facility, terramation
34 facility operator or similar license revoked or suspended, any other action
35 taken against oneself or an application for a license denied by the proper
36 licensing authority of another state, territory, District of Columbia or other
37 country. A certified copy of the record of the action of another jurisdiction
38 shall be conclusive evidence thereof;

39 (14) aided or abetted an unlicensed person to practice any activity for
40 which a license is required under article 17 of chapter 65 of the Kansas
41 Statutes Annotated, and amendments thereto;

42 (15) violated any rules and regulations adopted by the board or any
43 state or federal law related to the practice of operating a terramation

1 facility; or

2 (16) failed to pay any fee required under this act.

3 (d) All administrative proceedings taken by the board pursuant to this
4 section shall be conducted in accordance with the provisions of the Kansas
5 administrative procedure act.

6 (e) A violation of this section or any provision of this act is hereby
7 declared to be a class A nonperson misdemeanor.

8 New Sec. 9. This act shall take precedence over any conflicting
9 Kansas laws, except state environmental laws, that govern the handling
10 and disposition of dead human bodies for terramation and terramated
11 remains.

12 New Sec. 10. (a) The terramation facility operator in charge of a
13 terramation facility located or doing business within the state shall apply
14 for and obtain a terramation facility license from the board for each
15 terramation facility.

16 (b) An application for a new license is required if the terramation
17 facility has a change in ownership, name, location or a change in the
18 terramation facility operator in charge. Such application shall be made to
19 the board at least 30 days prior to the change of ownership, name or
20 location or change in the terramation facility operator in charge.

21 (c) The terramation facility license fee and terramation facility license
22 renewal fee shall be fixed by the board under K.S.A. 65-1727, and
23 amendments thereto. The disposition of all funds collected under the
24 provisions of this act shall be in accordance with the provisions of K.S.A.
25 65-1718, and amendments thereto.

26 (d) A terramation facility license shall expire every two years on a
27 date established by the board. To continue operation of a terramation
28 facility, a terramation facility operator in charge shall submit a biennial
29 renewal application form and the terramation facility license renewal fee
30 to the board before the expiration date of such license.

31 (e) A terramation facility license shall be judged delinquent at 12:00
32 a.m. on the day immediately following the expiration date and may only
33 be renewed after the expiration date by payment of a renewal fee and a
34 reinstatement fee that is equal to the renewal fee.

35 (f) It is unlawful for any person who is not an operator in charge of a
36 terramation facility or a terramation facility operator under this act to
37 operate a terramation facility, hold oneself out as operating a terramation
38 facility or engage or attempt to engage in the business of terramation
39 facility operator.

40 (g) The Kansas university medical center shall be exempt from this
41 statute for the purpose of terramating remains donated for dissecting,
42 demonstrating or teaching purposes.

43 New Sec. 11. A terramation facility operator shall, in connection with

1 such person's licensed terramation facility, use the words "terramation
2 facility operator" or any other title indicating that such person is engaged
3 in the business of terramation.

4 New Sec. 12. Every terramation conducted in this state shall be under
5 the personal supervision of a licensed terramation facility operator or
6 terramation facility operator in charge with all terramations performed at a
7 licensed terramation facility.

8 New Sec. 13. (a) It shall be unlawful for any person to engage in or
9 attempt to engage in the business of a terramation facility operator in this
10 state without a terramation facility operator's license issued by the state
11 board of mortuary arts.

12 (b) (1) Every person desiring to enter the practice of a terramation
13 facility operator shall make written application to the board on forms as
14 prescribed by the board.

15 (2) The application shall show that the applicant is of legal age, has
16 successfully completed training in performing terramation services and has
17 received certification by an organization whose six-hour minimum
18 program has been approved by the board within twelve months of the
19 board's approval of such application.

20 (3) If the applicant has not received the training specified in
21 paragraph (2) upon application to the board, such applicant shall have
22 received training from another person who has already received such
23 training, which shall also be a minimum of six hours with the trainer and
24 program approved by the board.

25 (4) At the end of one year of licensure as a terramation facility
26 operator, if the individual has not received training from an organization of
27 an approved program that has been approved by the board, the terramation
28 facility operator's license shall be automatically suspended until such time
29 that the approved training has been completed.

30 New Sec. 14. (a) (1) The fee and renewal fee for a terramation facility
31 operator's license shall be in the amount fixed by the state board of
32 mortuary arts in accordance with the provisions of K.S.A. 65-1727, and
33 amendments thereto.

34 (2) The fee shall be due and payable to the secretary of the board
35 prior to the expiration date of the license.

36 (3) The secretary of the board shall mail to the last known address of
37 each licensee a notice of the expiration date of each license and the
38 corresponding renewal fee at least 30 days prior to the expiration date of
39 each license.

40 (4) If the licensee fails to pay such renewal fee within the time
41 specified, the license shall automatically lapse, and the licensee shall be
42 denied the right to practice terramation in this state during such lapse.

43 (b) The board may reinstate such lapsed license upon the payment of

1 the fee in arrears, plus an additional reinstatement fee in the amount equal
2 to the renewal fee if such lapse is not over six months in duration.

3 (c) (1) Any person who fails to reinstate a lapsed license within six
4 months after the expiration date of such license may apply for relicensure
5 by making application on a form provided by the board.

6 (2) Relicensure shall be granted upon receipt of proof that the
7 applicant meets the qualifications to act as a licensed terramation facility
8 operator, has satisfied all of the requirements for renewal established by
9 law and has paid the board back renewal fees as established by the board
10 by rules and regulations.

11 (d) (1) The expiration date of each license shall be established by
12 rules and regulations of the board.

13 (2) Subject to the provisions of this subsection, each license shall be
14 renewed on a biennial basis upon the filing of a renewal application prior
15 to the expiration date of the license and upon payment of the renewal fee
16 established pursuant to K.S.A. 65-1727, and amendments thereto.

17 (3) To provide for a system of biennial renewal of licenses, the board
18 may provide by rules and regulations that licenses issued or renewed for
19 the first time after the effective date of this act may expire less than two
20 years from the date of issuance or renewal.

21 (4) In each case in which a license is issued or renewed for a period
22 of time of less than two years, the board shall prorate the license or
23 renewal fee established pursuant to K.S.A. 65-1727, and amendments
24 thereto, to the nearest whole month.

25 (e) (1) Every licensed terramation facility operator in Kansas shall
26 submit with the renewal application and renewal fee evidence of
27 satisfactory completion of a program of continuing education required and
28 approved by the board.

29 (2) The board by duly adopted rules and regulations shall establish
30 the requirements for such program of continuing education.

31 New Sec. 15. (a) A terramation facility shall not recycle any metallic
32 remnant, prosthetic implant or anything else remaining after terramation or
33 removed prior to terramation without the written consent of the legal next
34 of kin of the deceased as defined in K.S.A. 65-1734, and amendments
35 thereto.

36 (b) Any such recycling shall be in compliance with state and federal
37 laws.

38 Sec. 16. K.S.A. 21-6106 is hereby amended to read as follows: 21-
39 6106. (a) Unlawful public demonstration at a funeral is:

40 (1) Engaging in a public demonstration at any public location within
41 150 feet of any entrance to any cemetery, church, mortuary or other
42 location where a funeral is held or conducted, within one hour prior to the
43 scheduled commencement of a funeral, during a funeral or within two

1 hours following the completion of a funeral;

2 (2) knowingly obstructing, hindering, impeding or blocking another
3 person's entry to or exit from a funeral; or

4 (3) knowingly impeding vehicles which are part of a funeral
5 procession.

6 (b) Unlawful public demonstration at a funeral is a class B person
7 misdemeanor. Each day on which a violation occurs shall constitute a
8 separate offense.

9 (c) As used in this section:

10 (1) "Funeral" means the ceremonies, processions and memorial
11 services held in connection with the burial~~or~~, cremation *or terramation* of
12 a ~~person~~ *dead human body*; and

13 (2) "public demonstration" means:

14 (A) Any picketing or similar conduct; or

15 (B) any oration, speech, use of sound amplification equipment or
16 device, or similar conduct that is not part of a funeral.

17 (d) This section may be cited as the Kansas funeral privacy act.

18 Sec. 17. K.S.A. 22a-215 is hereby amended to read as follows: 22a-
19 215. (a) (1) The coroner shall cause the body of a deceased person to be
20 delivered to the immediate family or the next of kin of the deceased in
21 accordance with the provisions of K.S.A. 65-904, and amendments
22 thereto.

23 (2) If there is no immediate family or next of kin the coroner shall
24 report and make delivery in accordance with the provisions of article 9 of
25 chapter 65 of Kansas Statutes Annotated.

26 (3) If no such delivery is required, the coroner shall cause the body of
27 such deceased person to be cremated, *terrimated* or buried.

28 (4) The state or county officer responsible for the final disposition of
29 the deceased person may authorize and order the cremation, *terrimation* or
30 burial of such deceased person.

31 (5) Cremation, *terrimation* or burial expenses shall be paid from any
32 property found with the body.

33 (6) If there is no property found with the body or if the property is not
34 sufficient to cover such expenses and if the deceased was eligible for
35 assistance under the provisions of article 7 of chapter 39 of Kansas
36 Statutes Annotated, expenses of final disposition shall be paid in
37 accordance with the provisions of K.S.A. 39-713d, and amendments
38 thereto.

39 (7) Otherwise, such expenses shall be paid from the county general
40 fund unless the deceased died in the custody of the secretary of
41 corrections.

42 (8) Expenses of final disposition of the unclaimed bodies of deceased
43 inmates in the custody of the secretary of corrections shall be paid by the

1 department of corrections.

2 (b) Any coroner who, over the protest of the immediate family or
3 next of kin of the deceased, delivers or causes to be delivered the body of a
4 deceased person for final disposition to a particular embalmer, funeral
5 director or funeral establishment, shall be deemed guilty of a class B
6 nonperson misdemeanor and upon conviction thereof shall forfeit the
7 coroner's office.

8 Sec. 18. K.S.A. 22a-246 is hereby amended to read as follows: 22a-
9 246. (a) When the death of a person is a death described in K.S.A. 22a-
10 231, and amendments thereto, and a criminal investigation is or is likely to
11 be conducted regarding the death and the body is to be cremated *or*
12 *terramated*, the district coroner or the coroner's agent having charge of the
13 body shall cause to be taken such evidence to identify the dead person,
14 including, but not limited to:

15 (1) A forensic dental examination to be made of the body, which
16 examination shall include complete charting, dental x-rays and detailed
17 dental intra-oral photographs;

18 (2) the complete maxillia and mandible of the body to be removed
19 and preserved; or

20 (3) a clear recording or print of the complete ridge structure that may
21 be present on the hands and feet of the body.

22 (b) If a forensic dental examination is made pursuant to subsection
23 (a), the coroner shall cause two copies of the examination records to be
24 made.

25 (c) All records and copies of records of a forensic dental examination
26 or ridge structure print made pursuant to this section, or any maxilliae and
27 mandible removed pursuant to this section, shall be preserved and retained
28 in evidence until all criminal investigations and judicial proceedings that
29 may arise from such death are finally determined.

30 Sec. 19. K.S.A. 40-3103 is hereby amended to read as follows: 40-
31 3103. As used in this act, the following words and phrases shall have the
32 meanings respectively ascribed to them herein:

33 (a) "Commissioner" means the state commissioner of insurance.

34 (b) "Disability benefits" means allowances for loss of monthly
35 earnings due to an injured person's inability to engage in available and
36 appropriate gainful activity, subject to the following conditions and
37 limitations:

38 (1)- The injury sustained is the proximate cause of the injured
39 person's inability to engage in available and appropriate gainful activity;

40 (2)- subject to the maximum benefits stated herein, allowances shall
41 equal 100% of any such loss per individual, unless such allowances are
42 deemed not includable in gross income for federal income tax purposes, in
43 which event such allowances shall be limited to 85%; and

1 (3)- allowances shall be made up to a maximum of not less than \$900
2 per month for not to exceed one year after the date the injured person
3 becomes unable to engage in available and appropriate gainful activity.

4 (c) "Director" means the director of vehicles.

5 (d) "Funeral benefits" means allowances for funeral, burial,
6 *terramation* or cremation expenses in an amount not to exceed \$2,000 per
7 individual.

8 (e) "Highway" means the entire width between the boundary lines of
9 every way publicly maintained, when any part thereof is open to the use of
10 the public for purposes of vehicular travel.

11 (f) "Implement of husbandry" means every vehicle designed or
12 adapted and used exclusively for agricultural operations and only
13 incidentally operated or moved upon the highways.

14 (g) "Insurer" means any insurance company, as defined by K.S.A. 40-
15 201, and amendments thereto, authorized to transact business in this state,
16 ~~which~~ *that* issues policies of motor vehicle liability insurance covering
17 liability arising out of the ownership, operation, maintenance or use of a
18 motor vehicle.

19 (h) "Injured person" means any person suffering injury.

20 (i) "Injury" means bodily harm, sickness, disease or death resulting
21 from an accident arising out of the ownership, maintenance or use of a
22 motor vehicle.

23 (j) "Lienholder" means a person holding a security interest in a
24 vehicle.

25 (k) "Medical benefits" means and includes allowances for all
26 reasonable expenses, up to a limit of not less than \$4,500, for necessary
27 ~~health-care~~ *healthcare* rendered by practitioners licensed by the state board
28 of healing arts to practice any branch of the healing arts or licensed
29 psychologists, surgical, x-ray and dental services, including prosthetic
30 devices and necessary ambulance, hospital and nursing services; and such
31 term also includes allowances for services recognized and permitted under
32 the laws of this state for an injured person who relies upon spiritual means
33 through prayer alone for healing in accordance with such person's religious
34 beliefs.

35 (l) "Monthly earnings" means:

36 (1)- In the case of a regularly employed person or a person regularly
37 self-employed, $\frac{1}{12}$ of the annual earnings at the time of injury; or

38 (2)- in the case of a person not regularly employed or self-employed,
39 or of an unemployed person, $\frac{1}{12}$ of the anticipated annual earnings from
40 the time such person would reasonably have been expected to be regularly
41 employed. In calculating the anticipated annual earnings of an unemployed
42 person who has previously been employed, the insurer shall average the
43 annual compensation of such person for not to exceed five years preceding

1 the year of injury or death, during which such person was employed.

2 (m) "Motor vehicle" means every self-propelled vehicle of a kind
3 required to be registered in this state, including any trailer, semitrailer or
4 pole trailer designed for use with such vehicle, but such term does not
5 include a motorized bicycle.

6 (n) "Operator" means any person who drives or is in actual physical
7 control of a motor vehicle upon a highway or who is exercising control
8 over or steering a vehicle being towed by a motor vehicle.

9 (o) "Owner" means a person, other than a lienholder, having property
10 in or title to a motor vehicle, including a person who is entitled to the use
11 and possession of a motor vehicle subject to a security interest held by
12 another person, but such term does not include a lessee under a lease not
13 intended as security.

14 (p) "Person" means an individual, partnership, corporation or other
15 association of persons.

16 (q) "Personal injury protection benefits" means the disability benefits,
17 funeral benefits, medical benefits, rehabilitation benefits, substitution
18 benefits and survivors' benefits required to be provided in motor vehicle
19 liability insurance policies pursuant to this act.

20 (r) "Rehabilitation benefits" means allowances for all reasonable
21 expenses, up to a limit of not less than \$4,500, for necessary psychiatric or
22 psychological services, occupational therapy and such occupational
23 training and retraining as may be reasonably necessary to enable the
24 injured person to obtain suitable employment.

25 (s) "Relative residing in the same household" means a relative of any
26 degree by blood, marriage or adoption, who usually makes such person's
27 home in the same family unit, whether or not temporarily living elsewhere.

28 (t) "Security interest" means an interest in a vehicle reserved or
29 created by agreement and which secures payment or performance of an
30 obligation. The term includes the interest of a lessor under a lease intended
31 as security.

32 (u) "Self-insurer" means any person effecting self-insurance pursuant
33 to ~~subsection (f) of K.S.A. 40-3104(f)~~, and amendments thereto, or any
34 nonresident self-insurer that has filed the form prescribed in ~~subsection (b)~~
35 ~~of K.S.A. 40-3106(b)~~, and amendments thereto.

36 (v) "Special mobile equipment" means every vehicle not designed or
37 used primarily for the transportation of persons or property and only
38 incidentally operated or moved over a highway, including but not limited to:
39 Ditch-digging apparatus, well-boring apparatus and road construction
40 and maintenance machinery such as asphalt spreaders, bituminous mixers,
41 bucket loaders, tractors other than truck tractors, ditchers, leveling graders,
42 finishing machines, motor graders, road rollers, scarifiers, earth moving
43 carryalls and scrapers, power shovels and drag lines and self-propelled

1 cranes and earth moving equipment. The term does not include house
2 trailers, dump trucks, truck mounted transit mixers, cranes or shovels or
3 other vehicles designed for the transportation of persons or property to
4 which machinery has been attached.

5 (w) "Substitution benefits" means allowances for appropriate and
6 reasonable expenses incurred in obtaining other ordinary and necessary
7 services in lieu of those that, but for the injury, the injured person would
8 have performed for the benefit of such person or such person's family,
9 subject to a maximum of \$25 per day for not longer than 365 days after the
10 date such expenses are incurred.

11 (x) "Survivor" means a decedent's spouse, or child under the age of
12 18 years, where death of the decedent resulted from an injury.

13 (y) "Survivors' benefits" means total allowances to all survivors for:
14 (1) Loss of an injured person's monthly earnings after such person's death,
15 up to a maximum of not less than \$900 per month; and (2) substitution
16 benefits following the injured person's death. Expenses of the survivors
17 which have been avoided by reason of the injured person's death shall be
18 subtracted from the allowances to which survivors would otherwise be
19 entitled, and survivors' benefits shall not be paid for more than one year
20 after the injured person's death, less the number of months the injured
21 person received disability benefits prior to such person's death. For
22 purposes of this subsection, monthly earnings shall include, in the case of
23 a person who was a social security recipient or a retirement or pension
24 benefit recipient, or both, at the time of such injured person's death, $\frac{1}{12}$ of
25 the annual amount of the difference between the annual amount of the
26 social security benefits or the retirement benefits, or both, that such injured
27 person was receiving at the time of such injured person's death and the
28 annual amount of the social security benefits or the retirement benefits, or
29 both, that the survivor is receiving after the time of such injured person's
30 death.

31 (z) "Uninsured motor vehicle" means any motor vehicle which is not
32 included under an approved self-insurance plan of a self-insurer or for
33 which there is not in effect a motor vehicle liability insurance policy
34 meeting the requirements of this act.

35 (aa) "Any workmen's compensation law" means the workmen's
36 compensation act of Kansas, the United States longshoremen's and harbor
37 workers' compensation act, the federal employer liability acts, and any
38 similar state or federal law.

39 Sec. 20. K.S.A. 65-904 is hereby amended to read as follows: 65-904.
40 (a) (1) Except as provided by subsection (b), if the deceased person during
41 such person's last sickness requests to be buried, or if burial is provided for
42 under article 3 of chapter 73 of the Kansas Statutes Annotated or acts
43 amendatory thereof or supplemental thereto, the body shall not be

1 surrendered, but shall be buried in the usual manner.

2 (2) No body shall be delivered as provided in K.S.A. 65-902a and
3 amendments thereto, if claimed by relatives or friends within 72 hours
4 after death, nor shall a body be delivered as provided in K.S.A. 65-902a
5 and amendments thereto unless the person or persons in charge of the
6 deceased at the time of death have made diligent search for relatives or
7 friends and no response to the search has been received within 96 hours
8 after the commencement of such search.

9 (3) No dead body received by the department of anatomy of the
10 medical school of the university of Kansas under the provisions of this act
11 shall be dissected prior to 60 days after date of receipt of the dead body.

12 (4) In case the remains of any person so delivered and received shall
13 be claimed within 60 days by any relative or friend, they shall be given to
14 such relative or friend for interment.

15 (b) The unclaimed body of a deceased inmate in the custody of the
16 secretary of corrections may be cremated *or terramated* at the expense of
17 the department of corrections.

18 Sec. 21. K.S.A. 65-1713 is hereby amended to read as follows: 65-
19 1713. (a) A "funeral director" is a person engaged in or conducting, or
20 holding oneself out as engaged in or conducting, the business of:

21 (1) Preparing dead human bodies, other than by embalming, for
22 disposition; or

23 (2) Meeting with families for the purpose of making at-need funeral
24 arrangements; or

25 (3) Directing, arranging for or supervising the disposition of dead
26 human bodies whether by burial, *terramation* or cremation; or

27 (4) Providing or maintaining a funeral establishment, branch funeral
28 establishment, *terramation facility* or crematory.

29 (b) A funeral director shall, in connection with such person's name or
30 business, use the words "funeral director," "undertaker," "mortician," or
31 any other title implying that such person is engaged in the business herein
32 described.

33 Sec. 22. K.S.A. 65-1713a is hereby amended to read as follows: 65-
34 1713a. (a) ~~(1) As used in this section, "funeral establishment," as the~~
35 ~~term is used herein, is means~~ a business premises where a funeral service,
36 visitation or lying in-state of a dead human body is arranged and
37 conducted, or dead human bodies are embalmed or otherwise prepared for
38 a funeral service, visitation, lying in-state, burial, cremation, *terramation*
39 or transportation.

40 (2) A funeral establishment shall be maintained at a fixed and specific
41 street address or location and shall contain a preparation room equipped
42 with a sanitary floor, walls and ceiling, with adequate sanitary drainage
43 and disposal facilities, good ventilation and light, and the necessary

1 instruments, equipment and supplies for the preparation and embalming of
2 dead human bodies for burial or transportation.

3 (3) The preparation room shall be clearly identified by signs on all
4 preparation room entrance doors, shall be separate from any funeral
5 merchandise display room and chapel or visitation rooms and shall not be
6 a part of the living quarters.

7 (4) Each funeral establishment shall have available or employ a
8 Kansas licensed embalmer for all embalming work, if the funeral director
9 in charge of the establishment is not a Kansas licensed embalmer.

10 (5) Each funeral establishment shall be under the personal
11 supervision of a Kansas licensed funeral director.

12 (b) The provisions and requirements herein contained shall apply to
13 all branch establishments as well as principal establishments, except that:

14 (1) Only the funeral director in charge of the funeral establishment
15 who holds the funeral establishment license shall be eligible to apply for a
16 branch establishment license;

17 (2) a branch establishment is not required to contain a funeral
18 merchandise display room or a preparation room or to be a place where
19 dead bodies are prepared for burial, cremation, *terramation* or
20 transportation;

21 (3) a branch establishment ownership shall be identical to the
22 ownership of the funeral establishment which owns the branch;

23 (4) the funeral director in charge of the funeral establishment also
24 shall be responsible for the supervision of all branches of that funeral
25 establishment; and

26 (5) a branch establishment is not required to be under the personal
27 supervision and charge of a licensed funeral director.

28 (c) The funeral director in charge of any principal or branch
29 establishment whose facility closes is responsible for notifying all
30 individuals with prefinanced funeral agreements of the need to transfer
31 their agreements to another facility. Such notification shall be provided
32 prior to the closing of the facility with a copy of all letters provided to the
33 state board of mortuary arts.

34 Sec. 23. K.S.A. 65-1723 is hereby amended to read as follows: 65-
35 1723. The state board of mortuary arts shall have the power to adopt and
36 enforce all necessary rules and regulations not inconsistent with this act for
37 examining and licensing funeral directors and assistant funeral directors,
38 issuing licenses by reciprocity, establishing ethical standards and practices
39 and regulating the general practice of funeral directing, *terramation* and
40 cremation. The board shall have the power to inspect funeral
41 establishments, branch establishments, *terramation facilities* and
42 crematories, and to require that funeral establishments, branch
43 establishments, *terramation facilities* and crematories, be maintained,

1 operated and kept in a clean and sanitary condition in accordance with the
 2 provisions of this act, rules and regulations of the board and any applicable
 3 rules and regulations of the secretary of health and environment. If a
 4 person applies for a license for the purpose of opening a new funeral
 5 establishment or branch establishment for the purpose of operating a
 6 funeral establishment, branch establishment, *terramation facility* or
 7 crematory ~~which~~ *that* has not been heretofore inspected and approved by
 8 the board, or if a licensed funeral director, *terramation facility operator in*
 9 *charge* or crematory operator in charge makes structural alterations or
 10 additions to an existing funeral establishment, branch establishment,
 11 *terramation facility* or crematory, the board shall have the right to
 12 withhold the issuance or renewal of any license until any such funeral
 13 establishment, branch establishment, *terramation facility* or crematory has
 14 been inspected and approved by the board or its representatives. All
 15 references herein to "board" shall refer to the state board of mortuary arts
 16 of the state of Kansas unless otherwise clearly indicated. The board is
 17 hereby authorized and empowered to do all things necessary and proper in
 18 the administration of all the provisions of this act. Members of the state
 19 board of mortuary arts shall be allowed the same fees and expenses as are
 20 allowed for administering the embalmers' license law.

21 Sec. 24. K.S.A. 65-1727 is hereby amended to read as follows: 65-
 22 1727. (a) On or before October 15 of each year, the state board of
 23 mortuary arts shall determine the amount of funds that will be required
 24 during the next ensuing two years to properly administer the laws which
 25 the board is directed to enforce and administer under the provisions of
 26 article 17 of chapter 65 of the Kansas Statutes Annotated, and acts
 27 amendatory of the provisions thereof and supplemental thereto, and by
 28 rules and regulations shall fix fees in such reasonable sums as may be
 29 necessary for such purposes within the following limitations:
 30

31	Embalmers endorsement application fee, not more than.....	\$500
32	Embalmers reciprocity application fee, not more than.....	500
33	Funeral directors examination fee, not more than.....	400
34	Funeral directors reciprocity application fee, not more than.....	500
35	Embalmers/funeral directors reciprocity application fee, not	
36	more than.....	500
37	Assistant funeral directors application fee, not more than.....	300
38	Assistant funeral directors examination fee, not more	
39	than.....	300
40	Embalmers license and renewal fee, not more than.....	350
41	Funeral directors license and renewal fee, not more than.....	450
42	Crematory operator's license and renewal fee, not more	
43	than.....	200

1 *Terramation facility operator's license and renewal fee, not more*
 2 *than*.....200
 3 Assistant funeral directors license and renewal fee, not more
 4 *than*.....400
 5 Apprentice embalmers registration fee, not more than.....250
 6 Funeral establishment license fee, not more than.....1,000
 7 Branch establishment license fee, not more than.....1,000
 8 Crematory license fee, not more than.....1,000
 9 Crematory renewal fee, not more than.....1,000
 10 *Terramation facility license fee, not more*
 11 *than*.....1,000
 12 *Terramation facility renewal fee, not more*
 13 *than*.....1,000
 14 Funeral establishment/crematory/*terramation facility combination* license
 15 fee, not more
 16 *than*.....1,500
 17 Funeral establishment/crematory/*terramation facility combination* renewal
 18 fee, not more
 19 *than*.....1,500
 20 Branch establishment/crematory/*terramation facility combination* license
 21 fee, not more
 22 *than*.....1,500
 23 Branch establishment/crematory/*terramation facility combination* renewal
 24 fee, not more
 25 *than*.....1,500
 26 Duplicate licenses.....30
 27 Rulebooks.....20
 28 Continuing education program sponsor applications.....25
 29 Continuing education program licensee applications.....25

30
 31 At least 30 days prior to the expiration date of any license issued by the
 32 board, the board shall notify the licensee of the applicable renewal fee
 33 therefor.

34 (b) The fees established by the board under this section immediately
 35 prior to the effective date of this act shall continue in effect until such fees
 36 are fixed by the board by rules and regulations as provided in this section.
 37 An owner of a licensed funeral establishment or licensed branch
 38 establishment and a licensed crematory *or licensed terramation facility*
 39 may be charged by the board a combined funeral
 40 establishment/crematory/*terramation facility* license or renewal fee or
 41 branch establishment/crematory/*terramation facility* license or renewal fee
 42 under this section in lieu of a separate license or renewal fee for each
 43 facility.

1 (c) The state board of mortuary arts may license embalmers via
2 endorsement from another state: (1) If the individual has been licensed for
3 at least five years and has completed at least five consecutive years of
4 active practice in embalming; (2) has passed the national examination
5 written by the international conference of funeral service examining
6 boards; and (3) has not had any adverse action taken against such licensee
7 by the state board in which licensure is held. The original fee for such
8 endorsement license and the renewal fee shall be in the amounts fixed by
9 the board in accordance with the provisions of this section.

10 (d) Fees paid to the board are not refundable.

11 Sec. 25. K.S.A. 2025 Supp. 65-1732 is hereby amended to read as
12 follows: 65-1732. (a) A funeral establishment, branch establishment
13 *terrimation facility* or crematory—~~which~~ *that* has possession of the
14 *terrimated or* cremated remains of a dead human body may dispose of the
15 cremated remains, if:

16 (1) Such ~~cremated~~ remains have not been claimed for at least 90 days
17 from the time of cremation;

18 (2) the funeral establishment, branch establishment, *terrimation*
19 *facility* or crematory has sent a notice by certified mail, return receipt
20 requested, to the last known address of the authorizing agent as defined
21 under K.S.A. 65-1760, and amendments thereto, *or section 2, and*
22 *amendments thereto*. Such notice shall state that such remains will be
23 disposed of in accordance with the provisions of this section unless
24 claimed within 30 days of the date such notice is sent; and

25 (3) the funeral establishment, branch establishment, *terrimation*
26 *facility* or crematory has not received any claim on the ~~cremated~~ remains
27 for at least 30 days from the date that such notice was sent.

28 (b) Such disposal under subsection (a) shall include burial by placing
29 the remains in a church or cemetery plot, scatter garden, pond or
30 columbarium, relinquishing possession of the *terrimated or* cremated
31 remains of veterans to the director of the Kansas commission of veterans
32 affairs office, or the director's designee, or a national cemetery in
33 accordance with the provisions of subsection (c) or otherwise disposing of
34 the remains as provided by rule and regulation of the board of mortuary
35 arts. Disposition may include the commingling of the *terrimated or*
36 cremated remains with other *terrimated or* cremated remains and thus the
37 *terrimated or* cremated remains would not be recoverable.

38 (c) (1) A funeral establishment, branch establishment *terrimation*
39 *facility* or crematory—~~which~~ *that* has held in its possession *terrimated or*
40 cremated remains for more than 90 days from the date of *terrimation or*
41 cremation and has provided notice pursuant to subsection (a) and the
42 ~~cremated~~ remains—~~remain~~ *continue to be* unclaimed may, in accordance
43 with the provisions of this section, determine if such ~~cremated~~ remains are

1 those of a veteran, and if so, may dispose of such remains as provided in
2 this section.

3 (2) Notwithstanding any law or rules and regulations to the contrary,
4 nothing in this section shall prevent a funeral establishment, branch
5 establishment or crematory from sharing information with the United
6 States department of veterans affairs or the Kansas office of veterans
7 services for the purpose of determining whether the *terramated or*
8 cremated remains are those of a veteran. A funeral establishment, branch
9 establishment, *terramation facility*, crematory, funeral director, assistant
10 funeral director, *terramation facility operator* or crematory operator shall
11 be discharged from any legal obligations or liability with regard to the
12 releasing or sharing of information with such entities.

13 (3) Should a funeral establishment, branch establishment,
14 *terramation facility operator* or crematory ascertain the *terramated or*
15 cremated remains in its possession are those of a veteran and they are
16 unclaimed-~~cremated~~ remains to be disposed of pursuant to provisions of
17 subsection (a), the funeral establishment, branch establishment,
18 *terramation facility* or crematory may relinquish possession of the
19 ~~cremated~~ remains to the director of the Kansas office of veterans services,
20 or the director's designee, or a national cemetery for disposition.
21 Disposition shall be by placement of-~~cremated~~ remains in a tomb,
22 mausoleum, crypt, niche in a columbarium or burial in a cemetery but
23 shall not include the scattering of-~~cremated~~ remains.

24 (d) Nothing in this section shall require a funeral establishment,
25 branch establishment, *terramation facility* or crematory to determine or
26 seek others to determine that an individual's cremated remains are those of
27 a veteran if the funeral establishment, branch establishment, *terramation*
28 *facility* or crematory was informed by the person in control of the
29 disposition that such individual:

30 (1) Was not a veteran; or

31 (2) did not desire any funeral or burial-related services or ceremonies
32 recognizing service as a veteran.

33 (e) The funeral establishment, branch establishment, *terramation*
34 *facility*, crematory, funeral director, assistant funeral director or crematory
35 operator, upon disposing of *terramated or* cremated remains in accordance
36 with the provisions of this section, shall be held harmless for any costs or
37 damages, except if there is gross negligence or willful misconduct, and
38 shall be discharged from any legal obligation or liability concerning the
39 ~~cremated~~ remains.

40 Sec. 26. K.S.A. 65-1734 is hereby amended to read as follows: 65-
41 1734. (a) The following persons, in order of priority stated, may order any
42 lawful manner of final disposition of a decedent's remains including burial,
43 *terramation*, cremation, entombment or anatomical donation:

1 (1) The agent for health care decisions established by a durable power
2 of attorney for health care decisions pursuant to K.S.A. 58-625 et seq., and
3 amendments thereto, if such power of attorney conveys to the agent the
4 authority to make decisions concerning disposition of the decedent's
5 remains;

6 (2) the spouse of the decedent;

7 (3) the decedent's surviving adult children. If there is more than one
8 adult child, any adult child who confirms in writing the notification of all
9 other adult children, may direct the manner of disposition unless the
10 funeral establishment, *terramation facility* or crematory authority receives
11 written objection to the manner of disposition from another adult child;

12 (4) the decedent's surviving parents;

13 (5) the persons in the next degree of kinship under the laws of descent
14 and distribution to inherit the estate of the decedent. If there is more than
15 one person of the same degree, any person of that degree may direct the
16 manner of disposition;

17 (6) a guardian of the person of the decedent at the time of such
18 person's death;

19 (7) the personal representative of the decedent; or

20 (8) in the case of indigents or any other individuals whose final
21 disposition is the responsibility of the state or county, the public official
22 charged with arranging the final disposition pursuant to K.S.A. 22a-215,
23 and amendments thereto.

24 (b) If the decedent died during active military service, as provided in
25 10 U.S.C. § 1481(a)(1) through (8), in any branch of the United States
26 armed forces, United States reserve forces or national guard, the person
27 authorized by the decedent to direct disposition pursuant to public law
28 109-163, § 564, as listed on the decedent's United States department of
29 defense record of emergency data, DD form 93, or its successor form, shall
30 take priority over all other persons described in subsection (a).

31 (c) A funeral director, funeral establishment, *terramation facility* or
32 crematory shall not be subject to criminal prosecution or civil liability for
33 carrying out the otherwise lawful instructions of the person or persons
34 under subsection (a) if the funeral director reasonably believes such person
35 is entitled to control final disposition.

36 Sec. 27. K.S.A. 65-1751 is hereby amended to read as follows: 65-
37 1751. (a) The state board of mortuary arts may refuse to issue or renew a
38 license, may condition, limit, revoke or suspend a license or may publicly
39 or privately censure a licensee, or may impose a fine not to exceed \$1,000
40 per violation upon a finding that a licensee or an applicant for a license:

41 (1) Has made any misleading, deceptive, untrue or fraudulent
42 statements in applying for or securing an original or renewal license;

43 (2) has committed an act of unprofessional or dishonorable conduct

1 or professional incompetency;

2 (3) has been convicted of a felony, and the licensee or applicant for a
3 license is unable to demonstrate to the board's satisfaction that such person
4 has been sufficiently rehabilitated to warrant the public trust, has been
5 convicted of any offense involving moral turpitude or has been convicted
6 of criminal desecration or any other crime which reflects on the licensee's
7 fitness to practice;

8 (4) has violated any law, ordinance or rule and regulation affecting
9 the handling, custody, care or transportation of dead human bodies;

10 (5) is rendered unfit or unable to practice embalming or funeral
11 directing by reason of illness, alcohol, chemicals or other types of
12 substances, or as a result of any mental or physical condition as
13 determined by the board after receiving the results of an evaluation by a
14 person licensed to practice medicine and surgery or a person licensed to
15 diagnose and treat mental illness, or both, as directed by the board;

16 (6) has failed or refused to properly protect or guard against
17 contagious, communicable or infectious disease, or the spreading thereof;

18 (7) has refused to surrender a dead human body upon the request of
19 the next of kin, or legal representative, if there is no next of kin, or person
20 entitled to the custody and control of the body if there is no next of kin
21 available and no legal representative qualified to act;

22 (8) or the agent, employee or representative thereof, has advertised,
23 solicited or sold merchandise or services in a manner which is fraudulent,
24 deceptive or misleading in form or content;

25 (9) or the agent, employee or representative thereof, has engaged in
26 the uninvited, in-person solicitation of an actual or potential customer,
27 who, because of the customer's particular circumstances, was vulnerable to
28 undue influence, intimidation, coercion or overreaching or has violated a
29 provision of K.S.A. 65-1752, and amendments thereto;

30 (10) or the agent, employee or representative thereof, has knowingly
31 engaged in at-need solicitation;

32 (11) has used or employed, directly or indirectly, any agent,
33 representative or person, for the purpose of contacting public officials or
34 agents of institutions by whose influence dead human bodies may be
35 turned over to a particular licensee or funeral establishment;

36 (12) has aided or abetted an unlicensed person to practice any activity
37 for which a license is required under article 17 of chapter 65 of the Kansas
38 Statutes Annotated, and acts amendatory of the provisions thereof or
39 supplemental thereto;

40 (13) has had a license to practice embalming or funeral directing
41 revoked or suspended, has been censured or has had other disciplinary
42 action taken against oneself or has had an application for a license denied
43 by the proper licensing authority of another state, territory, District of

1 Columbia or other country, an attested copy of the record of the action of
2 the other jurisdiction being presumptive evidence thereof;

3 (14) has cheated on or attempted to subvert the validity of the
4 examination for a license;

5 (15) has been found to be mentally ill, mentally disabled, not guilty
6 by reason of insanity, not guilty because the licensee suffers from a mental
7 disease or defect or incompetent to stand trial by a court of competent
8 jurisdiction;

9 (16) has failed to furnish the board, or its investigators or
10 representatives, any information legally requested by the board;

11 (17) has failed to report to the board any adverse action taken against
12 the licensee by another state or licensing jurisdiction, a professional
13 association or society, a governmental agency, by a law enforcement
14 agency or a court for acts or conduct similar to acts or conduct which
15 would constitute grounds for disciplinary action under this section;

16 (18) has an adverse judgment, award or settlement against the
17 licensee resulting from the practice of funeral directing or embalming
18 which related to acts or conduct similar to acts or conduct which would
19 constitute grounds for disciplinary action under this section or has failed to
20 report such matter to the board;

21 (19) has knowingly submitted any misleading, deceptive, untrue or
22 fraudulent representation on a claim form, bill or statement;

23 (20) has violated any lawful rules and regulations promulgated by the
24 board or any state or federal law including the federal trade commission's
25 funeral rule related to the practice of funeral directing, embalming,
26 *terramation*, cremation or funeral establishments;

27 (21) has failed to pay any fee required under this act;

28 (22) has been found liable for or guilty of negligence, incompetence,
29 fraud, misrepresentation or deceit in connection with services rendered as
30 a licensee by a court of competent jurisdiction;

31 (23) has provided misleading, fraudulent or deceptive statements to
32 the board, its investigators or its representatives, when information is
33 legally requested; or

34 (24) has provided misleading, fraudulent or deceptive information
35 when filing a death certificate.

36 (b) The board may adopt rules and regulations defining, construing
37 and interpreting the above grounds for licensure action. All administrative
38 proceedings taken by the board pursuant to this section shall be conducted
39 in accordance with the provisions of the Kansas administrative procedure
40 act.

41 (c) As used in this section:

42 (1) "License" means an embalmer's license, funeral director's license,
43 assistant funeral director's license, funeral establishment license,

1 *terrarium facility license, crematory license—or. branch establishment*
2 *license or combination license.*

3 (2) "At-need solicitation" means any uninvited contact for the
4 purpose of the sale, or attempted sale, of funeral services or merchandise
5 to the family or next of kin of a person after the person's death, or where
6 death is imminent.

7 Sec. 28. K.S.A. 65-1753 is hereby amended to read as follows: 65-
8 1753. (a) Except as otherwise provided by law and in accordance with any
9 applicable legal requirements, a dead human body which is removed from
10 the location of death shall be transported only to a licensed funeral
11 establishment, a licensed branch funeral establishment containing an
12 embalming preparation room or a holding facility, a licensed crematory
13 containing a holding facility, a hospital, a cemetery, a coroner or medical
14 examiner facility, the university of Kansas medical center, a federally
15 certified organ procurement organization serving the state of Kansas or
16 other location of final disposition.

17 (b) A dead human body which is to be removed in accordance with
18 subsection (a) to a federally certified organ procurement organization
19 serving the state of Kansas shall be removed only upon the release of a
20 person listed in the order of priority pursuant to K.S.A. 65-3228, and
21 amendments thereto.

22 Sec. 29. K.S.A. 2025 Supp. 65-2401 is hereby amended to read as
23 follows: 65-2401. As used in this act:

24 (a) "Vital statistics" includes the registration, preparation,
25 transcription, collection, compilation, and preservation of data pertaining
26 to birth, adoption, legitimation, death, stillbirth, marriage, divorce,
27 annulment of marriage, induced termination of pregnancy, and data
28 incidental thereto.

29 (b) "Live birth" means the complete expulsion or extraction from its
30 mother of a human child, irrespective of the duration of pregnancy, which,
31 after such expulsion or extraction, breathes or shows any other evidence of
32 life such as beating of the heart, pulsation of the umbilical cord, or definite
33 movement of voluntary muscles, whether or not the umbilical cord has
34 been cut or the placenta is attached.

35 (c) "Gestational age" means the age of the human child as measured
36 in weeks as determined by either the last date of the mother's menstrual
37 period, a sonogram conducted prior to the 20th week of pregnancy or the
38 confirmed known date of conception.

39 (d) "Stillbirth" means any complete expulsion or extraction from its
40 mother of a human child the gestational age of which is not less than 20
41 completed weeks, resulting in other than a live birth, as defined in this
42 section, and which is not an induced termination of pregnancy.

43 (e) "Induced termination of pregnancy" means abortion, as defined in

1 K.S.A. 65-6701, and amendments thereto.

2 (f) "Dead body" means a lifeless human body or such parts of a
3 human body or the bones thereof from the state of which it reasonably may
4 be concluded that death recently occurred.

5 (g) "Person in charge of interment" means any person who places or
6 causes to be placed a stillborn child or dead body—~~or~~, the ashes, after
7 cremation; *or the soil after terramation* in a grave, vault, urn or other
8 receptacle, or otherwise disposes thereof.

9 (h) "Secretary" means the secretary of health and environment.

10 (i) "Cause of death certifier" means a person licensed to practice
11 medicine and surgery by the state board of healing arts, a physician
12 assistant licensed by the state board of healing arts, an advanced practice
13 registered nurse licensed by the state board of nursing or a district coroner,
14 deputy coroner or special deputy coroner.

15 (j) "Employee" means a person who has applied for employment or is
16 currently employed in the office of vital statistics.

17 Sec. 30. K.S.A. 2025 Supp. 65-2426a is hereby amended to read as
18 follows: 65-2426a. (a) (1) No dead body, as defined in K.S.A. 65-2401,
19 and amendments thereto, shall be *terramated* or cremated unless a
20 coroner's permit to *terramate* or cremate has been executed to authorize
21 such *terramation* or cremation, if the death or cause of death occurred
22 within the state of Kansas or in a state where such permit to *terramate* or
23 cremate is required.

24 (2) A telefacsimile or electronic signed copy of the coroner's permit
25 to *terramate* or cremate that authorizes the *terramation* or cremation shall
26 constitute legal authorization for such *terramation* or cremation under this
27 section.

28 (b) The provisions of this section shall be a part of and supplemental
29 to the uniform vital statistics act.

30 (c) Any person who knowingly violates this section, upon conviction,
31 shall be fined not more than \$500.

32 Sec. 31. K.S.A. 65-3233 is hereby amended to read as follows: 65-
33 3233. (a) When a hospital refers an individual at or near death to a
34 procurement organization, the organization shall make a reasonable search
35 of the records of the division of motor vehicles of the department of
36 revenue and any donor registry that it knows exists for the geographical
37 area in which the individual resides to ascertain whether the individual has
38 made an anatomical gift.

39 (b) A procurement organization must be allowed reasonable access to
40 information in the records of the division of motor vehicles of the
41 department of revenue to ascertain whether an individual at or near death
42 is a donor.

43 (c) When a hospital refers an individual at or near death to a

1 procurement organization, the organization may conduct any reasonable
2 examination necessary to ensure the medical suitability of a part that is or
3 could be the subject of an anatomical gift for transplantation, therapy,
4 research or education from a donor or a prospective donor. During the
5 examination period, measures necessary to ensure the medical suitability
6 of the part may not be withdrawn unless the hospital or procurement
7 organization knows that the individual expressed a contrary intent.

8 (d) Unless prohibited by law other than this act, at any time after a
9 donor's death, the person to which a part passes under K.S.A. 65-3230, and
10 amendments thereto, may conduct any reasonable examination necessary
11 to ensure the medical suitability of the body or part for its intended
12 purpose.

13 (e) Unless prohibited by law other than this act, an examination under
14 subsection (c) or (d) may include an examination of all medical and dental
15 records of the donor or prospective donor.

16 (f) Upon the death of a minor who was a donor or had signed a
17 refusal, unless a procurement organization knows the minor is
18 emancipated, the procurement organization shall conduct a reasonable
19 search for the parents of the minor and provide the parents with an
20 opportunity to revoke or amend the anatomical gift or revoke the refusal.

21 (g) Upon referral by a hospital under subsection (a), a procurement
22 organization shall make a reasonable search for any person listed in K.S.A.
23 65-3228, and amendments thereto, having priority to make an anatomical
24 gift on behalf of a prospective donor. If a procurement organization
25 receives information that an anatomical gift to any other person was made,
26 amended, or revoked, it shall promptly advise the other person of all
27 relevant information.

28 (h) Subject to K.S.A. 65-3230(i) and K.S.A. 65-3242, and
29 amendments thereto, the rights of the person to which a part passes under
30 K.S.A. 65-3230, and amendments thereto, are superior to the rights of all
31 others with respect to the part. The person may accept or reject an
32 anatomical gift in whole or in part. Subject to the terms of the document of
33 gift and this act, a person that accepts an anatomical gift of an entire body
34 may allow embalming, burial, *terramation* or cremation, and use of
35 remains in a funeral service. If the gift is of a part, the person to which the
36 part passes under K.S.A. 65-3230, and amendments thereto, upon the
37 death of the donor and before embalming, burial, *terramation* or
38 cremation, shall cause the part to be removed without unnecessary
39 mutilation.

40 (i) Neither the physician who attends the decedent at death nor the
41 physician who determines the time of the decedent's death may participate
42 in the procedures for removing or transplanting a part from the decedent.

43 (j) A physician or technician may remove a donated part from the

1 body of a donor that the physician or technician is qualified to remove.

2 Sec. 32. K.S.A. 65-67a03 is hereby amended to read as follows: 65-
3 67a03. This act shall not apply to:

4 (a) The transfer of fetal tissue to a pathologist for testing or
5 examination; or

6 (b) the transfer of fetal tissue for the purpose of immediate burial,
7 *terramation*, cremation or final disposition.

8 Sec. 33. K.S.A. 2025 Supp. 74-7301 is hereby amended to read as
9 follows: 74-7301. As used in this act:

10 (a) "Allowance expense" means reasonable charges incurred for
11 reasonably needed products, services and accommodations, including
12 those for medical care, rehabilitation, rehabilitative occupational training
13 and other remedial treatment and care and for the replacement of items of
14 clothing or bedding which were seized for evidence. "Allowance expense"
15 includes a total charge not in excess of \$7,500 for expenses in any way
16 related to funeral, *terramation*, cremation or burial; but "allowance
17 expense" shall not include that portion of a charge for a room in a hospital,
18 clinic, convalescent or nursing home or any other institution engaged in
19 providing nursing care and related services, in excess of a reasonable and
20 customary charge for semi-private accommodations, unless other
21 accommodations are medically required. "Allowance expense" includes a
22 total charge not in excess of \$2,500 for expenses in any way related to
23 crime scene cleanup.

24 (b) "Board" means the crime victims compensation board established
25 under K.S.A. 74-7303, and amendments thereto.

26 (c) "Claimant" means any of the following persons claiming
27 compensation under this act:

28 (1) A victim;

29 (2) a dependent of a deceased victim;

30 (3) a third person other than a collateral source; or

31 (4) an authorized person acting on behalf of any of them.

32 (d) "Collateral source" means the net financial benefit, after
33 deduction of taxes, legal fees, costs, expenses of litigation, liens, offsets,
34 credits or other deductions, from a source of benefits or advantages for
35 economic loss otherwise reparable under this act which the victim or
36 claimant has received, or which is readily available to the victim or
37 claimant, from:

38 (1) The offender;

39 (2) the government of the United States or any agency thereof, a state
40 or any of its political subdivisions or an instrumentality or two or more
41 states, unless the law providing for the benefits or advantages makes them
42 excess or secondary to benefits under this act;

43 (3) social security, medicare and medicaid;

- 1 (4) state-required temporary nonoccupational disability insurance;
2 (5) workers' compensation;
3 (6) wage continuation programs of any employer;
4 (7) proceeds of a contract of insurance payable to the victim for loss
5 which the victim sustained because of the criminally injurious conduct;
6 (8) a contract providing prepaid hospital and other health care
7 services or benefits for disability; or
8 (9) damages awarded in a tort action.

9 (e) "Criminally injurious conduct" means conduct that: (1) (A)
10 Occurs or is attempted in this state or occurs to a person whose domicile is
11 in Kansas who is the victim of a violent crime which occurs in another
12 state, possession, or territory of the United States of America may make an
13 application for compensation if:

14 (i) The crimes would be compensable had it occurred in the state of
15 Kansas; and
16 (ii) the places the crimes occurred are states, possessions or territories
17 of the United States of America not having eligible crime victim
18 compensation programs;

19 (B) poses a substantial threat or personal injury or death; and

20 (C) either is punishable by fine, imprisonment or death or would be
21 so punishable but for the fact that the person engaging in the conduct
22 lacked capacity to commit the crime under the laws of this state; or

23 (2) is an act of terrorism, as defined in 18 U.S.C. § 2331, or a violent
24 crime that posed a substantial threat or caused personal injury or death,
25 committed outside of the United States against a person whose domicile is
26 in Kansas, except that criminally injurious conduct does not include any
27 conduct resulting in injury or death sustained as a member of the United
28 States armed forces while serving on active duty.

29 "Criminally injurious conduct" does not include conduct arising out of
30 the ownership, maintenance or use of a motor vehicle, except for
31 violations of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or
32 violations of municipal ordinances or county resolutions prohibiting the
33 acts prohibited by those statutes, or violations of K.S.A. 8-1602, and
34 amendments thereto, K.S.A. 21-3404, 21-3405 or 21-3414, prior to their
35 repeal, or K.S.A. 21-5405, 21-5406 or 21-5413(b), and amendments
36 thereto, or when such conduct was intended to cause personal injury or
37 death.

38 (f) "Dependent" means a natural person wholly or partially dependent
39 upon the victim for care or support, and includes a child of the victim born
40 after the victim's death.

41 (g) "Dependent's economic loss" means loss after decedent's death of
42 contributions of things of economic value to the decedent's dependents, not
43 including services they would have received from the decedent if the

1 decedent had not suffered the fatal injury, less expenses of the dependents
2 avoided by reason of decedent's death.

3 (h) "Dependent's replacement services loss" means loss reasonably
4 incurred by dependents after decedent's death in obtaining ordinary and
5 necessary services in lieu of those the decedent would have performed for
6 their benefit if the decedent had not suffered the fatal injury, less expenses
7 of the dependents avoided by reason of decedent's death and not subtracted
8 in calculating dependent's economic loss.

9 (i) "Economic loss" means economic detriment consisting only of
10 allowable expense, work loss, replacement services loss and, if injury
11 causes death, dependent's economic loss and dependent's replacement
12 service loss. Noneconomic detriment is not loss, but economic detriment is
13 loss although caused by pain and suffering or physical impairment.

14 (j) "Noneconomic detriment" means pain, suffering, inconvenience,
15 physical impairment and nonpecuniary damage.

16 (k) "Replacement services loss" means expenses reasonably incurred
17 in obtaining ordinary and necessary services in lieu of those the injured
18 person would have performed, not for income, but for the benefit of self or
19 family, if such person had not been injured.

20 (l) "Work loss" means loss of income from work the injured person
21 would have performed if such person had not been injured, and expenses
22 reasonably incurred by such person in obtaining services in lieu of those
23 the person would have performed for income, reduced by any income from
24 substitute work actually performed by such person or by income such
25 person would have earned in available appropriate substitute work that the
26 person was capable of performing but unreasonably failed to undertake.

27 (m) "Victim" means a person who suffers personal injury or death as
28 a result of:

29 (1) Criminally injurious conduct;

30 (2) the good faith effort of any person to prevent criminally injurious
31 conduct;

32 (3) the good faith effort of any person to apprehend a person
33 suspected of engaging in criminally injurious conduct; or

34 (4) witnessing a violent crime when the person was 16 years of age or
35 younger at the time the crime was committed.

36 (n) "Crime scene cleanup" means removal of blood, stains, odors or
37 other debris caused by the crime or the processing of the crime scene and
38 may include replacement of materials that were removed because such
39 materials were biohazardous or were damaged as part of evidence
40 collection.

41 Sec. 34. K.S.A. 75-712g is hereby amended to read as follows: 75-
42 712g. (a) Any law enforcement agency of a political subdivision of this
43 state shall receive reports of any unidentified persons or human remains.

1 The law enforcement agency shall enter the report immediately, and in no
2 case later than 24 hours after receipt of the report, into the missing person
3 system of the national crime information system and the missing and
4 unidentified person system of the Kansas bureau of investigation.

5 (b) Notwithstanding any other action deemed appropriate for the
6 handling of unidentified human remains, the coroner, in conjunction with
7 the law enforcement agencies involved, shall make reasonable attempts to
8 promptly identify such remains. Such attempts may include, but are not
9 limited to, obtaining: Photographs of the human remains, prior to an
10 autopsy; dental or skeletal x-rays; photographs of items found with the
11 human remains; fingerprints from the remains, if possible; samples of
12 tissue suitable for DNA typing, if possible; samples of whole bone or hair,
13 or both, suitable for DNA typing; and any other information that may
14 support identification efforts.

15 (c) The coroner shall submit any photos, dental x-rays, skeletal x-
16 rays, fingerprints and other evidence relevant to identification to the
17 reporting law enforcement agency within one week of obtaining them, if
18 identification efforts have otherwise failed.

19 (d) If unidentified human remains have not been identified by other
20 means within 30 days, the law enforcement agency shall make reasonable
21 efforts to obtain prompt DNA analysis of biological samples by submitting
22 the DNA biological samples to the Kansas bureau of investigation
23 laboratory for analysis.

24 (e) No coroner or other person shall dispose of, or engage in actions
25 that will materially affect, unidentified human remains before the coroner
26 obtains samples suitable for DNA identification and archiving,
27 photographs of the unidentified person or human remains and all other
28 appropriate steps for identification have been exhausted.

29 (f) Cremation *or terramation* of unidentified human remains is
30 prohibited.

31 Sec. 35. K.S.A. 21-6106, 22a-215, 22a-246, 40-3103, 65-904, 65-
32 1713, 65-1713a, 65-1723, 65-1727, 65-1734, 65-1751, 65-1753, 65-3233,
33 65-67a03 and 75-712g and K.S.A. 2025 Supp. 65-1732, 65-2401, 65-
34 2426a and 74-7301 are hereby repealed.

35 Sec. 36. This act shall take effect and be in force from and after its
36 publication in the statute book.