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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2070 Session of  
2024

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INTRODUCED BY SCHEMEL, KAUFFMAN, MAJOR, KUZMA, RAPP, MOUL,  
SCHEUREN, JOZWIAK, GLEIM AND DALEY, FEBRUARY 27, 2024

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REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 27, 2024

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AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the  
2 Pennsylvania Consolidated Statutes, in ownership of property  
3 and legal title and equitable estate, further providing for  
4 right to dispose of a decedent's remains.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Section 305(a) of Title 20 of the Pennsylvania  
8 Consolidated Statutes is amended and the section is amended by  
9 adding a subsection to read:

10 § 305. Right to dispose of a decedent's remains.

11 (a) General rule.--Except as specified in [subsection (a.1)]  
12 subsections (a.1) and (a.2), the determination of the final  
13 disposition of a decedent's remains shall be as set forth in  
14 this section unless otherwise specifically provided by waiver  
15 and agreement of the person entitled to make such determination  
16 under this section, subject to the provisions of a valid will  
17 executed by the decedent and sections 8611(a) (relating to  
18 persons who may execute anatomical gift) and 8654(1) (relating  
19 to requirement of explicit, specific and separate

1 authorization).

2 \* \* \*

3 (a.2) Exception for preplanned and prepaid funerals.--

4 Subject to the provisions of sections 8611(a) and 8654(1), the  
5 determination of the final disposition of a decedent's remains  
6 shall be as set forth in this section, except that an individual  
7 who has a preplanned and prepaid funeral may direct the  
8 disposition of the individual's own remains by a written  
9 statement dated and signed by the individual and witnessed by  
10 two individuals who are 18 years of age or older. If the  
11 individual chooses cremation as the individual's desired form of  
12 disposition, a signed authorization by the individual  
13 prearranging for cremation, executed during the prearrangement  
14 and witnessed by two individuals who are 18 years of age or  
15 older, shall preempt the written authorization form required by  
16 a family member under 49 Pa. Code § 13.201(7) (relating to  
17 professional responsibilities). For the purposes of this  
18 subsection, the following shall apply:

19 (1) An individual who has a preplanned and prepaid  
20 funeral and the two witnesses shall sign and date the written  
21 statement required under this subsection.

22 (2) A witness may not be an individual who:

23 (i) signs the written statement required under this  
24 subsection on behalf of and at the direction of the  
25 individual who has a preplanned and prepaid funeral; or

26 (ii) has a material interest in the decedent's  
27 estate.

28 \* \* \*

29 Section 2. This act shall take effect in 60 days.