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ASSEMBLY BILL NO. 319—ASSEMBLYWOMAN DIAZ

MARCH 18, 2011

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Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the final disposition of human remains. (BDR 40-775)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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AN ACT relating to dead bodies; authorizing certain persons who assume legal and final responsibility for the final disposition of the human remains of a deceased person to order the burial of those human remains; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law authorizes certain persons to order the burial of the human  
2 remains of a deceased person, and this bill authorizes, in the absence of any such  
3 person, any person who is 18 years of age or older and who assumes legal and  
4 financial responsibility for the human remains of the deceased person to order the  
5 burial of the remains of the deceased person. (NRS 451.024)

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 451.024 is hereby amended to read as follows:  
2 451.024 1. The following persons, in the following order of  
3 priority, may order the burial of human remains of a deceased  
4 person:  
5 (a) A person designated as the person with authority to order the  
6 burial of the human remains of the decedent in a legally valid  
7 document or in an affidavit executed in accordance with  
8 subsection 5;  
9 (b) The spouse of the decedent;  
10 (c) An adult son or daughter of the decedent;  
11 (d) Either parent of the decedent;



\* A B 3 1 9 \*

- 1 (e) An adult brother or sister of the decedent;
- 2 (f) A grandparent of the decedent;
- 3 (g) A guardian of the person of the decedent at the time of death;

4 **[and]**

5 (h) A person who held the primary domicile of the decedent in  
6 joint tenancy with the decedent at the time of death **[;]**; **and**

7 ***(i) In the absence of any person specified in paragraphs (a) to***  
8 ***(h), inclusive, any other person 18 years of age or older who***  
9 ***assumes legal and financial responsibility for the final disposition***  
10 ***of the human remains of the decedent.***

11 2. If the deceased person was an indigent or other person for  
12 whom the final disposition of the decedent's remains is a  
13 responsibility of a county or the State, the appropriate public officer  
14 may order the burial of the remains and provide for the respectful  
15 disposition of the remains.

16 3. If the deceased person donated his or her body for scientific  
17 research or, before the person's death, a medical facility was made  
18 responsible for the final disposition of the person, a representative of  
19 the scientific institution or medical facility may order the burial of  
20 his or her remains.

21 4. A living person may order the burial of human remains  
22 removed from his or her body or the burial of his or her body after  
23 death. In the latter case, any person acting pursuant to his or her  
24 instructions is an authorized agent.

25 5. A person 18 years of age or older wishing to authorize  
26 another person to order the burial of his or her human remains in the  
27 event of the person's death may execute an affidavit before a notary  
28 public in substantially the following form:

29  
30 State of Nevada }  
31 }ss  
32 County of ..... }

33 (Date) .....

34 I, ....., (person authorizing another person to order  
35 the burial of his or her human remains in the event of his or her  
36 death) do hereby designate ..... (person who is being  
37 authorized to order the burial of the human remains of a person in  
38 the event of his or her death) to order the burial of my human  
39 remains upon my death.

40 Subscribed and sworn to before me this .....  
41 day of the month of ..... of the year .....

42 .....

43 (Notary Public)



1     **Sec. 2.** This act becomes effective upon passage and approval.

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