

FIRST REGULAR SESSION

HOUSE BILL NO. 619

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FRAKER.

1457H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 214.208, RSMo, and to enact in lieu thereof one new section relating to disinterment of human remains.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 214.208, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 214.208, to read as follows:

214.208. 1. Every person or association which owns any cemetery in which dead human remains are buried or otherwise interred is authorized, at the cemetery owner's expense, to disinter individual remains and reinter or rebury the remains at another location within the cemetery in order to correct an error made in the original burial or interment of the remains.

2. Every person or association which owns any cemetery in which dead human remains are buried or otherwise interred is authorized to disinter individual remains and either to reinter or rebury the remains at another location within the cemetery or to deliver the remains to a carrier for transportation out of the cemetery, all pursuant to written instructions signed and acknowledged by **the next-of-kin at the time of death of the deceased person as set out in section 194.119. If the next-of-kin at the time of death as set out in section 194.119 is no longer living**, a majority of the following adult members of the deceased person's family who are then known and living: surviving spouse, children, and parents **may authorize the disinterment**. If none of the above family members survive the deceased, then the majority of the grandchildren, brothers and sisters of whole and half blood may authorize the disinterment, relocation or delivery of the remains of the deceased. The costs of such disinterment, relocation or delivery shall be paid by the deceased person's family.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 3. Every person or association which owns any cemetery in which dead human remains
18 are buried or otherwise interred is authorized to disinter individual remains and either to reinter
19 or rebury the remains at another location within the cemetery or to deliver the remains to a carrier
20 for transportation out of the cemetery, all pursuant to a final order issued by the circuit court for
21 the county in which the cemetery is located. The court may issue the order, in the court's
22 discretion and upon such notice and hearing as the court shall deem appropriate, for good cause
23 shown, including without limitation, the best interests of public health or safety, the best interests
24 of the deceased person's family, or the reasonable requirements of the cemetery to facilitate the
25 operation, maintenance, improvement or enlargement of the cemetery. The costs of such
26 disinterment, relocation and delivery, and the related court proceedings, shall be paid by the
27 persons so ordered by the court.

28 4. The cemetery owner, **cemetery operator, funeral director, funeral establishment,**
29 **or any other person or entity involved in the process** shall not be liable to the deceased
30 person's family or to any third party for a disinterment, relocation or delivery of deceased human
31 remains made pursuant to this section.

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