

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003

# A Bill

SENATE BILL 392

4  
5 By: Senator Madison  
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## For An Act To Be Entitled

8  
9 AN ACT TO AMEND THE ARKANSAS FINAL DISPOSITION  
10 RIGHTS ACT TO PROVIDE THAT NO ADDITIONAL CONSENT  
11 FOR CREMATION IS REQUIRED IF A DECEDENT HAS  
12 EXECUTED A DECLARATION OF FINAL DISPOSITION  
13 INDICATING THAT HE OR SHE WISHES TO BE CREMATED;  
14 TO HOLD CREMATORY OPERATORS HARMLESS FOR  
15 COMPLYING WITH A DECLARATION OF FINAL  
16 DISPOSITION; AND FOR OTHER PURPOSES.  
17

## Subtitle

18  
19 AN ACT TO AMEND THE ARKANSAS FINAL  
20 DISPOSITION RIGHTS ACT TO PROVIDE THAT  
21 NO ADDITIONAL CONSENT FOR CREMATION IS  
22 REQUIRED IF A DECEDENT HAS EXECUTED A  
23 DECLARATION OF FINAL DISPOSITION  
24 INDICATING A WISH TO BE CREMATED.  
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27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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29 SECTION 1. Arkansas Code § 20-17-102 is amended to read as follows:  
30 20-17-102. Arkansas Final Disposition Rights Act.

31 (a)(1) This section may be cited as the "Arkansas Final Disposition  
32 Rights Act".

33 (2) For purposes of this section, "final disposition" means the  
34 burial, interment, cremation, removal from Arkansas, or other authorized  
35 disposition of a dead body or fetus.

36 (b)(1) An individual of sound mind and eighteen (18) or more years of



1 age may execute at any time a declaration governing the final disposition of  
 2 their bodily remains at their death provided such is in accordance with  
 3 existing laws, rules, and practices for disposing of human remains.

4 (2) The declaration of final disposition executed under this  
 5 section shall be signed by the declarant, or another at the declarant's  
 6 direction, and shall be witnessed by two (2) individuals.

7 (3) No additional consent of any other person is required if the  
 8 declaration of final disposition contains a disposition authorized under this  
 9 section and is otherwise valid under this section.

10 (c) No person having possession, charge, or control of the declarant's  
 11 human remains following the death of a person who has executed a declaration  
 12 of final disposition shall knowingly dispose of the body in a manner  
 13 inconsistent with such declaration.

14 (d) Crematory operators shall not be liable for civil damages for  
 15 cremating human remains if a declaration of final disposition indicating that  
 16 the declarant wished to be cremated has been executed under this section.

17 (e) Crematory operators shall not be liable for civil damages for  
 18 failing to cremate human remains if:

19 (1) The declarant executed a declaration of final disposition  
 20 indicating that he or she did not wish to be cremated; or

21 (2) The crematory operator knows that there is a dispute as to  
 22 the validity of the declaration of final disposition.

23 (f) If a decedent did not execute a declaration of final disposition,  
 24 the person having lawful possession, charge, or control of the decedent's  
 25 human remains has the right to dispose of the remains in any manner that is  
 26 consistent with existing laws, rules, and practices for disposing of human  
 27 remains, including the right to have the remains cremated.

28 (g) A funeral home shall not be liable for any damages for carrying  
 29 out the disposition of a decedent's human remains in any lawful manner that  
 30 is consistent with a decedent's declaration of final disposition.

31 (h) Nothing in this section shall be construed to affect,  
 32 repeal, or replace the provisions and procedures set forth in the Arkansas  
 33 Anatomical Gift Act, § 20-17-601 et seq.

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