

**367.97524 Cremation authorization form required -- Disposal or delivery of cremated remains -- Unclaimed cremated remains -- Limitation of liability.**

- (1) A 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 or funeral director as defined in KRS 316.010 may deliver, either in person or by a method that has an internal tracking system that provides a receipt signed by the person accepting delivery, 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 or funeral home shall be discharged from any legal obligation or liability concerning the cremated remains relative to disposition.
- (3) If the cremated remains have remained unclaimed for a period of at least two (2) years, a funeral director may inter, bury, entomb, or place the cremated remains in a columbarium or may deliver the cremated remains to a bona fide religious society, veterans organization, or civic group in person or by a delivery method that utilizes an internal tracking system that provides a receipt signed by the individual accepting delivery, for the sole purpose of interment, burial, entombment, or placement in a columbarium. If such a delivery is made, the funeral director or crematory authority shall maintain records of the delivery for at least ten (10) years from the date of delivery.
- (4) 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.
- (5) A crematory authority or licensed funeral director shall not be held liable for delivering cremated remains that have been in their possession for two (2) years or more to a bona fide religious society, veterans group, or civic organization for the sole purpose of interment, burial, entombment, or placement in a columbarium.

**Effective:** June 27, 2019

**History:** Amended 2019 Ky. Acts ch. 98, sec. 1, effective June 27, 2019. -- Amended 2016 Ky. Acts ch. 59, sec. 14, effective July 15, 2016. -- Amended 2014 Ky. Acts ch. 37, sec. 1, effective July 15, 2014. -- Amended 2000 Ky. Acts ch. 171, sec. 1, effective July 14, 2000. -- Created 1994 Ky. Acts ch. 140, sec. 8, effective July 15, 1994.