

SENATE BILL No. 303

AN ACT concerning disposition of unclaimed cremated remains; relating to veterans cremated remains; amending K.S.A. 65-1732 and repealing the existing section; also repealing K.S.A. 65-1733.

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

Section 1. K.S.A. 65-1732 is hereby amended to read as follows: 65-1732. ~~With respect to the cremation of dead bodies, as such term is defined in subsection (5) of K.S.A. 65-2401 and amendments thereto, if after a period of 90 days from the time of cremation the cremated remains have not been claimed, the funeral establishment, branch establishment or crematory may dispose of the cremated remains: (a) If the funeral establishment, branch establishment or crematory has sent by certified mail, return receipt requested, at least 30 days prior to the end of such period of time to the last known address of the authorizing agent as defined under K.S.A. 65-1760, and amendments thereto, a notice that such remains will be disposed of in accordance with the provisions of this section unless claimed prior to the end of the 90 day period of time; (b) if the remains have not been claimed prior to the end of such period of time (a) A funeral establishment, branch establishment or crematory which has possession of the cremated remains of a dead human body may dispose of the cremated remains, if:~~

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

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

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

(b) *Such disposal under subsection (a) shall include burial by placing the remains in a church or cemetery plot, scatter garden, pond, or columbarium; relinquishing possession of the cremated remains of veterans to the Kansas commission of veterans affairs or a national cemetery in accordance with the provisions of subsection (c); or otherwise disposing of the remains as provided by rule and regulation of the board of mortuary arts. Disposition may include the commingling of the cremated remains with other cremated remains and thus the cremated remains would not be recoverable.*

(c) (1) *A funeral establishment, branch establishment or crematory which has held in its possession cremated remains for more than 90 days from the date of cremation and has provided notice pursuant to subsection (a) and the cremated remains remain unclaimed may, in accordance with the provisions of this section, determine if such cremated remains are those of a veteran, and if so, may dispose of such remains as provided in this section.*

(2) *Notwithstanding any law or rules and regulations to the contrary, nothing in this section shall prevent a funeral establishment, branch establishment or crematory from sharing information with the United States department of veterans affairs or the Kansas commission on veterans affairs for the purpose of determining whether the cremated remains are those of a veteran. A funeral establishment, branch establishment, crematory, funeral director, assistant funeral director or crematory operator shall be discharged from any legal obligations or liability with regard to the releasing or sharing of information with such entities.*

(3) *Should a funeral establishment, branch establishment or crematory ascertain the cremated remains in its possession are those of a veteran and they are unclaimed cremated remains to be disposed of pursuant to provisions of subsection (a), the funeral establishment, branch establishment or crematory may relinquish possession of the cremated remains to the Kansas commission on veterans affairs or a national cemetery for disposition. Disposition shall be by placement of cremated remains in a tomb, mausoleum, crypt, niche in a columbarium or burial in a cemetery but shall not include the scattering of cremated remains.*

(d) *Nothing in this section shall require a funeral establishment, branch establishment or crematory to determine or seek others to determine that an individual's cremated remains are those of a veteran if the*

*funeral establishment, branch establishment or crematory was informed by the person in control of the disposition that: (1) Such individual was not a veteran or (2) such individual did not desire any funeral or burial-related services or ceremonies recognizing service as a veteran.*

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

Sec. 2. K.S.A. 65-1732 and 65-1733 are hereby repealed.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body

\_\_\_\_\_  
SENATE concurred in  
HOUSE amendments \_\_\_\_\_

\_\_\_\_\_  
*President of the Senate.*

\_\_\_\_\_  
*Secretary of the Senate.*

Passed the HOUSE  
as amended \_\_\_\_\_

\_\_\_\_\_  
*Speaker of the House.*

\_\_\_\_\_  
*Chief Clerk of the House.*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
*Governor.*