

HOUSE BILL No. 2199

By Committee on Health and Human Services

2-7

1 AN ACT concerning health and healthcare; relating to preparation of dead
2 bodies; cremation; documentation requirements; funeral director
3 monthly reporting requirements; amending K.S.A. 65-1762 and 65-
4 2426a and repealing the existing sections; also repealing K.S.A. 65-
5 2429.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 65-1762 is hereby amended to read as follows: 65-
9 1762. (a) The licensed crematory operator in charge shall supervise the
10 licensed crematory on a full-time or a part-time basis and perform such
11 other duties relating to the supervision of a licensed crematory as
12 prescribed by the board by rules and regulations. The crematory operator
13 in charge of a licensed crematory must hold a Kansas crematory operator's
14 license. Additionally, a crematory operator in charge must hold a funeral
15 director's license unless the crematory only receives dead human bodies
16 for cremation through licensed funeral establishments or branch funeral
17 establishments.

18 (b) Only licensed crematory operators may perform cremation.

19 (c) No crematory operator or crematory operator in charge shall
20 cremate or cause to be cremated any dead human body until it has
21 received:

22 (1) A cremation authorization form signed by an authorizing agent.
23 The written authorization shall include:

24 (A) The identity of the dead human body and the time and date of
25 death;

26 (B) the name of the funeral director or assistant funeral director and
27 the funeral establishment or branch establishment, or the authorizing
28 agent, that obtained the cremation authorization;

29 (C) notification as to whether the cause of death occurred from a
30 disease declared by the department of health and environment to be
31 infectious, contagious, communicable or dangerous to the public health;

32 (D) the name of the authorizing agent and the relationship between
33 the authorizing agent and the decedent;

34 (E) authorization for the crematory to cremate the dead human body;

35 (F) a representation that the dead human body does not contain a
36 pacemaker or any other material or implant that may be potentially

1 hazardous or cause damage to the cremation chamber or the person
2 performing the cremation;

3 (G) the name of the person authorized to receive the cremated
4 remains from the crematory; and

5 (H) the signature of the authorizing agent, attesting to the accuracy of
6 all representations contained on the cremation authorization form; *and*

7 (2) a completed and executed coroner's permit to cremate, ~~as is~~
8 ~~provided in~~ *if required by* K.S.A. 65-2426a, and amendments thereto,
9 indicating that the dead human body is to be cremated.

10 Sec. 2. K.S.A. 65-2426a is hereby amended to read as follows: 65-
11 2426a. *(a)* No dead body, ~~as such term is defined in subsection (f) of~~
12 K.S.A. 65-2401, and amendments thereto, shall be cremated unless a
13 coroner's permit to cremate has been ~~furnished~~ *executed* to authorize such
14 cremation, *if the death or cause of death occurred within the state of*
15 *Kansas or in a state where such permit to cremate is required.*

16 (2) A telefacsimile *or electronic* signed copy of the coroner's permit
17 to cremate ~~which~~ *that* authorizes the cremation shall constitute legal
18 authorization for such cremation under this section.

19 (b) The provisions of this section shall be construed as supplemental
20 to and as a part of the uniform vital statistics act.

21 (c) Any person who knowingly violates this section, upon conviction,
22 shall be fined not more than \$500.

23 Sec. 3. K.S.A. 65-1762, 65-2426a and 65-2429 are hereby repealed.

24 Sec. 4. This act shall take effect and be in force from and after its
25 publication in the statute book.