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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 1880

01/24/2012 Authored by Bills

The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to mortuary science; modifying disinterment and reinterment
1.3 requirements for cremated remains; amending Minnesota Statutes 2010, sections
1.4 149A.94, subdivision 4; 149A.96, subdivisions 1, 9.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2010, section 149A.94, subdivision 4, is amended to
1.7 read:

1.8 Subd. 4. **Cremation.** Inurnment of cremated remains and release to an appropriate
1.9 party is considered final disposition and no further permits or authorizations are required
1.10 for transportation, interment, entombment, or placement of the cremated remains, except
1.11 as provided in ~~section~~ sections 149A.95, subdivision 16, and 149A.96.

1.12 Sec. 2. Minnesota Statutes 2010, section 149A.96, subdivision 1, is amended to read:

1.13 Subdivision 1. **Written authorization.** Except as provided in this section, no dead
1.14 human body or human remains, including cremated remains, shall be disinterred and
1.15 reinterred without the written authorization of the person or persons legally entitled to
1.16 control the body or remains and a disinterment-reinterment permit properly issued by the
1.17 commissioner or a licensed mortician. Permits shall contain the information required on
1.18 the permit form as furnished by the commissioner.

1.19 Sec. 3. Minnesota Statutes 2010, section 149A.96, subdivision 9, is amended to read:

1.20 Subd. 9. **Cremated remains.** ~~Subject to section 149A.95, subdivision 16, inurnment~~
1.21 ~~of the cremated remains and release to an appropriate party is considered final disposition~~
1.22 ~~and no further permits or authorizations are required for disinterment, transportation, or~~

2.1 ~~placement of the cremated remains.~~ (a) Cremated remains shall not be exhumed without
2.2 the written consent of the following interested persons:

2.3 (1) the person or persons with the right to control the remains, as provided in section
2.4 149A.80, subdivision 2; and

2.5 (2) the person or persons with burial rights for the grave site in the cemetery from
2.6 which the remains would be exhumed, or the owner of the property from which the
2.7 remains would be exhumed if the burial site is not in a cemetery.

2.8 (b) If the person with the right to control the remains, as provided in section
2.9 149A.80, subdivision 2, gifts a portion of the cremated remains to another, then that
2.10 portion of the remains shall not be exhumed without the written consent of the person or
2.11 persons who received the gift; and the person or persons with the burial rights for the
2.12 grave site in the cemetery from which the remains would be exhumed, or the owner of the
2.13 property from which the remains would be exhumed if the burial site is not in a cemetery.

2.14 (c) Any exhumation of cremated remains must be carried out in a decent manner that
2.15 promotes respect for and preserves the dignity of the human remains.