

As Amended by House Committee

Session of 2011

HOUSE BILL No. 2121

By Committee on Appropriations

1-28

1 AN ACT concerning cremation; relating to the authority of coroners to
2 issue permits; amending K.S.A. 65-2426a and repealing the existing
3 section.

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

6 Section 1. K.S.A. 65-2426a is hereby amended to read as follows: 65-
7 2426a. (a) No dead body, as such term is defined in subsection (4) of
8 K.S.A. 65-2401, and amendments thereto, shall be cremated unless a
9 coroner's permit to cremate has been furnished to authorize such
10 cremation.

11 (b) *The coroner's permit to cremate shall be authorized by the*
12 *coroner of the jurisdiction in Kansas in which the death occurs. Subject*
13 *to the provisions of K.S.A. 22a-232, and amendments thereto, the*
14 *coroner in Kansas may transfer jurisdiction to another jurisdiction in or*
15 *out of Kansas if the coroners of both jurisdictions agree to the transfer in*
16 *writing. If the transfer occurs, then the authority to cremate follows and is*
17 *limited to the new jurisdiction.*

18 (c) **Except as provided in subsection (d), if the death occurred**
19 **outside the state of Kansas and the cremation of the body is intended**
20 **to take place in a Kansas jurisdiction, the coroner of such Kansas**
21 **jurisdiction may authorize cremation, but if such coroner knows of the**
22 **location in which the death occurred, such coroner prior to cremation**
23 **shall make a good faith attempt to receive written authorization for**
24 **such cremation from the coroner in the jurisdiction in which the death**
25 **occurred. If such coroner attempts to contact the coroner in the**
26 **jurisdiction in which the death occurred but does not within 48 hours**
27 **after the request receive either written authorization to cremate or**
28 **some information indicating an investigation is pending or some**
29 **similar denial to cremate, such coroner in Kansas is presumed to have**
30 **made a good faith attempt, and the coroner in the jurisdiction where**
31 **the body is now located is authorized to issue the permit to cremate. A**
32 **statement about the coroner's attempt to contact shall be maintained**
33 **by the coroner as part of the records about that body.**

34 (d) **Notwithstanding the provisions of subsection (c), if the**
35 **coroner knows that the location of the cause of death is in Kansas but**
36 **the death occurred outside of Kansas, the coroner shall seek the**

1 **authorization of or transfer of jurisdiction from the Kansas coroner**
2 **where the cause of death occurred before authorizing cremation of the**
3 **body, and the Kansas coroner shall not be required to seek**
4 **authorization from the out-of-state coroner where the death occurred.**

5 (e) A telefacsimile **or electronically** signed copy of the coroner's
6 permit to cremate which authorizes the cremation shall constitute legal
7 authorization for such cremation under this section. The provisions of this
8 section shall be construed as supplemental to and as a part of the uniform
9 vital statistics act. Any person who knowingly violates this section, upon
10 conviction, shall be fined not more than \$500.

11 Sec. 2. K.S.A. 65-2426a is hereby repealed.

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