

SENATE BILL No. 682

By Committee on Ways and Means

3-14

9 AN ACT concerning public health; relating to final disposition of a de-
10 cedent's remains; amending K.S.A. 65-1734 and repealing the existing
11 section.

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

14 Section 1. K.S.A. 65-1734 is hereby amended to read as follows: 65-
15 1734. (a) *A person has the right to control the disposition of such person's*
16 *remains without the predeath or postdeath consent of another person. A*
17 *valid written document expressing the decedent's wishes regarding the*
18 *place or method of disposition of such person's remains, signed by the*
19 *decedent in the presence of a witness, is sufficient legal authorization for*
20 *the procedures to be accomplished.*

21 (b) *If the decedent has not provided a written document under sub-*
22 *section (a), the following persons, in order of priority stated, may order*
23 *any lawful manner of final disposition of a decedent's remains including*
24 *burial, cremation, entombment or anatomical donation:*

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

30 (2) the spouse of the decedent;

31 (3) the decedent's surviving adult children. If there is more than one
32 adult child, any adult child who confirms in writing the notification of all
33 other adult children, may direct the manner of disposition unless the
34 funeral establishment or crematory authority receives written objection
35 to the manner of disposition from another adult child;

36 (4) the decedent's surviving parents;

37 (5) the persons in the next degree of kinship under the laws of de-
38 scent and distribution to inherit the estate of the decedent. If there is
39 more than one person of the same degree, any person of that degree may
40 direct the manner of disposition;

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

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

1 (8) in the case of indigents or any other individuals whose final dis-
2 position is the responsibility of the state or county, the public official
3 charged with arranging the final disposition pursuant to K.S.A. 2002 Supp.
4 22a-215 and amendments thereto.

5 ~~(b)~~ (c) A funeral director, funeral establishment or crematory shall
6 not be subject to criminal prosecution or civil liability for carrying out the
7 otherwise lawful instructions of the *decedent under subsection (a) or, if*
8 *the decedent has not provided a written document under subsection (a),*
9 *the person or persons under subsection ~~(a)~~ (b) if the funeral director*
10 *reasonably believes such person is entitled to control final disposition.*

11 Sec. 2. K.S.A. 65-1734 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.