UNOFFICIAL COPY 25 RS BR 310

1 AN ACT relating to cremation of dead bodies.

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2 Be it enacted by the General Assembly of the Commonwealth of Kentucky:

3 → Section 1. KRS 72.450 is amended to read as follows:

- 4 A coroner who has possession of a dead body or a part thereof shall make a bona 5 fide attempt to notify the spouse, if any, or next of kin of the decedent's death. In 6 the event the coroner is unable to locate the spouse, if any, or next of kin, he or she 7 may cause the body to be buried or cremated at the expense of the fiscal court, 8 consolidated local government, or urban-county government, whichever is 9 appropriate. The decision between burial or cremation shall be made by the 10 coroner, fiscal court, consolidated local government, or urban-county 11 government that has responsibility for the expense pursuant to this subsection.
 - (2) In the event the body is buried <u>or cremated</u> at public expense, the coroner shall take possession of all money or other property found on or belonging to the decedent and shall deliver same to the fiscal court, consolidated local government, or urbancounty government, whichever is appropriate. Any money or other property found on the body of the decedent or belonging to him or her shall be delivered by the coroner to the fiscal court, consolidated local government, or urban-county government, whichever is appropriate, to help defray burial <u>or cremation</u> expenses. Any excess funds shall escheat to such governmental agency one (1) year thereafter.
- 21 (3) In lieu of having an unclaimed body buried <u>or cremated</u> at public expense, the 22 coroner may deliver such body or part thereof to a state medical school in 23 accordance with the provisions of KRS 311.300 to 311.350.



Local Government Mandate Statement Kentucky Legislative Research Commission 2025 Regular Session

Part I: Measure Information

Bill Request #:	310		Bill #:	SB 37 GA		
Document ID #:	3298		Sponsor:	Sen. Greg Elkins		1
Bill Title:	AN ACT relating to cremation of dead bodies.					
Unit of	☐ City	\boxtimes	County		\boxtimes	Urban-County
Government:		County 🛛	Consolida	ated Local	\boxtimes	Unified Local
v.		•				
Office(s) Impacted: Coroners, Fiscal Courts						
Requirement:						
Effect on Powers						
& Duties:						
Other Fiscal Statement(s) that may exist: Actuarial Analysis Corrections Impact Health Benefit Mandate State Employee Health Plan						

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

SB 37 proposes to amend KRS 72.450 to allow a coroner who is in possession of a dead body to bury or cremate it, and that the decision whether to bury or cremate shall be made by the coroner, fiscal court, consolidated local government, or urban-county government that has responsibility for the expense. Regardless of which party is responsible for the decision, they must consult the coroner prior to making it. In cases where the body is known to be of Jewish descent, the responsible party must also contact the Chabad of the Bluegrass or any successor entity to inquire if it wants to pay for the burial expense.

The fiscal impact of SB 37 GA on fiscal courts is expected to be positive but minimal when coroners choose cremation in lieu of burial. The cost of burial and the cost of cremation vary due to factors surrounding the cause of death, the availability of crematories, the availability of government-owned burial space, and the fiscal court's ability to negotiate costs associated with disposing of remains. In almost all cases, cremation is cheaper.

Most fiscal courts establish a reimbursable allowance per burial. It is expected that fiscal courts would establish lower reimbursement rates for cremations as well if the measure is enacted.

Data Source(s):	LRC Staff, Kentucky Coroners Association	
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Preparer: JB Reviewer: MS (MDA) Date: 2/17/25

UNOFFICIAL COPY 25 RS SB 37/SCS 1

1 AN ACT relating to cremation of dead bodies. 2 Be it enacted by the General Assembly of the Commonwealth of Kentucky: 3 → Section 1. KRS 72.450 is amended to read as follows: 4 (1)A coroner who has possession of a dead body or a part thereof shall make a 5 bona fide attempt to notify the spouse, if any, or next of kin of the decedent's 6 death. In the event the coroner is unable to locate the spouse, if any, or next of 7 kin, he or she may cause the body to be buried or cremated at the expense of 8 the fiscal court, consolidated local government, or urban-county government, 9 whichever is appropriate. 10 (b) The decision between burial or cremation shall be made by the coroner, 11 fiscal court, consolidated local government, or urban-county government 12 that has responsibility for the expense pursuant to this subsection. 13 (c) If a fiscal court, consolidated local government, or urban-county 14 government has responsibility for the expense pursuant to this subsection it 15 shall consult with the county coroner before it makes the decision between 16 burial and cremation. 17 (2) In the event the body is buried or cremated at public expense, the coroner shall take 18 possession of all money or other property found on or belonging to the decedent 19 and shall deliver same to the fiscal court, consolidated local government, or urban-20 county government, whichever is appropriate. Any money or other property found on the body of the decedent or belonging to him or her shall be delivered by the 21 coroner to the fiscal court, consolidated local government, or urban-county 22 23 government, whichever is appropriate, to help defray burial or cremation expenses. 24 Any excess funds shall escheat to such governmental agency one (1) year 25 thereafter. 26 In lieu of having an unclaimed body buried or cremated at public expense, the 27 coroner may deliver such body or part thereof to a state medical school in

UNOFFICIAL COPY 25 RS SB 37/SCS 1

1 accordance with the provisions of KRS 311.300 to 311.350.

Local Government Mandate Statement Kentucky Legislative Research Commission 2025 Regular Session

Part I: Measure Information

Bill Request #:	310	Bill #:	SB 37 SCS 1	
Document ID #:	3903	Sponsor:	Sen. Greg Elkins	
Bill Title:	AN ACT relating to cremation of dead bodies.			
Unit of	☐ City 🗵	•	☑ Urban-County	
Government:	☐ Charter County ☐	T Consolid	ated Local 🛛 Unified Local	
Office(s) Impacted: Coroners, Fiscal Courts				
Requirement:				
Effect on Powers & Duties:				
Other Fiscal Statement(s) that may exist: Actuarial Analysis Health Benefit Mandate Corrections Impact State Employee Health Plan				

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

SB 37 proposes to amend KRS 72.450 to allow a coroner who is in possession of a dead body to bury or cremate it, and that the decision whether to bury or cremate shall be made by the coroner, fiscal court, consolidated local government, or urban-county government that has responsibility for the expense. Regardless of which party is responsible for the decision, they must consult the coroner prior to making it.

The fiscal impact of SB 37 on fiscal courts is expected to be positive but minimal when coroners choose cremation in lieu of burial. The cost of burial and the cost of cremation vary due to factors surrounding the cause of death, the availability of crematories, the availability of government-owned burial space, and the fiscal court's ability to negotiate costs associated with disposing of remains. In almost all cases, cremation is cheaper.

Most fiscal courts establish a reimbursable allowance per burial. It is expected that fiscal courts would establish lower reimbursement rates for cremations as well if the measure is enacted.

Data Source(s):
LRC Staff, Kentucky Coroners Association

Preparer:
JB
Reviewer:
(MDA)
Date:
2/7/25

SENATE

WENTYCKI GENERAL ASSEMBLY AMENDMENTYPORM MY

Amend printed copy of SB 37/SCS 1

On page 1, line 5, after "attempt" by inserting	ng " <i>of at least six (6) months</i> "; and
On Page 1, line 14, after "subsection" by inse	erting ","; and
On page 1, line 15, after "shall" by inserting	the following:
" <u>:</u>	
<u>1. </u>	
On page 1, line 15, after the first occurrence	of "the" by inserting "local"; and
On page 1, line 16, by deleting the "." and re	placing in lieu thereof "; and"; and
On page 1, between lines 16 and 17, by inser	ting the following:
"2. If the dead body or a part there	eof is known to be of Jewish descent, contact
the Chabad of the Bluegrass or	any successor entity to inquire if it wants to
Amendment Amendm	Section 1
Sommittee As in all	
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Amendment No. SFA	Rep. Sen. Lindsey Tichenor
Committee Amendment	Sidiled:
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Adopted:	Date:
Rejected:	Doc ID: YYYY