SENATE FILE 2135
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 3056)

(As Amended and Passed by the Senate February 27, 2020)

_____ and [= New Language by the Senate

A BILL FOR

An Act relating to the final disposition and disinterment of human remains.

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

Section 1. Section 144.1, Code 2020, is amended by adding the following new subsections:

NEW SUBSECTION. 3A. *"Cremated remains"* means all the remains of the cremated human body recovered after the completion of the cremation process, including pulverization which leaves only bone fragments reduced to unidentifiable dimensions, and may include the residue of any foreign matter including casket material, bridgework, or eyeglasses that were cremated with the human remains.

NEW SUBSECTION. 3B. *"Cremation"* means the technical process, using heat and flame, that reduces human remains to bone fragments, with the reduction taking place through heat and evaporation. Cremation shall include the processing, and may include the pulverization, of the bone fragments.

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

144.34 Disinterment — permit.

1. *a.* Disinterment of a dead body or fetus, without a court order, shall be allowed for the purpose of autopsy or reburial only, and then only if ~~accomplished~~ supervised by a funeral director. ~~A permit for such disinterment and, thereafter, reinterment shall be issued by the state registrar according to rules adopted pursuant to chapter 17A or when ordered by the district court of the county in which such body is buried.~~

b. Disinterment of cremated remains, without a court order, shall be allowed, but only if supervised by a funeral director.

c. The state registrar, without a court order, shall not issue a permit without the consent of the person authorized to control the decedent's remains under section 144C.5.

2. *a.* Disinterment of a dead body or fetus for the purpose of reburial may be allowed by court order only upon a showing of substantial benefit to the public, and then only if supervised by a funeral director.

b. Disinterment of a dead body or fetus for the purpose of autopsy ~~or reburial~~ by court order shall be allowed only when

reasonable cause is shown that someone is criminally or civilly responsible for such death, after hearing, upon reasonable notice prescribed by the court to the person authorized to control the decedent's remains under section 144C.5, and then only if supervised by a funeral director.

c. Disinterment of a dead body or fetus for the purpose of cremation may be allowed by court order only if supervised by a funeral director. Subsequent to the disinterment, cremation of the body shall only be allowed upon a determination by the state or county medical examiner that the death was due to natural causes.

3. A permit for disinterment shall be issued by the state registrar according to rules adopted pursuant to chapter 17A or when ordered by the district court of the county in which such body is buried. A person authorized to control final disposition of a decedent's remains under section 144C.5 is an interested person and shall be entitled to notice prior to the obtaining of a court order.

4. Due consideration under this section shall be given to the public health, the ~~dead, and the feelings of relatives~~ preferences of a person authorized to control final disposition of a decedent's remains under section 144C.5, and any court order.

Sec. 3. Section 144C.3, subsection 4, Code 2020, is amended to read as follows:

4. A funeral director, an attorney, or any agent, owner, or employee of a funeral establishment, cremation establishment, cemetery, elder group home, assisted living program, adult day services program, or licensed hospice program shall not serve as a designee unless married to the declarant or related to the declarant within the third degree of consanguinity.