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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-FIFTH
SESSION**

HOUSE FILE No. 3736

March 3, 2008

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The bill was read for the first time and referred to the Committee on Health and Human Services

1.1 A bill for an act
1.2 relating to mortuary science; changing a provision for the transportation of dead
1.3 human bodies; allowing use of funeral conveyance requested by decedent;
1.4 amending Minnesota Statutes 2007 Supplement, sections 149A.80, subdivision
1.5 1; 149A.93, subdivision 6.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2007 Supplement, section 149A.80, subdivision 1,
1.8 is amended to read:

1.9 Subdivision 1. **Advance directives and will of decedent.** A person may direct
1.10 the preparation for, type, or place of that person's final disposition, as well as the type
1.11 of conveyance to be used to transport the body to the place of final disposition, either
1.12 by oral or written instructions. Arrangements made in advance of need with a funeral
1.13 establishment must be in writing and dated, signed, and notarized. The person or persons
1.14 otherwise entitled to control the final disposition under this chapter shall faithfully carry
1.15 out the reasonable and otherwise lawful directions of the decedent to the extent that the
1.16 decedent has provided resources for the purpose of carrying out the directions. If the
1.17 instructions are contained in a will, they shall be immediately carried out, regardless of the
1.18 validity of the will in other respects or of the fact that the will may not be offered for or
1.19 admitted to probate until a later date, subject to other provisions of this chapter or any
1.20 other law of this state. This subdivision shall be administered and construed so that the
1.21 reasonable and lawful instructions of the decedent or the person entitled to control the
1.22 final disposition shall be faithfully and promptly performed.

1.23 Sec. 2. Minnesota Statutes 2007 Supplement, section 149A.93, subdivision 6, is
1.24 amended to read:

2.1 Subd. 6. **Conveyances permitted for transportation.** A dead human body may be
2.2 transported by means of public transportation provided that the body must be properly
2.3 embalmed and encased in an appropriate container, or by any private vehicle or aircraft
2.4 that meets the following standards:

2.5 (1) promotes respect for and preserves the dignity of the dead human body;

2.6 (2) shields the body from being viewed from outside of the conveyance;

2.7 (3) has ample enclosed area to accommodate a regulation ambulance cot, aircraft
2.8 ambulance stretcher, casket, alternative container, or cremation container in a horizontal
2.9 position;

2.10 (4) is designed to permit loading and unloading of the body without excessive tilting
2.11 of the casket, alternative container, or cremation container;

2.12 (5) if used for the transportation of more than one dead human body at one time,
2.13 the vehicle must be designed so that a body or container does not rest directly on top of
2.14 another body or container and that each body or container is secured to prevent the body
2.15 or container from excessive movement within the conveyance; and

2.16 (6) is designed so that the driver and the dead human body are in the same cab.

2.17 A vehicle that is a dignified conveyance and was specified for use by the deceased
2.18 or by the family of the deceased may be used to transport the body to the place of final
2.19 disposition.