

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Barclay**

A BILL ACT 376 OF 1991
HOUSE BILL 1404

For An Act To Be Entitled

8 "AN ACT TO BE KNOWN AS THE 'ARKANSAS FINAL DISPOSITION
9 RIGHTS ACT'; AND FOR OTHER PURPOSES."

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11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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13 SECTION 1. This act may be cited as the "Arkansas Final Disposition
14 Rights Act."

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16 SECTION 2. (a) An individual of sound mind and eighteen (18) or more
17 years of age may execute at any time a declaration governing the final
18 disposition of their bodily remains at their death provided such is in
19 accordance with existing laws, rules and practices for disposing of human
20 remains. The declaration shall be signed by the declarant, or another at the
21 declarant's direction, and shall be witnessed by two (2) individuals.

22 (b) No person having possession, charge, or control of the declarant's
23 human remains following the death of a person who has executed a declaration
24 of final disposition shall knowingly dispose of the body in a manner
25 inconsistent with such declaration.

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27 SECTION 3. *Nothing in this act shall be construed to affect, repeal or*
28 *replace, the provisions and procedures set forth in A.C.A. §§20-17-601 et seq.*
29 *the Arkansas Anatomical Gift Act.*

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31 SECTION 4. All provisions of this act of a general and permanent nature
32 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
33 Revision Commission shall incorporate the same in the Code.

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35 SECTION 5. If any provision of this act or the application thereof to
36 any person or circumstance is held invalid, such invalidity shall not affect

1 other provisions or applications of the act which can be given effect without
2 the invalid provision or application, and to this end the provisions of this
3 act are declared to be severable.

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5 SECTION 6. All laws and parts of laws in conflict with this act are
6 hereby repealed.

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8 SECTION 7. EMERGENCY CLAUSE. *It is hereby found and determined by the*
9 *Seventy-Eighth General Assembly that current law provides for the giving of*
10 *anatomical gifts upon death but otherwise nothing in the law provides a legal*
11 *mechanism in which a person can indicate their wishes concerning the disposal*
12 *of their remains upon death; that cremation has become an acceptable means of*
13 *disposing of such remains to some persons but there is a reluctance on the*
14 *part of funeral planners and relatives to honor such option following the*
15 *passing of the person; that this act will provide such funeral planners with a*
16 *clear indication to be honored upon the death of the declarant; and that no*
17 *guarantee exists that a person who would want to avail themselves of the*
18 *provisions of this act will still be around on its effective date if it does*
19 *not become effective immediately. Therefore, an emergency is hereby declared*
20 *to exist and this act being necessary for the immediate preservation of the*
21 *public peace, health and safety shall be in full force and effect from and*
22 *after its passage and approval.*

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24 /s/Dick Barclay

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26 APPROVED: 3-6-91

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