

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 funeral establishment, branch establishment or crematory may*
20 *dispose of the cremated remains, if:*

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

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

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

32 Such disposal shall include burial by placing the remains in a church or
33 cemetery plot, scatter garden, pond, or columbarium; *relinquishing*
34 *possession of the cremated remains of veterans to the Kansas commission*
35 *of veterans affairs or a national cemetery in accordance with the*
36 *provisions of subsection (b); or otherwise disposing of the remains as*

1 provided by rule and regulation of the board of mortuary arts. Disposition
2 may include the commingling of the cremated remains with other
3 cremated remains and thus the cremated remains would not be
4 recoverable.

5 *(b) A funeral establishment, branch establishment or crematory*
6 *which has held in its possession cremated remains for more than 90 days*
7 *from the date of cremation and has provided notice pursuant to subsection*
8 *(a) and the cremated remains remain unclaimed may, in accordance with*
9 *the provisions of this section, determine if such created remains are those*
10 *of a veteran, and if so, may dispose of such remains as provided in this*
11 *section. Notwithstanding any law or rules and regulations to the contrary,*
12 *nothing in this section shall prevent a funeral establishment, branch*
13 *establishment or crematory from sharing information with the United*
14 *States department of veterans affairs or the Kansas commission on*
15 *veterans affairs for the purpose of determining whether the cremated*
16 *remains are those of a veteran. A funeral establishment, branch*
17 *establishment, crematory, funeral director, assistant funeral director or*
18 *crematory operator shall be discharged from any legal obligations or*
19 *liability with regard to the releasing or sharing of information with such*
20 *entities. Should a funeral establishment, branch establishment or*
21 *crematory ascertain the cremated remains in its possession are those of a*
22 *veteran and they are unclaimed cremated remains to be disposed of*
23 *pursuant to provisions of subsection (a), the funeral establishment, branch*
24 *establishment or crematory may relinquish possession of the cremated*
25 *remains to the Kansas commission on veterans affairs or a national*
26 *cemetery for disposition. Disposition shall be by placement of cremated*
27 *remains in a tomb, mausoleum, crypt, niche in a columbarium or burial in*
28 *a cemetery but shall not include the scattering of cremated remains.*

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

37 *(d) The funeral establishment, branch establishment, crematory,*
38 *funeral director, assistant funeral director or crematory operator, upon*
39 *disposing of cremated remains in accordance with the provisions of this*
40 *section, shall be held harmless for any costs or damages, except if there is*
41 *gross negligence or willful misconduct, and shall be discharged from any*
42 *legal obligation or liability concerning the cremated remains.*

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

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