

HOUSE BILL 895

Introduced by J. Brown

2/16	Introduced
2/16	Referred to Human Services & Aging
2/16	First Reading
2/20	Hearing
2/23	Committee Report--Bill Passed as Amended
2/26	2nd Reading Passed
2/27	3rd Reading Passed
	Transmitted to Senate
2/27	Referred to Public Health, Welfare & Safety
3/04	First Reading
3/22	Hearing
3/23	Tabled in Committee

1 HOUSE BILL NO. 895
 2 INTRODUCED BY J. Bidum
 3 BY REQUEST OF THE DEPARTMENT
 4 OF HEALTH AND ENVIRONMENTAL SCIENCES

5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
 7 LAWS RELATING TO REGISTRATION OF DEATH CERTIFICATES AND THE
 8 REMOVAL OF DEAD BODIES; AND REPEALING SECTIONS 50-15-401,
 9 50-15-402, 50-15-403, 50-15-404, AND 50-15-405, MCA."

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 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 NEW SECTION. Section 1. Authorization for removal of
 13 body from place of death. (1) A body may be removed from the
 14 place of death by a funeral director or mortician licensed
 15 by the board of morticians, provided for in 2-15-1853, or
 16 other persons in charge of disposition of the dead body,
 17 only upon the written authorization of the physician in
 18 attendance at death or the coroner having jurisdiction when
 19 death is not medically attended. The written authorization
 20 must be made on a form prescribed by the department and
 21 must, at a minimum, contain information regarding the name
 22 of the deceased and the name of the person to whom the body
 23 was released.

24 (2) The written authorization required in subsection
 25 (1) permits removal of a body from the place of death to

1 another location within the state only. One copy of the
 2 removal authorization must be mailed, within 24 hours of the
 3 removal of the body, to the local registrar of the
 4 registration area in which the death occurred.

5 NEW SECTION. Section 2. Death certificate to be filed.

6 (1) The person in charge of disposition of the dead body
 7 shall obtain personal data required by the department from
 8 persons best qualified to supply the data and enter it on
 9 the registration part of the death certificate. The person
 10 in charge of disposition shall remove the clerk and recorder
 11 copy from the death certificate packet and file it with the
 12 clerk and recorder of the county in which the death occurred
 13 within 3 days of the date of death. The person shall mail to
 14 the local registrar for the registration area in which the
 15 death occurred a copy of the registration part of the death
 16 certificate within 48 hours of the date of death.

17 (2) The person in charge of disposition of the dead
 18 body shall present the state copy of the death certificate
 19 to the physician or coroner responsible for the medical
 20 certification of the cause of death. The person shall obtain
 21 the completed certification of the cause of death from the
 22 physician or coroner, and the person shall, within 20 days
 23 of the date of death, file the completed state death
 24 certificate with the local registrar for the registration
 25 area in which the death occurred.



1 (3) If it appears that the death resulted from other
 2 than natural causes, such as suicide or homicide, the person
 3 in charge of disposition of the body and the local registrar
 4 shall immediately notify the coroner who shall investigate
 5 and certify the cause of death.

6 **NEW SECTION. Section 3. Notification and confirmation**
 7 **of final disposition.** (1) Final disposition of a dead body
 8 is by:

- 9 (a) burial;
- 10 (b) cremation; or
- 11 (c) transportation out of the state for burial or
 12 cremation.

13 (2) The person in charge of disposition shall provide
 14 information about the location and date of disposition
 15 required by the department on a form prescribed by the
 16 department. This form must be signed and dated by:

- 17 (a) the person in charge of the location or cemetery
 18 where the body is interred;
- 19 (b) the owner or operator of the crematory where the
 20 body was cremated; or
- 21 (c) the person outside Montana who takes possession of
 22 the body for burial or cremation. One copy of this signed
 23 form must be mailed, within 24 hours of final disposition,
 24 to the local registrar of the registration area in which the
 25 death occurred.

1 (3) The person in charge of disposition requiring
 2 transportation of a body out of the state for any purposes
 3 shall obtain a written permit from the department prior to
 4 transporting the body across the state line. A copy of the
 5 permit must accompany the body to its out-of-state
 6 destination.

7 **NEW SECTION. Section 4. Repealer.** Sections 50-15-401,
 8 50-15-402, 50-15-403, 50-15-404, and 50-15-405, MCA, are
 9 repealed.

10 **NEW SECTION. Section 5. Codification instruction.**
 11 [Sections 1 through 3] are intended to be codified as an
 12 integral part of Title 50, chapter 15, part 4, and the
 13 provisions of Title 50, chapter 15, part 4, apply to
 14 [sections 1 through 3].

-End-

APPROVED BY COMM. ON
HUMAN SERVICES AND AGING

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14 removed from the place of death by a funeral director or
15 mortician licensed by the board of morticians, provided for
16 in ~~2-15-1053~~ UNDER 37-19-302, HIS AGENT, or other persons
17 in charge of disposition of the dead body, only upon the
18 written OR ORAL authorization of the A physician in
19 attendance at death or the coroner having jurisdiction when
20 death is not medically attended, CORONER, OR MORTICIAN
21 LICENSED UNDER TITLE 37. The written authorization must be
22 made on a form prescribed by the department and must, at a
23 minimum, contain information regarding the name of the
24 deceased and the name of the person to whom the body was
25 released.

1 (2) The written authorization required in subsection
2 (1) permits removal of a body from the place of death to
3 another location ~~within the state only.~~ One copy of the
4 removal authorization must be mailed OR DELIVERED, within 24
5 72 hours of the removal of the body, to the local registrar
6 of IN the registration area ~~in which~~ WHERE the death
7 occurred.

8 NEW SECTION. Section 2. Death OR FETAL DEATH
9 certificate to be filed. (1) The person in charge of
10 disposition of the dead body shall obtain personal data ON
11 THE DECEASED, OR ON THE PARENTS IN THE CASE OF A FETAL
12 DEATH, required by the department from persons best
13 qualified to supply the data and enter it on the
14 registration ~~part of the death OR FETAL DEATH~~ certificate.
15 ~~The person in charge of disposition shall remove the clerk~~
16 ~~and recorder copy from the death certificate packet and file~~
17 ~~it with the clerk and recorder of the county in which the~~
18 ~~death occurred within 3 days of the date of death. The~~
19 ~~person shall mail to the local registrar for the~~
20 ~~registration area in which the death occurred a copy of the~~
21 ~~registration part of the death certificate within 48 hours~~
22 ~~of the date of death.~~

23 (2) The person in charge of disposition of the dead
24 body shall present the state copy of the death certificate
25 to the physician or coroner responsible for the medical

1 certification of the cause of death. The person shall obtain
 2 the completed certification of the cause of death from the
 3 physician or coroner, and the person shall, within 29--days
 4 of--the--date--of--death THE TIMEFRAME PRESCRIBED BY THE
 5 DEPARTMENT, file the completed state death OR FETAL DEATH
 6 certificate with the local registrar for IN the registration
 7 area in which WHERE the death occurred.

8 ~~{3}--if--it--appears--that--the--death--resulted--from--other~~
 9 ~~than--natural--causes--such--as--suicide--or--homicide--the--person~~
 10 ~~in--charge--of--disposition--of--the--body--and--the--local--registrar~~
 11 ~~shall--immediately--notify--the--coroner--who--shall--investigate~~
 12 ~~and--certify--the--cause--of--death--~~

13 NEW SECTION. Section 3. Notification and confirmation
 14 of final disposition. (1) Final disposition of a dead body
 15 is by:

- 16 (a) burial, ENTOMBMENT, OR BURIAL AT SEA;
- 17 (b) cremation; or
- 18 (c) transportation out of the state for burial or
 19 cremation; OR

20 (D) ANATOMICAL DONATION.

21 (2) The person in charge of disposition shall provide
 22 information about the location and date of disposition
 23 required by the department on a form prescribed by the
 24 department. ~~This form must be signed and dated by:~~

25 ~~{a)--the--person--in--charge--of--the--location--or--cemetery~~

1 ~~where--the--body--is--interred;~~

2 ~~{b)--the--owner--or--operator--of--the--crematory--where--the~~
 3 ~~body--was--cremated--or~~

4 ~~{c)--the--person--outside--Montana--who--takes--possession--of~~
 5 ~~the--body--for--burial--or--cremation--One--copy--of--this--signed~~
 6 ~~form--must--be--mailed--within--24--hours--of--final--disposition--~~
 7 ~~to--the--local--registrar--of--the--registration--area--in--which--the~~
 8 ~~death--occurred--~~

9 ~~{3}--The--person--in--charge--of--disposition--requiring~~
 10 ~~transportation--of--a--body--out--of--the--state--for--any--purposes~~
 11 ~~shall--obtain--a--written--permit--from--the--department--prior--to~~
 12 ~~transporting--the--body--across--the--state--line--A--copy--of--the~~
 13 ~~permit--must--accompany--the--body--to--its--out--of--state~~
 14 ~~destination--~~

15 NEW SECTION. Section 4. Repealer. Sections 50-15-401,
 16 50-15-402, 50-15-403, 50-15-404, and 50-15-405, MCA, are
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