

HB 461 -- DISPOSITION OF HUMAN REMAINS (Pfautsch)

COMMITTEE OF ORIGIN: Standing Committee on Judiciary

This bill modifies provisions regarding the death registration process and the right of sepulcher.

The bill repeals a provision allowing the State Registrar to adopt pilot programs or voluntary electronic death registration programs until an electronic death registration system is certified. An attestation from the medical provider who completed the medical certification shall also be entered into the electronic death registration system.

The bill repeals a provision requiring the Division of Community and Public Health within the Department of Health and Senior Services to create a working group for the purposes of evaluating the electronic vital records system and submit a report on findings to the General Assembly by January 1, 2016.

If the State Registrar determines that information on a document or record submitted to a local registrar is incomplete, the State Registrar shall return the records or documents with the incomplete information to the local registrar for correction by the data provider, funeral director, or person in charge of the final disposition.

Currently, a list is provided, in the order of priority, of those who have the right to control the disposition of a dead human body, known as the next-of-kin. This bill provides that the surviving spouse shall not be considered as next-of-kin if an action for dissolution of marriage has been filed.

The next-of-kin of a deceased person may delegate the final disposition of the deceased to an agent through a power of attorney.

This bill provides that an individual with a superior claim to the disposition of the deceased may be notified in person or by written notice with delivery confirmation, rather than personally served with written notice by a person with an inferior claim who has the desire to exercise the right to control the final disposition of the deceased.