

amended 2-20-89 (p. 444)

Reprinted 2-22-89

FILED FEB 14 1989

House Jud & Law
Amended DO pass 3-9-89 (p. 728)

216

SENATE FILE

BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 17)

Passed Senate, Date 2-22-89 (p. 484) Passed House, Date 4-11-89 (p. 1445)

Vote: Ayes 50 Nays 0 Vote: Ayes 99 Nays 0

Approved May 2, 1989

A BILL FOR

3092-1 An Act relating to the inspection of a body by the state medical
2 examiner or a county medical examiner prior to cremation of
3 the body, providing reporting requirements, providing for the
4 payment of costs, and making penalties applicable.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 216

1 Section 1. Section 331.805, subsection 3, Code 1989, is
2 amended to read as follows:

3 3. a. It is unlawful to cremate, bury, or send out of the
4 state the body of a deceased person when death occurred in a
5 manner specified in section 331.802, subsection 3, until a
6 medical examiner certifies in writing that the examiner has
7 viewed the body, has made personal inquiry into the cause and
8 manner of death, and all necessary autopsy or postmortem
9 examinations have been completed. However, the body of a
10 deceased person may be sent out of state for the purpose of an
11 autopsy or postmortem examination if the county medical
12 examiner certifies in writing that the out-of-state autopsy or
13 postmortem examination is necessary or, in the case of a death
14 which is not of public interest as specified in section
15 331.802, subsection 3, if the attending physician certifies to
16 the county medical examiner that the performance of the
17 autopsy out of state is proper.

3092-18 b. If the next of kin, guardian, or other person
19 authorized to act on behalf of a deceased person has requested
20 that the body of the deceased person be cremated, the body
21 must first be inspected by, and the cause and manner of death
22 must be determined by, any county medical examiner or the
23 state medical examiner, and a cremation permit must be
24 obtained from that medical examiner. Cremation permits and
25 reports of the investigation by the medical examiner must be
26 made on the most current forms prepared at the direction of
27 and approved by the state medical examiner, with copies
28 forwarded to the state medical examiner's office. All costs
29 for the investigation by the medical examiner shall be borne
30 by the family, next of kin, or guardian of the decedent.

31 EXPLANATION

32 This bill provides that in all cases where cremation of a
33 body is requested by the next of kin, guardian, or other
34 authorized person, the body must first be inspected by the
35 state medical examiner or a county medical examiner for

1 determination of the cause and manner of death. A report of
2 the investigation must be filed with the state medical
3 examiner. The family, next of kin, or guardian must pay for
4 the investigation. A person who violates the new provision is
5 guilty of a serious misdemeanor.

6 The law already requires inspection by a medical examiner
7 prior to cremation in cases of death by violence, death from
8 an unexplained cause, and other manners of death affecting the
9 public interest as specified in section 331.802, subsection 3.

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SENATE FILE 216

S-3092

1 Amend Senate File 216 as follows:

2 1. Page 1, by striking lines 18 through 30 and
3 inserting the following:

3103, 3102-4 "b. If the next of kin, guardian, or other person
5 authorized to act on behalf of a deceased person has
6 requested that the body of the deceased person be
7 cremated, a permit for cremation must be issued by a
8 medical examiner. Cremation permits by the medical
9 examiner must be made on the most current forms
10 prepared at the direction of and approved by the state
11 medical examiner, with copies forwarded to the state
12 medical examiner's office. Costs for the cremation
13 permit issued by the medical examiner shall be borne
14 by the family, next of kin, or guardian of the
15 decedent."

16 2. Title page, by striking lines 1 through 3 and
17 inserting the following: "An Act relating to the
18 issuance of cremation permits, providing reporting
19 requirements, providing for the".

By LARRY MURPHY

S-3092 FILED FEBRUARY 20, 1989

SENATE FILE 216

S-3102

1 Amend amendment, S-3092, to Senate File 216 as
2 follows:

3 1. Page 1, line 7, by striking the words "issued
4 by" and inserting the following: "obtained from".

By LARRY MURPHY

S-3102 FILED FEBRUARY 22, 1989

ADOPTED 2-22-89 (p484)

SENATE FILE 216

S-3103

1 Amend amendment, S-3092, to Senate File 216 as
2 follows:

3 1. Page 1, line 8, by inserting after the word
4 "examiner." the following: "However, a permit is not
5 required if the deceased person was a member of an
6 established religion whose tenets are opposed to the
7 inspection or examination of the body of a deceased
8 person."

By JULIA GENTLEMAN

S-3103 FILED FEBRUARY 22, 1989

ADOPTED 2-22-89 (p484)

SENATE FILE 216
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 17)
(AS AMENDED AND PASSED BY THE SENATE FEBRUARY 22, 1989)
_____ - New Language by the Senate

Passed Senate, Date 4-17-89 (P. 1445) Passed House, Date 4-11-89 (P. 1445)
Vote: Ayes 41 Nays 0 Vote: Ayes 99 Nays 0
Approved 5-2-89 (P. 1850)

A BILL FOR

1 An Act relating to the issuance of cremation permits, providing
2 reporting requirements, providing for the payment of costs,
3 and making penalties applicable.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 216

1 Section 1. Section 331.805, subsection 3, Code 1989, is
2 amended to read as follows:

3 3. a. It is unlawful to cremate, bury, or send out of the
4 state the body of a deceased person when death occurred in a
5 manner specified in section 331.802, subsection 3, until a
6 medical examiner certifies in writing that the examiner has
7 viewed the body, has made personal inquiry into the cause and
8 manner of death, and all necessary autopsy or postmortem
9 examinations have been completed. However, the body of a
10 deceased person may be sent out of state for the purpose of an
11 autopsy or postmortem examination if the county medical
12 examiner certifies in writing that the out-of-state autopsy or
13 postmortem examination is necessary or, in the case of a death
14 which is not of public interest as specified in section
15 331.802, subsection 3, if the attending physician certifies to
16 the county medical examiner that the performance of the
17 autopsy out of state is proper.

3189, 3324

18 b. If the next of kin, guardian, or other person
19 authorized to act on behalf of a deceased person has requested
20 that the body of the deceased person be cremated, a permit for
21 cremation must be obtained from a medical examiner. However,
22 a permit is not required if the deceased person was a member
23 of an established religion whose tenets are opposed to the
24 inspection or examination of the body of a deceased person.
25 Cremation permits by the medical examiner must be made on the
26 most current forms prepared at the direction of and approved
27 by the state medical examiner, with copies forwarded to the
28 state medical examiner's office. Costs for the cremation
29 permit issued by the medical examiner shall be borne by the
30 family, next of kin, or guardian of the decedent.

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SENATE FILE 216

H-3324

1 Amend Senate File 216 as amended, passed, and
2 reprinted by the Senate, as follows:

33B-3 1. Page 1, by striking lines 20 and 21 and
4 inserting the following: "that the body of the
5 deceased person be cremated, the cause and manner of
6 death must first be determined by the county medical
7 examiner of the county in which the death occurred or
8 the body is discovered, and a permit for cremation
9 must be obtained from that medical examiner.

A

10 However,".
11 2. Page 1, line 25, by striking the words "the
12 medical" and inserting the following: "a medical".

13 3. Page 1, line 28, by striking the word "the"
14 and inserting the following: "a".

B

15 4. Page 1, by striking lines 29 and 30, and
16 inserting the following: "permit issued by a medical
17 examiner shall not exceed twenty-five dollars. The
18 costs shall be borne by the family, next of kin,
19 guardian of the decedent, or other person."

By COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT
BY JAY of Appanoose, Chairperson

H-3324 FILED MARCH 9, 1989

3324A LOST 4-11-89 (p.1444)
3324B Adopted 4-11-89 (p.1444)

SENATE FILE 216

H-3373

1 Amend the amendment, H-3324, to Senate File 216, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 6 through 8 and
5 inserting the following: "death must first be
6 determined by a county medical examiner and a permit
7 for cremation".

8 2. Page 1, by striking line 10 and inserting the
9 following:

10 "____. Page 1, lines 22 through 24, by striking
11 the words "However, a permit is not required if the
12 deceased person was a member of an established
13 religion whose tenets are opposed to the inspection or
14 examination of the body of a deceased person."

15 3. By numbering and renumbering as necessary.
By MUHLBAUER of Crawford

H-3373 FILED MARCH 13, 1989

Muhlbauer 4-11-89 (p.1444)

HOUSE AMENDMENT TO
SENATE FILE 216

S-3689

1 Amend Senate File 216 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 29 and 30, and
4 inserting the following: "permit issued by a medical
5 examiner shall not exceed twenty-five dollars. The
6 costs shall be borne by the family, next of kin,
7 guardian of the decedent, or other person."

RECEIVED FROM THE HOUSE

S-3689 FILED APRIL 13, 1989

MURPHY, CH.
CORNING
GENTLEMAN

SSB 17
HUMAN RESOURCES
H.R.D.

SENATE FILE 216
BY (PROPOSED DEPARTMENT OF
PUBLIC SAFETY BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the inspection of a body by the state medical
2 examiner or a county medical examiner prior to cremation of
3 the body, providing reporting requirements, providing for the
4 payment of costs, and making penalties applicable.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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4 state the body of a deceased person when death occurred in a
5 manner specified in section 331.802, subsection 3, until a
6 medical examiner certifies in writing that the examiner has
7 viewed the body, has made personal inquiry into the cause and
8 manner of death, and all necessary autopsy or postmortem
9 examinations have been completed. However, the body of a
10 deceased person may be sent out of state for the purpose of an
11 autopsy or postmortem examination if the county medical
12 examiner certifies in writing that the out-of-state autopsy or
13 postmortem examination is necessary or, in the case of a death
14 which is not of public interest as specified in section
15 331.802, subsection 3, if the attending physician certifies to
16 the county medical examiner that the performance of the
17 autopsy out of state is proper.

18 b. If the next of kin, guardian, or other person
19 authorized to act on behalf of a deceased person has requested
20 that the body of the deceased person be cremated, the body
21 must first be inspected by, and the cause and manner of death
22 must be determined by, any county medical examiner or the
23 state medical examiner, and a cremation permit must be
24 obtained from that medical examiner. Cremation permits and
25 reports of the investigation by the medical examiner must be
26 made on the most current forms prepared at the direction of
27 and approved by the state medical examiner, with copies
28 forwarded to the state medical examiner's office. All costs
29 for the investigation by the medical examiner shall be borne
30 by the family, next of kin, or guardian of the decedent.

31 EXPLANATION

32 This bill provides that in all cases where cremation of a
33 body is requested by the next of kin, guardian, or other
34 authorized person, the body must first be inspected by the
35 state medical examiner or a county medical examiner for

1 determination of the cause and manner of death. A report of
2 the investigation must be filed with the state medical
3 examiner. The family, next of kin, or guardian must pay for
4 the investigation. A person who violates the new provision is
5 guilty of a serious misdemeanor.

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7 prior to cremation in cases of death by violence, death from
8 an unexplained cause, and other manners of death affecting the
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BACKGROUND STATEMENT
SUBMITTED BY THE AGENCY

This bill would prevent the cremation of bodies and
resultant destruction of evidence unless the medical examiner
has been notified and has had an opportunity to conduct an
investigation.

SENATE FILE 216

AN ACT
RELATING TO THE ISSUANCE OF CREMATION PERMITS, PROVIDING
REPORTING REQUIREMENTS, PROVIDING FOR THE PAYMENT OF
COSTS, AND MAKING PENALTIES APPLICABLE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 331.805, subsection 3, Code 1989, is amended to read as follows:

3. a. It is unlawful to cremate, bury, or send out of the state the body of a deceased person when death occurred in a manner specified in section 331.802, subsection 3, until a medical examiner certifies in writing that the examiner has viewed the body, has made personal inquiry into the cause and manner of death, and all necessary autopsy or postmortem examinations have been completed. However, the body of a deceased person may be sent out of state for the purpose of an autopsy or postmortem examination if the county medical examiner certifies in writing that the out-of-state autopsy or postmortem examination is necessary or, in the case of a death which is not of public interest as specified in section 331.802, subsection 3, if the attending physician certifies to the county medical examiner that the performance of the autopsy out of state is proper.

b. If the next of kin, guardian, or other person authorized to act on behalf of a deceased person has requested that the body of the deceased person be cremated, a permit for cremation must be obtained from a medical examiner. However, a permit is not required if the deceased person was a member of an established religion whose tenets are opposed to the inspection or examination of the body of a deceased person. Cremation permits by the medical examiner must be made on the most current forms prepared at the direction of and approved

by the state medical examiner, with copies forwarded to the state medical examiner's office. Costs for the cremation permit issued by a medical examiner shall not exceed twenty-five dollars. The costs shall be borne by the family, next of kin, guardian of the decedent, or other person.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 216, Seventy-third General Assembly.

JOHN F. DWYER
Secretary of the Senate
Approved Moynihan, 1989

TERRY E. BRANSTAD
Governor