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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. 454

February 2, 2009

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

March 23, 2009

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Civil Justice

1.1 A bill for an act
1.2 relating to health; modifying provisions for disposition of a deceased person;
1.3 amending Minnesota Statutes 2008, section 149A.80, subdivision 2.

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

1.5 Section 1. Minnesota Statutes 2008, section 149A.80, subdivision 2, is amended to
1.6 read:

1.7 Subd. 2. **Determination of right to control and duty of disposition.** (a) The right
1.8 to control the disposition of the remains of a deceased person, including the location and
1.9 conditions of final disposition, unless other directions have been given by the decedent
1.10 pursuant to subdivision 1, vests in, and the duty of final disposition of the body devolves
1.11 upon, the following in the order of priority listed:

1.12 (1) the person or persons appointed in a dated written instrument signed by the
1.13 decedent. Written instrument includes, but is not limited to, a health care directive
1.14 executed under chapter 145C. Written instrument does not include a durable or nondurable
1.15 power of attorney which terminates on the death of the principal pursuant to sections
1.16 523.08 and 523.09;

1.17 (2) the spouse of the decedent;

1.18 (3) the domestic partner of the decedent;

1.19 (4) the adult child or the majority of the adult children of the decedent, provided
1.20 that, in the absence of actual knowledge to the contrary, a funeral director or mortician
1.21 may rely on instructions given by the child or children who represent that they are the sole
1.22 surviving child, or that they constitute a majority of the surviving children;

1.23 ~~(4)~~ (5) the surviving parent or parents of the decedent, each having equal authority;

2.1 ~~(5)~~ (6) the adult sibling or the majority of the adult siblings of the decedent, provided
2.2 that, in the absence of actual knowledge to the contrary, a funeral director or mortician
2.3 may rely on instructions given by the sibling or siblings who represent that they are the
2.4 sole surviving sibling, or that they constitute a majority of the surviving siblings;

2.5 ~~(6)~~ (7) the person or persons respectively in the next degree of kinship in the order
2.6 named by law to inherit the estate of the decedent; and

2.7 ~~(7)~~ (8) the appropriate public or court authority, as required by law.

2.8 (b) For purposes of this subdivision, the appropriate public or court authority
2.9 includes the county board of the county in which the death occurred if the person dies
2.10 without apparent financial means to provide for final disposition or the district court in
2.11 the county in which the death occurred.

2.12 (c) For purposes of this subdivision, "domestic partners" are persons who:

2.13 (1) are the same sex;

2.14 (2) are adults and mentally competent to enter into legally binding contracts;

2.15 (3) have assumed responsibility for each other's basic common welfare, financial
2.16 obligations, and well being;

2.17 (4) share a common domicile and primary residence with each other on a permanent
2.18 basis;

2.19 (5) have a committed interdependent relationship with each other, intend to continue
2.20 that relationship indefinitely, and do not have this type of relationship with any other
2.21 person;

2.22 (6) are not married to another person and have not entered into a domestic
2.23 partnership arrangement that is currently in effect; and

2.24 (7) are not related by blood or adoption so that a marriage between them would be
2.25 prohibited under section 517.03, subdivision 1, paragraph (a), clause (2) or (3).