

SECOND REGULAR SESSION

[TRULY AGREED TO AND FINALLY PASSED]

# HOUSE BILL NO. 1148

## 91ST GENERAL ASSEMBLY

2986L.01T

2002

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### AN ACT

To amend chapter 214, RSMo, by adding thereto one new section relating to scattering gardens in certain cemeteries.

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

Section A. Chapter 214, RSMo, is amended by adding thereto one new section, to be  
2 known as section 214.550, to read as follows:

**214.550. 1. For purposes of this section, the following terms mean:**

- 2 (1) "Cremains", the ashes that remain after cremation of a human corpse;
- 3 (2) "Operator", a church that owns and maintains a religious cemetery;
- 4 (3) "Religious cemetery", a cemetery owned, operated, controlled, or managed by  
5 any church that has or would qualify for federal tax exempt status as a nonprofit religious  
6 organization pursuant to section 501(c) of the Internal Revenue Code as amended;
- 7 (4) "Scatter garden", a location for the spreading of cremains set aside within a  
8 cemetery.

9 2. It shall be lawful for any operator of a religious cemetery adjacent to a church  
10 building or other building regularly used as a place of worship to establish a scatter garden  
11 for the purpose of scattering human cremains.

12 3. The operator of any religious cemetery containing a scatter garden shall  
13 maintain, protect, and supervise the scatter garden, and shall be responsible for all costs  
14 incurred for such maintenance, protection, and supervision. Such operator shall also  
15 maintain a record of all cremains scattered in the scatter garden that shall include the  
16 name, date of death, and Social Security number of each person whose cremains are  
17 scattered, and the date the cremains were scattered.

18 4. A scatter garden established pursuant to this section shall be maintained by the  
19 operator of the religious cemetery for as long as such operator is in existence. Upon  
20 dissolution of such operator, all records of cremains shall be transferred to the clerk of the

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**2. It shall be lawful for any operator of a religious cemetery adjacent to a church building or other building regularly used as a place of worship to establish a scatter garden for the purpose of scattering human cremains.**

**3. The operator of any religious cemetery containing a scatter garden shall maintain, protect, and supervise the scatter garden, and shall be responsible for all costs incurred for such maintenance, protection, and supervision. Such operator shall also maintain a record of all cremains scattered in the scatter garden that shall include the name, date of death, and Social Security number of each person whose cremains are scattered, and the date the cremains were scattered.**

**4. A scatter garden established pursuant to this section shall be maintained by the operator of the religious cemetery for as long as such operator is in existence. Upon dissolution of such operator, all records of cremains shall be transferred to the clerk of the**

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- 21 **city, town, or village in which the scatter garden is located, or if the scatter garden is**
- 22 **located in any unincorporated area, to the county recorder.**

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