

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend _____ Senate Bill No. 554, Page 1, Section TITLE, Line 3,

2 by striking "coroners" and inserting in lieu thereof the
3 following: "the deceased"; and

4 Further amend said bill, page 12, section 193.145, line 22,
5 by inserting an opening bracket "[" immediately before "Nothing";
6 and further amend line 28, by inserting a closing bracket "]"
7 immediately after "operational."; and

8 Further amend said bill and section, page 13, line 48, by
9 inserting after "certification" the following: "and
10 attestation"; and further amend line 49, by inserting after
11 "certification" the following: "and attestation"; and

12 Further amend said bill and section, page 14, line 68, by
13 inserting after "information" the following: "and attestation";
14 and further amend line 71, by inserting after "data" the
15 following: "and attestation"; and further amend line 73, by
16 inserting after "certification" the following: "and
17 attestation"; and

18 Further amend said bill and section, page 15, line 111, by
19 striking "(1)" from said line; and further amend lines 116-122 by
20 striking all of said lines; and

21 Further amend said bill, section 193.265, page 17, line 72

1 by inserting after " records." the following: "In the event that
2 it is determined by the state registrar that any required
3 information from any data provider was missing or incomplete on
4 records or documentation that were filed with or submitted to the
5 local registrar and then sent to the state registrar, the state
6 registrar shall return the records or documentation to the local
7 registrar so that the data provider, funeral director, or person
8 in charge of the final disposition, can provide the missing or
9 incomplete information. Nothing in this subsection removes any
10 requirement in any statute or regulation as to when an affidavit
11 or court order is necessary to amend a death certificate that has
12 been issued."; and further amend line 74, by inserting after all
13 of said line the following:

14 "194.119. 1. As used in this section, the term "right of
15 sepulcher" means the right to choose and control the burial,
16 cremation, or other final disposition of a dead human body.

17 2. For purposes of this chapter and chapters 193, 333, and
18 436, and in all cases relating to the custody, control, and
19 disposition of deceased human remains, including the common law
20 right of sepulcher, where not otherwise defined, the term
21 "next-of-kin" means the following persons in the priority listed
22 if such person is eighteen years of age or older, is mentally
23 competent, and is willing to assume responsibility for the costs
24 of disposition:

25 (1) An attorney in fact designated in a durable power of
26 attorney wherein the deceased specifically granted the right of
27 sepulcher over his or her body to such attorney in fact;

28 (2) For a decedent who was on active duty in the United
29 States military at the time of death, the person designated by

1 such decedent in the written instrument known as the United
2 States Department of Defense Form 93, Record of Emergency Data,
3 in accordance with [P.L. 109-163, Section 564,] 10 U.S.C. Section
4 1482;

5 (3) The surviving spouse, unless an action for the
6 dissolution of the marriage has been filed and is pending in a
7 court of competent jurisdiction;

8 (4) Any surviving child of the deceased. If a surviving
9 child is less than eighteen years of age and has a legal or
10 natural guardian, such child shall not be disqualified on the
11 basis of the child's age and such child's legal or natural
12 guardian, if any, shall be entitled to serve in the place of the
13 child unless such child's legal or natural guardian was subject
14 to an action in dissolution from the deceased. In such event the
15 person or persons who may serve as next-of-kin shall serve in the
16 order provided in subdivisions (5) to (9) of this subsection;

17 (5) (a) Any surviving parent of the deceased; or

18 (b) If the deceased is a minor, a surviving parent who has
19 custody of the minor; or

20 (c) If the deceased is a minor and the deceased's parents
21 have joint custody, the parent whose residence is the minor
22 child's residence for purposes of mailing and education;

23 (6) Any surviving sibling of the deceased;

24 (7) The next nearest surviving relative of the deceased by
25 consanguinity or affinity;

26 (8) Any person or friend who assumes financial
27 responsibility for the disposition of the deceased's remains if
28 no next-of-kin assumes such responsibility;

29 (9) The county coroner or medical examiner; provided

1 however that such assumption of responsibility shall not make the
2 coroner, medical examiner, the county, or the state financially
3 responsible for the cost of disposition.

4 3. The next-of-kin of the deceased shall be entitled to
5 control the final disposition of the remains of any dead human
6 being consistent with all applicable laws, including all
7 applicable health codes. The next-of-kin may delegate the
8 control of the final disposition of the remains of any dead human
9 being to an agent through either a specific or general grant of
10 power in accordance with section 404.710 if, at the time of
11 delegation, the next-of-kin was eighteen years of age or older
12 and mentally competent and the principal or agent is taking
13 financial responsibility for the disposition.

14 4. A funeral director or establishment is entitled to rely
15 on and act according to the lawful instructions of any person
16 claiming to be the next-of-kin of the deceased; provided however,
17 in any civil cause of action against a funeral director or
18 establishment licensed pursuant to this chapter for actions taken
19 regarding the funeral arrangements for a deceased person in the
20 director's or establishment's care, the relative fault, if any,
21 of such funeral director or establishment may be reduced if such
22 actions are taken in reliance upon a person's claim to be the
23 deceased person's next-of-kin.

24 5. Any person who desires to exercise the right of
25 sepulcher and who has knowledge of an individual or individuals
26 with a superior right to control disposition shall notify such
27 individual or individuals prior to making final arrangements.

28 6. If an individual with a superior claim is [personally
29 served with written notice from] notified in person or by written

1 notice with delivery confirmation to such person's last known
2 address by a person with an inferior claim that such person
3 desires to exercise the right of sepulcher and the individual so
4 served does not object within forty-eight hours of [receipt] such
5 notice, such individual shall be deemed to have waived such
6 right. An individual with a superior right may also waive such
7 right at any time if such waiver is in writing and dated.

8 7. If there is more than one person in a class who are
9 equal in priority and the funeral director has no knowledge of
10 any objection by other members of such class, the funeral
11 director or establishment shall be entitled to rely on and act
12 according to the instructions of the first such person in the
13 class to make arrangements; provided that such person assumes
14 responsibility for the costs of disposition and no other person
15 in such class provides written notice of his or her objection.
16 If the funeral director has knowledge that there is more than one
17 person in a class who are equal in priority and who do not agree
18 on the disposition, the decision of the majority of the members
19 of such class shall control the disposition.

20 8. For purposes of conducting a majority vote under
21 subsection 7 of this section, the funeral director shall allow
22 voting by proxy using a written authorization or instrument.";
23 and

24 Further amend the title and enacting clause accordingly.