CORRECTED

{As Amended by Senate Committee of the Whole}

As Amended by Senate Committee

Session of 2025

HOUSE BILL No. 2331

By Committee on Federal and State Affairs

Requested by Jessica Lucas on behalf of the Sedgwick County Government

2-7

AN ACT concerning ~~coroners~~ ***the disposition of human remains***; ***{creating the crime of aggravated criminal desecration when the offender had the intent to conceal a death or the commission of a crime;}*** authorizing the disposition of the unclaimed remains of deceased persons by district coroners; providing exemptions from liability for actions taken to dispose of such remains; ***establishing requirements for programs of continuing education for licensed embalmers and funeral directors; authorizing use of the word "crematory" as part of the business name for businesses owned by the same person who owns a licensed crematory;*** amending K.S.A. ***{21-6205, }***22a-215***, 65-1702, 65-1716 and 65-1769*** and repealing the existing ~~section~~ ***sections***.

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

{Section 1. K.S.A. 21-6205 is hereby amended to read as follows: 21-6205. (a) Criminal desecration is:

(1) Knowingly obtaining or attempting to obtain unauthorized control of a dead body or remains of any human being or the coffin, urn or other article containing a dead body or remains of any human being; or

(2) recklessly, by means other than by fire or explosive:

(A) Damaging, defacing or destroying the flag, ensign or other symbol of the United States or this state in which another has a property interest without the consent of such other person;

(B) damaging, defacing or destroying any public monument or structure;

(C) damaging, defacing or destroying any tomb, monument, memorial, marker, grave, vault, crypt gate, tree, shrub, plant or any other property in a cemetery; or

(D) damaging, defacing or destroying any place of worship.

(b) *Aggravated criminal desecration is criminal desecration as*

defined in subsection (a)(1) committed with the intent to conceal the death of a human being or the commission of a crime.

(c) (1) ***Criminal desecration as defined in:***

~~(1)~~*(A)* ~~Subsections~~ *Subsection* ***(a)(2)(B), (a)(2)(C) or (a)(2)(D) if the property is damaged to the extent of:***

~~(A)~~*(i)* ***$25,000 or more is a severity level 7, nonperson felony;***

~~(B)~~*(ii)* ***at least $1,000 but less than $25,000 is a severity level 9, nonperson felony; and***

~~(C)~~*(iii)* ***less than $1,000 is a class A nonperson misdemeanor; and***

~~(2)~~*(B)* ~~subsections~~ *subsection* ***(a)(1) or (a)(2)(A) is a class A nonperson misdemeanor.***

(2) Aggravated criminal desecration is a severity level 7, nonperson felony.}

~~Section 1.~~ ***{Sec. 2.}*** K.S.A. 22a-215 is hereby amended to read as follows: 22a-215. (a) The coroner shall cause the body of a deceased person to be delivered to the immediate family or the next of kin of the deceased in accordance with the provisions of K.S.A. 65-904, and amendments thereto. If there is no immediate family or next of kin*, or if the immediate family or next of kin* ~~*refuse*~~***{ refuses or is unable}*** *to accept the remains of such deceased person, then* the coroner shall ~~report and make delivery~~ *notify and deliver such remains* in accordance with the provisions of article 9 of chapter 65 of Kansas Statutes Annotated. If no such delivery is required, the coroner shall cause the body of such deceased person to be cremated or buried. The state or county officer responsible for the final disposition of the deceased person may authorize and order the cremation or burial of such deceased person.

(b) Cremation or burial expenses shall be paid from any property found with the body. If there is no property found with the body or if the property is not sufficient to cover such expenses and if the deceased was eligible for assistance under the provisions of article 7 of chapter 39 of Kansas Statutes Annotated, expenses of final disposition shall be paid in accordance with the provisions of K.S.A. 39-713d, and amendments thereto. Otherwise, such expenses shall be paid from the county general fund unless***:***

(1) The deceased died in the custody of the secretary of corrections. Expenses of final disposition of the unclaimed bodies of deceased inmates in the custody of the secretary of corrections shall be paid by the department of corrections***; or***

(2) the deceased was a veteran. Expenses of final disposition of such unclaimed body shall be paid pursuant to K.S.A. 73-304, and amendments thereto, to the extent applicable.

~~(b)~~*(c) A coroner in possession of the cremated remains of a deceased person may relinquish custody of such cremated remains if:*

(1) No person has claimed such cremated remains during the three years following the date of death or any period of time prescribed by K.S.A. 22a-231 et seq., and amendments thereto, for preserving a decedent's remains, whichever is longer;

(2) ***after the time period prescribed in paragraph (1) has lapsed,*** *the coroner publishes notice in a newspaper of general circulation in the county where the death occurred and states that such remains shall be disposed in accordance with this section unless such remains are claimed by the immediate family or the next of kin of the deceased within 30 days following the date such notice is published; and*

(3) no claim on such cremated remains is made within the time prescribed in paragraph (2).

(d) If a person, who is authorized to take custody of the cremated remains of a deceased person, claims such remains, then such person shall be required to reimburse the ~~coroner~~ ***coroner*** *for the costs of such cremation and any other applicable fees assessed by the office of the district coroner.*

(e) Cremated remains disposed of pursuant to subsection ~~(b)~~ ***(c)*** *shall be:*

(1) Buried by placing the remains in a church or cemetery plot or a scatter garden, or in a tomb, mausoleum, crypt, columbarium or other permanent non-accessible chamber; or

(2) if the decedent was a veteran, relinquished to the director of the Kansas ~~commission of veteran's affairs~~ office ***of veterans services****, or the director's designee, or a national cemetery.* ***No person or organization that takes custody of cremated remains pursuant to this paragraph shall be liable for the costs of the cremation of the decedent or any other applicable fees.***

(f) Nothing in this section shall require a coroner to determine or seek the determination of whether a decedent was a veteran if the office of the district coroner was informed or otherwise discovered that:

(1) Such decedent was not a veteran; or

(2) such decedent did not desire any funeral or burial-related services or ceremonies recognizing such decedent's service as a veteran.

(g) The office of the district coroner shall not be liable for any costs or damages arising from the disposition of cremated remains conducted in accordance with this section, except in cases of gross negligence or willful misconduct.

(h) If after investigation the coroner determines that property found with the body of a decedent has insubstantial commercial value, the coroner may destroy or otherwise dispose of such property. Neither the coroner nor the county where the death occurred shall be liable for any action taken pursuant to this subsection.

(i) Any coroner who, over the protest of the immediate family or next of kin of the deceased, delivers or causes to be delivered the body of a deceased person for final disposition to a particular embalmer, funeral director or funeral establishment, shall be deemed guilty of a class B nonperson misdemeanor and upon conviction thereof shall forfeit the coroner's office.

Sec. ~~2.~~ ***{3.} K.S.A. 65-1702 is hereby amended to read as follows: 65-1702. (a) Every licensed embalmer who desires to continue the practice of embalming shall pay to the secretary of the state board of mortuary arts a renewal fee in the amount fixed by the board in accordance with the provisions of K.S.A. 65-1727, and amendments thereto. The secretary shall mail a notice of the due date for payment of the renewal fee at least 30 days prior to such date to the last known address of each licensee.***

(b) If such licensee shall fail to pay the renewal fee prior to the expiration date, the licensee shall be automatically suspended and denied the right to practice embalming in this state during such suspension. The board may reinstate such lapsed licenses upon payment of the fee in arrears and a reinstatement fee in the amount equal to the renewal fee, except such lapse shall not be over six months in duration.

(c) Any person who fails to reinstate a lapsed license within six months after the lapse of such license may apply for relicensure by making application on a form provided by the board. Relicensure shall be granted upon receipt of proof that the applicant is competent to act as a licensed embalmer, meets current qualifications to act as a licensed embalmer, has satisfied all of the requirements for renewal established by law and has paid the board all back renewal fees as established by the board by rules and regulations.

(d) The expiration date of each license issued or renewed shall be established by rules and regulations of the board. Subject to the provisions of this subsection, each license shall be renewable on a biennial basis upon the filing of a renewal application prior to the expiration date of the license and upon payment of the renewal fee established pursuant to K.S.A. 65-1727, and amendments thereto. To provide for a system of biennial renewal of licenses, the state board of mortuary arts may provide by rules and regulations that licenses issued or renewed for the first time after the effective date of this act may expire less than two years from the date of issuance or renewal. In each case in which a license is issued or renewed for a period of time less than two years, the board shall prorate to the nearest whole month the license or renewal fee established pursuant to K.S.A. 65-1727, and amendments thereto. The provisions of this subsection ~~(d)~~ ***shall not apply to apprentice licenses or periods of apprenticeship under K.S.A. 65-1701a,***

and amendments thereto.

(e) Every licensed embalmer who desires to be actively engaged in the practice of embalming in Kansas shall submit with the renewal application evidence of satisfactory completion of a program of continuing education required by the board. The board by duly adopted rules and regulations shall establish the requirements for such program of continuing education as soon as possible after ~~the effective date of this act~~ *July 1, 2026. The program of continuing education approved by the board shall, at a minimum, require six hours of continuing education annually,* ~~*three of which shall be in person or live online where the presenter shall be able to verify attendance and provide the licensee with the opportunity to ask the presenter questions concerning the content of the program*~~*{ all of which may be live online}.*

(f) Every licensed embalmer who is not actively engaged in the practice of embalming in the state shall be exempt from the continuing education requirements set forth in subsection (e) ~~of this section~~***. If the person becomes engaged in the active practice of embalming, such person shall within the first full year after becoming engaged in active practice meet the continuing education requirements specified by the board.***

Sec. ~~3.~~ ***{4.} K.S.A. 65-1716 is hereby amended to read as follows: 65-1716. (a) The renewal fee for a funeral director's license shall be in the amount fixed by the state board of mortuary arts in accordance with the provisions of K.S.A. 65-1727, and amendments thereto. The fee shall be due and payable to the secretary of the board prior to the expiration date of the license. The secretary of the board shall mail a notice of the expiration date of each license and of the renewal fee at least 30 days prior to the date of expiration to the last known address of each licensee. If the licensee fails to pay such renewal fee within the time specified, the licensee shall be automatically suspended and denied the right to practice funeral directing in this state during such suspension.***

(b) The board may reinstate such lapsed license upon the payment of the fee in arrears, plus the additional reinstatement fee in the amount equal to the renewal fee, if such lapse is not over six months in duration.

(c) Any person who fails to reinstate a lapsed license within six months after the lapse of such license may apply for relicensure by making application on a form provided by the board. Relicensure shall be granted upon receipt of proof that the applicant is competent to act as a licensed funeral director, meets qualifications to act as a licensed funeral director, has satisfied all of the requirements for renewal established by law and has paid the board all back renewal fees as established by the board by rules and regulations.

(d) The expiration date of each license shall be established by rules

and regulations of the board. Subject to the provisions of this subsection, each license shall be renewed on a biennial basis upon the filing of a renewal application prior to the expiration date of the license and upon payment of the renewal fee established pursuant to K.S.A. 65-1727, and amendments thereto. To provide for a system of biennial renewal of licenses, the board may provide by rules and regulations that licenses issued or renewed for the first time after the effective date of this act may expire less than two years from the date of issuance or renewal. In each case in which a license is issued or renewed for a period of time of less than two years, the board shall prorate to the nearest whole month the license or renewal fee established pursuant to K.S.A. 65-1727, and amendments thereto.

(e) Every licensed funeral director who desires to be actively engaged in the practice of funeral directing in Kansas shall submit with the renewal application and renewal fee evidence of satisfactory completion of a program of continuing education required by the board. The board by duly adopted rules and regulations shall establish the requirements for such program of continuing education as soon as possible after ~~the effective date of this act~~ *July 1, 2026. The program of continuing education approved by the board shall, at a minimum, require six hours of continuing education annually,* ~~*three of which shall be in-person or live online where the presenter shall be able to verify attendance and provide the licensee with the opportunity to ask the presenter questions concerning the content of the program*~~***{ all of which may be live online}.***

(f) Every licensed funeral director who is not actively engaged in the practice of funeral directing in the state shall be exempt from the continuing education requirements set forth in this section. If the person becomes engaged in the active practice of funeral directing, such person shall within the first full year after becoming engaged in active practice meet the continuing education requirements specified by the board.

Sec. ~~4.~~ ***{5.} K.S.A. 65-1769 is hereby amended to read as follows: 65-1769.*** ~~On and after July 1, 2011,~~ *(a)* ***A crematory operator shall, in connection with such person's licensed crematory, use the words "crematory operator" or any other title implying that such person is engaged in the business of cremation.***

(b) Nothing in K.S.A. 65-1760 et seq., and amendments thereto, shall be construed to prohibit a person who holds a crematory license from using the word "crematory" in the name or title of any other business or operation owned by such person if such business or operation is licensed under article 17 of chapter 65 of Kansas Statutes Annotated, and amendments thereto.

Sec.~~2. 5.~~ ***{6.}*** K.S.A. ***{21-6205, }***22a-215~~is~~***, 65-1702, 65-1716 and***

65-1769 are hereby repealed.

Sec. ~~3. 6.~~ ***{7.}*** This act shall take effect and be in force from and after its publication in the statute book.