

ORIGINAL HOUSE
BILL NO. HB0280

ENROLLED ACT NO. 67, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2019 GENERAL SESSION

AN ACT relating to wills, decedents' estates and probate code; modernizing terms relating to burial arrangements; and providing for an effective date.

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

Section 1. W.S. 2-17-101(a), (c) through (e) is amended to read:

2-17-101. Authority to authorize burial or cremation; immunity for funeral directors and funeral service practitioners.

(a) If a decedent leaves written instructions regarding his entombment, burial or cremation, or a document that designates and authorizes another person to direct disposition of the decedent's body the funeral director or ~~undertaker~~ funeral service practitioner to whom the body is entrusted shall proceed with the disposition of the body in accordance with those instructions or the instructions given by the person designated to direct disposition of the decedent's body. A document that designates another person to direct disposition of the decedent's body drafted pursuant to service in the military and in a form mandated by federal law at the time it was signed shall be recognized as valid for purposes of this section. In the event a decedent does not leave written instructions regarding his entombment, burial or cremation, or fails to leave a document designating another person to direct disposition of the decedent's body, the funeral director or ~~undertaker~~ funeral service practitioner to whom the body is entrusted shall obtain a signed consent before the entombment, burial or cremation proceeds.

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(c) If a funeral director or ~~undertaker~~funeral service practitioner receives written consent from a person specified in subsection (b) of this section, he may act in accordance with the consent, unless a person with a higher or equal priority provides the funeral director or ~~undertaker~~funeral service practitioner a contrary written consent within three (3) days. If the funeral director or ~~undertaker~~funeral service practitioner has been provided contrary written consents from members of the same class with the highest priority as to the entombment, burial or cremation of the decedent, the director or ~~undertaker~~funeral service practitioner shall act in accordance with the directive of the greatest number of consents received from members of the class. If that number is equal, the director or ~~undertaker~~funeral service practitioner shall act in accordance with the earlier consent unless the person providing the later consent is granted an order from the district court for the county in which the funeral ~~home or mortuary~~establishment is located. The district court shall order disposition in accordance with the later consent only if it is shown by a preponderance of the evidence the disposition is in accordance with the decedent's wishes.

(d) If the decedent is not survived by any member of the classes listed or no member of those classes is competent to sign a consent, any person who comes forward and legitimately identifies himself as another level of relation or friend of the decedent is authorized to sign the consent. If no consent is received within seven (7) days of the decedent's death, the coroner for the county in which the funeral ~~home or mortuary~~establishment is located is authorized to sign the consent.

(e) A funeral director or ~~undertaker~~funeral service practitioner acting in accordance with this section, or

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attempting in good faith to act in accordance with this section, shall be immune from civil liability.

Section 2. This act is effective July 1, 2019.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk