

House File 2349 - Introduced

HOUSE FILE 2349
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 568)

(COMPANION TO SF 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:

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,
9 or if there is none, vest in and devolve pursuant to section
10 144C.5, under ~~either~~ any of the following circumstances:

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

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

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

26 EXPLANATION

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

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

1 notice from a third party.

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