
ASSEMBLY BILL NO. 295—ASSEMBLYMEN BOBZIEN, ANDERSON;
BUSTAMANTE ADAMS, HOGAN, KIRKPATRICK,
MASTROLUCA AND SMITH

MARCH 17, 2011

JOINT SPONSOR: SENATOR LESLIE

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the disposition of the human remains of certain deceased military personnel. (BDR 40-1073)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to human remains; authorizing certain persons who are designated by a member of the Armed Forces of the United States, a reserve component thereof or the National Guard to order the burial or cremation of the human remains of the member upon his or her death; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes certain persons to order the burial or cremation of
2 human remains of a deceased person and establishes the order of priority in which
3 such persons may direct the disposition of a decedent. (NRS 451.024, 451.650)
4 **Sections 1 and 2** of this bill authorize a person who was designated by a member
5 of the Armed Forces of the United States, a reserve component thereof or the
6 National Guard in the United States Department of Defense Record of Emergency
7 Data, DD Form 93, or its successor form, to order the burial or cremation of the
8 human remains of the member upon his or her death.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 451.024 is hereby amended to read as follows:
2 451.024 1. The following persons, in the following order of
3 priority, may order the burial of human remains of a deceased
4 person:

5 (a) A person designated as the person with authority to order the
6 burial of the human remains of the decedent in a legally valid
7 document or in an affidavit executed in accordance with
8 subsection 5;

9 (b) *If the decedent was a member of the Armed Forces of the*
10 *United States, a reserve component thereof or the National Guard,*
11 *a person designated by the decedent in the United States*
12 *Department of Defense Record of Emergency Data, DD Form 93,*
13 *or its successor form, as the person authorized to direct disposition*
14 *of the human remains of the decedent;*

15 (c) The spouse of the decedent;
16 ~~(e)~~ (d) An adult son or daughter of the decedent;
17 ~~(d)~~ (e) Either parent of the decedent;
18 ~~(e)~~ (f) An adult brother or sister of the decedent;
19 ~~(f)~~ (g) A grandparent of the decedent;
20 ~~(e)~~ (h) A guardian of the person of the decedent at the time of
21 death; and

22 ~~(h)~~ (i) A person who held the primary domicile of the
23 decedent in joint tenancy with the decedent at the time of death.

24 2. If the deceased person was an indigent or other person for
25 whom the final disposition of the decedent's remains is a
26 responsibility of a county or the State, the appropriate public officer
27 may order the burial of the remains and provide for the respectful
28 disposition of the remains.

29 3. If the deceased person donated his or her body for scientific
30 research or, before the person's death, a medical facility was made
31 responsible for the final disposition of the person, a representative of
32 the scientific institution or medical facility may order the burial of
33 his or her remains.

34 4. A living person may order the burial of human remains
35 removed from his or her body or the burial of his or her body after
36 death. In the latter case, any person acting pursuant to his or her
37 instructions is an authorized agent.

38 5. A person 18 years of age or older wishing to authorize
39 another person to order the burial of his or her human remains in the
40 event of the person's death may execute an affidavit before a notary
41 public in substantially the following form:



1 State of Nevada }
 2 }
 3 County of } ss
 4 (Date)

5 I, (person authorizing another person to order
 6 the burial of his or her human remains in the event of his or her
 7 death) do hereby designate (person who is being
 8 authorized to order the burial of the human remains of a person in
 9 the event of his or her death) to order the burial of my human
 10 remains upon my death.

11 Subscribed and sworn to before me this
 12 day of the month of of the year

13

14 (Notary Public)

15 **Sec. 2.** NRS 451.650 is hereby amended to read as follows:

16 451.650 1. The following persons, in the following order of
 17 priority, may order the cremation of human remains of a deceased
 18 person:

19 (a) A person designated as the person with authority to order the
 20 cremation of the human remains of the decedent in a legally valid
 21 document or in an affidavit executed in accordance with
 22 subsection 5;

23 (b) *If the decedent was a member of the Armed Forces of the*
 24 *United States, a reserve component thereof or the National Guard,*
 25 *a person designated by the decedent in the United States*
 26 *Department of Defense Record of Emergency Data, DD Form 93,*
 27 *or its successor form, as the person authorized to direct disposition*
 28 *of the human remains of the decedent;*

29 (c) The spouse of the decedent;

30 ~~[(e)]~~ (d) An adult son or daughter of the decedent;

31 ~~[(d)]~~ (e) Either parent of the decedent;

32 ~~[(e)]~~ (f) An adult brother or sister of the decedent;

33 ~~[(f)]~~ (g) A grandparent of the decedent;

34 ~~[(g)]~~ (h) A guardian of the person of the decedent at the time of
 35 death; and

36 ~~[(h)]~~ (i) A person who held the primary domicile of the decedent
 37 in joint tenancy with the decedent at the time of death.

38 2. If the deceased person was an indigent or other person for
 39 the final disposition of whose remains a county or the State is
 40 responsible, the appropriate public officer may order cremation of
 41 the remains and provide for the respectful disposition of the
 42 cremated remains.

43 3. If the deceased person donated his or her body for scientific
 44 research or, before the person's death, a medical facility was made
 45 responsible for the final disposition of the person, a representative of



1 the scientific institution or medical facility may order cremation of
2 the remains of the person.

3 4. A living person may order the cremation of human remains
4 removed from his or her body or the cremation of the body of the
5 person after the person's death. In the latter case, any person acting
6 pursuant to his or her instructions is an authorized agent.

7 5. A person 18 years of age or older wishing to give authority
8 to another person to order the cremation of his or her human
9 remains upon the person's death may execute an affidavit before a
10 notary public in substantially the following form:

11
12 State of Nevada }
13 }ss
14 County of }
15 (Date).....

16 I,, (person authorizing another person to order
17 the cremation of his or her human remains upon his or her death) do
18 hereby designate (person who is being
19 authorized to order the cremation of the human remains of another
20 person in the event of his or her death) to order the cremation of my
21 human remains upon my death.

22 Subscribed and sworn to before me this
23 day of the month of of the year
24

25 (Notary Public)

