

SECOND REGULAR SESSION

HOUSE BILL NO. 2706

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CROSSLEY.

5522H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 193.015, 193.175, 193.275, 194.119, 194.200, 194.265, 194.350, 194.360, 194.381, 214.270, 214.280, 333.011, 333.042, 475.120, 513.430, 574.160, and 595.010, RSMo, and to enact in lieu thereof nineteen new sections relating to the disposition of human remains, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 193.015, 193.175, 193.275, 194.119, 194.200, 194.265, 194.350, 2 194.360, 194.381, 214.270, 214.280, 333.011, 333.042, 475.120, 513.430, 574.160, and 3 595.010, RSMo, are repealed and nineteen new sections enacted in lieu thereof, to be known 4 as sections 193.015, 193.175, 193.275, 194.007, 194.009, 194.119, 194.200, 194.265, 5 194.350, 194.360, 194.381, 214.270, 214.280, 333.011, 333.042, 475.120, 513.430, 574.160, 6 and 595.010, to read as follows:

193.015. As used in sections 193.005 to 193.325, unless the context clearly indicates 2 otherwise, the following terms shall mean:

3 (1) "Advanced practice registered nurse", a person licensed to practice as an advanced 4 practice registered nurse under chapter 335, and who has been delegated tasks outlined in 5 section 193.145 by a physician with whom they have entered into a collaborative practice 6 arrangement under chapter 334;

7 (2) "**Alkaline hydrolysis**", **the reduction of human remains to bone fragments** 8 **and essential elements in a hydrolysis facility, as defined in section 194.007, using heat,** 9 **pressure, water, and base chemical agents;**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

10 (3) "Assistant physician", as such term is defined in section 334.036, and who has
11 been delegated tasks outlined in section 193.145 by a physician with whom they have entered
12 into a collaborative practice arrangement under chapter 334;

13 ~~[(3)]~~ (4) "Dead body", a human body or such parts of such human body from the
14 condition of which it reasonably may be concluded that death recently occurred;

15 ~~[(4)]~~ (5) "Department", the department of health and senior services;

16 ~~[(5)]~~ (6) "Final disposition", the burial, interment, cremation, **reduction by alkaline**
17 **hydrolysis, natural organic reduction**, removal from the state, or other authorized
18 disposition of a dead body or fetus;

19 ~~[(6)]~~ (7) "Institution", any establishment, public or private, which provides inpatient
20 or outpatient medical, surgical, or diagnostic care or treatment or nursing, custodian, or
21 domiciliary care, or to which persons are committed by law;

22 ~~[(7)]~~ (8) "Live birth", the complete expulsion or extraction from its mother of a child,
23 irrespective of the duration of pregnancy, which after such expulsion or extraction, breathes
24 or shows any other evidence of life such as beating of the heart, pulsation of the umbilical
25 cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been
26 cut or the placenta is attached;

27 ~~[(8)]~~ (9) "**Natural organic reduction**", **the contained, accelerated conversion of**
28 **human remains to soil**;

29 (10) "Physician", a person authorized or licensed to practice medicine or osteopathy
30 pursuant to chapter 334;

31 ~~[(9)]~~ (11) "Physician assistant", a person licensed to practice as a physician assistant
32 pursuant to chapter 334, and who has been delegated tasks outlined in section 193.145 by a
33 physician with whom they have entered into a collaborative practice arrangement under
34 chapter 334;

35 ~~[(10)]~~ (12) "Spontaneous fetal death", a noninduced death prior to the complete
36 expulsion or extraction from its mother of a fetus, irrespective of the duration of pregnancy;
37 the death is indicated by the fact that after such expulsion or extraction the fetus does not
38 breathe or show any other evidence of life such as beating of the heart, pulsation of the
39 umbilical cord, or definite movement of voluntary muscles;

40 ~~[(11)]~~ (13) "State registrar", state registrar of vital statistics of the state of Missouri;

41 ~~[(12)]~~ (14) "System of vital statistics", the registration, collection, preservation,
42 amendment and certification of vital records; the collection of other reports required by
43 sections 193.005 to 193.325 and section 194.060; and activities related thereto including the
44 tabulation, analysis and publication of vital statistics;

45 ~~[(13)]~~ (15) "Vital records", certificates or reports of birth, death, marriage, dissolution
46 of marriage and data related thereto;

47 ~~[(14)]~~ **(16)** "Vital statistics", the data derived from certificates and reports of birth,
48 death, spontaneous fetal death, marriage, dissolution of marriage and related reports.

193.175. The funeral director or person in charge of final disposition of a dead body
2 shall, prior to the interment of such dead body, affix on the ankle or wrist of the deceased and/
3 or in a capsule or other container placed in the casket or, if the dead body is cremated **or**
4 **reduced through the process of alkaline hydrolysis or natural organic reduction**, on the
5 inside of the vessel containing the remains, a tag encased in durable and long-lasting material
6 containing the name of the deceased, the date of birth, date of death and Social Security
7 number of the deceased.

193.275. 1. Every person in charge of an institution shall keep a record of data
2 concerning each person admitted or confined to such institution as may be required for the
3 filing of a certificate of birth and death or report of spontaneous fetal death which occurs in
4 the institution. The record shall be made from information provided by the person being
5 admitted or confined, but when it cannot be so obtained, the information shall be obtained
6 from relatives or other persons acquainted with the facts. The name and address of the person
7 providing the information shall be a part of the record.

8 2. When a dead body or dead fetus is released or disposed of by an institution, the
9 person in charge of the institution shall keep a record showing the name of the decedent, date
10 of death, name and address of the person to whom the body or fetus is released, and the date
11 of removal from the institution. If final disposition is made by the institution, the date, place,
12 and manner of disposition shall also be recorded.

13 3. A funeral director, embalmer, sexton, or other person who removes from the place
14 of death, transports, or makes final disposition of a dead body or fetus, in addition to filing
15 any certificate or other report required by sections 193.005 to 193.325, or regulations
16 promulgated hereunder, shall keep a record which shall identify the body, and such
17 information pertaining to his **or her** receipt, removal, delivery, burial, ~~[or]~~ cremation,
18 **reduction by alkaline hydrolysis, or natural organic reduction** of such body as may be
19 required by regulations adopted by the department.

20 4. Records maintained under this section shall be retained for a period of not less than
21 five years and shall be made available for inspection by the state registrar or his designee
22 upon demand.

23 5. Any person having knowledge of the facts shall furnish such information as he may
24 possess regarding any birth, death, spontaneous fetal death, marriage, or dissolution of
25 marriage upon demand of the state registrar.

194.007. As used in this chapter, unless the context requires otherwise, the
2 **following terms mean:**

3 (1) "Alkaline hydrolysis", the reduction of human remains to bone fragments
4 and essential elements in a hydrolysis facility using heat, pressure, water, and base
5 chemical agents;

6 (2) "Final disposition", the disposition of human remains by entombment,
7 burial, cremation, alkaline hydrolysis, natural organic reduction, or removal from the
8 state;

9 (3) "Human remains" or "remains", the body of a deceased person, including
10 remains following the process of cremation, alkaline hydrolysis, or natural organic
11 reduction. The term "human remains" or "remains" also includes the body in any
12 stage of decomposition;

13 (4) "Hydrolysis facility", a structure, room, or other space in a building or
14 structure containing one or more hydrolysis vessels to be used for alkaline hydrolysis;

15 (5) "Natural organic reduction", the contained, accelerated conversion of
16 human remains to soil.

**194.009. A person may use alkaline hydrolysis or natural organic reduction for
2 the final disposition of human remains or as a step in the final disposition of human
3 remains.**

 194.119. 1. As used in this section, the term "right of sepulcher" means the right to
2 choose and control the burial, cremation, **reduction by alkaline hydrolysis, natural organic
3 reduction**, or other final disposition of a dead human body.

4 2. For purposes of this chapter and chapters 193, 333, and 436, and in all cases
5 relating to the custody, control, and disposition of deceased human remains, including the
6 common law right of sepulcher, where not otherwise defined, the term "next-of-kin" means
7 the following persons in the priority listed if such person is eighteen years of age or older, is
8 mentally competent, and is willing to assume responsibility for the costs of disposition:

9 (1) An attorney in fact designated in a durable power of attorney wherein the
10 deceased specifically granted the right of sepulcher over his or her body to such attorney in
11 fact;

12 (2) For a decedent who was on active duty in the United States military at the time of
13 death, the person designated by such decedent in the written instrument known as the United
14 States Department of Defense Form 93, Record of Emergency Data, in accordance with 10
15 U.S.C. Section 1482;

16 (3) The surviving spouse, unless an action for the dissolution of the marriage has been
17 filed and is pending in a court of competent jurisdiction;

18 (4) Any surviving child of the deceased. If a surviving child is less than eighteen
19 years of age and has a legal or natural guardian, such child shall not be disqualified on the
20 basis of the child's age and such child's legal or natural guardian, if any, shall be entitled to

21 serve in the place of the child unless such child's legal or natural guardian was subject to an
22 action in dissolution from the deceased. In such event the person or persons who may serve
23 as next-of-kin shall serve in the order provided in subdivisions (5) to (9) of this subsection;

24 (5) (a) Any surviving parent of the deceased; or

25 (b) If the deceased is a minor, a surviving parent who has custody of the minor; or

26 (c) If the deceased is a minor and the deceased's parents have joint custody, the parent
27 whose residence is the minor child's residence for purposes of mailing and education;

28 (6) Any surviving sibling of the deceased;

29 (7) The next nearest surviving relative of the deceased by consanguinity or affinity;

30 (8) Any person or friend who assumes financial responsibility for the disposition of
31 the deceased's remains if no next-of-kin assumes such responsibility;

32 (9) The county coroner or medical examiner; provided however that such assumption
33 of responsibility shall not make the coroner, medical examiner, the county, or the state
34 financially responsible for the cost of disposition.

35 3. The next-of-kin of the deceased shall be entitled to control the final disposition of
36 the remains of any dead human being consistent with all applicable laws, including all
37 applicable health codes. The next-of-kin may delegate the control of the final disposition of
38 the remains of any dead human being to an agent through either a specific or general grant of
39 power in accordance with section 404.710 if, at the time of delegation, the next-of-kin was
40 eighteen years of age or older and mentally competent and the principal or agent is taking
41 financial responsibility for the disposition.

42 4. A funeral director or establishment is entitled to rely on and act according to the
43 lawful instructions of any person claiming to be the next-of-kin of the deceased; provided
44 however, in any civil cause of action against a funeral director or establishment licensed
45 pursuant to this chapter for actions taken regarding the funeral arrangements for a deceased
46 person in the director's or establishment's care, the relative fault, if any, of such funeral
47 director or establishment may be reduced if such actions are taken in reliance upon a person's
48 claim to be the deceased person's next-of-kin.

49 5. Any person who desires to exercise the right of sepulcher and who has knowledge
50 of an individual or individuals with a superior right to control disposition shall notify such
51 individual or individuals prior to making final arrangements.

52 6. If an individual with a superior claim is notified in person or by written notice with
53 delivery confirmation to such person's last known address by a person with an inferior claim
54 that such person desires to exercise the right of sepulcher and the individual so served does
55 not object within forty-eight hours of such notice, such individual shall be deemed to have
56 waived such right. An individual with a superior right may also waive such right at any time
57 if such waiver is in writing and dated.

58 7. If there is more than one person in a class who are equal in priority and the funeral
59 director has no knowledge of any objection by other members of such class, the funeral
60 director or establishment shall be entitled to rely on and act according to the instructions of
61 the first such person in the class to make arrangements; provided that such person assumes
62 responsibility for the costs of disposition and no other person in such class provides written
63 notice of his or her objection. If the funeral director has knowledge that there is more than
64 one person in a class who are equal in priority and who do not agree on the disposition, the
65 decision of the majority of the members of such class shall control the disposition.

66 8. For purposes of conducting a majority vote under subsection 7 of this section, the
67 funeral director shall allow voting by proxy using a written authorization or instrument.

194.200. 1. As used in this section, the following terms mean:

2 (1) "Final disposition", the burial, entombment, cremation, **reduction by alkaline**
3 **hydrolysis, natural organic reduction**, delivery to an educational or medical institution for
4 donation, delivery to the state anatomical board or removal from the state of the remains of a
5 deceased person;

6 (2) "Parents", either or both the biological mother or father of a stillborn child, but
7 such term shall not include an unknown or unidentified biological father;

8 (3) "Stillborn child", a child who is dead at birth.

9 2. If a hospital or other health care facility transfers a stillborn child to a funeral
10 establishment for final disposition, the hospital or health care facility shall contact one or both
11 of the parents of such child within twenty-four hours of such transfer for instructions on the
12 method of final disposition of the child. If the hospital contacts and receives instructions
13 from at least one of the parents, the hospital shall convey such instructions to the funeral
14 establishment which shall proceed as directed by such instructions. If the funeral
15 establishment receives instructions from at least one of the parents, the funeral establishment
16 may arrange for the final disposition of the child in accordance with such instructions without
17 contacting the other parent. If the parents of the child do not provide instructions for the final
18 disposition within five days, the funeral establishment shall conduct the most cost-effective
19 method of final disposition of such child and the hospital shall be responsible for the cost of
20 such final disposition. The hospital shall be entitled to collect the cost of such disposition
21 from the parents. If the parents select the manner of final disposition, the parents shall be
22 responsible to the funeral establishment for the costs of such disposition.

23 3. Any person who violates the provisions of this section is guilty of a class A
24 misdemeanor.

194.265. 1. When a hospital refers an individual at or near death to a procurement
2 organization, the organization shall make a reasonable search of any donor registry and other

3 applicable records that it knows exist for the geographical area in which the individual resides
4 to ascertain whether the individual has made an anatomical gift.

5 2. A procurement organization must be allowed reasonable access to information in
6 the records of the department of health and senior services and department of revenue to
7 ascertain whether an individual at or near death is a donor.

8 3. When a hospital refers an individual at or near death to a procurement organization,
9 the organization may conduct any reasonable examination necessary to ensure the medical
10 suitability of a part that is or could be the subject of an anatomical gift for transplantation,
11 therapy, research, or education from a donor, potential donor, or a prospective donor. During
12 the examination period, measures necessary to ensure the medical suitability of the part may
13 not be withdrawn unless the hospital or procurement organization knows a contrary intent had
14 or has been expressed by the individual or an agent of the individual, or if the individual is
15 incapacitated and he or she has no agent, knows a contrary intent has been expressed by any
16 person listed in section 194.245 having priority to make an anatomical gift on behalf of the
17 individual.

18 4. Unless prohibited by law other than sections 194.210 to 194.294, at any time after
19 a donor's death, the person to which a part passes under section 194.255 may conduct any
20 reasonable examination necessary to ensure the medical suitability of the body or part for its
21 intended purpose.

22 5. Unless prohibited by law other than sections 194.210 to 194.294, an examination
23 under subsection 3 or 4 of this section may include an examination of all medical records of
24 the donor, potential donor, or prospective donor.

25 6. Upon the death of a minor who was a donor or had signed a refusal, unless a
26 procurement organization knows the minor is emancipated, the procurement organization
27 shall conduct a reasonable search for the parents of the minor and provide the parents with an
28 opportunity to revoke or amend the anatomical gift or revoke a refusal.

29 7. Upon referral by a hospital under subsection 1 of this section, a procurement
30 organization shall make a reasonable search for any person listed in section 194.245 having
31 priority to make an anatomical gift on behalf of a donor, potential donor, or prospective
32 donor. If a procurement organization receives information that an anatomical gift to any other
33 person was made, amended, or revoked, it shall promptly advise the other person of all
34 relevant information.

35 8. Subject to subsection 9 of section 194.255 and section 58.785, the rights of the
36 person to which a part passes under section 194.255 are superior to rights of all others with
37 respect to the part. The person may accept or reject an anatomical gift in whole or in part.
38 Subject to the terms of the document of gift and this act, a person that accepts an anatomical
39 gift of an entire body may allow embalming [ø], cremation, **reduction by alkaline**

40 **hydrolysis, or natural organic reduction** and use of remains in a funeral service. If the gift
41 is of a part, the person to which the part passes under section 194.255, upon the death of the
42 donor and before embalming, burial, ~~or~~ cremation, **reduction by alkaline hydrolysis, or**
43 **natural organic reduction** shall cause the part to be removed without unnecessary
44 mutilation.

45 9. Neither the physician who attends the decedent immediately prior to or at death nor
46 the physician who determines the time of the decedent's death may participate in the
47 procedures for removing or transplanting a part from the decedent.

48 10. No physician who removes or transplants a part from the decedent, or a
49 procurement organization, shall have primary responsibility for the health care treatment, or
50 health care decision-making for such individual's terminal condition during the
51 hospitalization for which the individual becomes a donor.

52 11. A physician or technician may remove a donated part from the body of a donor
53 that the physician or technician is qualified to remove.

194.350. A licensed funeral establishment which cremates **or engages in the process**
2 **of alkaline hydrolysis or natural organic reduction of**, or contracts for the cremation **or**
3 **disposition by alkaline hydrolysis or natural organic reduction of**, a dead human body,
4 whether the cremation **or other disposition** occurs before or after August 28, 1989, may
5 dispose of the ~~cremated~~ remains **following the process of cremation, alkaline hydrolysis,**
6 **or natural organic reduction** by:

7 (1) Disposing the remains in accordance with the ~~cremation~~ contract, except if
8 otherwise prohibited by law;

9 (2) Delivering the remains to or as directed by another licensed funeral establishment
10 which contracted for the cremation **or other disposition**;

11 (3) Delivering the remains to or as directed by the person who contracted for the
12 cremation **or other disposition**; or

13 (4) If not delivered pursuant to subdivision (2) or (3) of this section, by scattering,
14 burying, or interring the unclaimed ~~cremated~~ remains in a scatter garden or pond,
15 columbarium or other place formally dedicated for such purpose, by delivering the remains to
16 any person listed in section 194.119, or releasing the remains to a veterans' service
17 organization per the procedures set out in section 194.360, provided, at least ninety days prior
18 to such action the funeral establishment shall send a written notice by mail, with confirmation
19 of delivery, to the last known address of the person or establishment that contracted for the
20 cremation **or other disposition** stating that the remains will be scattered, interred, or
21 delivered under this subdivision unless the notified establishment or person, or other person
22 authorized by the notified establishment or person, claims and removes the remains prior to
23 the end of such ninety-day period.

194.360. 1. As used in this section the following terms shall mean:

2 (1) "Funeral establishment", as defined in section 333.011, a funeral home, a funeral
3 director, an embalmer, or an employee of any of the individuals or entities;

4 (2) "Identifying information", data required by the Department of Veterans Affairs to
5 verify a veteran or their dependent's eligibility for burial in a national or state cemetery: name,
6 service number, Social Security number, date of birth, date of death, place of birth, and copy
7 of death certificate;

8 (3) "Veteran", a person honorably discharged from the Armed Forces of the United
9 States, including, but not limited to, the Philippine Commonwealth Army, the Regular Scouts
10 "Old Scouts", and the Special Philippine Scouts "New Scouts", or a person who died while on
11 active military service with any branch of the Armed Forces of the United States;

12 (4) "Veterans' service organization", a veterans organization that is federally chartered
13 by the Congress of the United States, veterans' service organization recognized by the
14 Department of Veterans Affairs or that qualifies as a Section 501(c)(3) or 501(c)(19),
15 nonprofit tax exempt organization under the Internal Revenue Code that is organized for the
16 verification and burial of veterans and dependents.

17 2. A funeral establishment or coroner in the possession of ~~cremated~~ remains
18 **following the process of cremation, alkaline hydrolysis, or natural organic reduction** is
19 authorized to release the identifying information to the Department of Veterans Affairs or a
20 veterans' service organization for the purpose of obtaining verification of the veteran's or
21 veterans' dependent's eligibility for a military burial, interment, or scattering. When
22 verification of a veteran or dependent is completed, the funeral establishment or coroner may
23 release the remains to the veterans' service organization who then may arrange for the **final**
24 **disposition**, burial, interment, or scattering of the remains.

25 3. A funeral establishment or coroner who releases the identifying information shall
26 not be liable in any action regarding the release of the identifying information and neither the
27 funeral establishment, coroner, or veterans' service organization shall be liable in any action
28 stemming from the final disposition, interment, burial, or scattering of remains released to a
29 veterans' service organization pursuant to this chapter so long as the funeral establishment,
30 prior to the **final disposition**, burial, interment, or scattering of the remains, follows the
31 notification procedures for unclaimed cremated remains as set out in subdivision (4) of
32 section 194.350.

33 4. A veterans' service organization accepting remains under this section shall take all
34 reasonable steps to inter the remains in a veterans' cemetery.

194.381. 1. The final disposition of the remains of a human fetus may be by
2 cremation, **alkaline hydrolysis, natural organic reduction**, interment by burial, incineration
3 in an approved medical waste incinerator, or other means authorized by the director of the

4 department of health and senior services. The disposition shall be in accordance with state
5 law or administrative rules providing for the disposition. If the remains are disposed of by
6 incineration, the remains shall be incinerated separately from other medical waste.

7 2. No religious service or ceremony is required as part of the final disposition of the
8 remains of a human fetus.

214.270. As used in sections 214.270 to 214.410, the following terms mean:

2 (1) "Agent" or "authorized agent", any person empowered by the cemetery operator
3 to represent the operator in dealing with the general public, including owners of the burial
4 space in the cemetery;

5 (2) **"Alkaline hydrolysis", the reduction of human remains to bone fragments
6 and essential elements in a hydrolysis facility, as defined in section 194.007, using heat,
7 pressure, water, and base chemical agents;**

8 (3) "Burial merchandise", a monument, marker, memorial, tombstone, headstone, urn,
9 outer burial container, or similar article which may contain specific lettering, shape, color, or
10 design as specified by the purchaser;

11 ~~[(3)]~~ (4) "Burial space", one or more than one plot, grave, mausoleum, crypt, lawn,
12 surface lawn crypt, niche or space used or intended for the interment of the human dead;

13 ~~[(4)]~~ (5) "Cemetery", property restricted in use for the interment of the human dead
14 by formal dedication or reservation by deed but shall not include any of the foregoing held or
15 operated by the state or federal government or any political subdivision thereof, any
16 incorporated city or town, any county or any religious organization, cemetery association or
17 fraternal society holding the same for sale solely to members and their immediate families;

18 ~~[(5)]~~ (6) "Cemetery association", any number of persons who shall have associated
19 themselves by articles of agreement in writing as a not-for-profit association or organization,
20 whether incorporated or unincorporated, formed for the purpose of ownership, preservation,
21 care, maintenance, adornment and administration of a cemetery. Cemetery associations shall
22 be governed by a board of directors. Directors shall serve without compensation;

23 ~~[(6)]~~ (7) "Cemetery operator" or "operator", any person who owns, controls, operates
24 or manages a cemetery;

25 ~~[(7)]~~ (8) "Cemetery prearranged contract", any contract with a cemetery or cemetery
26 operator for burial merchandise or burial services covered by sections 214.270 to 214.410
27 which is entered into before the death of the individual for whom the burial merchandise or
28 burial services are intended;

29 ~~[(8)]~~ (9) "Cemetery service" or "burial service", those services performed by a
30 cemetery owner or operator licensed as an endowed care or nonendowed cemetery including
31 setting a monument or marker, setting a tent, excavating a grave, interment, entombment,
32 inurnment, setting a vault, or other related services within the cemetery;

33 ~~[(9)]~~ **(10)** "Columbarium", a building or structure for the inurnment of ~~[cremated]~~
34 human remains **following the process of cremation, alkaline hydrolysis, or natural**
35 **organic reduction;**

36 ~~[(10)]~~ **(11)** "Community mausoleum", a mausoleum containing a substantial area of
37 enclosed space and having either a heating, ventilating or air conditioning system;

38 ~~[(11)]~~ **(12)** "Department", department of commerce and insurance;

39 ~~[(12)]~~ **(13)** "Developed acreage", the area which has been platted into grave spaces
40 and has been developed with roads, paths, features, or ornamentations and in which burials
41 can be made;

42 ~~[(13)]~~ **(14)** "Director", director of the division of professional registration;

43 ~~[(14)]~~ **(15)** "Division", division of professional registration;

44 ~~[(15)]~~ **(16)** "Endowed care", the maintenance, repair and care of all burial space
45 subject to the endowment within a cemetery, including any improvements made for the
46 benefit of such burial space. Endowed care shall include the general overhead expenses
47 needed to accomplish such maintenance, repair, care and improvements. Endowed care shall
48 include the terms perpetual care, permanent care, continual care, eternal care, care of
49 duration, or any like term;

50 ~~[(16)]~~ **(17)** "Endowed care cemetery", a cemetery, or a section of a cemetery, which
51 represents itself as offering endowed care and which complies with the provisions of sections
52 214.270 to 214.410;

53 ~~[(17)]~~ **(18)** "Endowed care fund", "endowed care trust", or "trust", any cash or cash
54 equivalent, to include any income therefrom, impressed with a trust by the terms of any gift,
55 grant, contribution, payment, devise or bequest to an endowed care cemetery, or its endowed
56 care trust, or funds to be delivered to an endowed care cemetery's trust received pursuant to a
57 contract and accepted by any endowed care cemetery operator or his agent. This definition
58 includes the terms endowed care funds, maintenance funds, memorial care funds, perpetual
59 care funds, or any like term;

60 ~~[(18)]~~ **(19)** "Escrow account", an account established in lieu of an endowed care fund
61 as provided under section 214.330 or an account used to hold deposits under section 214.387;

62 ~~[(19)]~~ **(20)** "Escrow agent", an attorney, title company, certified public accountant or
63 other person authorized by the division to exercise escrow powers under the laws of this state;

64 ~~[(20)]~~ **(21)** "Escrow agreement", an agreement subject to approval by the office
65 between an escrow agent and a cemetery operator or its agent or related party with common
66 ownership, to receive and administer payments under cemetery prearranged contracts sold by
67 the cemetery operator;

68 ~~[(21)]~~ **(22)** "Family burial ground", a cemetery in which no burial space is sold to the
69 public and in which interments are restricted to persons related by blood or marriage;

70 ~~[(22)]~~ **(23)** "Fraternal cemetery", a cemetery owned, operated, controlled or managed
71 by any fraternal organization or auxiliary organizations thereof, in which the sale of burial
72 space is restricted solely to its members and their immediate families;

73 ~~[(23)]~~ **(24)** "Garden mausoleum", a mausoleum without a substantial area of enclosed
74 space and having its crypt and niche fronts open to the atmosphere. Ventilation of the crypts
75 by forced air or otherwise does not constitute a garden mausoleum as a community
76 mausoleum;

77 ~~[(24)]~~ **(25)** "Government cemetery", or "municipal cemetery", a cemetery owned,
78 operated, controlled or managed by the federal government, the state or a political subdivision
79 of the state, including a county or municipality or instrumentality thereof;

80 ~~[(25)]~~ **(26)** "Grave" or "plot", a place of ground in a cemetery, used or intended to be
81 used for burial of human remains;

82 ~~[(26)]~~ **(27)** "Human remains", the body of a deceased person in any state of
83 decomposition, as well as ~~[cremated]~~ remains **following the process of cremation, alkaline**
84 **hydrolysis, or natural organic reduction;**

85 ~~[(27)]~~ **(28)** "Inurnment", placing ~~[an urn containing cremated]~~ remains **following the**
86 **process of cremation, alkaline hydrolysis, or natural organic reduction** in a burial space;

87 ~~[(28)]~~ **(29)** "Lawn crypt", a burial vault or other permanent container for a casket
88 which is permanently installed below ground prior to the time of the actual interment. A lawn
89 crypt may permit single or multiple interments in a grave space;

90 ~~[(29)]~~ **(30)** "Mausoleum", a structure or building for the entombment of human
91 remains in crypts;

92 ~~[(30)]~~ **(31)** "**Natural organic reduction**", **the contained, accelerated conversion of**
93 **human remains to soil;**

94 **(32)** "Niche", a space in a columbarium used or intended to be used for inurnment of
95 ~~[cremated]~~ remains;

96 ~~[(31)]~~ **(33)** "Nonendowed care cemetery", or "nonendowed cemetery", a cemetery or
97 a section of a cemetery for which no endowed care trust fund has been established in
98 accordance with sections 214.270 to 214.410;

99 ~~[(32)]~~ **(34)** "Office", the office of endowed care cemeteries within the division of
100 professional registration;

101 ~~[(33)]~~ **(35)** "Owner of burial space", a person to whom the cemetery operator or his
102 authorized agent has transferred the right of use of burial space;

103 ~~[(34)]~~ **(36)** "Person", an individual, corporation, partnership, joint venture,
104 association, trust or any other legal entity;

105 ~~[(35)]~~ **(37)** "Registry", the list of cemeteries maintained in the division office for
106 public review. The division may charge a fee for copies of the registry;

107 [~~(36)~~] **(38)** "Religious cemetery", a cemetery owned, operated, controlled or managed
108 by any church, convention of churches, religious order or affiliated auxiliary thereof in which
109 the sale of burial space is restricted solely to its members and their immediate families;

110 [~~(37)~~] **(39)** "Surface lawn crypt", a sealed burial chamber whose lid protrudes above
111 the land surface;

112 [~~(38)~~] **(40)** "Total acreage", the entire tract which is dedicated to or reserved for
113 cemetery purposes;

114 [~~(39)~~] **(41)** "Trustee of an endowed care fund", the separate legal entity qualified
115 under section 214.330 appointed as trustee of an endowed care fund.

214.280. 1. Operators of all existing cemeteries shall, prior to August twenty-eighth
2 following August 28, 1994, elect to operate each cemetery as an endowed care cemetery as
3 defined in subdivision [~~(16)~~] **(17)** of section 214.270 and shall register such intention with the
4 division and remit the required registration fee or, failing such election, shall operate each
5 cemetery for which such election is not made as a nonendowed cemetery without regard to
6 registration fees or penalties. Operators of all cemeteries hereafter established shall, within
7 ninety days from the establishment thereof, elect to operate each cemetery as an endowed care
8 cemetery, or as a nonendowed cemetery. Such election for newly established cemeteries shall
9 be filed with the division, on a form provided by the division. Any such election made
10 subsequent to August 28, 1994, shall be accompanied by a filing fee set by the division, and
11 such fee shall be deposited in the endowed care cemetery audit fund as defined in section
12 193.265. The fee authorized in this subsection shall not be required from an existing
13 nonendowed cemetery.

14 2. The division may adopt rules establishing the conditions and procedures governing
15 the circumstances where an endowed care cemetery elects to operate as a nonendowed care
16 cemetery. In the event an endowed care cemetery elects to operate as a nonendowed care
17 cemetery, the division shall make every effort to require such cemetery to meet all contractual
18 obligations for the delivery of services entered into prior to it reverting to the status of a
19 nonendowed cemetery.

333.011. 1. As used in this chapter, unless the context requires otherwise, the
2 following terms have the meanings indicated:

3 (1) **"Alkaline hydrolysis", the reduction of human remains to bone fragments**
4 **and essential elements in a hydrolysis facility using heat, pressure, water, and base**
5 **chemical agents;**

6 (2) "Board", the state board of embalmers and funeral directors created by this
7 chapter;

8 [~~(2)~~] **(3)** "Embalmer", any individual licensed to engage in the practice of embalming;

9 ~~[(3)]~~ (4) **"Final disposition"**, the disposition of human remains by entombment,
10 **burial, cremation, alkaline hydrolysis, natural organic reduction, or removal from the**
11 **state;**

12 (5) "Funeral director", any individual licensed to engage in the practice of funeral
13 directing;

14 ~~[(4)]~~ (6) "Funeral establishment", a building, place, crematory, **hydrolysis facility,**
15 **natural organic reduction facility,** or premises devoted to or used in the care and
16 preparation for burial ~~[or]~~, transportation, **or other final disposition** of the human dead and
17 includes every building, place or premises maintained for that purpose or held out to the
18 public by advertising or otherwise to be used for that purpose;

19 ~~[(5)]~~ (7) "Funeral merchandise", caskets, grave vaults, receptacles, and other personal
20 property incidental to the final disposition of a dead human body, including grave markers,
21 monuments, tombstones, and urns;

22 ~~[(6)]~~ (8) **"Human remains" or "remains"**, the body of a deceased person,
23 **including remains following the process of cremation, alkaline hydrolysis, or natural**
24 **organic reduction. The term "human remains" or "remains" also includes the body in**
25 **any stage of decomposition;**

26 (9) **"Hydrolysis facility"**, a structure, room, or other space in a building or
27 structure containing one or more hydrolysis vessels to be used for alkaline hydrolysis;

28 (10) **"Natural organic reduction"**, the contained, accelerated conversion of
29 **human remains to soil;**

30 (11) **"Natural organic reduction facility"**, a structure, room, or other space in a
31 **building or real property where natural organic reduction of a human body occurs;**

32 (12) "Person", any individual, partnership, corporation, cooperative, association, or
33 other entity;

34 ~~[(7)]~~ (13) "Practice of embalming", the work of preserving, disinfecting and preparing
35 by arterial embalming, including the chemical preparation of a dead human body for
36 disposition. Practice of embalming includes all activities leading up to and including arterial
37 and cavity embalming, including but not limited to raising of vessels and suturing of incisions
38 of dead human bodies for funeral services, transportation, burial or cremation, or the holding
39 of oneself out as being engaged in such work;

40 ~~[(8)]~~ (14) "Practice of funeral directing", engaging by an individual in the business of
41 preparing, otherwise than by embalming, for the burial, ~~[disposal]~~ **final disposition,** or
42 transportation out of this state of, and the directing and supervising of the burial or ~~[disposal]~~
43 **final disposition** of, dead human bodies or engaging in the general control, supervision or
44 management of the operations of a funeral establishment;

45 ~~[(9)]~~ (15) "Preneed agent", any person authorized to sell a preneed contract for or on
46 behalf of a seller;

47 ~~[(10)]~~ (16) "Provider", the person designated or obligated to provide the final
48 disposition, funeral, or burial services or facilities, or funeral merchandise described in a
49 preneed contract;

50 ~~[(11)]~~ (17) "Seller", the person who executes a preneed contract with a purchaser and
51 who is obligated under such preneed contract to remit payment to the provider.

52 2. All terms defined in sections 436.400 to 436.520 shall be deemed to have the same
53 meaning when used in this chapter.

333.042. 1. Every person desiring to enter the profession of funeral directing in this
2 state shall make application with the state board of embalmers and funeral directors and pay
3 the current application and examination fees. Except as otherwise provided in section 41.950,
4 applicants not entitled to a license pursuant to section 333.051 or 324.009 shall serve an
5 apprenticeship for at least twelve consecutive months in a funeral establishment licensed for
6 the care and preparation for burial **or other final disposition** and transportation of the human
7 dead in this state or in another state which has established standards for admission to practice
8 funeral directing equal to, or more stringent than, the requirements for admission to practice
9 funeral directing in this state. The applicant shall devote at least fifteen hours per week to his
10 or her duties as an apprentice under the supervision of a Missouri licensed funeral director.
11 Such applicant shall submit proof to the board, on forms provided by the board, that the
12 applicant has arranged and conducted ten funeral services during the applicant's
13 apprenticeship under the supervision of a Missouri licensed funeral director. Upon
14 completion of the apprenticeship, the applicant shall appear before the board to be tested on
15 the applicant's legal and practical knowledge of funeral directing, funeral home licensing,
16 preneed funeral contracts and the care, custody, shelter, disposition and transportation of dead
17 human bodies. Upon acceptance of the application and fees by the board, an applicant shall
18 have twenty-four months to successfully complete the requirements for licensure found in this
19 section or the application for licensure shall be cancelled.

20 2. If a person applies for a limited license to work only in a funeral establishment
21 which is licensed only for cremation, including transportation of dead human bodies to and
22 from the funeral establishment, he or she shall make application, pay the current application
23 and examination fee and successfully complete the Missouri law examination. He or she
24 shall be exempt from the twelve-month apprenticeship required by subsection 1 of this
25 section and the practical examination before the board. If a person has a limited license
26 issued pursuant to this subsection, he or she may obtain a full funeral director's license if he or
27 she fulfills the apprenticeship and successfully completes the funeral director practical
28 examination.

29 3. If an individual is a Missouri licensed embalmer or has completed a program
30 accredited by the American Board of Funeral Service Education, any successor organization,
31 or other accrediting entity as approved by the board or has successfully completed a course of
32 study in funeral directing offered by an institution accredited by a recognized national,
33 regional or state accrediting body and approved by the state board of embalmers and funeral
34 directors, and desires to enter the profession of funeral directing in this state, the individual
35 shall comply with all the requirements for licensure as a funeral director pursuant to
36 subsection 1 of section 333.041 and subsection 1 of this section; however, the individual is
37 exempt from the twelve-month apprenticeship required by subsection 1 of this section.

 475.120. 1. The guardian of the person of a minor shall be entitled to the custody and
2 control of the ward and shall provide for the ward's education, support, and maintenance.

3 2. A guardian or limited guardian of an incapacitated person shall act in the best
4 interest of the ward. A limited guardian of an incapacitated person shall have the powers and
5 duties enumerated by the court in the adjudication order or any later modifying order.

6 3. Except as otherwise limited by the court, a guardian shall make decisions regarding
7 the adult ward's support, care, education, health, and welfare. A guardian shall exercise
8 authority only as necessitated by the adult ward's limitations and, to the extent possible, shall
9 encourage the adult ward to participate in decisions, act on the adult ward's own behalf, and
10 develop or regain the capacity to manage the adult ward's personal affairs. The general
11 powers and duties of a guardian of an incapacitated person shall include, but not be limited to,
12 the following:

13 (1) Assure that the ward resides in the best and least restrictive setting reasonably
14 available;

15 (2) Assure that the ward receives medical care and other services that are needed;

16 (3) Promote and protect the care, comfort, safety, health, and welfare of the ward;

17 (4) Provide required consents on behalf of the ward;

18 (5) To exercise all powers and discharge all duties necessary or proper to implement
19 the provisions of this section.

20 4. A guardian of an adult or minor ward is not obligated by virtue of such guardian's
21 appointment to use the guardian's own financial resources for the support of the ward. If the
22 ward's estate and available public benefits are inadequate for the proper care of the ward, the
23 guardian or conservator may apply to the county commission pursuant to section 475.370.

24 5. No guardian of the person shall have authority to seek admission of the guardian's
25 ward to a mental health or intellectual disability facility for more than thirty days for any
26 purpose without court order except as otherwise provided by law.

27 6. Only the director or chief administrative officer of a social service agency serving
28 as guardian of an incapacitated person, or such person's designee, is legally authorized to act
29 on behalf of the ward.

30 7. A social service agency serving as guardian of an incapacitated person shall notify
31 the court within fifteen days after any change in the identity of the professional individual
32 who has primary responsibility for providing guardianship services to the incapacitated
33 person.

34 8. Any social service agency serving as guardian may not provide other services to
35 the ward.

36 9. In the absence of any written direction from the ward to the contrary, a guardian
37 may execute a preneed contract for the ward's funeral services, including cremation,
38 **reduction by alkaline hydrolysis, or natural organic reduction**, or an irrevocable life
39 insurance policy to pay for the ward's funeral services, including cremation, **reduction by**
40 **alkaline hydrolysis, or natural organic reduction**, and authorize the payment of such
41 services from the ward's resources. Nothing in this section shall interfere with the rights of
42 next-of-kin to direct the disposition of the body of the ward upon death under section
43 194.119. If a preneed arrangement such as that authorized by this subsection is in place and
44 no next-of-kin exercises the right of sepulcher within ten days of the death of the ward, the
45 guardian may sign consents for the disposition of the body, including cremation, **reduction**
46 **by alkaline hydrolysis, or natural organic reduction**, without any liability therefor. A
47 guardian who exercises the authority granted in this subsection shall not be personally
48 financially responsible for the payment of services.

513.430. 1. The following property shall be exempt from attachment and execution
2 to the extent of any person's interest therein:

3 (1) Household furnishings, household goods, wearing apparel, appliances, books,
4 animals, crops or musical instruments that are held primarily for personal, family or
5 household use of such person or a dependent of such person, not to exceed three thousand
6 dollars in value in the aggregate;

7 (2) A wedding ring not to exceed one thousand five hundred dollars in value and other
8 jewelry held primarily for the personal, family or household use of such person or a
9 dependent of such person, not to exceed five hundred dollars in value in the aggregate;

10 (3) Any other property of any kind, not to exceed in value six hundred dollars in the
11 aggregate;

12 (4) Any implements or professional books or tools of the trade of such person or the
13 trade of a dependent of such person not to exceed three thousand dollars in value in the
14 aggregate;

15 (5) Any motor vehicles, not to exceed three thousand dollars in value in the
16 aggregate;

17 (6) Any mobile home used as the principal residence but not attached to real property
18 in which the debtor has a fee interest, not to exceed five thousand dollars in value;

19 (7) Any one or more unmaturred life insurance contracts owned by such person, other
20 than a credit life insurance contract, and up to fifteen thousand dollars of any matured life
21 insurance proceeds for actual funeral, cremation, **reduction by alkaline hydrolysis, natural**
22 **organic reduction**, or burial expenses where the deceased is the spouse, child, or parent of
23 the beneficiary;

24 (8) The amount of any accrued dividend or interest under, or loan value of, any one or
25 more unmaturred life insurance contracts owned by such person under which the insured is
26 such person or an individual of whom such person is a dependent; provided, however, that if
27 proceedings under Title 11 of the United States Code are commenced by or against such
28 person, the amount exempt in such proceedings shall not exceed in value one hundred fifty
29 thousand dollars in the aggregate less any amount of property of such person transferred by
30 the life insurance company or fraternal benefit society to itself in good faith if such transfer is
31 to pay a premium or to carry out a nonforfeiture insurance option and is required to be so
32 transferred automatically under a life insurance contract with such company or society that
33 was entered into before commencement of such proceedings. No amount of any accrued
34 dividend or interest under, or loan value of, any such life insurance contracts shall be exempt
35 from any claim for child support. Notwithstanding anything to the contrary, no such amount
36 shall be exempt in such proceedings under any such insurance contract which was purchased
37 by such person within one year prior to the commencement of such proceedings;

38 (9) Professionally prescribed health aids for such person or a dependent of such
39 person;

40 (10) Such person's right to receive:

41 (a) A Social Security benefit, unemployment compensation or a public assistance
42 benefit;

43 (b) A veteran's benefit;

44 (c) A disability, illness or unemployment benefit;

45 (d) Alimony, support or separate maintenance, not to exceed seven hundred fifty
46 dollars a month;

47 (e) a. Any payment under a stock bonus plan, pension plan, disability or death benefit
48 plan, profit-sharing plan, nonpublic retirement plan or any plan described, defined, or
49 established pursuant to section 456.014, the person's right to a participant account in any
50 deferred compensation program offered by the state of Missouri or any of its political
51 subdivisions, or annuity or similar plan or contract on account of illness, disability, death, age

52 or length of service, to the extent reasonably necessary for the support of such person and any
53 dependent of such person unless:

54 (i) Such plan or contract was established by or under the auspices of an insider that
55 employed such person at the time such person's rights under such plan or contract arose;

56 (ii) Such payment is on account of age or length of service; and

57 (iii) Such plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408,
58 408A or 409 of the Internal Revenue Code of 1986, as amended, (26 U.S.C. Section 401(a),
59 403(a), 403(b), 408, 408A or 409).

60 b. Notwithstanding the exemption provided in subparagraph a. of this paragraph, any
61 such payment to any person shall be subject to attachment or execution pursuant to a qualified
62 domestic relations order, as defined by Section 414(p) of the Internal Revenue Code of 1986
63 (26 U.S.C. Section 414(p)), as amended, issued by a court in any proceeding for dissolution
64 of marriage or legal separation or a proceeding for disposition of property following
65 dissolution of marriage by a court which lacked personal jurisdiction over the absent spouse
66 or lacked jurisdiction to dispose of marital property at the time of the original judgment of
67 dissolution;

68 (f) Any money or assets, payable to a participant or beneficiary from, or any interest
69 of any participant or beneficiary in, a retirement plan, profit-sharing plan, health savings plan,
70 or similar plan, including an inherited account or plan, that is qualified under Section 401(a),
71 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986 (26 U.S.C. Section
72 401(a), 403(a), 403(b), 408, 408A, or 409), as amended, whether such participant's or
73 beneficiary's interest arises by inheritance, designation, appointment, or otherwise, except as
74 provided in this paragraph. Any plan or arrangement described in this paragraph shall not be
75 exempt from the claim of an alternate payee under a qualified domestic relations order;
76 however, the interest of any and all alternate payees under a qualified domestic relations order
77 shall be exempt from any and all claims of any creditor, other than the state of Missouri
78 through its department of social services. As used in this paragraph, the terms "alternate
79 payee" and "qualified domestic relations order" have the meaning given to them in Section
80 414(p) of the Internal Revenue Code of 1986 (26 U.S.C. Section 414(p)), as amended. If
81 proceedings under Title 11 of the United States Code are commenced by or against such
82 person, no amount of funds shall be exempt in such proceedings under any such plan,
83 contract, or trust which is fraudulent as defined in subsection 2 of section 428.024 and for the
84 period such person participated within three years prior to the commencement of such
85 proceedings. For the purposes of this section, when the fraudulently conveyed funds are
86 recovered and after, such funds shall be deducted and then treated as though the funds had
87 never been contributed to the plan, contract, or trust;

88 (11) The debtor's right to receive, or property that is traceable to, a payment on
89 account of the wrongful death of an individual of whom the debtor was a dependent, to the
90 extent reasonably necessary for the support of the debtor and any dependent of the debtor;

91 (12) Firearms, firearm accessories, and ammunition, not to exceed one thousand five
92 hundred dollars in value in the aggregate;

93 (13) Any moneys accruing to and deposited in individual savings accounts or
94 individual deposit accounts under sections 166.400 to 166.456 or sections 166.500 to
95 166.529, subject to the following provisions:

96 (a) This subdivision shall apply to any proceeding that:

97 a. Is filed on or after January 1, 2022; or

98 b. Was filed before January 1, 2022, and is pending or on appeal after January 1,
99 2022;

100 (b) Except as provided by paragraph (c) of this subdivision, if the designated
101 beneficiary of an individual savings account or individual deposit account established under
102 sections 166.400 to 166.456 or sections 166.500 to 166.529 is a lineal descendant of the
103 account owner, all moneys in the account shall be exempt from any claims of creditors of the
104 account owner or designated beneficiary;

105 (c) The provisions of paragraph (b) of this subdivision shall not apply to:

106 a. Claims of any creditor of an account owner as to amounts contributed within a two-
107 year period preceding the date of the filing of a bankruptcy petition under 11 U.S.C. Section
108 101 et seq., as amended; or

109 b. Claims of any creditor of an account owner as to amounts contributed within a one-
110 year period preceding an execution on judgment for such claims against the account owner.

111 2. Nothing in this section shall be interpreted to exempt from attachment or execution
112 for a valid judicial or administrative order for the payment of child support or maintenance
113 any money or assets, payable to a participant or beneficiary from, or any interest of any
114 participant or beneficiary in, a retirement plan which is qualified pursuant to Sections 408 and
115 408A of the Internal Revenue Code of 1986 (26 U.S.C. Sections 408 and 408A), as amended.

574.160. 1. A person commits the offense of unlawful funeral protest if he or she
2 pickets or engages in other protest activities within three hundred feet of any residence,
3 cemetery, funeral home, church, synagogue, or other establishment during or within one hour
4 before or one hour after the conducting of any actual funeral or burial service at that place.

5 2. For purposes of this section, "other protest activities" means any action that is
6 disruptive or undertaken to disrupt or disturb a funeral or burial service.

7 3. For purposes of this section, "funeral" and "burial service" mean the ceremonies
8 and memorial services held in conjunction with the burial [or], cremation, **reduction by**
9 **alkaline hydrolysis, or natural organic reduction** of the dead, but this section does not

10 apply to processions while they are in transit beyond any three-hundred-foot zone that is
11 established under subsection 1 of this section.

12 4. The offense of unlawful funeral protest is a class B misdemeanor, unless
13 committed by a person who has previously been found guilty of a violation of this section, in
14 which case it is a class A misdemeanor.

595.010. 1. As used in sections 595.010 to 595.075, unless the context requires
2 otherwise, the following terms shall mean:

3 (1) "Child", a dependent, unmarried person who is under eighteen years of age and
4 includes a posthumous child, stepchild, or an adopted child;

5 (2) "Claimant", a victim or a dependent, relative, survivor, or member of the family,
6 of a victim eligible for compensation pursuant to sections 595.010 to 595.075;

7 (3) "Conservator", a person or corporation appointed by a court to have the care and
8 custody of the estate of a minor or a disabled person, including a limited conservator;

9 (4) "Counseling", problem-solving and support concerning emotional issues that
10 result from criminal victimization **provided by a licensed service provider** pursuant to
11 section 595.030. Counseling is a confidential service provided either on an individual basis
12 or in a group. Counseling has as a primary purpose to enhance, protect and restore a person's
13 sense of well-being and social functioning after victimization. Counseling does not include
14 victim advocacy services such as crisis telephone counseling, attendance at medical
15 procedures, law enforcement interviews or criminal justice proceedings;

16 (5) "Crime", an act committed in this state which, regardless of whether it is
17 adjudicated, involves the application of force or violence or the threat of force or violence by
18 the offender upon the victim but shall include the crime of driving while intoxicated,
19 vehicular manslaughter and hit and run; and provided, further, that no act involving the
20 operation of a motor vehicle except driving while intoxicated, vehicular manslaughter and hit
21 and run which results in injury to another shall constitute a crime for the purpose of sections
22 595.010 to 595.075, unless such injury was intentionally inflicted through the use of a motor
23 vehicle. A crime shall also include an act of terrorism, as defined in 18 U.S.C. Section 2331,
24 which has been committed outside of the United States against a resident of Missouri;

25 (6) "Crisis intervention counseling", helping to reduce psychological trauma where
26 victimization occurs;

27 (7) "Department", the department of public safety;

28 (8) "Dependent", mother, father, spouse, spouse's mother, spouse's father, child,
29 grandchild, adopted child, illegitimate child, niece or nephew, who is wholly or partially
30 dependent for support upon, and living with, but shall include children entitled to child
31 support but not living with, the victim at the time of his injury or death due to a crime alleged
32 in a claim pursuant to sections 595.010 to 595.075;

33 (9) "Direct service", providing physical services to a victim of crime including, but
34 not limited to, transportation, funeral arrangements, child care, emergency food, clothing,
35 shelter, notification and information;

36 (10) "Director", the director of public safety of this state or a person designated by
37 him for the purposes of sections 595.010 to 595.075;

38 (11) "Disabled person", one who is unable by reason of any physical or mental
39 condition to receive and evaluate information or to communicate decisions to such an extent
40 that the person lacks ability to manage his financial resources, including a partially disabled
41 person who lacks the ability, in part, to manage his financial resources;

42 (12) "Emergency service", those services provided to alleviate the immediate effects
43 of the criminal act or offense, and may include cash grants of not more than one hundred
44 dollars;

45 (13) "Earnings", net income or net wages;

46 (14) "Family", the spouse, parent, grandparent, stepmother, stepfather, child,
47 grandchild, brother, sister, half brother, half sister, adopted children of parent, or spouse's
48 parents;

49 (15) "Funeral expenses", the expenses of the funeral, burial, cremation, **reduction by**
50 **alkaline hydrolysis, natural organic reduction**, or other chosen method of interment,
51 including plot or tomb and other necessary incidents to the disposition of the remains;

52 (16) "Gainful employment", engaging on a regular and continuous basis, up to the
53 date of the incident upon which the claim is based, in a lawful activity from which a person
54 derives a livelihood;

55 (17) "Guardian", one appointed by a court to have the care and custody of the person
56 of a minor or of an incapacitated person, including a limited guardian;

57 (18) "Hit and run", the crime of leaving the scene of a motor vehicle accident as
58 defined in section 577.060;

59 (19) "Incapacitated person", one who is unable by reason of any physical or mental
60 condition to receive and evaluate information or to communicate decisions to such an extent
61 that he lacks capacity to meet essential requirements for food, clothing, shelter, safety or other
62 care such that serious physical injury, illness, or disease is likely to occur, including a partially
63 incapacitated person who lacks the capacity to meet, in part, such essential requirements;

64 (20) "Injured victim", a person:

65 (a) Killed or receiving a personal physical injury in this state as a result of another
66 person's commission of or attempt to commit any crime;

67 (b) Killed or receiving a personal physical injury in this state while in a good faith
68 attempt to assist a person against whom a crime is being perpetrated or attempted;

69 (c) Killed or receiving a personal physical injury in this state while assisting a law
70 enforcement officer in the apprehension of a person who the officer has reason to believe has
71 perpetrated or attempted a crime;

72 (21) "Law enforcement official", a sheriff and his regular deputies, municipal police
73 officer or member of the Missouri state highway patrol and such other persons as may be
74 designated by law as peace officers;

75 (22) "Offender", a person who commits a crime;

76 (23) "Personal injury", physical, emotional, or mental harm or trauma resulting from
77 the crime upon which the claim is based;

78 (24) "Private agency", a not-for-profit corporation, in good standing in this state,
79 which provides services to victims of crime and their dependents;

80 (25) "Public agency", a part of any local or state government organization which
81 provides services to victims of crime;

82 (26) "Relative", the spouse of the victim or a person related to the victim within the
83 third degree of consanguinity or affinity as calculated according to civil law;

84 (27) "Survivor", the spouse, parent, legal guardian, grandparent, sibling or child of
85 the deceased victim of the victim's household at the time of the crime;

86 (28) "Victim", a person who suffers personal injury or death as a direct result of a
87 crime, as defined in subdivision (5) of this subsection;

88 (29) "Victim advocacy", assisting the victim of a crime and his dependents to acquire
89 services from existing community resources.

90 2. As used in sections 595.010 to 595.075, the term "alcohol-related traffic offense"
91 means those offenses defined by sections 577.001, 577.010, and 577.012, and any county or
92 municipal ordinance which prohibits operation of a motor vehicle while under the influence
93 of alcohol.

✓