

HOUSE BILL No. 2262

By Committee on Health and Human Services

2-8

1 AN ACT concerning health and healthcare; relating to preparation of
2 bodies for a funeral or cremation; cremation documentation
3 requirements; removing the requirement to provide a permit to cremate
4 in certain circumstances; authorizing electronic permits to cremate;
5 eliminating certain funeral director monthly reporting requirements;
6 amending K.S.A. 65-1762 and 65-2426a and repealing the existing
7 sections; also repealing K.S.A. 65-2429.
8

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

10 Section 1. K.S.A. 65-1762 is hereby amended to read as follows: 65-
11 1762. (a) The licensed crematory operator in charge shall supervise the
12 licensed crematory on a full-time or a part-time basis and perform such
13 other duties relating to the supervision of a licensed crematory as
14 prescribed by the board by rules and regulations. The crematory operator
15 in charge of a licensed crematory ~~must~~ shall hold a Kansas crematory
16 operator's license. Additionally, a crematory operator in charge ~~must~~ shall
17 hold a funeral director's license unless the crematory only receives dead
18 human bodies for cremation through licensed funeral establishments or
19 branch funeral establishments.

20 (b) Only licensed crematory operators may perform cremation.

21 (c) No crematory operator or crematory operator in charge shall
22 cremate or cause to be cremated any dead human body until it has
23 received:

24 (1) A cremation authorization form signed by an authorizing agent.
25 The written authorization shall include:

26 (A) The identity of the dead human body and the time and date of
27 death;

28 (B) the name of the funeral director or assistant funeral director and
29 the funeral establishment or branch establishment, or the authorizing
30 agent, that obtained the cremation authorization;

31 (C) notification as to whether the cause of death occurred from a
32 disease declared by the department of health and environment to be
33 infectious, contagious, communicable or dangerous to the public health;

34 (D) the name of the authorizing agent and the relationship between
35 the authorizing agent and the decedent;

36 (E) authorization for the crematory to cremate the dead human body;

1 (F) a representation that the dead human body does not contain a
2 pacemaker or any other material or implant that may be potentially
3 hazardous or cause damage to the cremation chamber or the person
4 performing the cremation;

5 (G) the name of the person authorized to receive the cremated
6 remains from the crematory; and

7 (H) the signature of the authorizing agent, attesting to the accuracy of
8 all representations contained on the cremation authorization form; *and*

9 (2) a completed and executed coroner's permit to cremate, ~~as is~~
10 ~~provided in if required by~~ K.S.A. 65-2426a, and amendments thereto,
11 indicating that the dead human body is to be cremated.

12 Sec. 2. K.S.A. 65-2426a is hereby amended to read as follows: 65-
13 2426a. (a) No dead body, ~~as such term is defined in subsection (f) of~~
14 K.S.A. 65-2401, and amendments thereto, shall be cremated unless a
15 coroner's permit to cremate has been ~~furnished~~ *executed* to authorize such
16 cremation, *if the death or cause of death occurred within the state of*
17 *Kansas or in a state where such permit to cremate is required.*

18 (2) A telefacsimile *or electronic* signed copy of the coroner's permit
19 to cremate ~~which~~ *that* authorizes the cremation shall constitute legal
20 authorization for such cremation under this section.

21 (b) The provisions of this section shall be ~~construed as a part of and~~
22 supplemental to and as a part of the uniform vital statistics act.

23 (c) Any person who knowingly violates this section, upon conviction,
24 shall be fined not more than \$500.

25 Sec. 3. K.S.A. 65-1762, 65-2426a and 65-2429 are hereby repealed.

26 Sec. 4. This act shall take effect and be in force from and after its
27 publication in the statute book.