

**58-9-611 Disposition of cremated remains.**

- (1)
  - (a) An authorizing agent shall provide the person with whom cremation arrangements are made with a signed statement specifying the final disposition of the cremated remains, if known.
  - (b) The funeral services establishment shall retain a copy of the statement.
- (2)
  - (a) 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.
  - (c) The authorizing agent shall reimburse the funeral services establishment for all reasonable costs incurred in disposing of the cremated remains under Subsection (2)(b).
  - (d) The person or entity disposing of cremated remains under this section:
    - (i) shall make and keep a record of the disposition of the remains; and
    - (ii) is discharged from any legal obligation or liability concerning the remains once the disposition has been made.
  - (e) Subsection (2)(d)(ii) applies to cremated remains in the possession of a funeral services establishment or other responsible party as of May 5, 2008, or any time after that date.
- (3)
  - (a) An authorizing agent may direct a funeral service establishment to dispose of or arrange for the disposition of cremated remains:
    - (i) in a crypt, niche, grave, or scattering garden located in a dedicated cemetery;
    - (ii) by scattering them over inhabited public land, the sea, or other public waterways subject to health and environmental laws and regulations; or
    - (iii) in any manner on the private property of a consenting owner.
  - (b) If cremated remains are to be disposed of on private property, other than dedicated cemetery property, the authorizing agent shall provide the funeral service establishment with the written consent of the property owner prior to disposal of the remains.
  - (c) In order to scatter cremated remains under Subsection (3)(a)(ii) or (iii), the remains must be reduced to a particle size of one-eighth inch or less and removed from their closed container.
- (4) A funeral service establishment may not release cremated remains for scattering under this section to the authorizing agent or the agent's designated representative until the funeral service establishment is given a receipt that shows the proper filing has been made with the local registrar of births and deaths.

Enacted by Chapter 353, 2008 General Session