

HOUSE BILL NO. HB0042

Burial arrangements.

Sponsored by: Representative(s) Zwonitzer, Dv., Berger and Landon and Senator(s) Case

A BILL

for

1 AN ACT relating to burials and cremations; specifying
2 persons authorized to consent to burial or cremation;
3 providing for immunity as specified; providing a
4 disposition of remains form; and providing for an effective
5 date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 2-17-101 and 2-17-102 are created to
10 read:

11

CHAPTER 17

12

BURIAL ARRANGEMENTS

13

14

15 **2-17-101. Authority to authorize burial or cremation;**
16 **immunity for funeral directors and undertakers.**

17

1 (a) If a decedent leaves written instructions
2 regarding his entombment, burial or cremation, the funeral
3 director or undertaker to whom the body is entrusted shall
4 proceed with the disposition of the body in accordance with
5 those instructions. In the event a decedent does not leave
6 written instructions regarding his entombment, burial or
7 cremation, the funeral director or undertaker to whom the
8 body is entrusted shall obtain a signed consent before the
9 entombment, burial or cremation proceeds.

10
11 (b) Any of the following persons, in order of priority
12 as stated, may consent to the entombment, burial or
13 cremation of the decedent, provided no written instructions
14 were left by the decedent:

15
16 (i) The decedent's spouse at the time of death;

17
18 (ii) An adult child of the decedent;

19
20 (iii) Either parent of the decedent;

21
22 (iv) An adult sibling of the decedent;

23
24 (v) A grandparent of the decedent;

25
26 (vi) A guardian of the decedent in accordance
27 with W.S. 3-2-201(a)(x).

1

2 (c) If a funeral director or undertaker receives
3 written consent from a person specified in subsection (b) of
4 this section, he may act in accordance with the consent,
5 unless a person with a higher or equal priority provides the
6 funeral director or undertaker a contrary written consent
7 within three (3) days. If the funeral director or undertaker
8 has been provided contrary written consents from members of
9 the same class with the highest priority as to the
10 entombment, burial or cremation of the decedent, the
11 director or undertaker shall act in accordance with the
12 directive of the greatest number of consents received from
13 members of the class. If that number is equal, the director
14 or undertaker shall act in accordance with the earlier
15 consent unless the person providing the later consent is
16 granted an order from the district court for the county in
17 which the funeral home or mortuary is located. The district
18 court shall order disposition in accordance with the later
19 consent only if it is shown by a preponderance of the
20 evidence such disposition is in accordance with the
21 decedent's wishes.

22

23 (d) If the decedent is not survived by any member of
24 the classes listed or no member of those classes is
25 competent to sign a consent, any person who comes forward
26 and legitimately identifies himself as another level of
27 relation or friend of the decedent is authorized to sign the

1 consent. If no consent is received within seven (7) days of
 2 the decedent's death, the coroner for the county in which
 3 the funeral home or mortuary is located is authorized to
 4 sign the consent.

5

6 (e) A funeral director or undertaker acting in
 7 accordance with this section, or attempting in good faith to
 8 act in accordance with this section, shall be immune from
 9 civil liability.

10

11 (f) Nothing in this section abrogates or amends the
 12 intestate succession laws of W.S. 2-4-101 through 2-4-214.

13

14 **2-17-102. Disposition of remains optional form.**

15

16 A person may leave instructions for the disposition of his
 17 remains in substantially the following form, but in addition
 18 may include other specific directions:

19

20 Disposition of Remains

21

22 Upon my death it is my wish that my remains be:
 23 (initial the applicable box)

24

25 [] Embalmed and buried. I have made prior arrangements for
 26 this service with _____.

27

1 [] Cremated. I have made prior arrangements for this
2 service with _____.

3

4 [] If I have not made prior arrangements for the
5 disposition of my remains at death, subject to any
6 arrangements for the donation of my organs, I designate
7 _____ to make arrangements for the disposition of
8 my remains in accordance with my wishes as follows _____

9

10 _____.

11

12 **Section 2.** This act is effective July 1, 2009.

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14

(END)