

SESSION OF 2026

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2331

As Amended by Senate Committee of the Whole

Brief*

HB 2331, as amended, would amend laws relating to coroner procedures for the disposition of remains by creating a process that would allow a coroner to relinquish custody or dispose of unclaimed cremated remains and specify whether civil liability would arise from such disposition. The bill would make certain provisions for the remains of veterans, establish requirements for continuing education programs for licensed embalmers and funeral directors, authorize the use of the word “crematory” in the names of certain businesses, and create the crime of aggravated criminal desecration. The bill would also make technical and conforming changes.

Refusal or Inability to Accept Remains

Under continuing law, a coroner is required to deliver the body of a deceased person (decedent) to the person's immediate family or next of kin. If there is no immediate family or next of kin, the coroner is required to report and deliver the body to the University of Kansas School of Medicine (KU Med) or cause the body to be cremated or buried.

The bill would require these procedures to be followed when the immediate family or next of kin of the decedent refuses or is unable to accept the remains. The coroner would be required to notify KU Med and deliver the remains, or otherwise cremate or bury the remains, as provided in continuing law.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

Relinquishment of Cremated Remains

The bill would allow a coroner to relinquish the cremated remains of a decedent if:

- No person has claimed the cremated remains within three years following their death, or any period of time prescribed by law, whichever is longer;
- After the time period prescribed above has lapsed, the coroner publishes notice in a newspaper of general circulation in the county of death, which states the pending disposal of the remains if they are not claimed by immediate family or next of kin within 30 days of publication; and
- No claim of the remains is made within the time periods provided in the bill.

Costs

If the remains are claimed by an authorized person, such person would be required to reimburse the coroner for the costs of the cremation and pay any applicable fees assessed by the coroner.

Disposal of Remains

The bill would require unclaimed cremated remains to be disposed of by:

- Burying the remains in a church or cemetery plot or scatter garden, or in a tomb, mausoleum, crypt, columbarium, or other permanent non-accessible chamber; or
- Relinquishing the remains to the Director of the Kansas Office of Veterans Services, or their

designee, or to a national cemetery, if the decedent was a veteran.

The bill specifies that no person or organization that takes custody of cremated remains pursuant to the veterans provision would be liable for the costs of the cremation of the decedent or any other applicable fees. Expenses of final disposition of such unclaimed body would be paid pursuant to continuing law on veterans' burial.

Veteran Status

The bill would specify that a coroner would not be required to determine or seek determination of whether a decedent is a veteran if the coroner was either informed or later discovered that the deceased person was not a veteran, or that such person did not desire any recognition of their service as a veteran at their burial or other related services or ceremonies.

Coroner Liability

Under the bill, a coroner would not be liable for any costs or damages related to the disposition of cremated remains conducted in accordance with the bill, except in cases of gross negligence or willful misconduct.

Under continuing law, cremation or burial expenses are to be paid from any property found with a body. The bill would specify that if a coroner determines property found with a body has insubstantial commercial value, such property could be destroyed or otherwise disposed of by the coroner. The coroner and the county would not be liable for the act of destroying or disposing of such property.

Continuing Education for Licensed Embalmers and Funeral Directors

The bill would direct the State Board of Mortuary Arts (Board) to establish requirements for continuing education programs for licensed embalmers and licensed funeral directors as soon as possible after July 1, 2026. The continuing education programs approved by the Board would, at a minimum, require six hours of continuing education annually, all of which may be live online.

Crematories

The bill would specify that nothing in law would prohibit a person who holds a crematory license from using the word “crematory” in the name or title of any business or operation owned by such person if the business or operation is licensed pursuant to continuing law.

Aggravated Criminal Desecration

The bill would create the crime of aggravated criminal desecration, define the crime as a criminal desecration when the offender had the intent to conceal a death or the commission of a crime, and designate the crime as a severity level 7 nonperson felony.

Background

The bill was introduced by the House Committee on Federal and State Affairs at the request of a representative of the Sedgwick County government.

House Committee on Federal and State Affairs

In the House Committee hearing, **proponent** testimony was provided by a representative of the Sedgwick County

Regional Forensic Science Center, who stated the county is in possession of over 500 boxes of cremated remains in storage, and the bill would provide a process to ensure proper disposal of the remains.

Written-only proponent testimony was provided by a representative of the Sedgwick County Board of County Commissioners and by a private citizen.

Written-only **neutral** testimony was provided by a representative of the Kansas Office of Veterans Services.

No other testimony was provided.

Senate Committee on Federal and State Affairs

In the Senate Committee hearing, **proponent** testimony was provided by a representative of the Sedgwick County Regional Forensic Science Center and a student from Wichita. The proponents generally spoke to the increase in unclaimed remains over the past decade and indicated there is no statutory guidance for coroners on how they may dispose of the remains and unclaimed property. They stated the bill would allow coroners to ensure a respectful final resting place for all in their community.

Written-only proponent testimony was provided by a representative of the Sedgwick County Board of County Commissioners and a teacher and students from Wichita.

Neutral testimony was provided by a representative of the Kansas Office of Veterans Services. The representative stated that the Kansas Veterans' Cemetery Program inters approximately 20 unclaimed or unaccompanied veterans every year. They requested an amendment to the bill that would update their agency's name to match current statutory language and that would clarify that their agency would not be responsible for reimbursing the cost of cremation or other

fees for the purpose of interring a veteran at a state veteran cemetery.

No other testimony was provided.

The Senate Committee amended the bill to:

- Specify that expenses of final disposition when the deceased was a veteran would be paid pursuant to continuing law on veterans' burial;
- Update the reference to the Kansas Commission of Veterans Affairs to the Kansas Office of Veterans Services;
- Clarify that no person or organization that takes custody of cremated remains pursuant to the veterans provision would be liable for the costs of the cremation of the decedent or any other applicable fees;
- Clarify that the coroner is to publish notice after three years following the date of death or any period of time prescribed by law, whichever is longer, has lapsed;
- Establish requirements for programs of continuing education for licensed embalmers and funeral directors;
- Authorize use of the word "crematory" as part of the business name for businesses owned by the same person who owns a licensed crematory; and
- Make technical and conforming changes.

Senate Committee of the Whole

The Senate Committee of the Whole amended the bill to:

- Create the crime of aggravated criminal desecration when the offender had the intent to conceal a death or the commission of a crime;
- Allow all six hours of required continuing education for licensed embalmers and licensed funeral directors to be completed live online; and
- Clarify that the coroner is to notify and deliver the remains to KU Med or cause the body to be cremated or buried when the immediate family or next of kin of the decedent refuses or is unable to accept the remains.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the State Board of Mortuary Arts and the Kansas Association of Counties indicate enactment of the bill would have no fiscal effect.

The Kansas Office of Veterans Services indicates it was contacted one time in the past three years regarding the unclaimed remains of a veteran decedent. If a county coroner were to pass on costs for claiming remains of a veteran under the bill, the agency estimates costs per instance ranging from \$800 to \$3,000, depending on the level of medical exam necessary to determine the cause of death. Any fiscal effect associated with the bill is not reflected in *The FY 2027 Governor's Budget Report*.

Coroner; Kansas Office of Veterans Services; unclaimed remains; cremation; veterans; liability; continuing education; embalmers; funeral directors; crematory; aggravated criminal desecration