

HCS SS SB 116 -- DISPOSITION OF THE DEAD

SPONSOR: Brown

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Professional Registration and Licensing by a vote of 9 to 0. Voted "Do Pass" by the Standing Committee on Rules-Administrative Oversight by a vote of 9 to 0.

The following is a summary of the House Committee Substitute for SB 116.

Currently, physicians are not required to register with the state's electronic death registration system for certifying death certificates. This bill makes registration compulsory for physicians in order to certify a death certificate.

The bill repeals provisions of law relating to the notification of death filed by a funeral director with the local registrar authorizing final disposition. Additionally, this bill permits funeral directors to affix a tag containing identifying information of the deceased to a container placed in the casket.

This bill repeals provisions of law relating to the transportation of dead bodies and requires the Department of Health and Senior Services to issue regulations governing such transportation on common carriers in Missouri.

The bill repeals provisions of law requiring any cemetery owner or operator moving a properly buried or interred body for transportation outside the cemetery to, prior to disinterment, notify the closest known living relative of the move.

Current law provides a list, in the order of priority, of next-of-kin who have the right to control the disposition of a dead human body. This bill provides that the surviving spouse will not be considered as next-of-kin if an action for dissolution of marriage has been filed and is pending in a court of competent jurisdiction. Additionally, the next-of-kin of a deceased person may delegate the final disposition of the deceased to an agent through a power of attorney.

The bill allows an individual with a superior claim to the disposition of the deceased to be notified in person or by written notice with delivery confirmation, rather than "personally served with written notice", by a person with an inferior claim who has the desire to exercise the right to control the final disposition of the deceased.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that this removes out dated statutes that require unsafe practices for disposing of the dead. This bill also helps families who have lost a loved one take over the disposition of the body if the family member was in the middle of a bad divorce at the time of his or her passing.

Testifying in person for the bill were Senator Brown; and Missouri Funeral Directors Association.

OPPONENTS: There was no opposition voiced to the committee.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.