

## SENATE BILL No. 556

By Committee on Public Health and Welfare

2-2

9 AN ACT concerning the right to control the disposition of a decedent's  
10 remains.

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

13 Section 1. (a) The following persons, in order of priority stated, when  
14 persons in prior classes are unavailable at time of death, may order any  
15 lawful manner of final disposition of a decedent's remains including bur-  
16 ial, cremation, entombment or anatomical donation:

17 (1) The agent for health care decisions established by a durable power  
18 of attorney for health care decisions pursuant to K.S.A. 58-625, *et seq.*,  
19 and amendments thereto, if such power of attorney conveys to the agent  
20 the authority to make decisions concerning disposition of the deceased's  
21 body;

22 (2) the spouse of the decedent;

23 (3) the decedent's surviving adult children. If there is more than one  
24 adult child, any adult child who confirms in writing the notification of all  
25 other adult children may serve as the authorizing agent unless the cre-  
26 matory authority receives written objection to the cremation from another  
27 adult child;

28 (4) the decedent's surviving parents;

29 (5) the persons in the next degree of kinship under the laws of de-  
30 scendent and distribution to inherit the estate of the deceased. If there is  
31 more than one person of the same degree, any person of that degree may  
32 direct the manner of disposition;

33 (6) a guardian of the person of the decedent at the time of such  
34 person's death;

35 (7) the personal representative of the deceased; or

36 (8) in the case of indigents or any other individuals whose final dis-  
37 position is the responsibility of the state or county, the public official  
38 charged with arranging the final disposition pursuant to K.S.A. 1999 Supp.  
39 22a-215 and amendments thereto.

40 (b) A funeral director, funeral establishment or crematory shall not  
41 be subject to criminal prosecution or civil liability for carrying out the  
42 otherwise lawful instructions of the decedent or the person or persons  
under this section if the funeral director reasonably believes such person

- 1 is entitled to control final disposition.
- 2 Sec. 2. This act shall take effect and be in force from and after it
- 3 publication in the statute book.