

Missouri End-of-Life Coalition
Issue Brief

Missouri Right of Sepulcher

Existing provisions in state law (RSMo Section 194.119) pertain to the "right of sepulcher," that is, the right to choose and control the burial, cremation or other final disposition of a dead human body. Missouri consumers and legal professionals have encountered numerous challenges presented by the current law, including wording that threatens an individual's right to choose the person who will handle the disposition of his/her body following death.

HB X/SB Y clarifies numerous problems with the existing law and more clearly states that first priority to the right of sepulcher is granted to the person designated by the decedent.

HB X/SB Y will:

- Give Missourians the right to designate the person who will handle the disposition of their bodies after death, giving first priority to the person designated by the decedent.
- Allow persons taking control of a body to do so only after gifts, such as organ donations, are made pursuant to the Uniform Anatomical Gift Act.
- Clarify what should happen in the event that conflicting documents exist regarding who should be named next-of-kin (the most recently executed document will be honored).
- Protect funeral directors or establishments from liability in the event that a person fraudulently claims right of sepulcher, unless the funeral director or establishment had knowledge or had reason to suspect the person's claim was false.
- Require persons claiming right of sepulcher to report anyone other than themselves who were designated as next-of-kin by the decedent or who have a legally granted right to control the body that supersedes their own.
- Clarify what should happen in the event that there is a conflict or dispute regarding legal right to sepulcher.

Action Needed: Support HB X/SB Y

Support revisions to the current Missouri Right of Sepulcher law that ensure that individuals are able to select the person of their choice to be responsible for the disposition of their physical remains following death.