

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 2587

(SENATE AUTHORS: WIKLUND)

DATE
03/06/2023

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Introduction and first reading
Referred to Health and Human Services

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to health; providing for cremation of identifiable body parts; amending
1.3 Minnesota Statutes 2022, section 149A.95, subdivisions 4, 6, 20, by adding a
1.4 subdivision.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2022, section 149A.95, is amended by adding a subdivision
1.7 to read:

1.8 Subd. 1a. **Identifiable body part.** Except as otherwise specified in this section, the
1.9 requirements in this section that apply to the cremation of a dead human body shall also
1.10 apply to the cremation of an identifiable body part.

1.11 Sec. 2. Minnesota Statutes 2022, section 149A.95, subdivision 4, is amended to read:

1.12 Subd. 4. **Authorization to cremate required.** No crematory shall cremate or cause to
1.13 be cremated any dead human body, or any identifiable body part if the person from whom
1.14 the body part was removed is deceased, without receiving written authorization to do so
1.15 from the person or persons who have the legal right to control disposition as described in
1.16 section 149A.80 or the person's legal designee. No crematory shall cremate or cause to be
1.17 cremated an identifiable body part if the person from whom the identifiable body part was
1.18 removed is alive, without written authorization from the person from whom the body part
1.19 was removed or that person's legal designee. The written authorization must include:

1.20 (1) the name of the deceased and the date of death or for an identifiable body part if the
1.21 person from whom the identifiable body part was removed is alive, the name of the person
1.22 from whom the body part was removed;

- 2.1 (2) a statement authorizing the crematory to cremate the body;
- 2.2 (3) the name, address, relationship to the deceased, and signature of the person or persons
2.3 with legal right to control final disposition or a legal designee; or for an identifiable body
2.4 part if the person from whom the identifiable body part was removed is alive, the name,
2.5 address, and signature of the person from whom the body part was removed or the name,
2.6 address, and signature of that person's legal designee;
- 2.7 (4) certification that the body does not contain any implanted mechanical or radioactive
2.8 device, such as a heart pacemaker, that may create a hazard when placed in the cremation
2.9 chamber;
- 2.10 (5) authorization to remove the body from the container in which it was delivered, if
2.11 that container is not appropriate for cremation, and to place the body in an appropriate
2.12 cremation container and directions for the disposition of the original container;
- 2.13 (6) authorization to open the cremation chamber and reposition the body to facilitate a
2.14 thorough cremation and to remove from the cremation chamber and separate from the
2.15 cremated remains, any noncombustible materials or items;
- 2.16 (7) directions for the disposition of any noncombustible materials or items recovered
2.17 from the cremation chamber;
- 2.18 (8) acknowledgment that the cremated remains will be mechanically reduced to a
2.19 granulated appearance and placed in an appropriate container and authorization to place
2.20 any cremated remains that a selected urn or container will not accommodate into a temporary
2.21 container;
- 2.22 (9) acknowledgment that, even with the exercise of reasonable care, it is not possible to
2.23 recover all particles of the cremated remains and that some particles may inadvertently
2.24 become commingled with disintegrated chamber material and particles of other cremated
2.25 remains that remain in the cremation chamber or other mechanical devices used to process
2.26 the cremated remains; and
- 2.27 (10) directions for the ultimate disposition of the cremated remains.

2.28 Sec. 3. Minnesota Statutes 2022, section 149A.95, subdivision 6, is amended to read:

2.29 Subd. 6. **Acceptance of delivery of body.** (a) No dead human body shall be accepted
2.30 for final disposition by cremation unless encased in an appropriate cremation container or
2.31 wrapped in an impermeable sheet or pouch and placed on a tray rigid enough for handling
2.32 with ease, accompanied by a disposition permit issued pursuant to section 149A.93,

3.1 subdivision 3, including a photocopy of the completed death record or a signed release
 3.2 authorizing cremation of the body received from the coroner or medical examiner, and
 3.3 accompanied by a cremation authorization that complies with subdivision 4. An identifiable
 3.4 body part that was removed from a person who is alive and that is delivered to a crematory
 3.5 for cremation:

3.6 (1) is not required to be accompanied by a disposition permit issued under section
 3.7 149A.93, subdivision 3, a photocopy of the completed death record, or a signed release
 3.8 from the coroner or medical examiner; and

3.9 (2) must be accompanied by a cremation authorization that complies with subdivision
 3.10 4.

3.11 (b) A crematory shall refuse to accept delivery of a cremation container where there is:

3.12 (1) evidence of leakage of fluids from the cremation container;

3.13 (2) a known dispute concerning cremation of the body delivered;

3.14 (3) a reasonable basis for questioning any of the representations made on the written
 3.15 authorization to cremate; or

3.16 (4) any other lawful reason.

3.17 Sec. 4. Minnesota Statutes 2022, section 149A.95, subdivision 20, is amended to read:

3.18 Subd. 20. **Required records.** Every crematory shall create and maintain on its premises
 3.19 or other business location in Minnesota an accurate record of every cremation provided.
 3.20 The record shall include all of the following information for each cremation:

3.21 (1) the name of the person or funeral establishment delivering the body for cremation;

3.22 (2) the name of the deceased and the identification number assigned to the body or for
 3.23 an identifiable body part that was removed from a person who is alive, the name of the
 3.24 person from whom the body part was removed, and the identification number assigned to
 3.25 the identifiable body part;

3.26 (3) the date of acceptance of delivery;

3.27 (4) the names of the cremation chamber and mechanical processor operator;

3.28 (5) the time and date that the body was placed in and removed from the cremation
 3.29 chamber;

3.30 (6) the time and date that processing and inurnment of the cremated remains was
 3.31 completed;

- 4.1 (7) the time, date, and manner of release of the cremated remains;
- 4.2 (8) the name and address of the person who signed the authorization to cremate;
- 4.3 (9) all supporting documentation, including any transit or disposition permits, a photocopy
- 4.4 of the death record, and the authorization to cremate; and
- 4.5 (10) the type of cremation container.