

House Study Bill 521 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON KAUFMANN)

A BILL FOR

1 An Act relating to a disinterment permit for human and cremated
2 remains.

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

1 Section 1. Section 144.34, Code 2020, is amended to read as
2 follows:

3 **144.34 Disinterment — permit.**

4 Disinterment of the human remains or cremated remains of a
5 dead body or fetus shall be allowed for the purpose of autopsy
6 or reburial only, and then only following issuance of a permit
7 under this section and if accomplished by a funeral director.
8 A permit for such disinterment and, thereafter, reinterment
9 shall be issued by the state registrar according to rules
10 adopted pursuant to **chapter 17A** or when ordered by the district
11 court of the county in which the burial or disposition of such
12 ~~body is buried~~ human remains or cremated remains is made. The
13 state registrar, without a court order, shall not issue a
14 permit without the consent of the person authorized to control
15 the decedent's remains under **section 144C.5**. Disinterment for
16 the purpose of reburial may be allowed by court order only upon
17 a showing of substantial benefit to the public. Disinterment
18 for the purpose of autopsy or reburial by court order shall
19 be allowed only when reasonable cause is shown that someone
20 is criminally or civilly responsible for such death, after
21 hearing, upon reasonable notice prescribed by the court to
22 the person authorized to control the decedent's remains under
23 section 144C.5. Due consideration shall be given to the public
24 health, the dead, and the feelings of relatives.

25 EXPLANATION

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

28 This bill relates to the disinterment of a dead body or fetus
29 for the purposes of autopsy or reburial. The bill provides
30 that requirements for disinterment apply to both human remains
31 and cremated remains and that disinterment is subject to the
32 issuance of a permit by the state registrar or the order of a
33 district court.

34 ARC 4849C amends an administrative rule governing the
35 issuance of disinterment permits for human (non-cremated)

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1 remains and cremated remains. ARC 4849C would exempt cremated
2 remains from the required issuance of a permit for any
3 relocation of remains from the original site of interment or
4 entombment if the purpose is for autopsy or burial. ARC 4849C
5 will go into effect upon the adjournment of the 2020 session
6 of the general assembly if the general assembly does not take
7 action relating to this rulemaking.