

## HOUSE BILL NO. HB0280

Funeral service practitioners.

Sponsored by: Representative(s) Wilson and Senator(s) Baldwin

A BILL

for

1 AN ACT relating to wills, decedents' estates and probate code;  
2 modernizing terms relating to burial arrangements; and  
3 providing for an effective date.

4

5 *Be It Enacted by the Legislature of the State of Wyoming:*

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7 **Section 1.** W.S. 2-17-101(a), (c) through (e) is amended  
8 to read:

9

10 **2-17-101. Authority to authorize burial or cremation;**  
11 **immunity for funeral directors and funeral service**  
12 **practitioners.**

13

14 (a) If a decedent leaves written instructions regarding  
15 his entombment, burial or cremation, or a document that  
16 designates and authorizes another person to direct

1 disposition of the decedent's body the funeral director or  
2 ~~undertaker~~funeral service practitioner to whom the body is  
3 entrusted shall proceed with the disposition of the body in  
4 accordance with those instructions or the instructions given  
5 by the person designated to direct disposition of the  
6 decedent's body. A document that designates another person  
7 to direct disposition of the decedent's body drafted pursuant  
8 to service in the military and in a form mandated by federal  
9 law at the time it was signed shall be recognized as valid  
10 for purposes of this section. In the event a decedent does  
11 not leave written instructions regarding his entombment,  
12 burial or cremation, or fails to leave a document designating  
13 another person to direct disposition of the decedent's body,  
14 the funeral director or ~~undertaker~~funeral service  
15 practitioner to whom the body is entrusted shall obtain a  
16 signed consent before the entombment, burial or cremation  
17 proceeds.

18

19 (c) If a funeral director or ~~undertaker~~funeral service  
20 practitioner receives written consent from a person specified  
21 in subsection (b) of this section, he may act in accordance  
22 with the consent, unless a person with a higher or equal  
23 priority provides the funeral director or ~~undertaker~~funeral

1 service practitioner a contrary written consent within three  
2 (3) days. If the funeral director or ~~undertaker~~funeral  
3 service practitioner has been provided contrary written  
4 consents from members of the same class with the highest  
5 priority as to the entombment, burial or cremation of the  
6 decedent, the director or ~~undertaker~~funeral service  
7 practitioner shall act in accordance with the directive of  
8 the greatest number of consents received from members of the  
9 class. If that number is equal, the director or ~~undertaker~~  
10 funeral service practitioner shall act in accordance with the  
11 earlier consent unless the person providing the later consent  
12 is granted an order from the district court for the county in  
13 which the funeral ~~home or mortuary~~establishment is located.  
14 The district court shall order disposition in accordance with  
15 the later consent only if it is shown by a preponderance of  
16 the evidence the disposition is in accordance with the  
17 decedent's wishes.

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19 (d) If the decedent is not survived by any member of  
20 the classes listed or no member of those classes is competent  
21 to sign a consent, any person who comes forward and  
22 legitimately identifies himself as another level of relation  
23 or friend of the decedent is authorized to sign the consent.

1 If no consent is received within seven (7) days of the  
2 decedent's death, the coroner for the county in which the  
3 funeral ~~home or mortuary~~ establishment is located is  
4 authorized to sign the consent.

5

6 (e) A funeral director or ~~undertaker~~ funeral service  
7 practitioner acting in accordance with this section, or  
8 attempting in good faith to act in accordance with this  
9 section, shall be immune from civil liability.

10

11 **Section 2.** This act is effective July 1, 2019.

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13

(END)