



2023 SENATE BILL 440

September 20, 2023 - Introduced by Senators BALLWEG, CABRAL-GUEVARA, FELZKOWSKI, L. JOHNSON and TESTIN, cosponsored by Representatives PENTERMAN, GUSTAFSON, BORN, GUNDRUM, MURSAU, NOVAK, OHNSTAD, SNODGRASS, STUBBS, TUSLER, VANDERMEER and MYERS. Referred to Committee on Health.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to amend* 979.10 (1) (b); and *to create* 979.10 (1) (ae), 979.10 (1) (am)
2 and 979.10 (1) (as) of the statutes; **relating to:** creation of a cremation permit
3 application form.

Analysis by the Legislative Reference Bureau

Current law prohibits cremation of a human corpse without a cremation permit issued by a coroner or medical examiner (CME). Current law does not require the use of any specific form for applying for a cremation permit or for the cremation permit itself. This bill requires the Department of Health Services to design a cremation permit application form. If the CME of a county requires applicants for a cremation permit to apply using an application form, a person applying for a cremation permit in that county must use the cremation permit application form designed by DHS under this bill. The bill provides that the cremation permit application form may be used also as a cremation permit if authorized by the CME of the county in which the cremation permit is issued.

In addition, the bill requires a CME to issue a cremation permit within 24 hours of viewing a corpse or the submission of a medical certification, whichever is later. However, this 24-hour deadline does not apply if a CME has determined that further examination or judicial inquiry into the death is necessary.

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For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 979.10 (1) (ae) of the statutes is created to read:

2 979.10 (1) (ae) The department of health services shall design a cremation
3 permit application form for a person to use when applying for a cremation permit
4 under par. (a). The department shall include in the form a place for a coroner or
5 medical examiner to state that he or she has viewed the corpse that is the subject of
6 the permit and made personal inquiry into the cause and manner of death under sub.
7 (2) and is of the opinion that no further examination or judicial inquiry is necessary.

8 **SECTION 2.** 979.10 (1) (am) of the statutes is created to read:

9 979.10 (1) (am) If the coroner or medical examiner of a county requires
10 applicants for cremation permits to use an application form to apply for a cremation
11 permit, a person who applies for a cremation permit in that county shall use the
12 cremation permit application form designed under par. (ae) to apply for the
13 cremation permit.

14 **SECTION 3.** 979.10 (1) (as) of the statutes is created to read:

15 979.10 (1) (as) Once completed by a coroner or medical examiner, the cremation
16 permit application form designed under par. (ae) may constitute a cremation permit
17 issued under par. (a) if authorized by the coroner or medical examiner of the county
18 in which the cremation permit is issued.

19 **SECTION 4.** 979.10 (1) (b) of the statutes is amended to read:

20 979.10 (1) (b) A coroner or medical examiner shall include in any cremation
21 permit issued under par. (a) a statement that he or she has viewed the corpse ~~which~~

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1 that is the subject of the permit and made personal inquiry into the cause and
2 manner of death under sub. (2) and is of the opinion that no further examination or
3 judicial inquiry is necessary. Unless further examination or judicial inquiry is
4 necessary, a coroner or medical examiner shall issue a cremation permit under par.
5 (a) within 24 hours of viewing the corpse or submission of the medical certification
6 under s. 69.18 (2), whichever is later.

SECTION 5. Nonstatutory provisions.

7
8 (1) The department of health services shall determine when the department
9 completes the design of the cremation permit application form under s. 979.10 (1) (ae)
10 and shall notify the legislative reference bureau of that date. The legislative
11 reference bureau shall publish a notice in the Wisconsin Administrative Register
12 that specifies the date the design of the form is complete.

SECTION 6. Initial applicability.

13
14 (1) The treatment of s. 979.10 (1) (ae), (am), and (as) first applies to a death or
15 the discovery of a death that occurs on the effective date of this subsection.

16 (2) The treatment of s. 979.10 (1) (b) first applies to a death or the discovery of
17 a death that occurs on the effective date of this subsection.

18 **SECTION 7. Effective dates.** This act takes effect on the day after publication,
19 except as follows:

20 (1) The treatment of s. 979.10 (1) (ae), (am), and (as) and SECTION 6 (1) of this
21 act take effect on the date specified in the notice published in the Wisconsin
22 Administrative Register under SECTION 5 (1) of this act.

23 (END)