

**Senate File 410 - Introduced**

SENATE FILE 410  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO SSB 1111)

**A BILL FOR**

1 An Act relating to a declaration concerning the final  
2 disposition of a person's remains and including  
3 applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 144B.1, subsection 2, Code 2017, is  
2 amended to read as follows:

3 2. "*Designee*" means a person named in a declaration under  
4 chapter 144C ~~that is contained in or attached to a durable~~  
5 ~~power of attorney for health care.~~

6 Sec. 2. Section 144C.2, subsection 8, Code 2017, is amended  
7 to read as follows:

8 8. "*Declaration*" means a written instrument, ~~contained in or~~  
9 ~~attached to a durable power of attorney for health care under~~  
10 ~~chapter 144B~~, that is executed by a declarant in accordance  
11 with the requirements of **this chapter**, and that names a  
12 designee who shall have the sole responsibility and discretion  
13 for making decisions concerning the final disposition of the  
14 declarant's remains and the ceremonies planned after the  
15 declarant's death.

16 Sec. 3. Section 144C.6, subsection 2, unnumbered paragraph  
17 1, Code 2017, is amended to read as follows:

18 A declaration executed pursuant to **this chapter** shall  
19 be in a written form that substantially complies with the  
20 form in **subsection 1**, is properly completed, ~~is contained~~  
21 ~~in or attached to a durable power of attorney for health~~  
22 ~~care under chapter 144B~~, and is dated and signed by the  
23 declarant or another person acting on the declarant's behalf  
24 at the direction of and in the presence of the declarant. In  
25 addition, a declaration shall be either of the following:

26 Sec. 4. APPLICABILITY. This Act applies to a declaration  
27 executed by a declarant pursuant to the provisions of this Act  
28 on or after the effective date of this Act.

29

#### EXPLANATION

30 The inclusion of this explanation does not constitute agreement with  
31 the explanation's substance by the members of the general assembly.

32 This bill provides that a written declaration executed  
33 by a person naming a designated adult to make decisions  
34 concerning the final disposition of the person's remains and  
35 the ceremonies planned after the person's death is not required

1 to be contained in or attached to a durable power of attorney  
2 for health care. A coordinating change is made in Code section  
3 144B.1(2).

4 The provisions of the bill are applicable to declarations  
5 executed by a declarant on or after the effective date of the  
6 bill.