

State:	Kansas
--------	--------

Inquiry 1: How long can I keep the body at home after death and under what conditions?

Kan. Stat. Ann. § 65-1753

(a) Except as otherwise provided by law and in accordance with any applicable legal requirements, a dead human body which is removed from the location of death shall be transported only to a licensed funeral establishment, a licensed branch funeral establishment containing an embalming preparation room or a holding facility, a licensed crematory containing a holding facility, a hospital, a cemetery, a coroner or medical examiner facility, the university of Kansas medical center, a federally certified organ procurement organization serving the state of Kansas or other location of final disposition.

(b) A dead human body which is to be removed in accordance with subsection (a) to a federally certified organ procurement organization serving the state of Kansas shall be removed only upon the release of a person listed in the order of priority pursuant to K.S.A. 2013 Supp. 65-3228, and amendments thereto.

Inquiry 2: Does my state require the body to be embalmed? Refrigerated?

Kan. Admin. Regs. § 63-3-11

A dead human body shall not be transported by private conveyance or common carrier until the following conditions are met.

(a) Any unembalmed body released by the family or proper authority, other than a body dead with an infectious or contagious disease, may be transported by private conveyance within the state of Kansas if:

(1) A certificate of death has been filed according to laws and regulations set forth by the Kansas state department of health and environment; and

(2) after the body has been released to a funeral director, any transportation is supervised personally by the funeral director.

(b) In addition to meeting the requirements of subsection (a), each body dead with an infectious or contagious disease shall be handled pursuant to K.A.R. 63-3-10 prior to being transported by private conveyance or common carrier.

(c) A body dead from any cause may be transported by common carrier if:

(1) The body has been prepared and properly disinfected by arterial and cavity injection with an approved disinfecting fluid having a minimum phenol coefficient equal to that of a five percent formaldehyde solution. The amount of the fluid injected shall not be less than 1/10 of the body weight;

(2) all body orifices have been disinfected and plugged with dry cotton;

(3) the body has been washed with five percent formaldehyde or other disinfectant of equivalent coefficient; and

(4) the body is encased in a shipping case which is acceptable under the rules of the common carrier.

(d) A body dead from any cause may be interred or cremated without embalming if interment or cremation is within 24 hours of death. A reasonable period of time beyond 24 hours may be permitted if:

(1) religious beliefs, laws or customs do not permit transportation or interments on Sabbath or holy days; and

(2) no health hazard or nuisance will result from such a delay. Each body dead with an infectious or contagious disease shall be handled pursuant to K.A.R. 63-3-10.

(e) A body dead from any cause other than infectious or contagious disease may be interred or cremated without embalming if embalming would violate personal or religious beliefs and a health hazard or nuisance will not result. An unembalmed body may be retained in storage at a constant temperature of less than 40 degrees Fahrenheit. When that

body is removed from storage and transported, the body shall reach its final destination within 24 hours following the removal from storage. If the body is placed in a metal or metallined hermetically sealed container immediately after death, the body may be considered an embalmed body, for the purpose of transportation.

(f) If a casket has not been used in the preparation and transportation of a body that is to be cremated, the body shall be placed in a suitable combustible container which shall be permanently closed before being released to a receiving crematory.

(g) This regulation shall not apply to bodies donated to the university of Kansas school of medicine.

Kan. Admin. Regs. § 63-3-10

(b) When death has occurred from meningococcal infection, Ebola virus infection, Lassa fever, anthrax, rabies, brucellosis, or any other infectious or contagious disease known to be transmissible from human corpses to living humans as determined by the secretary of the department of health and environment, the body shall be handled and prepared by a licensed Kansas embalmer. If any of the above-described infections occurred or was reasonably suspected to be present at the time of death, the body shall be embalmed and placed in a casket or suitable combustible container before transporting and final disposition.

(c) Any body dead from one of the above-described infectious diseases may be cremated or buried without embalming if final disposition takes place within 24 hours of death. Each unembalmed body to be buried within 24 hours following death shall be placed in a metal-lined, hermetically sealed container before burial. Each unembalmed body to be cremated within 24 hours following death shall be placed in a suitable combustible container.

Inquiry 3: What methods of disposition are legal in my state?

Kansas statutes refer to cremation, burial, entombment, donation to science, and removal from the state.

Inquiry 4: Are there any circumstances under which I would be required to wait before final disposition?

There are no statutes or regulations that address this question.

Inquiry 5: What do I need to do to get a death certificate?

Kan. Stat. Ann. § 65-2412

(a) A death certificate or stillbirth certificate for each death or stillbirth that occurs in this state shall be filed with the state registrar within three days after such death and prior to removal of the body from the state and shall be registered by the state registrar if such death certificate or stillbirth certificate has been completed and filed in accordance with this section. If the place of death is unknown, a death certificate shall be filed indicating the location where the body was found as the place of death. A certificate shall be filed within three days after such occurrence; if death occurs in a moving conveyance, the death certificate shall record the location where the dead body was first removed from such conveyance as the place of death.

(b)

(1) **The funeral director or person acting as such who first assumes custody of a dead body** shall file the death certificate. Such person shall obtain the personal data from the next of kin or the best qualified person or source available and shall obtain the certification of cause of death from the cause of death certifier who was last in attendance prior to burial.

(2) The death certificate filed with the state registrar shall be the official death record, except that a funeral director licensed pursuant to K.S.A. 65-1714, and amendments thereto, may verify as true and accurate information pertaining to a death on a form provided by the state registrar, and any such form, verified within 21 days of date of death, shall be prima facie evidence of the facts pertaining to establishing such death.

(3) The secretary of health and environment shall fix and collect a fee for each form provided to a funeral director pursuant to this subsection. The fee shall be collected at the time the form is provided to the funeral director and shall be in the same amount as the fee for a certified copy of a death certificate.

(c) When death occurred without medical attendance or when inquiry is required by the laws relating to postmortem examinations, the coroner shall investigate the cause of death and shall complete and sign the certification of cause of death within 24 hours after receipt of the death certificate or as provided in K.S.A. 65-2414, and amendments thereto.

(d) In every instance a certificate shall be filed prior to interment or disposal of the body.

(e) Any death certificate, stillbirth certificate or certification of cause of death required to be filed by this section shall be filed through the Kansas electronic death registration system maintained by the Kansas department of health and environment.

Inquiry 6: What do I need to do to get a burial-transit permit? Is there a wait period before I can receive a burial-transit permit?

Kan. Stat. Ann. § 65-2428a

No dead body located in this state shall be transported to a location outside the boundaries of this state, either by commercial or private conveyance, without a permit issued by a funeral director or the state registrar on a form provided by the state registrar.

This section shall be a part of and supplemental to the uniform vital statistics act.

Inquiry 7: Personal Preference Statute

Kan. Stat. Ann. § 58-629(c)

A person named in durable power of attorney for health care decisions has a “duty to act consistent with the expressed desires of the principal.” There is no mechanism in the power of attorney or otherwise to express those desires.

Inquiry 8: Designated Agent Statute

Kan. Stat. Ann. § 65-1734(a)(1)

Decedent may designate agent in durable power of attorney for health care decisions.

Inquiry 9: Right of Sepulcher Statute

Kan. Stat. Ann. § 65-1734(a)

The following persons, in order of priority stated, may order any lawful manner of final disposition of a decedent's remains including burial, cremation, entombment or anatomical donation:

- (1) The agent for health care decisions established by a durable power of attorney for health care decisions pursuant to K.S.A. 58-625 et seq., and amendments thereto, if such power of attorney conveys to the agent the authority to make decisions concerning disposition of the decedent's remains;
- (2) the spouse of the decedent;
- (3) the decedent's surviving adult children. If there is more than one adult child, any adult child who confirms in writing the notification of all other adult children, may direct the manner of disposition unless the funeral establishment or crematory authority receives written objection to the manner of disposition from another adult child;
- (4) the decedent's surviving parents;
- (5) the persons in the next degree of kinship under the laws of descent and distribution to inherit the estate of the decedent. If there is more than one person of the same degree, any person of that degree may direct the manner of disposition;
- (6) a guardian of the person of the decedent at the time of such person's death;
- (7) the personal representative of the decedent; or
- (8) in the case of indigents or any other individuals whose final disposition is the responsibility of the state or county, the public official charged with arranging the final disposition pursuant to K.S.A. 22a-215, and amendments thereto.