

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 786

FINAL READING

Introduced by Larson, 40.

Read first time January 07, 2016

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to public health and welfare; to amend section
- 2 71-605, Revised Statutes Cumulative Supplement, 2014; to change
- 3 requirements for completion of death certificates and cremation
- 4 permits; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-605, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 71-605 (1) The funeral director and embalmer in charge of the
4 funeral of any person dying in the State of Nebraska shall cause a
5 certificate of death to be filled out with all the particulars contained
6 in the standard form adopted and promulgated by the department. Such
7 standard form shall include a space for veteran status and the period of
8 service in the armed forces of the United States and a statement of the
9 cause of death made by a person holding a valid license as a physician,
10 physician assistant, or nurse practitioner who last attended the
11 deceased. The standard form shall also include the deceased's social
12 security number. Death and fetal death certificates shall be completed by
13 the funeral directors and embalmers and physicians, physician assistants,
14 or nurse practitioners for the purpose of filing with the department and
15 providing child support enforcement information pursuant to section
16 43-3340.

17 (2) The physician, physician assistant, or nurse practitioner shall
18 have the responsibility and duty to complete and sign ~~in his or her own~~
19 ~~handwriting~~ or by electronic means pursuant to section 71-603.01, within
20 twenty-four hours from the time of death, that part of the certificate of
21 death entitled medical certificate of death. In the case of a death when
22 no person licensed as a physician, physician assistant, or nurse
23 practitioner was in attendance, the funeral director and embalmer shall
24 refer the case to the county attorney who shall have the responsibility
25 and duty to complete and sign the death certificate ~~in his or her own~~
26 ~~handwriting~~ or by electronic means pursuant to section 71-603.01.

27 No cause of death shall be certified in the case of the sudden and
28 unexpected death of a child between the ages of one week and three years
29 until an autopsy is performed at county expense by a qualified
30 pathologist pursuant to section 23-1824. The parents or guardian shall be
31 notified of the results of the autopsy by their physician, physician

1 assistant, nurse practitioner, community health official, or county
2 coroner within forty-eight hours. The term sudden infant death syndrome
3 shall be entered on the death certificate as the principal cause of death
4 when the term is appropriately descriptive of the pathology findings and
5 circumstances surrounding the death of a child.

6 If the circumstances show it possible that death was caused by
7 neglect, violence, or any unlawful means, the case shall be referred to
8 the county attorney for investigation and certification. The county
9 attorney shall, within twenty-four hours after taking charge of the case,
10 state the cause of death as ascertained, giving as far as possible the
11 means or instrument which produced the death. All death certificates
12 shall show clearly the cause, disease, or sequence of causes ending in
13 death. If the cause of death cannot be determined within the period of
14 time stated above, the death certificate shall be filed to establish the
15 fact of death. As soon as possible thereafter, and not more than six
16 weeks later, supplemental information as to the cause, disease, or
17 sequence of causes ending in death shall be filed with the department to
18 complete the record. For all certificates stated in terms that are
19 indefinite, insufficient, or unsatisfactory for classification, inquiry
20 shall be made to the person completing the certificate to secure the
21 necessary information to correct or complete the record.

22 (3) A completed death certificate shall be filed with the department
23 within five business days after the date of death. If it is impossible to
24 complete the certificate of death within five business days, the funeral
25 director and embalmer shall notify the department of the reason for the
26 delay and file the certificate as soon as possible.

27 (4) Before any dead human body may be cremated, a cremation permit
28 shall first be signed electronically by the county attorney, or by his or
29 her authorized representative as designated by the county attorney in
30 writing, of the county in which the death occurred on an electronic a
31 form prescribed and furnished by the department.

1 (5) A permit for disinterment shall be required prior to
2 disinterment of a dead human body. The permit shall be issued by the
3 department to a licensed funeral director and embalmer upon proper
4 application. The request for disinterment shall be made by the person
5 listed in section 30-2223 or a county attorney on a form furnished by the
6 department. The application shall be signed by the funeral director and
7 embalmer who will be directly supervising the disinterment. When the
8 disinterment occurs, the funeral director and embalmer shall sign the
9 permit giving the date of disinterment and file the permit with the
10 department within ten days of the disinterment.

11 (6) When a request is made under subsection (5) of this section for
12 the disinterment of more than one dead human body, an order from a court
13 of competent jurisdiction shall be submitted to the department prior to
14 the issuance of a permit for disinterment. The order shall include, but
15 not be limited to, the number of bodies to be disinterred if that number
16 can be ascertained, the method and details of transportation of the
17 disinterred bodies, the place of reinterment, and the reason for
18 disinterment. No sexton or other person in charge of a cemetery shall
19 allow the disinterment of a body without first receiving from the
20 department a disinterment permit properly completed.

21 (7) No dead human body shall be removed from the state for final
22 disposition without a transit permit issued by the funeral director and
23 embalmer having charge of the body in Nebraska, except that when the
24 death is subject to investigation, the transit permit shall not be issued
25 by the funeral director and embalmer without authorization of the county
26 attorney of the county in which the death occurred. No agent of any
27 transportation company shall allow the shipment of any body without the
28 properly completed transit permit prepared in duplicate.

29 (8) The interment, disinterment, or reinterment of a dead human body
30 shall be performed under the direct supervision of a licensed funeral
31 director and embalmer, except that hospital disposition may be made of

1 the remains of a child born dead pursuant to section 71-20,121.

2 (9) All transit permits issued in accordance with the law of the
3 place where the death occurred in a state other than Nebraska shall be
4 signed by the funeral director and embalmer in charge of burial and
5 forwarded to the department within five business days after the interment
6 takes place.

7 Sec. 2. Original section 71-605, Revised Statutes Cumulative
8 Supplement, 2014, is repealed.