

SESSION OF 2012

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 303**

As Amended by House Committee on Health  
and Human Services

**Brief\***

SB 303 would amend 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: Current law, which allows a funeral establishment, branch establishment, or crematory to dispose of unclaimed cremated remains after a period of 90 days from the time of cremation, requires notice of the intent to dispose of cremated remains be given at least 30 days prior to the end of the 90-day period. Instead, the bill would require notice be given 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 would be allowed to share information with the United States 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

---

\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

would be discharged from any legal obligations or liability for such disclosures to the United States 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 would require disposition of the unclaimed cremated remains of veterans be by placement of the cremated remains in a tomb, mausoleum, crypt, niche in a columbarium, or burial in a cemetery; scattering of the cremated remains would be prohibited.

A funeral establishment, branch establishment, or crematory would not be 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 would be held harmless for any costs or damages, except for gross negligence or willful misconduct, and would be discharged from any legal obligation or liability concerning the cremated remains.

## **Background**

The bill was introduced at the request of the Kansas Funeral Directors Association (KFDA). The Senate Committee on Public Health and Welfare heard testimony in favor of the bill from the Executive Director of the KFDA, who testified the main purpose of the bill is to establish a process to allow funeral establishments, branch establishments, and crematories to determine whether unclaimed cremated remains in their possession are those of a veteran and, if they

are those of a veteran, to turn the unclaimed cremated remains over to a veteran's cemetery for an honorable disposition. The proponent also stated the bill clarifies general language in statute as to when notice is required to be given prior to disposal of unclaimed cremated remains by allowing the 30-day notice to be given at any time. No opposing or neutral testimony was presented to the Committee.

The Senate Committee on Public Health and Welfare made a technical amendment to the bill.

The House Committee on Health and Human Services made technical changes to the bill.

The fiscal note prepared by the Division of the Budget states the Kansas Commission on Veterans Affairs and the Board of Mortuary Arts indicated that enactment of the original bill would have no fiscal effect.