

1 AN ACT relating to the disposition of human remains.

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

3 ➔Section 1. KRS 367.93117 is amended to read as follows:

4 The right to control the disposition of a decedent's body, make arrangements for funeral  
5 services, make arrangements for burial ***or cremation***, and to make other ceremonial  
6 arrangements after an individual's death devolves on the following in the priority listed:

7 (1) A person:

8 (a) Named as the designee or alternate designee in a declaration executed by the  
9 decedent under KRS 367.93101 to 367.93121; or

10 (b) Named in a United States Department of Defense form "Record of Emergency  
11 Data" (DD Form 93) or a successor form adopted by the United States  
12 Department of Defense if the decedent died while serving in any branch of the  
13 United States Armed Forces, pursuant to KRS 36.440;

14 (2) The decedent's surviving spouse;

15 (3) A surviving adult child of the decedent or, if more than one (1) adult child is  
16 surviving, the majority of the adult children. Less than half of the surviving adult  
17 children have the right to control disposition under this section if the child or  
18 children have used reasonable efforts to notify the other surviving adult children of  
19 their intentions and are not aware of any opposition to the final disposition  
20 instructions by more than half of the surviving adult children and this has been  
21 attested to in writing;

22 (4) The surviving parent or parents of the decedent. If one (1) of the parents is absent,  
23 the parent who is present has the right to control disposition under this section if the  
24 parent who is present has used reasonable efforts to notify the absent parent and  
25 attests to that in writing;

26 (5) The surviving adult grandchild of the decedent or, if more than one (1) adult  
27 grandchild is surviving, the majority of the adult grandchildren. Less than half of

1 the surviving adult grandchildren have the right to control disposition under this  
2 section if the grandchild or grandchildren have used reasonable efforts to notify the  
3 other surviving adult grandchildren of their intentions and are not aware of any  
4 opposition to the final disposition instructions by more than half of the surviving  
5 adult grandchildren and this has been attested to in writing;

6 (6) The decedent's surviving adult sibling or, if more than one (1) adult sibling is  
7 surviving, the majority of the adult siblings. Less than half of the surviving adult  
8 siblings have the right to control disposition under this section if the sibling or  
9 siblings have used reasonable efforts to notify the other surviving adult siblings of  
10 their intentions and are not aware of any opposition to the final disposition  
11 instructions by more than half of the surviving adult siblings and this has been  
12 attested to in writing;

13 (7) An individual in the next degree of kinship under KRS 391.010 to inherit the estate  
14 of the decedent or, if more than one (1) individual of the same degree is surviving,  
15 the majority of those who are of the same degree of kinship. Less than half of the  
16 individuals who are of the same degree of kinship have the right to control  
17 disposition under this section if they used reasonable efforts to notify the other  
18 individuals who are of the same degree of kinship of their intentions and are not  
19 aware of any opposition to the final disposition instructions by more than half of the  
20 individuals who are of the same degree of kinship and this has been attested to in  
21 writing;

22 (8) If none of the persons described in subsections (1) to (7) of this section are  
23 available, the following may act and arrange for the final disposition of the  
24 decedent's remains:

25 (a) Any other person willing to act and arrange for the final disposition of the  
26 decedent's remains who attests in writing that a good-faith effort has been  
27 made to contact any living individuals described in subsections (1) to (7) of

1           this section; or

2           (b) A funeral home that has a valid prepaid funeral plan that makes arrangements  
3           for the disposition of the decedent's remains if the funeral director attests in  
4           writing that a good-faith effort has been made to contact any living individuals  
5           described in subsections (1) to (7) of this section;~~[-or]~~

6           (9) *A court-appointed guardian or conservator for the decedent at the time of death,*  
7           *after all the alternatives in subsections (1) to (8) of this section have been*  
8           *exhausted. Cremation shall be permitted under this subsection only if:*

9           *(a) The decedent has not expressed an objection to cremation to the guardian*  
10           *or conservator prior to death; and*

11           *(b) 1. The decedent arranged a preneed policy in effect that is limited to the*  
12           *cost of cremation; or*

13           *2. The decedent lacked sufficient funds at the time of death to pay for a*  
14           *full burial; or*

15           **(10)** The District Court in the county of the decedent's residence or the county in which  
16           the funeral home or the crematory is located.