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## Civil Rights & Judiciary Committee

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### HB 1974

**Brief Description:** Disposing of human remains.

**Sponsors:** Representatives Abbarno, Bronoske and Doglio.

**Brief Summary of Bill**

- Decreases from 90 days to 30 days the period after which a person or entity in lawful possession of human remains may dispose of the remains if no relative or interested person directs the disposition of the remains.
- Adds counties to the list of entities that may dispose of unclaimed human remains after 30 days and that are required to transfer unclaimed remains of a veteran to the Department of Veterans Affairs.

**Hearing Date:** 1/24/24

**Staff:** Ben Ratcliff (786-7291) and Yelena Baker (786-7301)

**Background:**

Generally, a person has the authority to direct the disposition of their own remains. If a person has not made arrangements or provided directions, or if the cost of executing the person's wishes exceeds a reasonable amount, then responsibility for arranging the disposition, and the liability for the costs of the disposition, falls to the person's family or guardian.

When a person dies indigent and their body is not claimed by relatives or a church organization, it is the responsibility of the board of county commissioners of the county in which they died to provide for the disposition of the person's remains.

Under current law, a person, firm, corporation, or association that is in lawful possession of

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human remains may dispose of those remains after 90 days if no relatives of or other persons interested in the decedent directs the disposition of the decedent's remains.

If the Department of Veterans Affairs (DVA) certifies that the deceased person was a veteran or a dependent of a veteran and is eligible for interment at a federal or state veterans' cemetery, the person or entity in possession of the veteran's or dependent's remains is required to transfer the custody and control of the remains to the DVA. The transfer of human remains to the DVA does not create a private right of action against, or liability on behalf of, the state, person, or entity transferring the remains.

**Summary of Bill:**

The time period after which a person or entity may dispose of unclaimed human remains is decreased from 90 days to 30 days.

Counties are added to the list of entities that may lawfully dispose of unclaimed human remains after 30 days. Counties are required to transfer remains to the DVA if the DVA certifies the remains as those of a veteran or dependent, and are exempt from a private right of action or liability concerning the transfer of human remains to the DVA.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.