

LEGISLATURE OF NEBRASKA
NINETY-SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 862

Introduced by Byars, 30

Read first time January 9, 2002

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to funeral directors and embalming; to amend
2 section 71-1340, Reissue Revised Statutes of Nebraska,
3 and sections 71-1301 and 71-1339, Revised Statutes
4 Supplement, 2000; to adopt the Cremation of Human Remains
5 Act; to change provisions relating to interment,
6 cremation, and the disposition of remains as prescribed;
7 to harmonize provisions; and to repeal the original
8 sections.

9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 19 of this act shall be known
2 and may be cited as the Cremation of Human Remains Act.

3 Sec. 2. For purposes of the Cremation of Human Remains
4 Act:

5 (1) Alternative container means a container in which
6 human remains are placed in a cremation chamber for a cremation.
7 An alternative container shall:

8 (a) Be composed of readily combustible materials suitable
9 for cremation;

10 (b) Be able to be closed in order to provide a complete
11 covering of the human remains;

12 (c) Be resistant to leakage or spillage;

13 (d) Be rigid enough for handling with ease; and

14 (e) Be able to provide protection for the health, safety,
15 and personal integrity of crematory personnel;

16 (2) Authorizing agent means a person legally entitled by
17 law to authorize the cremation of human remains and the final
18 disposition of the cremated remains;

19 (3) Body parts means (a) limbs or other portions of the
20 anatomy that are removed from a person or human remains for medical
21 purposes during treatment, surgery, biopsy, autopsy, or medical
22 research or (b) human bodies or any portion of human bodies that
23 have been donated to science for medical research purposes;

24 (4) Casket means a rigid container which is designed for
25 the encasement of human remains and which is usually constructed of
26 wood, metal, or similar material and ornamented and lined with
27 fabric;

28 (5) Cremated remains means human remains recovered after

1 the completion of the cremation process, and processing by
2 pulverization, leaving only bone fragments reduced to
3 unidentifiable dimensions and includes any unrecoverable residue of
4 foreign matter, such as eyeglasses, bridgework, or similar
5 material, that was inadvertently cremated with the human remains;

6 (6) Cremated remains receipt form means a receipt
7 provided by a crematory authority to an authorizing agent or his or
8 her representative that identifies the cremated remains and who is
9 to receive the cremated remains. The form shall include the name
10 of the deceased, date, time, and place of receipt and signatures of
11 the crematory authority and agent or representative;

12 (7) Cremation means the technical process using heat that
13 reduces human remains to bone fragments. The reduction takes place
14 through heat and evaporation;

15 (8) Cremation chamber means the enclosed space and
16 equipment within which a cremation takes place. Cremation chambers
17 used pursuant to the Cremation of Human Remains Act shall be used
18 exclusively for the cremation of human remains;

19 (9) Crematory means the building or portion of a building
20 that houses the cremation chamber and holding facility;

21 (10) Crematory authority means the legal entity or the
22 authorized representative of the legal entity which is licensed by
23 the department to operate a crematory and perform cremation;

24 (11) Crematory operator means the person who is
25 responsible to ensure that the crematory's license is current and
26 that the licensed crematory is in compliance with the laws and
27 rules and regulations of this state. Nothing in this definition
28 shall relieve other persons involved with a cremation from

1 complying with state and federal laws and rules and regulations;

2 (12) Delivery receipt form means a receipt provided by a
 3 funeral establishment to a crematory authority to include the name
 4 of the deceased, time and date of delivery, and the signature of
 5 the crematory authority and funeral director or the director's
 6 representative;

7 (13) Department means the Department of Health and Human
 8 Services Regulation and Licensure;

9 (14) Holding facility means an area within or adjacent to
 10 the crematory facility designated for the retention of human
 11 remains prior to cremation that shall:

12 (a) Comply with any applicable public health law;

13 (b) Preserve the dignity of the human remains;

14 (c) Recognize the integrity, health, and safety of the
 15 crematory authority personnel operating the crematory; and

16 (d) Be secure from access by anyone other than authorized
 17 personnel;

18 (15) Human remains means the body of a deceased person,
 19 or body part in any stage of decomposition;

20 (16) Niche means a compartment or cubicle for the
 21 memorialization or permanent placement of an urn containing
 22 cremated remains;

23 (17) Temporary container means a receptacle for cremated
 24 remains usually composed of cardboard, plastic, or similar material
 25 and used until an urn or other permanent container is acquired; and

26 (18) Urn means a receptacle designed to permanently
 27 encase cremated remains.

28 Sec. 3. (1) Any person doing business in this state, or

1 any cemetery, funeral establishment, corporation, partnership,
2 limited liability company, or any other entity may only maintain
3 and operate a crematory in this state for the cremation of human
4 remains after obtaining a license under and operating in accordance
5 with the requirements of the Cremation of Human Remains Act.

6 (2) A crematory shall not be licensed or be allowed to
7 operate unless it conforms to all building codes and environmental
8 standards or is exempt from such requirements because it was
9 established prior to the effective date of this act.

10 (3) A crematory may be constructed on the property of or
11 property adjacent to any cemetery, on the property of or on
12 property adjacent to any funeral establishment that is properly
13 zoned commercial or industrial, or at any other location consistent
14 with zoning and environmental regulations.

15 Sec. 4. Application for licensure as a crematory
16 authority shall be on forms furnished and prescribed by the
17 department. The application shall be in writing and shall contain
18 the name of the applicant, the address and location of the
19 crematory, the name of the crematory operator, a certificate
20 confirming that the crematory operator has attended a training
21 course provided by the Cremation Association of North America or by
22 a manufacturer of the cremation chamber prior to the issuance of
23 the license, and the name and address of each owner of the
24 crematory. The department may examine the premises and structure
25 to be used as a crematory within thirty days after the application
26 and shall issue a license to the crematory authority, if the
27 applicant meets all requirements of the Cremation of Human Remains
28 Act. If the department does not issue the license within sixty

1 days after receipt of the application or determines that a license
2 should not be issued, an applicant shall have the right to
3 challenge such determination in accordance with the Administrative
4 Procedure Act.

5 Sec. 5. Any new owner of a crematory authority shall
6 provide the department with his or her name and address at least
7 thirty days before the change in ownership.

8 Sec. 6. A license to operate a crematory authority shall
9 be obtained from the department prior to operation of the crematory
10 and shall be renewed every five years.

11 Sec. 7. No person, cemetery, funeral establishment,
12 corporation, partnership, limited liability company, or any other
13 entity shall cremate human remains except in a crematory licensed
14 under the Cremation of Human Remains Act.

15 Sec. 8. The right to authorize the cremation of human
16 remains and the final disposition of the cremated remains, subject
17 to section 23-1824 and unless other directions have been given by
18 the decedent in the form of a testamentary disposition or a
19 pre-need contract, vests according to section 71-1339.

20 Sec. 9. (1) Except as otherwise provided in this
21 section, a crematory authority shall not cremate human remains
22 until it has received:

23 (a) A cremation authorization form or a fax thereof
24 signed by an authorizing agent containing at least the following
25 information:

26 (i) The identity of the human remains;

27 (ii) Notification that the death did or did not occur
28 from a disease declared by the department to be infectious,

- 1 contagious, communicable, or dangerous to the public health;
- 2 (iii) The name of the authorizing agent and the
3 relationship between the authorizing agent and the deceased;
- 4 (iv) Authorization for the crematory authority to cremate
5 the human remains;
- 6 (v) A representation that the authorizing agent is aware
7 of no objection to the human remains being cremated by any person
8 who has a right to control the disposition of the human remains;
- 9 (vi) The name of the person authorized to claim the
10 cremated remains from the crematory authority;
- 11 (vii) The disposition of the cremated remains;
- 12 (viii) The identity of the funeral director;
- 13 (ix) A representation that the human remains do not
14 contain any material or implants that may be potentially hazardous
15 to equipment or persons performing the cremation; and
- 16 (x) Date and place of death;
- 17 (b) A completed and executed cremation/transit permit
18 form or a cremation permit form, indicating that the human remains
19 are to be cremated; and
- 20 (c) A delivery receipt form as described in section 12 of
21 this act.
- 22 (2) A crematory authority shall not accept human remains
23 for cremation without a proper label indicating the name of the
24 deceased and the name and location of the funeral establishment
25 placed on the exterior of the alternative container or casket.
- 26 (3) A crematory authority shall retain copies of the
27 cremation authorization form, cremation transit/permit form,
28 cremated remains receipt form, delivery receipt form, and any other

1 necessary records as required pursuant to the Cremation of Human
2 Remains Act for at least seven years after the cremation.

3 Sec. 10. (1) No crematory authority shall make or
4 enforce any rules requiring that human remains be placed in a
5 casket before cremation or that human remains be cremated in a
6 casket, nor shall the crematory refuse to accept human remains for
7 cremation if they are not in a casket.

8 (2) No crematory authority shall accept human remains
9 unless they are delivered to the crematory authority in an
10 alternative container or casket or delivered to the crematory
11 authority's holding facility to be placed in an alternative
12 container or casket. If the human remains are delivered to the
13 crematory authority in an alternative container, the alternative
14 container shall comply with all the requirements set forth in the
15 definition of alternative container. Human remains delivered to a
16 crematory shall not be removed from the alternative container and
17 the alternative container shall be cremated with the human remains.
18 The crematory authority shall have the right to refuse a
19 non-combustible casket or any other container that does not comply
20 with the requirements set forth in the definition of alternative
21 container, or is not labeled as required pursuant to subsection (2)
22 of section 9 of this act.

23 Sec. 11. No human remains shall be knowingly cremated
24 with a pacemaker or defibrillator or other potentially hazardous
25 implant or condition in place. The authorizing agent for the
26 cremation of the human remains shall be responsible for taking all
27 necessary steps to ensure that any pacemaker or defibrillator or
28 hazardous implant or condition is removed or corrected prior to

1 cremation. If an authorizing agent informs the funeral director
2 and the crematory authority on the cremation authorization form of
3 the presence of a pacemaker or defibrillator or other potentially
4 hazardous implant or condition in the human remains, the funeral
5 director shall be responsible for ensuring that all necessary steps
6 have been taken to remove the pacemaker or defibrillator or
7 hazardous implant or to correct the hazardous condition before
8 delivering the human remains to the crematory. A funeral director
9 who knowingly fails to ensure that the pacemaker or defibrillator
10 or hazardous implant or condition is removed or corrected from the
11 human remains prior to delivery and who delivers such human remains
12 shall be liable for the resulting damages if such remains are
13 cremated with the pacemaker, defibrillator, implant, or condition.
14 Bodies with pacemakers or defibrillators or hazardous implants or
15 conditions in the custody of a crematory authority shall have
16 pacemakers or defibrillators or hazardous implants removed by a
17 licensed embalmer at a funeral establishment within an embalming
18 preparation room unless the removal or correction is to take place
19 at a medical facility by the appropriate medical personnel.

20 Sec. 12. A crematory authority upon receiving human
21 remains shall sign a delivery receipt form and hold the human
22 remains prior to their cremation, according to the following
23 requirements:

24 (1) Whenever a crematory authority is unable to cremate
25 the human remains immediately upon taking custody thereof, the
26 crematory authority shall place the human remains in a holding
27 facility;

28 (2) A crematory authority shall not be required to accept

1 for holding a cremation container from which there is any evidence
2 of leakage of the body fluids from the human remains therein;

3 (3) If human remains received by the crematory authority
4 are not embalmed, they shall be held no longer than twenty-four
5 hours from the time of death unless the human remains are placed
6 within a refrigerated facility in accordance with the laws of this
7 state.

8 (4) No unauthorized person shall be permitted in the
9 crematory area or holding facility while any human remains are in
10 the crematory area awaiting cremation, being cremated, or being
11 removed from the cremation chamber;

12 (5) The unauthorized, simultaneous cremation of the human
13 remains of more than one person within the same cremation chamber
14 is forbidden, unless the crematory authority received specific
15 written authorization to do so from the authorizing agent for the
16 human remains to be so cremated; and

17 (6) Upon completion of the cremation, and in so far as is
18 possible, all of the recoverable residue of the cremation process
19 shall be removed from the cremation chamber. In so far as is
20 possible, all residue of the cremation process shall then be
21 separated from any foreign residue or anything other than bone
22 fragments and processed by pulverization so as to reduce the
23 cremated remains to unidentifiable particles. Any foreign residue
24 and anything other than the particles of the cremated remains shall
25 be removed from the cremated remains as far as possible and shall
26 be disposed of by the crematory authority. This section does not
27 apply when the commingling of human remains during cremation is
28 otherwise provided by law. The fact that there is incidental and

1 unavoidable residue in the cremation chamber used in prior
2 cremation is not a violation of this section.

3 Sec. 13. (1) The cremated remains with proper
4 identification shall be placed in a temporary container or urn
5 selected or provided by the authorizing agent. The temporary
6 container or urn contents shall not be contaminated with any other
7 object, unless specific authorization has been received from the
8 authorizing agent or as provided in subdivision (2) of this
9 section;

10 (2) If the cremated remains will not fit within the
11 dimensions of a temporary container or urn, then the remainder of
12 the cremated remains shall be returned to the authorizing agent or
13 its representative in a separate identifiable container; and

14 (3) If the cremated remains are to be shipped, the
15 temporary container or urn shall be packed securely in a suitable
16 shipping container that complies with the requirements of the
17 shipper. Cremated remains shall be shipped only by a method which
18 has an internal tracing system available and which provides a
19 receipt signed by the person accepting delivery unless otherwise
20 authorized in writing by the authorizing agent.

21 Sec. 14. (1) For purposes of the Cremation of Human
22 Remains Act, the delivery of the cremated remains to the
23 authorizing agent shall constitute final disposition. The
24 authorizing agent is responsible for the final disposition of the
25 cremated remains in the manner provided for in this section. If,
26 after a period of sixty days after the date of cremation, the
27 authorizing agent or his or her representative has not specified or
28 arranged for the final disposition in the manner provided for in

1 this section or claimed the cremated remains for final disposition
2 in the manner provided for in this section, the crematory authority
3 or the funeral establishment in possession of the cremated remains
4 may dispose of the cremated remains. Upon disposing of cremated
5 remains in accordance with this section, the crematory authority or
6 funeral establishment shall be relieved from any legal obligation
7 or liability concerning such cremated remains which may or may not
8 be recoverable. This disposition may be used by any crematory
9 authority or funeral establishment to dispose of all cremated
10 remains currently in the possession of a crematory authority or
11 funeral establishment on or after the effective date of this act.

12 (2) Cremated remains shall be delivered or released by
13 the crematory authority to the representative specified by the
14 authorizing agent on the cremation authorization form. The
15 representative of the crematory authority and the representative
16 receiving the cremated remains shall sign a cremated remains
17 receipt form indicating the name of the deceased and the date,
18 time, and place of the receipt. If the cremated remains are to be
19 shipped, forms used by the shipper in accordance with subdivision
20 (3) of section 13 of this act shall suffice. Both the delivering
21 party and receiving party shall retain a copy of the form. After
22 delivery, the cremated remains may be transported in any manner
23 within this state without a permit.

24 Sec. 15. (1) Any person signing a cremation
25 authorization form shall be deemed to warrant the truthfulness of
26 any facts set forth in the cremation authorization form, including
27 the identity of the deceased whose remains are sought to be
28 cremated and the person's authority to order such cremation. Any

1 person signing a cremation authorization form is personally liable
2 for all damages resulting from incorrect or misleading information.

3 (2) A crematory authority has authority to cremate human
4 remains upon the receipt of a cremation authorization form signed
5 by an authorizing agent as well as a completed cremation permit as
6 required by law. There is no liability for a crematory authority
7 that cremates human remains pursuant to such authorization, or that
8 releases or disposes of the cremated remains pursuant to such
9 authorization.

10 (3) A crematory authority is not responsible or liable
11 for any valuables delivered to the crematory authority with human
12 remains.

13 (4) (a) A crematory authority is not liable for refusing
14 to accept human remains or performing a cremation until it receives
15 a court order or other suitable confirmation that a dispute has
16 been settled if:

17 (i) It is aware of any dispute concerning the cremation
18 of such human remains; or

19 (ii) It has a reasonable basis for questioning any of the
20 representations made by the authorizing agent.

21 (b) A crematory authority is not liable for refusing to
22 accept human remains or performing a cremation for any other lawful
23 reason.

24 (5) If a crematory authority or funeral establishment is
25 aware of any dispute concerning the release or disposition of
26 cremated remains, the crematory authority may refuse to release
27 cremated remains until the dispute has been resolved or the
28 crematory authority or funeral establishment has been provided with

1 a court order authorizing the release or disposition of the
2 cremated remains. A crematory authority or funeral establishment
3 may refuse to release or dispose of cremated remains for any other
4 lawful reason.

5 (6) A crematory authority or funeral establishment shall
6 not be liable for refusing to release or dispose of cremated
7 remains in accordance with this section.

8 Sec. 16. The department may adopt and promulgate
9 reasonable rules and regulations governing the cremation of human
10 remains for the protection of the public health. Such rules and
11 regulations specifically shall include the conditions under which
12 human remains of persons who have died from an infectious,
13 contagious, communicable, or dangerous disease can be transported
14 from any portion of the state to a crematory for the purpose of
15 cremation, and minimum standards of sanitation for all crematories
16 which the department may deem necessary for the protection of the
17 public health.

18 Sec. 17. A crematory authority may enact reasonable
19 bylaws not inconsistent with the Cremation of Human Remains Act for
20 the management and operation of a crematory. Nothing in this
21 section shall prevent a crematory authority from enacting bylaws
22 which contain more stringent requirements than those provided in
23 the act.

24 Sec. 18. Violations of the Cremation of Human Remains
25 Act shall be punishable as follows:

26 (1) Maintenance or operation of a building or structure
27 within this state as a crematory in violation of the provision of
28 the Cremation of Human Remains Act or any other rules and

1 regulations of the department adopted and promulgated pursuant
2 thereto is hereby declared to be a public nuisance and may be
3 abated as a nuisance as provided by law;

4 (2) Holding oneself out to the public as a crematory
5 authority without being licensed under the Cremation of Human
6 Remains Act or performing a cremation without a cremation
7 authorization form signed by an authorizing agent as well as a
8 cremation permit completed by the issuing authority is a Class III
9 misdemeanor;

10 (3) Signing a cremation authorization form with the
11 actual knowledge that the form contains false or incorrect
12 information is a Class III misdemeanor; and

13 (4) A violation of any other provision of the Cremation
14 of Human Remains Act is a Class III misdemeanor.

15 Sec. 19. The Cremation of Human Remains Act shall be
16 construed and interpreted as a comprehensive cremation law and the
17 provisions of the act shall take precedence over any existing laws
18 or rules and regulations that govern dead human bodies and human
19 remains that do not specifically address cremation.

20 Sec. 20. Section 71-1301, Revised Statutes Supplement,
21 2000, is amended to read:

22 71-1301. For purposes of sections 71-1301 to 71-1306 and
23 71-1326 to 71-1354, unless the context otherwise requires:

24 (1) Accredited school of mortuary science shall mean
25 means a school of the same type as those rated Class A by the
26 Conference of Funeral Service Examining Boards of the United
27 States, Inc., approved by the department upon recommendation of the
28 board;

1 (2) Apprentice ~~shall mean~~ means a person registered with
2 the department as an apprentice who is completing a twelve-month
3 apprenticeship under the supervision of a licensed funeral director
4 and embalmer practicing in the State of Nebraska. The licensed
5 funeral director and embalmer ~~shall be~~ is responsible for all
6 funeral assists and embalmings completed by the apprentice;

7 (3) Board ~~shall mean~~ means the Board of Funeral Directing
8 and Embalming;

9 (4) Branch establishment ~~shall mean~~ means a place of
10 business situated at a specific street address or location which is
11 a subsidiary of a licensed funeral establishment, which contains a
12 casket display room, a viewing area, or an area for conducting
13 funeral services, or all of them, and where any portion of the
14 funeral service or arrangements for the disposition of a dead human
15 body is conducted;

16 (5) Casket ~~shall mean~~ means a receptacle for a dead human
17 body and ~~shall~~ does not include vaults, lawn crypts, mausoleums, or
18 other outside receptacles for caskets;

19 (6) Department ~~shall mean~~ means the Department of Health
20 and Human Services Regulation and Licensure;

21 (7) Embalming ~~shall mean~~ means the practice of preparing
22 a dead human body for burial or other final disposal by a licensed
23 funeral director and embalmer or an apprentice, requesting and
24 obtaining burial or removal permits, or assuming any of the other
25 duties incident to the practice of embalming. Any person who
26 publicly professes to be a funeral director and embalmer or an
27 apprentice ~~shall be~~ is deemed to be practicing embalming. The
28 performance of the following acts ~~shall also be~~ are deemed to be

1 the practice of embalming: (a) The disinfection and preservation of
2 dead human beings, entire or in part; and (b) the attempted
3 disinfection and preservation thereof by the use or application of
4 chemical substances, fluids, or gases ordinarily used, prepared, or
5 intended for such purposes, either by outward application of such
6 chemical substances, fluids, or gases on the body or by introducing
7 them into the body, by vascular or hypodermic injection, or by
8 direct introduction into the organs or cavities;

9 (8) Funeral directing ~~shall mean~~ means (a) counseling
10 families or next of kin in regard to the conduct of a funeral
11 service for a dead human body for burial, disposition, or cremation
12 or directing or supervising burial, disposition, or cremation of
13 dead human bodies, - ~~Cremation shall be considered as a final~~
14 ~~disposition of a dead human body the same as interment,~~ (b)
15 providing for or maintaining a funeral establishment, or (c) the
16 act of representing oneself as or using in connection with one's
17 name the title of funeral director, mortician, or any other title
18 implying that he or she is engaged in the business of funeral
19 directing;

20 (9) Funeral establishment ~~shall mean~~ means a place of
21 business situated at a specific street address or location devoted
22 to the care and preparation of dead human bodies for burial,
23 disposition, or cremation or to conducting or arranging funeral
24 services for dead human bodies;

25 (10) Licensee ~~shall mean~~ means a person licensed by the
26 department as a funeral director and embalmer on or after January
27 1, 1994, or a person licensed as a funeral director or embalmer
28 prior to January 1, 1994;

1 (11) Licensure examination ~~shall mean~~ means a national
2 standardized examination, the state jurisprudence examination, and
3 the vital statistic forms examination; and

4 (12) Supervision ~~shall mean~~ means the direct oversight or
5 the easy availability of the supervising funeral director and
6 embalmer. The first twenty-five funeral assists and embalmings
7 shall be completed under direct onsite supervision of the
8 supervising funeral director and embalmer.

9 Sec. 21. Section 71-1339, Revised Statutes Supplement,
10 2000, is amended to read:

11 71-1339. The right to control the disposition of the
12 remains of a deceased person, subject to section 23-1824 and unless
13 other directions have been given by the decedent, vests in the
14 following persons in the order named:

15 (1) The surviving spouse of the decedent;

16 (2) If the surviving spouse is incompetent or not
17 available, or if there be no surviving spouse, the decedent's
18 surviving adult children. If there is more than one adult child,
19 any adult child who confirms in writing the notification of all
20 other adult children, may direct the manner of disposition unless
21 the funeral establishment or crematory authority receives written
22 objection to the manner of disposition from another adult child;

23 (3) The decedent's surviving parents;

24 (4) The persons in the next degree of kinship under the
25 laws of descent and distribution to inherit the estate of the
26 decedent. If there is more than one person of the same degree, any
27 person of that degree may direct the manner of disposition;

28 (5) A guardian of the person of the decedent at the time

1 of such person's death;

2 (6) The personal representative of the decedent;

3 (7) The State Anatomical Board or county in the case of
 4 an indigent person or any other person whose disposition of his or
 5 her remains is the responsibility of the state or county; or

6 (8) A representative of an entity described in section
 7 71-1340 that has arranged with the funeral establishment or
 8 crematory authority to cremate a body part in the case of body
 9 parts received from such entity described in section 71-1340.

10 A funeral director, funeral establishment, or crematory
 11 shall not be subject to criminal prosecution or civil liability for
 12 carrying out the otherwise lawful instructions of the person or
 13 persons of this section if the funeral director reasonably believes
 14 such person is entitled to control final disposition of the remains
 15 of the deceased person. (1) The surviving spouse, (2) if the
 16 surviving spouse is incompetent or not available, or if there be no
 17 surviving spouse, adult child of the decedent, (3) a surviving
 18 parent of the decedent, (4) an adult brother or sister of the
 19 decedent, (5) an adult person in the next degrees of kindred in the
 20 order named by the laws of Nebraska as entitled to succeed to the
 21 estate of the decedent, (6) the State Anatomical Board, or (7) the
 22 county board of the county in which death occurred.

23 The liability for the reasonable cost of ~~interment~~ the
 24 final disposition of the remains of the deceased person devolves
 25 jointly and severally upon all kin of the decedent in the same
 26 degree of kindred and upon the estate of the decedent and, in cases
 27 when the county board has the right to control disposition of the
 28 remains under subdivision (7) of this section, upon the county in

1 which death occurred from funds available for such purpose.

2 Sec. 22. Section 71-1340, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 71-1340. A decedent, prior to his or her death, may
5 direct the preparation for type or place of ~~interment~~ the final
6 disposition of his or her remains, either by oral or written
7 instructions. If such instructions are in a will or other written
8 instrument, ~~he or she~~ the decedent may direct that the whole or any
9 part of such remains be given to a teaching institution,
10 university, college, or legally licensed hospital, to the Director
11 of Regulation and Licensure, or to or for the use of any nonprofit
12 blood bank, artery bank, eye bank, or other therapeutic service
13 operated by any agency approved by the Director of Regulation and
14 Licensure under rules and regulations established by the director.
15 The person or persons otherwise entitled to control the disposition
16 of the remains under this section shall faithfully carry out the
17 directions of the decedent.

18 If such instructions are contained in a will or other
19 written instrument, they shall be immediately carried out,
20 regardless of the validity of the will in other respects or of the
21 fact that the will may not be offered for or admitted to probate
22 until a later date.

23 This section shall be administered and construed to the
24 end that such expressed instructions of any person shall be
25 faithfully and promptly performed.

26 A funeral director and embalmer, physician, or cemetery
27 authority shall not be liable to any person or persons for carrying
28 out such instructions of the decedent, and any teaching

1 institution, university, college, or legally licensed hospital or
2 the Director of Regulation and Licensure shall not be liable to any
3 person or persons for accepting the remains of any deceased person
4 under a will or other written instrument as above set forth.

5 Sec. 23. Original section 71-1340, Reissue Revised
6 Statutes of Nebraska, and sections 71-1301 and 71-1339, Revised
7 Statutes Supplement, 2000, are repealed.