

As Amended by House Committee

As Amended by Senate Committee

Session of 2012

SENATE BILL No. 303

By Committee on Public Health and Welfare

1-19

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

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 65-1732 is hereby amended to read as follows: 65-
7 1732. ~~With respect to the cremation of dead bodies, as such term is defined~~
8 ~~in subsection (5) of K.S.A. 65-2401 and amendments thereto, if after a~~
9 ~~period of 90 days from the time of cremation the cremated remains have~~
10 ~~not been claimed, the funeral establishment, branch establishment or~~
11 ~~crematory may dispose of the cremated remains: (a) If the funeral~~
12 ~~establishment, branch establishment or crematory has sent by certified~~
13 ~~mail, return receipt requested, at least 30 days prior to the end of such~~
14 ~~period of time to the last known address of the authorizing agent as~~
15 ~~defined under K.S.A. 65-1760, and amendments thereto, a notice that such~~
16 ~~remains will be disposed of in accordance with the provisions of this~~
17 ~~section unless claimed prior to the end of the 90-day period of time; (b) if~~
18 ~~the remains have not been claimed prior to the end of such period of time~~
19 ~~(a) *The* A funeral establishment, branch establishment or crematory which~~
20 **has possession of the cremated remains of a dead human body may**
21 *dispose of the cremated remains, if:*

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

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

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

33 (b) Such disposal **under subsection (a)** shall include burial by
34 placing the remains in a church or cemetery plot, scatter garden, pond, or

1 columbarium; *relinquishing possession of the cremated remains of*
2 *veterans to the Kansas commission of veterans affairs or a national*
3 *cemetery in accordance with the provisions of subsection ~~(b)~~ (c); or*
4 *otherwise disposing of the remains as provided by rule and regulation of*
5 *the board of mortuary arts. Disposition may include the commingling of*
6 *the cremated remains with other cremated remains and thus the cremated*
7 *remains would not be recoverable.*

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

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

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

34 ~~(e)~~**(d)** *Nothing in this section shall require a funeral establishment,*
35 *branch establishment or crematory to determine or seek others to*
36 *determine that an individual's cremated remains are those of a veteran if*
37 *the funeral establishment, **branch establishment or crematory** was*
38 *informed by the person in control of the disposition that: (1) Such*
39 *individual was not a veteran or (2) such individual did not desire any*
40 *funeral or burial-related services or ceremonies recognizing service as a*
41 *veteran.*

42 ~~(d)~~**(e)** *The funeral establishment, branch establishment, crematory,*
43 *funeral director, assistant funeral director or crematory operator, upon*

1 *disposing of cremated remains in accordance with the provisions of this*
2 *section, shall be held harmless for any costs or damages, except if there is*
3 *gross negligence or willful misconduct, and shall be discharged from any*
4 *legal obligation or liability concerning the cremated remains.*

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

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