

Senate File 2040 - Introduced

SENATE FILE 2040
BY SHIPLEY

A BILL FOR

1 An Act relating to the final disposition of human remains.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 144C.8, Code 2026, is amended to read as
2 follows:

3 **144C.8 Forfeiture of authority to control.**

4 A designee or person with the authority to control under
5 this chapter shall forfeit all rights and authority under a
6 declaration, or by operation of section 144C.5, and all rights
7 and authority under the declaration, or by operation of section
8 144C.5, shall vest in and devolve upon an alternate designee, or
9 if there is none, vest in and devolve pursuant to section 144C.5,
10 under either any of the following circumstances:

11 1. The designee or person with the authority to control under
12 this chapter is charged with murder in the first or second degree
13 or voluntary manslaughter in connection with the ~~declarant's~~
14 decedent's death and those charges are known to a third party.

15 2. The designee or person with the authority to control under
16 this chapter does not exercise the designee's authority under the
17 declaration or the person's authority under this chapter within
18 twenty-four hours of receiving notification of the death of
19 the ~~declarant~~ decedent or within forty hours of the ~~declarant's~~
20 decedent's death, whichever is earlier.

21 3. The designee or person with the authority to control under
22 this chapter does not claim the cremated remains of the decedent
23 within thirty calendar days after receipt of a written notice
24 from a third party.

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 final disposition of human remains.
29 The bill vests the authority to control the final disposition of
30 a decedent's cremated remains in the next competent adult listed
31 in Code section 144C.5 (final disposition of remains — right to
32 control) if a designee or person with the authority to control
33 the decedent's remains does not claim the cremated remains within
34 30 calendar days after receipt of a written notice from a third
35 party.

1 The bill also makes technical changes to Code section
2 144C.8 (forfeiture of authority to control) by changing certain
3 references to "declarant" to "decedent" and adding a reference to
4 the person granted authority pursuant to Code chapter 144C (final
5 disposition Act).

unofficial