

ASSEMBLY BILL NO. 319—ASSEMBLYWOMAN DIAZ

MARCH 18, 2011

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.

AN ACT relating to dead bodies; authorizing certain persons who assume legal and financial 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. This bill authorizes additional persons, in the  
3 absence of a person authorized by existing law, to order the burial of the remains of  
4 the deceased person if the additional person: (1) is 18 years of age or older; (2)  
5 executes an affidavit affirming certain facts; and (3) assumes legal and financial  
6 responsibility for the human remains of the deceased person. (NRS 451.024)

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~~ 7;  
9 (b) The spouse of the decedent;  
10 (c) An adult son or daughter of the decedent;



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

5 ~~[and]~~

6 (h) A person who held the primary domicile of the decedent in  
7 joint tenancy with the decedent at the time of death ~~[-~~

8 ~~-2.]; and~~

9 (i) *A person who meets the requirements of subsection 2.*

10 *2. If, 30 days or more after the death of a decedent, the*  
11 *coroner or sheriff, as applicable, has conducted an investigation to*  
12 *determine whether a person specified in paragraphs (a) to (h),*  
13 *inclusive, of subsection 1 exists and, upon completion of that*  
14 *investigation, is unable to identify or locate a person specified in*  
15 *those paragraphs, any other person may order the burial of the*  
16 *human remains of the decedent if the person:*

17 (a) *Is at least 18 years of age; and*

18 (b) *Executes an affidavit affirming:*

19 (1) *That he or she knew the decedent;*

20 (2) *The length of time that he or she knew the decedent;*

21 (3) *That he or she does not know the whereabouts of any of*  
22 *the persons specified in paragraphs (a) to (h), inclusive, of*  
23 *subsection 1; and*

24 (4) *That he or she willingly accepts legal and financial*  
25 *responsibility for the burial of the human remains of the decedent.*

26 *3. A person who accepts legal and financial responsibility for*  
27 *the burial of the human remains of a decedent as described in*  
28 *subparagraph (4) of paragraph (b) of subsection 2 does not have a*  
29 *claim against the estate of the decedent or against any other*  
30 *person for the cost of the burial.*

31 *4. If the deceased person was an indigent or other person for*  
32 *whom the final disposition of the decedent's remains is a*  
33 *responsibility of a county or the State, the appropriate public officer*  
34 *may order the burial of the remains and provide for the respectful*  
35 *disposition of the remains.*

36 ~~[3.]~~ *5. If the deceased person donated his or her body for*  
37 *scientific research or, before the person's death, a medical facility*  
38 *was made responsible for the final disposition of the person, a*  
39 *representative of the scientific institution or medical facility may*  
40 *order the burial of his or her remains.*

41 ~~[4.]~~ *6. A living person may order the burial of human remains*  
42 *removed from his or her body or the burial of his or her body after*  
43 *death. In the latter case, any person acting pursuant to his or her*  
44 *instructions is an authorized agent.*



\* A B 3 1 9 R 1 \*

1 ~~5.1~~ 7. A person 18 years of age or older wishing to authorize  
2 another person to order the burial of his or her human remains in the  
3 event of the person's death may execute an affidavit before a notary  
4 public in substantially the following form:

5  
6 State of Nevada }  
7 }ss  
8 County of ..... }  
9 (Date) .....

10 I, ....., (person authorizing another person to order  
11 the burial of his or her human remains in the event of his or her  
12 death) do hereby designate ..... (person who is being  
13 authorized to order the burial of the human remains of a person in  
14 the event of his or her death) to order the burial of my human  
15 remains upon my death.

16 Subscribed and sworn to before me this .....  
17 day of the month of ..... of the year .....  
18 .....

19 (Notary Public)

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

