

HOUSE BILL No. 2254

AN ACT concerning funeral preparations; relating to prearranged funeral agreements; increasing the monetary cap on irrevocable agreements; relating to preparation of bodies for a funeral or cremation; removing the requirement to provide a permit to cremate in certain circumstances; authorizing electronic permits to cremate; amending K.S.A. 65-1762 and 65-2426a and K.S.A. 2020 Supp. 16-303 and repealing the existing sections; also repealing K.S.A. 65-2429.

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

Section 1. K.S.A. 2020 Supp. 16-303 is hereby amended to read as follows: 16-303. (a) Except as authorized by K.S.A. 16-308, and amendments thereto, all payments made under such agreement, contract or plan, and any earnings or interest thereon, shall remain with such bank, credit union or savings and loan association until the death of the person for whose service the funds were paid or, except as provided in subsection (c), until demand for payment is made by the purchaser of the merchandise or services to the bank, credit union or savings and loan association, and upon such payment to the purchaser, the contract shall terminate.

(b) At the option of a purchaser, any installment contract may provide for additional payments by the purchaser for the cost of group credit life insurance at such rate as is approved ~~from time to time~~ by the ~~commissioner of insurance~~ ~~commissioner~~. In the event of the death of the purchaser, the proceeds shall be treated as funds in accordance with K.S.A. 16-304, and amendments thereto.

(c) At the option of the purchaser, such agreement, contract or plan may be made irrevocable ~~as to the retail price of a casket, urn and outside burial container and as to the first \$7,000 of funds paid~~ *as to the retail price of a casket, urn and outside burial container and on and after July 1, 2021, as to the first \$10,000 of funds paid* and set aside at the direction of the purchaser. *On July 1, 2022, and each July 1 thereafter, such amount shall be increased in an amount equal to the average percentage increase in the consumer price index for all urban consumers in the midwest region as published by the bureau of labor statistics of the United States department of labor.* Any interest and earnings accumulated under the agreement, contract or plan may also be irrevocable. ~~This~~ *Such* option shall not prohibit the purchaser ~~to designate from designating~~ a different funeral home at any time prior to death; after written notice to the current funeral home, and, upon such notification, all documents and funds shall be transferred as necessary.

Sec. 2. K.S.A. 65-1762 is hereby amended to read as follows: 65-1762. (a) The licensed crematory operator in charge shall supervise the licensed crematory on a full-time or a part-time basis and perform such other duties relating to the supervision of a licensed crematory as prescribed by the board by rules and regulations. The crematory operator in charge of a licensed crematory ~~must~~ *shall* hold a Kansas crematory operator's license. Additionally, a crematory operator in charge ~~must~~ *shall* hold a funeral director's license unless the crematory only receives dead human bodies for cremation through licensed funeral establishments or branch funeral establishments.

(b) Only licensed crematory operators may perform cremation.

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

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

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

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

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

(D) the name of the authorizing agent and the relationship

between the authorizing agent and the decedent;

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

(F) a representation that the dead human body does not contain a pacemaker or any other material or implant that may be potentially hazardous or cause damage to the cremation chamber or the person performing the cremation;

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

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

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

Sec. 3. K.S.A. 65-2426a is hereby amended to read as follows: 65-2426a. (a) (1) No dead body, as ~~such term is defined in subsection (f) of~~ K.S.A. 65-2401, and amendments thereto, shall be cremated unless a coroner's permit to cremate has been ~~furnished~~ *executed* to authorize such cremation, *if the death or cause of death occurred within the state of Kansas or in a state where such permit to cremate is required.*

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

(b) The provisions of this section shall be ~~constructed as a part of~~ *and* supplemental to ~~and as a part of~~ the uniform vital statistics act.

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

Sec. 4. K.S.A. 65-1762, 65-2426a and 65-2429 and K.S.A. 2020 Supp. 16-303 are hereby repealed.

Sec. 5. 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 House, and passed that body

HOUSE concurred in
SENATE amendments _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.