

SB 61 Funeral Services Licensing -Proposed Amendment starting at Line 203:

58-9-611 Disposition of cremated remains. I request this change because of incorrect terminology and missing the intent of the section:

- (1)(a) An authorizing agent [*I'll call "family"*] shall provide the person with whom cremation arrangements are made [*aka "funeral director"*] with a signed statement specifying ~~the final disposition of~~ **who retrieved** the cremated remains **from the funeral establishment**, if known.
- (2)(b) The authorizing agent is responsible for the disposition of the cremated remains.
- (b) If the authorizing agent or the agent's representative ~~has not specified the ultimate disposition of or~~ claimed the cremated remains within 60 days from the date of the cremation, the funeral service establishment may dispose of the remains in any manner permitted by law, except scattering.
- (2)(d) [the funeral director or funeral business] disposing of the cremated remains
- (i) shall make and keep a record of the ~~final~~ **ultimate** disposition of the remains; and
- (ii) is discharged from any legal obligation or liability concerning the remains once the ~~final~~ **ultimate** disposition has been made.

Paragraph (1) implies the family may specify "unknown". Yet paragraph (2) says if the family doesn't get specific then the funeral business may dispose of the ashes in whatever manner they want.

Paragraphs (1) & (2) are not intending to seize ashes from families for failing to decide what they will do with them. I believe this section of code has been trying to:

- get the family to come pick up the ashes and
- to record a chain of custody and
- release the business from liability if it performs ultimate disposition.

*Record Keeping 58-9-608
Covers stating who picked up
the remains + what they
will do with them.
3611: Need to add "ultimate"
for clarification.*

Utah's current statute: Funeral Homes policing what families do with ashes, misses the target.

The Target is: A record of who the business released the ashes to, facilitated by consistent terminology.

In DEFINITIONS the terms should be:

Disposition: Means the care of a dead human body in preparation for final disposition
[such as: receiving, transporting, storing, embalming, supervising services etc]

Final Disposition: means (a) earth interment; (b) above ground burial; (c) cremation; (d) calcination; (e) alkaline hydrolysis; (f) burial at sea; (g) delivery to a medical institution; or (h) other lawful means.

Ultimate Disposition: means placement of disposed remains at a final location.

[such as: cemetery, on the mantel, scattered etc] →

Identical paragraphs in **58-9-617 Final disposition of remains from the alkaline hydrolysis process**, needs the same changes.

Side Notes: Legally, the authorized agent who picks up the cremated remains, can do whatever they want with the ashes (keep them in their closet, divide them with relatives, make a diamond necklace, scatter at sea... or change their minds). Even the Bureau of Land Management barely cares what people do with cremated remains and leaves it up to individual park managers to guide families on such matters (Example: [Arches](#) requires a permit so people know not to scatter right on a park feature etc)

Cremated Remains are not a littering problem or a public health problem. Litigation over who gets cremated remains often arises from family disputes. Court decisions often divide remains, treat them as property, or hold professionals accountable for misdelivery, mishandling, or denial of remains, thus the importance of getting this code right.

This logic spills over to SB 61 Lines 229 & 268 (58-9-611 cremation & 617 alkaline hydrolysis)

Line 229 (b) If [cremated remains are to be disposed of] the authorizing agent intends to dispose cremated remains on private property, other than dedicated cemetery property, the authorizing agent shall ~~provide the funeral service establishment with the~~ **obtain** written consent of the property owner prior to disposal of the remains

Line 268 (3)(b) If the authorizing agent intends to dispose of the remains from the alkaline hydrolysis process on private property, other than dedicated cemetery property, the authorizing agent shall ~~provide the funeral service establishment with the~~ **obtain** written consent of the property owner before disposal of the remains.

Perfect Example In Utah, the law regarding private firearm sales is notably hands-off when it comes to record-keeping. If I sell my personal firearm to another individual I am responsible to retain the proof of that sale. If that firearm is ever used in a crime I have my own defense in that proof of sale that I retained myself, not relying on a licensed business or a government entity to supply that in my defense.

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