

By: Representative Taylor

To: Public Health and Human
Services

HOUSE BILL NO. 374

1 AN ACT TO PROVIDE THAT THE IMMEDIATE KIN OF DECEDENTS MAY
2 MOVE HUMAN REMAINS INTERRED IN GRAVESITES IN CEMETERIES IN THIS
3 STATE TO OTHER GRAVESITES; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** (1) Subject to any applicable provisions under
6 Chapter 61 of Title 41, or unless otherwise prescribed in the
7 decedent's last will and testament, human remains or cremated
8 human remains interred in a cemetery may be moved to other places
9 of interment as provided in this act. If remains are to be
10 transported into or out of this state, interred remains may be
11 removed upon receipt of a burial-transit permit and any applicable
12 rules of the State Department of Health shall apply.

13 For removals of interred human remains from a cemetery, the
14 removals shall be done only with the written consent of the
15 cemetery organization operating the cemetery, the written consent
16 of the current plot owner or owners and the written consent of one
17 (1) of the following person or persons, in the priority listed as
18 follows:

- 19 (a) The decedent's surviving spouse;
- 20 (b) If there is no surviving spouse, the decedent's
21 surviving adult child or children;
- 22 (c) If there is no surviving adult child or children,
23 the decedent's surviving parent or parents;
- 24 (d) If there is no surviving parent or parents, the
25 decedent's adult sibling or siblings;

26 (e) If there is no adult sibling or siblings, the adult
27 person in the next degree of kinship in the order named by law to
28 inherit the estate of the decedent.

29 (2) A person listed in subsection (1) of this section may
30 consent to the removal only if there is no person or persons in a
31 priority listed before that person.

32 (3) If the consent required in subsection (1) of this
33 section cannot be obtained, the remains may be removed by
34 permission of the county court, or chancery court if there is no
35 county court, of the county in which the cemetery is located.
36 Before the date of application to the court for permission to
37 remove remains under this subsection, notice must be given to the
38 following:

39 (a) The cemetery organization operating the cemetery in
40 which the remains are interred;

41 (b) Each person whose consent is required for removal
42 of the remains under subsection (1) of this section; and

43 (c) Any other person or persons that the court requires
44 to be served.

45 (4) For purposes of subsection (3) of this section, personal
46 notice must be given not later than the eleventh day before the
47 date of application to the court for permission to remove the
48 remains, or notice by certified or registered mail must be given
49 not later than the sixteenth day before the date of application.

50 (5) Any person who removes remains from a cemetery shall
51 keep a record of the removal that includes the following:

52 (a) The date the remains are removed;

53 (b) The name and age at death of the decedent if those
54 facts can be conveniently obtained;

55 (c) The place to which the remains are moved; and

56 (d) The cemetery and plot from which the remains are
57 removed.

58 (6) If the remains are not reinterred in another state, the
59 person who removes the remains shall make and keep a record of the
60 disposition of the remains.

61 (7) A person who removes remains from a cemetery shall give
62 the cemetery organization operating the cemetery a copy of the
63 court record as required by subsections (3) and (4) of this
64 section.

65 (8) No remains may be removed from a cemetery plot for which
66 the purchase price is past due and unpaid.

67 **SECTION 2.** This act shall take effect and be in force from
68 and after July 1, 2004.