

CHAPTER 171**(SB 272)**

AN ACT relating to cremation.

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

Section 1. KRS 367.97524 is amended to read as follows:

- (1) A ~~crematory~~ crematory authority shall **not** conduct any cremations, nor accept a body for cremation, unless it has a cremation authorization form signed by the authorizing agent clearly stating the disposition to be made of the cremated remains.
- (2) Cremated remains shall be disposed of by placing them in a grave, crypt, or niche; by scattering them in a scattering area; or in any manner on the private property of a consenting owner. The crematory authority may deliver, either in person or by registered mail, the cremated remains to the designated individual specified on the cremation authorization form. Upon receipt of the cremated remains, the individual receiving them may keep or transport them in any manner in this Commonwealth without a permit. After delivery, the crematory authority shall be discharged from any legal obligation or liability concerning the cremated remains relative to disposition.
- (3) ***A crematory authority or a licensed funeral director arranging a cremation shall not be held liable for good faith reliance on representations made by the authorizing agent regarding the authority to cremate.***

Section 2. KRS 367.97527 is amended to read as follows:

- (1) A person, or anyone who has legal authority to act on behalf of that person, may authorize his ***or her*** own cremation and the final disposition of his ***or her*** cremated remains, by executing, as the authorizing agent, a preneed cremation authorization form. The original preneed cremation authorization form shall be retained by the entity with which the arrangements are made. A copy of the preneed cremation authorization form shall be provided to the person signing the preneed arrangements. The person prearranging his own cremation shall have the right to transfer or cancel this authorization at any time prior to death, by notifying the entity with which the preneed cremation authorization form is filed by certified mail.
- (2) In the event that no different or inconsistent instructions are provided to the crematory authority at the time of death, the crematory authority shall release or dispose of the cremated remains as indicated in the preneed agreement.
- (3) In the event that there is a conflict between the decedent's prearrangement and the demands of the next class of authorizing agent in the order set forth in KRS 367.97501(1) regarding cremation, the crematory shall not accept for cremation those human remains without an order deciding the issues entered by the District Court of the county of the decedent's residence ***or the county where the funeral home or the crematory authority is located***. This order may be issued by the court after a petition for resolution has been initiated by any natural person listed in KRS 367.97501(1) or the crematory authority. Unless extraordinary circumstances exist, the court shall give due deference to the desires of the deceased as expressed in the prearrangement.
- (4) ***Neither the crematory authority nor a licensed funeral director arranging a cremation shall be held liable for the crematory authority's or the funeral director's good faith***

reliance on representations made by the authorizing agent regarding the authority or decision to cremate.

Approved March 28, 2000

