

ASSEMBLY BILL NO. 295—ASSEMBLYMEN BOBZIEN, ANDERSON;
BUSTAMANTE ADAMS, HOGAN, KIRKPATRICK,
MASTROLUCA AND SMITH

MARCH 17, 2011

JOINT SPONSOR: SENATOR LESLIE

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the disposition of the human remains of certain deceased military personnel. (BDR 40-1073)

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 human remains; authorizing certain persons who are designated by a member of the Armed Forces of the United States, a reserve component thereof or the National Guard to order the burial or cremation of the human remains of the member upon his or her death on active duty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law authorizes certain persons to order the burial or cremation of
 - 2 human remains of a deceased person and establishes the order of priority in which
 - 3 such persons may direct the disposition of a decedent. (NRS 451.024, 451.650)
 - 4 **Sections 1 and 2** of this bill authorize a person who was designated by a member
 - 5 of the Armed Forces of the United States, a reserve component thereof or the
 - 6 National Guard in the United States Department of Defense Record of Emergency
 - 7 Data, DD Form 93, or its successor form, to order the burial or cremation of the
 - 8 human remains of the member upon his or her death on active duty.
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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) *If the decedent was, at the time of death, on active duty as a*
10 *member of the Armed Forces of the United States, a reserve*
11 *component thereof or the National Guard, a person designated by*
12 *the decedent in the United States Department of Defense Record*
13 *of Emergency Data, DD Form 93, or its successor form, as the*
14 *person authorized to direct disposition of the human remains of*
15 *the decedent;*

16 (c) The spouse of the decedent;

17 ~~(e)~~ (d) An adult son or daughter of the decedent;

18 ~~(d)~~ (e) Either parent of the decedent;

19 ~~(e)~~ (f) An adult brother or sister of the decedent;

20 ~~(f)~~ (g) A grandparent of the decedent;

21 ~~(g)~~ (h) A guardian of the person of the decedent at the time of
22 death; and

23 ~~(h)~~ (i) A person who held the primary domicile of the
24 decedent in joint tenancy with the decedent at the time of death.

25 2. If the deceased person was an indigent or other person for
26 whom the final disposition of the decedent's remains is a
27 responsibility of a county or the State, the appropriate public officer
28 may order the burial of the remains and provide for the respectful
29 disposition of the remains.

30 3. If the deceased person donated his or her body for scientific
31 research or, before the person's death, a medical facility was made
32 responsible for the final disposition of the person, a representative of
33 the scientific institution or medical facility may order the burial of
34 his or her remains.

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

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



* A B 2 9 5 R 1 *

1 State of Nevada }
2 } ss
3 County of}
4 (Date)

5 I,, (person authorizing another person to order
6 the burial of his or her human remains in the event of his or her
7 death) do hereby designate (person who is being
8 authorized to order the burial of the human remains of a person in
9 the event of his or her death) to order the burial of my human
10 remains upon my death.

11 Subscribed and sworn to before me this
12 day of the month of of the year
13

14 (Notary Public)

15 **Sec. 2.** NRS 451.650 is hereby amended to read as follows:

16 451.650 1. The following persons, in the following order of
17 priority, may order the cremation of human remains of a deceased
18 person:

19 (a) A person designated as the person with authority to order the
20 cremation of the human remains of the decedent in a legally valid
21 document or in an affidavit executed in accordance with
22 subsection 5;

23 (b) *If the decedent was, at the time of death, on active duty as a*
24 *member of the Armed Forces of the United States, a reserve*
25 *component thereof or the National Guard, a person designated by*
26 *the decedent in the United States Department of Defense Record*
27 *of Emergency Data, DD Form 93, or its successor form, as the*
28 *person authorized to direct disposition of the human remains of*
29 *the decedent;*

30 (c) The spouse of the decedent;

31 ~~(e)~~ (d) An adult son or daughter of the decedent;

32 ~~(d)~~ (e) Either parent of the decedent;

33 ~~(e)~~ (f) An adult brother or sister of the decedent;

34 ~~(f)~~ (g) A grandparent of the decedent;

35 ~~(g)~~ (h) A guardian of the person of the decedent at the time of
36 death; and

37 ~~(h)~~ (i) A person who held the primary domicile of the decedent
38 in joint tenancy with the decedent at the time of death.

39 2. If the deceased person was an indigent or other person for
40 the final disposition of whose remains a county or the State is
41 responsible, the appropriate public officer may order cremation of
42 the remains and provide for the respectful disposition of the
43 cremated remains.

44 3. If the deceased person donated his or her body for scientific
45 research or, before the person's death, a medical facility was made



1 responsible for the final disposition of the person, a representative of
2 the scientific institution or medical facility may order cremation of
3 the remains of the person.

4 4. A living person may order the cremation of human remains
5 removed from his or her body or the cremation of the body of the
6 person after the person's death. In the latter case, any person acting
7 pursuant to his or her instructions is an authorized agent.

8 5. A person 18 years of age or older wishing to give authority
9 to another person to order the cremation of his or her human
10 remains upon the person's death may execute an affidavit before a
11 notary public in substantially the following form:

12
13 State of Nevada }
14 } ss
15 County of }
16 (Date).....

17 I,, (person authorizing another person to order
18 the cremation of his or her human remains upon his or her death) do
19 hereby designate (person who is being
20 authorized to order the cremation of the human remains of another
21 person in the event of his or her death) to order the cremation of my
22 human remains upon my death.

23 Subscribed and sworn to before me this
24 day of the month of of the year

25

26 (Notary Public)

