

By: Representative Williams-Barnes

To: Public Health and Human  
Services

## HOUSE BILL NO. 840

1 AN ACT TO AMEND SECTION 41-39-5, MISSISSIPPI CODE OF 1972, TO  
2 REQUIRE A PERSON WHO ACQUIRES POSSESSION OF A DEAD HUMAN BODY THAT  
3 IS NOT CLAIMED FOR BURIAL OR CREMATION WITHIN FORTY-EIGHT HOURS OF  
4 ITS ACQUISITION TO NOTIFY THE CORONER, WHO SHALL TAKE POSSESSION  
5 OF THE BODY AND CAUSE THE BODY TO BE ENTRUSTED TO A FUNERAL HOME  
6 IN THE COUNTY WHERE THE BODY IS FOUND; TO PROVIDE THAT EXCEPT IN  
7 COUNTIES WHERE THE CORONER HAS ESTABLISHED A PREFERRED FUNERAL  
8 HOME USING A QUALIFIED BIDDING PROCESS, DISPOSITION OF DEAD BODIES  
9 SHALL BE ON A ROTATION BASIS, WHICH SHALL TREAT EQUALLY ALL  
10 FUNERAL HOMES DESIRING TO PARTICIPATE, SUCH ROTATION TO BE  
11 ESTABLISHED BY THE CORONER AFTER CONSULTATION WITH REPRESENTATIVES  
12 OF THE FUNERAL HOMES IN THE COUNTY OR COUNTIES INVOLVED; AND FOR  
13 RELATED PURPOSES.

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

15 **SECTION 1.** Section 41-39-5, Mississippi Code of 1972, is  
16 amended as follows:

17 41-39-5. (1) Any physician, hospital, funeral director,  
18 embalmer \* \* \* or other person acquiring possession of a dead  
19 human body or portion thereof \* \* \* for which the deceased had  
20 made no prior plans for the disposition of and there is no other  
21 person who claims the body or portion thereof for burial or  
22 cremation within forty-eight (48) hours of its acquisition, shall  
23 notify the coroner, who shall take possession of the body or



24 portion thereof and cause the body or portion thereof to be  
25 entrusted to a funeral home in the county where the body or  
26 portion thereof is found. Except in counties where the coroner  
27 has established a preferred funeral home using a qualified bidding  
28 process, disposition of dead bodies or portions thereof shall be  
29 on a rotation basis, which shall equally treat all funeral homes  
30 desiring to participate, such rotation to be established by the  
31 coroner after consultation with representatives of the funeral  
32 homes in the county or counties involved. If a dead human body or  
33 portion thereof is initially in possession of the coroner, the  
34 coroner shall cause the body or portion thereof to be entrusted to  
35 a funeral home in same manner as if the body was transferred to  
36 the coroner by another person.

37 (2) If a funeral home that receives a body or portion  
38 thereof under the provisions of subsection (1) of this section is  
39 unable or unwilling to make final disposition of the body or  
40 portion thereof, the funeral home shall give written notice  
41 thereof to the board of supervisors, or a member thereof, of the  
42 county in which the dead body or portion thereof is located,  
43 furnishing such identification of the decedent as may be  
44 available. The board of supervisors or the coroner shall make  
45 reasonable efforts to notify members of the decedent's family or  
46 other known interested persons, and, if the dead body or portion  
47 thereof \* \* \* is not \* \* \* claimed for burial or cremation by any  
48 interested person within five (5) days of the \* \* \* written



49 notice, the board of supervisors or coroner shall, as soon as it  
50 may think appropriate, authorize and direct the burial or  
51 cremation and burial of the residue of \* \* \* the dead body or  
52 portion thereof. In its discretion and where otherwise permitted  
53 to do so by law, the board of supervisors may direct the  
54 disposition of the dead body or portion thereof as provided by  
55 Section 41-39-7. The reasonable expense of \* \* \* the burial or  
56 cremation and burial of the residue of a dead body or portion  
57 thereof shall be borne by the estate of the decedent or of any  
58 person liable at law for the necessities of the decedent during  
59 his lifetime or, if they are unable to pay the same, by the county  
60 of residence or settlement of the decedent, if known, and, if not  
61 known, by the county in which the dead body or portion thereof is  
62 located.

63       (3) If \* \* \* a funeral home has possession of \* \* \* a dead  
64 human body or portion thereof \* \* \* that it received under the  
65 provisions of subsection (1) of this section and for which it is  
66 unable or unwilling to make final disposition of and has no  
67 available means of preserving the \* \* \* body or portion thereof  
68 until it is buried or cremated under the provisions of subsection  
69 (2) of this section, the funeral home \* \* \* shall \* \* \* notify the  
70 board of supervisors, or a member thereof, of the county in which  
71 the dead body or portion thereof is located, and it shall be the  
72 duty of the board of supervisors to make arrangements for the  
73 preservation of the same until burial or cremation and burial of



74 the residue of the dead body or portion thereof as \* \* \* provided  
75 in subsection (2), and the expense of \* \* \* the preservation shall  
76 be borne as \* \* \* provided in subsection (2) with respect to the  
77 expense of burial or cremation.

78 (4) No county funds may be expended in excess of the amount  
79 budgeted for the purposes of this section without the prior  
80 approval of the board of supervisors of the county.

81 **SECTION 2.** This act shall take effect and be in force from  
82 and after July 1, 2020.

