

HCS HB 1597 -- DISPOSITION OF HUMAN REMAINS

SPONSOR: Fraker

COMMITTEE ACTION: Voted "Do Pass with HCS by Consent" by the Standing Committee on Judiciary by a vote of 8 to 0. Voted "Do Pass- Consent" by the Consent and House Procedure Committee by a vote of 7 to 3.

Currently, the surviving spouse is first on the hierarchy of an individual's next-of-kin authorized to assume responsibility for the disposition of human remains. This bill exempts the surviving spouse when a dissolution of marriage has been filed and is pending in a court of competent jurisdiction.

This bill permits the next-of-kin to delegate the control of the final disposition of the remains of any dead human being to an agent through either a specific or general grant of power in accordance with Section 404.710, RSMo, if, at the time of delegation, the next-of-kin is 18 years of age or older and mentally competent and the principal or agent is taking financial responsibility for the disposition.

Currently, a person with an inferior claim must personally serve a written notice to a person with a superior claim if he or she desires to exercise his or her right of sepulcher. This bill allows the individual with the inferior claim to notify the person with the superior claim in person or by written notice with delivery confirmation to the person's last known address.

This bill is similar to HB 909 (2017).

PROPOSERS: Supporters say that this helps when next-of-kin are away, such as being out of the country or in the military. The next-of-kin could delegate a person to handle the decision on how to dispose of the remains. It is important to keep the notice requirement as simple as possible because there are people spread out around the world who might have claims, so it would be difficult to have to notify someone in person.

Testifying for the bill were Representative Fraker and the Missouri Funeral Directors Association.

OPPOSERS: There was no opposition voiced to the committee.