

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1696**  
**103RD GENERAL ASSEMBLY**

3999S.04T

2026

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**AN ACT**

To repeal section 194.119, RSMo, and section 210.1700 as truly agreed to and finally passed in conference committee substitute for senate substitute for senate bill no. 1421, one hundred third general assembly, second regular session, and to enact in lieu thereof two new sections relating to care of vulnerable populations.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 194.119, RSMo, and section 210.1700 as truly agreed to and  
2 finally passed in conference committee substitute for senate substitute for senate bill no.  
3 1421, one hundred third general assembly, second regular session, are repealed and two new  
4 sections enacted in lieu thereof, to be known as sections 194.119 and 210.1700, to read as  
5 follows:

194.119. 1. As used in this section, the term "right of sepulcher" means the right to  
2 choose and control the burial, cremation, or other final disposition of a dead human body.

3 2. For purposes of this chapter and chapters 193, 333, and 436, and in all cases  
4 relating to the custody, control, and disposition of deceased human remains, including the  
5 common law right of sepulcher, where not otherwise defined, the term "next-of-kin" means  
6 the following persons in the priority listed if such person is eighteen years of age or older, is  
7 mentally competent, and is willing to assume responsibility for the costs of disposition:

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

8 (1) An attorney in fact designated in a durable power of attorney wherein the  
9 deceased specifically granted the right of sepulcher over his or her body to such attorney in  
10 fact;

11 (2) For a decedent who was on active duty in the United States military at the time of  
12 death, the person designated by such decedent in the written instrument known as the United  
13 States Department of Defense Form 93, Record of Emergency Data, in accordance with 10  
14 U.S.C. Section 1482;

15 (3) The surviving spouse, unless an action for the dissolution of the marriage has been  
16 filed and is pending in a court of competent jurisdiction;

17 (4) Any surviving child of the deceased. If a surviving child is less than eighteen  
18 years of age and has a legal or natural guardian, such child shall not be disqualified on the  
19 basis of the child's age and such child's legal or natural guardian, if any, shall be entitled to  
20 serve in the place of the child unless such child's legal or natural guardian was subject to an  
21 action in dissolution from the deceased. In such event the person or persons who may serve  
22 as next-of-kin shall serve in the order provided in subdivisions (5) to (9) of this subsection;

23 (5) (a) **If the deceased is not a minor**, any surviving parent of the deceased; or

24 (b) **If the deceased is a minor with a court-appointed guardian, the court-**  
25 **appointed guardian at the time of the minor's death if the court specifically granted the**  
26 **right of sepulcher to the guardian unless the guardianship has been terminated under**  
27 **section 475.083, not including subdivision (5) of subsection 1 of section 475.083;**

28 (c) If the deceased is a minor **without a court-appointed guardian who was**  
29 **granted the right of sepulcher**, a surviving parent who has custody of the minor; or

30 ~~(d)~~ (d) If the deceased is a minor **without a court-appointed guardian who was**  
31 **granted the right of sepulcher** and the deceased's parents have joint custody, the parent  
32 whose residence is the minor child's residence for purposes of mailing and education;

33 (6) Any surviving sibling of the deceased;

34 (7) The next nearest surviving relative of the deceased by consanguinity or affinity;

35 (8) Any person or friend who assumes financial responsibility for the disposition of  
36 the deceased's remains if no next-of-kin assumes such responsibility;

37 (9) The county coroner or medical examiner; provided however that such assumption  
38 of responsibility shall not make the coroner, medical examiner, the county, or the state  
39 financially responsible for the cost of disposition.

40 3. The next-of-kin of the deceased shall be entitled to control the final disposition of  
41 the remains of any dead human being consistent with all applicable laws, including all  
42 applicable health codes. The next-of-kin may delegate the control of the final disposition of  
43 the remains of any dead human being to an agent through either a specific or general grant of  
44 power in accordance with section 404.710 if, at the time of delegation, the next-of-kin was

45 eighteen years of age or older and mentally competent and the principal or agent is taking  
46 financial responsibility for the disposition.

47 4. A funeral director or establishment is entitled to rely on and act according to the  
48 lawful instructions of any person claiming to be the next-of-kin of the deceased; provided  
49 however, in any civil cause of action against a funeral director or establishment licensed  
50 pursuant to this chapter for actions taken regarding the funeral arrangements for a deceased  
51 person in the director's or establishment's care, the relative fault, if any, of such funeral  
52 director or establishment may be reduced if such actions are taken in reliance upon a person's  
53 claim to be the deceased person's next-of-kin.

54 5. Any person who desires to exercise the right of sepulcher and who has knowledge  
55 of an individual or individuals with a superior right to control disposition shall notify such  
56 individual or individuals prior to making final arrangements.

57 6. If an individual with a superior claim is notified in person or by written notice with  
58 delivery confirmation to such person's last known address by a person with an inferior claim  
59 that such person desires to exercise the right of sepulcher and the individual so served does  
60 not object within forty-eight hours of such notice, such individual shall be deemed to have  
61 waived such right. An individual with a superior right may also waive such right at any time  
62 if such waiver is in writing and dated.

63 7. If there is more than one person in a class who are equal in priority and the funeral  
64 director has no knowledge of any objection by other members of such class, the funeral  
65 director or establishment shall be entitled to rely on and act according to the instructions of  
66 the first such person in the class to make arrangements; provided that such person assumes  
67 responsibility for the costs of disposition and no other person in such class provides written  
68 notice of his or her objection. If the funeral director has knowledge that there is more than  
69 one person in a class who are equal in priority and who do not agree on the disposition, the  
70 decision of the majority of the members of such class shall control the disposition.

71 8. For purposes of conducting a majority vote under subsection 7 of this section, the  
72 funeral director shall allow voting by proxy using a written authorization or instrument.

73 **9. Religious, cultural, family, and individual beliefs of the deceased person shall**  
74 **be considered by the next of kin when disposing of any human remains.**

~~[210.1700. 1. As used in this section, the following terms mean:~~

2 ~~(1) "Overnight camp", a program operated by a person or~~  
3 ~~organization that includes the hours between 9:00 p.m. and 6:00 a.m. but~~  
4 ~~not for two or more sequential overnights;~~

5 ~~(2) "Residential camp", a program operated by a person or~~  
6 ~~organization that includes the hours between 9:00 p.m. and 6:00 a.m. for~~  
7 ~~two or more sequential overnights.~~

8 ~~2. Each overnight camp or residential camp staff member or~~  
9 ~~volunteer who is eighteen years of age or older shall have received a~~  
10 ~~qualifying criminal background check as defined in 210.1080.]~~

210.1700. 1. As used in this section, "residential camp" means a program  
2 operated by a person or organization that includes the hours between 9:00 p.m. and 6:00  
3 a.m. for two or more sequential overnights.

4 2. Each residential camp staff member or volunteer who is eighteen years of age  
5 or older shall be subject to a criminal background check prior to commencing  
6 employment or volunteer service. Such criminal background check shall include:

7 (1) A search of the National Crime Information Center's National Sex Offender  
8 Registry; and

9 (2) A search of the following data sources in Missouri and each state where such  
10 staff member or volunteer has resided during the preceding five years, where such data  
11 sources are available:

12 (a) The state name-based criminal registry or repository; and

13 (b) The state name-based sex offender registry or repository.

14 3. Upon completion of the background check, any staff member or volunteer  
15 who is eighteen years of age or older shall be ineligible for employment or service if such  
16 person:

17 (1) Is registered, or is required to be registered, on a state sex offender registry  
18 or repository or the National Sex Offender Registry; or

19 (2) Has pled guilty or nolo contendere to or been found guilty of any of the  
20 offenses listed in paragraphs (a) to (k) of subdivision (5) of subsection 4 of section  
21 210.1080 or any similar offense in any federal, state, municipal, or other court of similar  
22 jurisdiction of which the camp has knowledge.

Section B. In the event that any section, provision, clause, phrase, or word of this act  
2 or the application thereof is declared invalid under the Constitution of the United States or the  
3 Constitution of the State of Missouri, whether on procedural or substantive grounds, it is the  
4 intent of the general assembly that the remaining sections of this act remain in force and effect  
5 as far as they are capable of being carried into execution as intended by the general assembly.  
6 The general assembly hereby declares that it would have passed each section, provision,  
7 clause, phrase, or word thereof, irrespective of the fact that any one or more sections,  
8 provisions, clauses, phrases, or words of this act or the application of this act would be  
9 declared unenforceable, unconstitutional, or invalid.

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