

SESSION OF 2012

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2121**

As Amended by House Committee on Judiciary

**Brief\***

HB 2121 would provide for a coroner's permit to cremate to be authorized by the coroner of the jurisdiction in Kansas in which the death occurs. It also would allow the coroner to transfer jurisdictions to another, in or out of state, if the coroners of both jurisdiction agree to it in writing. If the transfer occurs, the authority to cremate would follow and be limited to the new jurisdiction.

When the death occurs out of state and cremation of the body is intended to take place in a Kansas jurisdiction, the bill would allow the coroner of the jurisdiction to authorize cremation. If the coroner knows the location of the death, however, the bill first would require a good faith attempt to receive written authorization for the cremation from the coroner in the jurisdiction where death occurred. A "good faith attempt" would be presumed if the coroner attempts to contact the coroner in the jurisdiction where death occurred and within 48 hours does not receive either written authorization to cremate or some information indicating an investigation is pending or some similar denial to cremate. The coroner also would be required to maintain as part of the records about the body a statement explaining the attempt to contact the coroner in the jurisdiction where the death occurred.

When the death occurs out of state but the coroner knows the cause of death occurred in Kansas, prior to authorizing cremation, the coroner would be required to seek the authorization or transfer of jurisdiction from the coroner in

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

the Kansas jurisdiction where the cause of death occurred. Further, in those circumstances, the coroner would not be required to seek authorization from the out-of-state coroner.

The bill also would provide that an electronically signed copy of the coroner's permit to cremate would constitute legal authorization for cremation.

### **Background**

In the House Committee on Judiciary, Representative Marc Rhoades and Dr. Erik Mitchell of Frontier Forensics appeared in support of the bill. A representative of the Kansas Funeral Directors Associations appeared as an opponent. The Committee amended the bill by adding provisions on deaths that occur out of state and clarifying that electronically signed copies of coroners' permits to cremate would constitute legal authorization for cremation.

The fiscal note for HB 2121 as introduced indicates passage of the bill would have no fiscal effect.