

FEB 27 1996
COMMERCE AND REGULATION

HOUSE FILE 2360
BY EDDIE

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

A BILL FOR

1 An Act relating to the authority of certain persons to request
2 that a deceased person be cremated.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2360

1 Section 1. Section 142.1, Code 1995, is amended to read as
2 follows:

3 142.1 DELIVERY OF BODIES.

4 The body of every person dying in a public asylum,
5 hospital, county care facility, penitentiary, or reformatory
6 in this state, or found dead within the state, or which is to
7 be buried at public expense in this state, except those buried
8 under the provisions of chapter 249, and which is suitable for
9 scientific purposes, shall be delivered to the medical college
10 of the state university, or some osteopathic or chiropractic
11 college or school located in this state, which has been
12 approved under the law regulating the practice of osteopathy
13 or chiropractic; but no such body shall be delivered to any
14 such college or school if the deceased person expressed a
15 desire during the person's last illness that the person's body
16 should be buried ~~or-cremated~~, nor if such is the desire of the
17 person's relatives or if the spouse of the deceased person, or
18 if there is no spouse, the person authorized to act on behalf
19 of the deceased person, or if there is no such authorized
20 person, the next of kin of the deceased person, or if there is
21 no next of kin, a friend of the deceased person, requests that
22 the deceased person be cremated. If the person requesting
23 cremation of the deceased person does not provide for
24 cremation and cremation expenses within five days, the body
25 shall be used for scientific purposes under this chapter. If
26 the person requesting cremation of the deceased person
27 provides for cremation and cremation expenses within five
28 days, the body of the deceased person shall be delivered to
29 the person requesting the cremation of the deceased person at
30 no expense to the state or county. Such bodies shall be
31 equitably distributed among said colleges and schools
32 according to their needs for teaching anatomy in accordance
33 with such rules as may be adopted by the Iowa department of
34 public health. The expense of transporting said bodies to
35 such college or school shall be paid by the college or school

1 receiving the same. In the event the deceased person has not
2 expressed a desire during the person's last illness that the
3 person's body should be buried ~~or-cremated~~ and should have no
4 relatives that request the person's body for burial ~~or~~
5 cremation, if a friend objects to the use of the deceased
6 person's body for scientific purposes, said deceased person's
7 body shall be forthwith delivered to such friend for burial ~~or~~
8 cremation at no expense to the state or county. Unless such
9 friend provides for burial and burial expenses within five
10 days, the body shall be used for scientific purposes under
11 this chapter.

12 Sec. 2. NEW SECTION. 156.14 PERSONS AUTHORIZED TO
13 REQUEST CREMATION OF A DECEASED PERSON.

14 If the spouse of a deceased person, or if there is no
15 spouse, the person authorized to act on behalf of the deceased
16 person, or if there is no such authorized person, the next of
17 kin of a deceased person, requests that the body of a deceased
18 person be cremated, a funeral director shall comply with the
19 request and the request shall not be nullified by the contrary
20 request of another person.

21 Sec. 3. Section 331.805, subsection 3, paragraph b, Code
22 1995, is amended to read as follows:

23 ~~b. If the next of kin, guardian, or other person~~
24 ~~authorized to act on behalf of a deceased person has requested~~
25 ~~that the body of the deceased person be cremated, If cremation~~
26 ~~of the body of the deceased person is requested under the~~
27 ~~authorization for cremation provision established in section~~
28 ~~156.14, cremation of the body of the deceased person requires~~
29 ~~that a permit for cremation must be obtained from a medical~~
30 ~~examiner. However, a permit is not required if the deceased~~
31 ~~person was a member of an established religion whose tenets~~
32 ~~are opposed to the inspection or examination of the body of a~~
33 ~~deceased person. Cremation permits by the medical examiner~~
34 ~~must be made on the most current forms prepared at the~~
35 ~~direction of and approved by the state medical examiner, with~~

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

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EXPLANATION

7 Current law does not specifically require a funeral
8 director to comply with a request of the spouse, person
9 authorized to act on behalf of a deceased person, or next of
10 kin, that a deceased person be cremated if another person
11 disagrees.

12 Section 2 of this bill provides that if the spouse of a
13 deceased person, or if there is no spouse, the person
14 authorized to act on behalf of the deceased person, or if
15 there is no such authorized person, the next of kin of a
16 deceased person, requests that the body of a deceased person
17 be cremated, a funeral director shall comply with the request
18 and the request shall not be nullified by the contrary request
19 of another person.

20 Section 1 establishes the authorization for cremation
21 provision set forth in section 2. However, section 1 also
22 authorizes a friend of a deceased person who dies in a public
23 asylum, hospital, county care facility, penitentiary, or
24 reformatory, or who is found dead within this state, to
25 request that the deceased person be cremated when there is no
26 spouse, person authorized to act on behalf of the deceased
27 person, or next of kin.

28 Section 3 establishes the authorization for cremation
29 provision set forth in section 2 relating to the requirement
30 to obtain a cremation permit from a medical examiner involving
31 certain types of deaths.

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