

Disposition of Unclaimed Cremated Remains; Provisions for Veterans' Cremated Remains; SB 303

SB 303 amends law governing the disposition of unclaimed cremated remains to clarify when notice is required to be given prior to disposal of cremated remains and to create specific requirements related to the disposition of the unclaimed cremated remains of veterans.

Clarifying When Notice is Required. A funeral establishment, branch establishment, or crematory had been allowed to dispose of unclaimed cremated remains after a period of 90 days from the time of cremation, with required notice of the intent to dispose of cremated remains to be given at least 30 days prior to the end of the 90-day period. Instead, the bill requires the funeral establishment, branch establishment, or crematory give notice at least 30 days prior to disposal of the remains, but does not require the notice be 30 days prior to the end of the 90-day period.

Establishing Specific Requirements for the Disposition of the Cremated Remains of Veterans. If the cremated remains have been unclaimed for more than 90 days from the date of cremation, notice requirements have been met, and the remains still have not been claimed, a funeral establishment, branch establishment, or crematory is allowed to share information with the U.S. Department of Veterans' Affairs or the Kansas Commission on Veterans' Affairs for the purpose of determining if the unclaimed cremated remains are those of a veteran. A funeral establishment, branch establishment, crematory, funeral director, assistant funeral director, or crematory operator is discharged from any legal obligations or liability for such disclosures to the U.S. Department of Veterans' Affairs or the Kansas Commission on Veterans' Affairs. If it is determined the unclaimed cremated remains are those of a veteran, possession of the remains could be relinquished to the Kansas Commission on Veterans' Affairs or a national cemetery. The bill requires disposition of the unclaimed cremated remains of veterans be by placement of the cremated remains in a tomb, mausoleum, crypt, or niche in a columbarium, or by burial in a cemetery; scattering of the cremated remains is prohibited.

A funeral establishment, branch establishment, or crematory is not required to determine whether the unclaimed cremated remains are those of a veteran if informed by a person in control of the disposition of the unclaimed remains that the individual was not a veteran or did not desire any funeral or burial-related services or ceremonies recognizing service as a veteran.

When disposition of unclaimed cremated remains occurs in accordance with the language of the bill, a funeral establishment, branch establishment, crematory, funeral director, assistant funeral director, or crematory operator is held harmless for any costs or damages, except for gross negligence or willful misconduct, and is discharged from any legal obligation or liability concerning the cremated remains.