AN ACT

1 Implementing the provisions of the Model Cremation Law in Pennsylvania.
2 The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:
3 Section 1. Short title.
4 This act shall be known and may be cited as the Cremation Act.
5 Section 2. Definitions.
6 The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:
7 "Authorizing agent." A person legally entitled to authorize the cremation of human remains.
8 "Body part." A limb or other portion of the anatomy removed from a person or human remains for medical purposes during treatment, surgery, biopsy, autopsy or medical research; or a
human body or any portion of a body that has been donated to science for medical research purposes.

"Burial transit permit." A permit for disposition of a dead human body as required by law.

"Casket." A rigid container designed for the encasement of human remains, usually constructed of wood, metal or like material and ornamented and lined with fabric, which may or may not be combustible.

"Change of ownership." A transfer of more than 50% of the stock or assets of a crematory authority.

"Closed container." Any container in which cremated remains can be placed and closed in a manner so as to prevent leakage or spillage of remains or the entrance of foreign material.

"Cremated remains." All the remains of the cremated human body recovered after the completion of the cremation process, including pulverization which leaves only bone fragments reduced to unidentifiable dimensions and may possibly include the residue of any foreign matter including casket material, bridgework or eye glasses that were cremated with the human remains.

"Cremation." The technical process, using direct flame and heat, that reduces human remains to bone fragments. The reduction takes place through heat and evaporation. The term includes the processing and pulverization of the bone fragments.

"Cremation chamber." The enclosed space within which the cremation process takes place. Cremation chambers shall be used exclusively for the cremation of human remains.

"Cremation container." The container in which the human remains are placed in the cremation chamber for a cremation and which container is:
(1) Composed of readily combustible materials suitable for cremation.

(2) Able to be closed in order to provide a complete covering for the human remains.

"Cremation interment container" or "urn vault." A rigid outer container that, subject to a cemetery's rules and regulations, is composed of concrete, steel, fiberglass or some similar material in which an urn is placed prior to being interred in the ground, and which is designed to withstand prolonged exposure to the elements and to support the earth above the urn.

"Crematory." The building or portion of a building that houses the cremation chamber and the holding facility.

"Crematory authority." The legal entity or the authorized representative of the legal entity which is licensed to operate a crematory.

"Delivery." The act of transferring, giving or yielding possession to another.

"Department." The Department of State of the Commonwealth.

"Final disposition." The burial or other disposition on a permanent basis of a dead human body, cremated remains or parts of a dead human body.

"Funeral director." As defined in the act of January 14, 1952 (1951 P.L.1898, No.522), known as the Funeral Director Law.

"Funeral establishment." Every place or premise approved by the State Board of Funeral Directors wherein a licensed funeral director conducts the professional practice of funeral directing including the preparation, care and funeral services for the human dead.

"Holding facility." An area within or adjacent to the
crematory facility designated for the retention of human remains prior to cremation that shall comply with any applicable public health law.

"Human remains." The body of a deceased person, or part of a body or limb that has been removed from a living person, including the body, part of a body or limb in any stage of decomposition.

"Niche." A compartment or cubicle for the memorialization or permanent placement of an urn containing cremated remains.

"Processing." The reduction of identifiable bone fragments after the completion of the cremation process to unidentifiable bone fragments by manual means.

"Pulverization." The reduction of identifiable bone fragments after the completion of the cremation and processing to granulated particles by manual or mechanical means.

"Scattering area." A designated area for the scattering of cremated remains, usually in a cemetery and located on dedicated cemetery property where cremated remains which have been removed from their container can be mixed with or placed on top of the soil or ground cover or buried in an underground receptacle on a commingled basis.

"Temporary container." A receptacle for cremated remains until an urn or other permanent container is acquired.

"Urn." A receptacle designed to encase the cremated remains.

Section 3. Establishment of crematory; licensure of crematory authority.

(a) Crematory.--Any person doing business in this Commonwealth or any cemetery, funeral establishment, corporation, partnership, joint venture, voluntary organization or any other entity, if licensed under this act, may erect,
1 maintain and conduct a crematory in this Commonwealth and
2 provide the necessary appliances and facilities for the
3 cremation of human remains in accordance with the provisions of
4 this act.
5     (b) Crematory authority.--A crematory authority shall be
6 subject to all Federal, State and local health and environmental
7 protection requirements and shall obtain all necessary licenses
8 and permits from the department, the Department of Health, the
9 United States Department of Health and Human Services and the
10 Federal and State environmental protection agencies or such
11 other appropriate Federal, State or local agencies.
12     (c) Existing facilities.--Applications for crematory
13 authorities which exist on the effective date of this act shall
14 be on forms furnished and prescribed by the department and shall
15 provide the department with the following information:
16         (1) The full name and address, both residence and
17 business, of the applicant if the applicant is an individual; the
18 full name and address of each partner and the partnership
19 if the applicant is a partnership; the full name and address
20 of every member of the board of directors and the association
21 if the applicant is an association; and the name and address
22 of every officer, director and shareholder holding more than
23 25% of the corporate stock of the corporation and the name of
24 the corporation if the applicant is a corporation.
25         (2) Proof of liability insurance for no less than
26 $1,000,000.
27         (3) A detailed statement for each of the individuals
28 listed in the application under paragraph (1) providing their
29 business experience for the last ten years immediately
30 preceding the application, any felony or misdemeanor
convictions or arrests or involvement in civil litigation in which fraud was an element of the crime or complaint and any information about disciplinary actions or the loss or suspension of any license by the Commonwealth or any other state related to the business of funeral directing or operation of a cemetery or crematory.

(4) The address and location of the crematory.

(5) Evidence confirming the date the crematory authority was established.

(6) Copies of all licenses or permits required for a crematory to operate in this Commonwealth.

(7) Any further information that the department may reasonably request.

(d) New facilities.--Application for new crematory authorities shall be on forms furnished and prescribed by the department and shall provide the department with the following information:

(1) The full name and address, both residence and business, of the applicant if the applicant is an individual; the full name and address of each partner and the partnership if the applicant is a partnership; the full name and address of every member of the board of directors and the association if the applicant is an association; and the name and address of every officer, director and shareholder holding more than 25% of the corporate stock of the corporation and the name of the corporation if the applicant is a corporation.

(2) Proof of liability insurance for no less than $1,000,000.

(3) A detailed statement for each of the individuals listed in the application under paragraph (1) providing their
business experience for the last ten years immediately preceding the application, any felony or misdemeanor convictions or arrests or involvement in civil litigation in which fraud was an element of the crime or complaint and any information about disciplinary actions or the loss or suspension of any license by the Commonwealth or any other state related to the business of funeral directing or operation of a cemetery or crematory.

(4) The address and location of the crematory.

(5) A description of the type of structure and equipment to be used in the operation of the crematory.

(6) Copies of all applications for any licenses or permits issued for a crematory to operate in this Commonwealth.

(7) Any further information that the department may reasonably request.

(e) Annual report.--Each crematory authority shall file an annual report with the department, accompanied by a fee in an amount to be determined by the department in its regulations, providing any changes required in the information provided under subsection (c) or (d) or indicating that no changes have occurred. The annual report shall be filed by a crematory authority on or before March 15 of each calendar year with the department. If the fiscal year of a crematory authority is other than on a calendar-year basis, then the crematory authority shall file the report required by this section within 75 days after the end of its fiscal year. The department shall, for good cause shown, grant an extension for the filing of the annual report upon written request of the crematory authority. An extension shall not exceed 60 days. The department may grant
additional 60-day extensions for good cause. If a crematory
authority fails to submit an annual report to the department
within the time specified in this section, the department shall
impose upon the crematory authority a penalty of $1,000 for each
day the crematory authority remains delinquent in submitting the
annual report.

(f) Inspection of records and facilities.--All records
relating to the registration and annual report of the crematory
authority required to be filed under this section shall be
subject to inspection by the department upon reasonable notice.
The department shall have the authority to inspect the
facilities at any time.

(g) Prohibition.--No person, cemetery, funeral
establishment, corporation, partnership, joint venture,
voluntary organization or any other entity shall cremate any
human remains, except in a crematory licensed for this express
purpose and under the limitations provided in this act.

(h) Crematory personnel.--

(1) Each crematory for which a license is required shall
be operated under the supervision of a manager qualified in
accordance with rules adopted by the department. Each manager
shall be required to successfully pass a written examination
evidencing an understanding of the applicable provisions of
law. No person shall engage in the business of, act in the
capacity of, or advertise or assume to act as, a crematory
manager without first obtaining a license.

(2) The crematory licensee or authorized representative
shall provide training to all crematory personnel involved in
the cremation process. This training shall lead to a
demonstrated knowledge on the part of an employee regarding
identification procedures used during cremation, operation of the cremation chamber and processing equipment and all laws relevant to the handling of a body and cremated remains. This training shall be outlined in a written plan maintained by the crematory licensee for inspection and comment by an inspector of the department. No employee shall be allowed to operate any cremation equipment until the employee has demonstrated an understanding of procedures required to ensure that health and safety conditions are maintained at the crematory and that cremated remains are not commingled other than for acceptable residue. The crematory licensee shall maintain a record to document that an employee has received training. Any crematory that fails to produce a written employee instruction plan, or record of employee training for inspection upon request shall have 15 working days from the time of the request to produce a plan or training record for review. The license of the crematory shall be suspended if no plan or training record is produced for review after 15 working days have elapsed.

Section 4. Authorizing agent.

Cremations may be performed only after the crematory has received signed authorization from the authorizing agent or his designated agent.

Section 5. Authorization to cremate.

(a) General rule.--Except as otherwise provided in this section, a crematory authority shall not cremate human remains until it has received from the funeral director the following information:

(1) A cremation authorization form signed by an authorizing agent. The cremation authorization form shall
have the name of the cremation authority, its address and the
name of its manager prominently displayed on the top of the
form. The cremation authorization form shall contain, at a
minimum, the following information:

(i) The identity of the human remains and the time
and date of death and verification that the remains have
been identified by the authorizing agent or his
designated representative.

(ii) The name of the funeral director and funeral
establishment that obtained the cremation authorization.

(iii) Notification as to whether the death occurred
from a disease declared by the Department of Health to be
infectious, contagious or communicable.

(iv) The name of the authorizing agent and the
relationship between the authorizing agent and the
decedent.

(v) A representation that the authorizing agent does
in fact have the right to authorize the cremation of the
decedent and that the authorizing agent is not aware of
any living person who has a superior or equal priority
right to that of the authorizing agent. In the event
there is another living person who has a superior or
equal priority right to the authorizing agent, the form
shall contain a representation that the authorizing agent
has made reasonable efforts to contact that person, has
been unable to do so and has no reason to believe that
the person would object to the cremation of the decedent.

(vi) Authorization for the crematory authority to
cremate the human remains.

(vii) A representation that the human remains do not
contain a pacemaker or any other material or implant that
may be potentially hazardous or cause damage to the
cremation chamber or the person performing the cremation.

(viii) The name of the person authorized to receive
the cremated remains from the crematory authority.

(ix) The signature of the authorizing agent
attesting to the accuracy of all representations
contained on the cremation authorization form.

(x) The cremation authorization form shall also be
signed by a funeral director. That funeral director shall
execute the cremation authorization form as a witness and
shall not be responsible for any of the representations
made by the authorizing agent except the funeral director
or funeral establishment shall warrant to the crematory
authority that the human remains delivered to the
crematory authority have been positively identified as
the decedent listed on the cremation authorization form
by the authorizing agent or a designated representative
of the authorizing agent. Such identification shall be
made in person or by photograph by the authorizing agent
or designated representative of the authorizing agent.

(2) A completed and executed disposition permit, as
provided by State law, indicating that human remains are to
be cremated.

(3) Any other documentation required by the law,
regulation or ordinance.

(b) Delegation.--If an authorizing agent is not available to
execute the cremation authorization form, that person may
delegate that authority to another person in writing, including
a facsimile transmission, telegram or other electronic
transmission. A written delegation of authority of an 
authorizing agent shall include:

(1) The name, address and relationship of the 
authorizing agent to the decedent.

(2) The name and address of the person to whom authority 
is delegated and that:

(i) The person authorized under this section may 
serve as the authorizing agent and execute the cremation 
authorization form.

(ii) The funeral establishment and the crematory 
authority are not liable for relying on a cremation 
authorization form executed in compliance with this 
section.

(c) Unidentified remains.--A crematory authority shall not 
accept unidentified human remains. When the crematory authority 
takes custody of a cremation container subsequent to the human 
remains being placed within it, the crematory authority can rely 
on the identification made before the body was placed in the 
cremation container. The crematory authority shall place 
appropriate identification upon the exterior of the cremation 
container based on the prior identification.

Section 6. Cremation records; required information.

(a) General rule.--A crematory shall maintain on its 
premises, or other business location within this Commonwealth, 
an accurate record of all cremations performed, including the 
name of referring funeral director, if any; the name of 
deceased; the date of cremation; the name of cremation chamber 
operator; the time and date that body was inserted in the 
cremation chamber; the time and date that body was removed from 
cremation chamber; the time and date that final processing of
cremated remains was completed; the disposition of cremated remains; the name and address of authorizing agent; the identification number assigned to the deceased; and a photocopy of the disposition permit filed in connection with the disposition. This information shall be maintained for at least ten years after the cremation is performed and shall be subject to inspection. The crematory authority shall furnish to the person who delivers human remains to the crematory authority a receipt signed by both the crematory authority and the funeral director or his agent who delivers the human remains, showing the date and time of the delivery, the type of casket or alternative container that was delivered, the name of the person from whom the human remains were received and the name of the funeral establishment, the name of the person who received the human remains on behalf of the crematory authority and the name of the decedent. The crematory authority shall retain a copy of this receipt in its permanent records.

(b) Release of remains.---Upon its release of cremated remains, the crematory authority shall furnish to the person who receives the cremated remains from the crematory authority a receipt signed by both the crematory authority and the person who receives the cremated remains showing the date and time of the release, the name of the person to whom the cremated remains were released and, if applicable, the name of the funeral establishment, cemetery or other entity with whom the person is affiliated, the name of the person who released the cremated remains on behalf of the crematory authority and the name of the decedent. The crematory authority shall retain a copy of this receipt in its permanent records.

(c) Disposal.---The crematory authority shall maintain a
record of all cremated remains disposed of by the crematory
authority.

(d) Record for interment of cremated remains.--Upon
completion of the cremation, the crematory authority shall issue
the record for interment of cremated remains required by law to
whomever receives the cremated remains.

(e) Cemeteries.--All cemeteries shall maintain a record of
all cremated remains that are disposed of on their property,
provided that the cremated remains were properly transferred to
the cemetery which issued a receipt acknowledging the transfer
of cremated remains.

Section 7. Cremation containers.

Human remains must be delivered to a crematory in a casket or
cremation container marked with the decedent's name, date and
time of death and whether or not the remains have been embalmed.

Human remains and any personal property shall not be removed
from the casket or cremation container without the permission of
family and the casket or cremation container and the casket or
cremation container shall be cremated with the human remains
unless the crematory authority has been provided with written
instructions to the contrary by the authorizing agent or unless
the crematory authority does not accept metal caskets for
cremation.

Section 8. Cremation procedures.

(a) General rule.--Human remains shall not be cremated
within 24 hours after the time of death, as indicated on the
regular medical certificate of death or the coroner's
certificate. In the event such death comes under the authority
of the coroner or medical examiner, the human remains shall not
be received by the crematory authority until authorization to
cremate has been received in writing from the coroner or medical
examiner of the county in which the death occurred and provided
to the crematory authority. In the event the crematory authority
is also authorized to perform funerals as well as cremation,
this restriction on the receipt of human remains shall not be
applicable. In no instance shall the lapse of time between the
death and any cremation be less than 24 hours unless such death
was a result of an infectious, contagious or communicable and
dangerous disease and such requirement is waived in writing by
the medical examiner or coroner where the death occurred.

(b) Hazardous items.--No body shall be cremated with a
pacemaker or other potentially hazardous implant in place. The
authorizing agent for the cremation of the human remains shall
be responsible for informing the funeral director about a
pacemaker or other potentially hazardous implant. The
authorizing agent shall be responsible for any damage that
results from a failure to remove a pacemaker or implants if he
or she fails to inform the funeral director, when asked, about
their presence.

(c) Crematory Authority.--A crematory shall knowingly
cremate only human remains in cremation chambers, along with the
cremation container, personal effects of the deceased, and no
more than a negligible amount of chlorinated plastic pouches
utilized for disease control when necessary.

(d) Holding remains.--A crematory authority shall hold human
remains prior to their cremation according to the following:

(1) Whenever a crematory authority is unable to cremate
the human remains immediately upon taking custody of the
remains, the crematory authority shall place the human
remains in a refrigeration facility at 40 degrees Fahrenheit
or less at the crematory, unless the human remains have been embalmed.

(2) A crematory authority shall not be required to accept for holding a cremation container from which there is evidence of leakage of the body fluids from the human remains therein.

(e) Unauthorized persons.--No unauthorized person as shall be determined by the crematory authority shall be permitted in the crematory area while any human remains are in the crematory area awaiting cremation, being cremated or being removed from the cremation chamber.

(f) Multiple cremations.--The unauthorized, simultaneous cremation of the human remains of more than one person within the same cremation chamber is not allowed unless the crematory authority has received specific written authorization to do so from all authorizing agents for the human remains to be so cremated. A written authorization shall exempt the crematory authority from all liability for commingling of the cremated remains during the cremation process.

(g) Verification.--Immediately prior to being placed within the cremation chamber, the identification of the human remains, as indicated on the cremation container, shall be verified by the crematory authority.

(h) Residue.--Upon completion of the cremation, and insofar as possible, all of the recoverable residue of the cremation process shall be removed from the cremation chamber. Insofar as possible, all residue from the cremation process shall then be separated from anything other than bone fragments. The bone fragments shall be processed so as to reduce them to unidentifiable particles. Anything other than the particles
shall be removed from the cremated residuals as far as possible and shall be disposed of by the crematory authority.

(i) Packing.—Cremated remains shall be packed as follows:

(1) The cremated remains with the proper identification shall be placed in a temporary container or urn. The temporary container or urn contents shall be packed in clean packing materials and shall not be contaminated with any other object unless specific authorization has been received from the authorizing agent or as provided in this act.

(2) If the cremated remains do not fit within the dimensions of a temporary container or urn, the remainder of the cremated remains shall be returned to the authorizing agent or his or her representatives in a separate container. Both containers or urns shall be clearly marked on the outside of the container or urn with the name of the deceased person whose cremated remains are contained therein and an indication that two containers are being used to hold the cremated remains.

(3) If the cremated remains are to be shipped, the temporary container or designated receptacle ordered by the authorizing agent shall be packed securely in a suitable, sturdy and pressure-resistant container which is not fragile and is sealed properly. Cremated remains shall be shipped only by a method which has an internal tracing system available and which provides a receipt signed by the person accepting delivery.

(j) Removal of body parts.—No funeral director or funeral establishment shall remove body parts, permit others to remove body parts or use funeral establishment facilities to remove body parts from a corpse except as necessary to perform
embalming or other services in preparation for burial or
cremation authorized in writing by a family member, guardian or
other person responsible for disposition of the body. If a
funeral director is notified by a person authorized to make
donations pursuant to 20 Pa.C.S. Ch. 86, Subch. B (relating to
express anatomical gifts) that he wishes to donate body parts
from a corpse within the funeral director's custody, the funeral
director shall immediately notify the designated organ
procurement organization.

Section 9. Disposition of cremated remains.

(a) Responsibility.--The authorizing agent is responsible
for the disposition of the cremated remains. If, after a period
of 30 days from the date of cremation, the authorizing agent or
his representative has not specified the ultimate disposition of
or claimed the cremated remains, the crematory authority, the
funeral establishment or other person in possession of the
cremated remains may dispose of the cremated remains in any
manner permitted by law, except scattering. The authorizing
agent shall be responsible for reimbursing the crematory
authority and funeral establishment for all reasonable expenses
incurred in disposing of the cremated remains pursuant to this
section. A record of the disposition shall be made and kept by
the person making the disposition. Upon disposing of cremated
remains in accordance with this section, the crematory
authority, funeral establishment or person in possession of the
cremated remains shall be discharged from any legal obligation
or liability concerning such cremated remains. This section
shall apply to all cremated remains currently in the possession
of a crematory authority, funeral establishment or other party.

(b) Delivery.--The licensed funeral director shall deliver
the cremated remains to the individual specified by the
authorizing agent on the cremation authorization form. The
representative of the crematory authority and the individual
receiving the cremated remains shall sign a receipt indicating
the name of the deceased, the date, time and place of the
receipt and other information as provided in section 5. The
crematory authority shall retain a copy of the receipt.

Section 10. Limitation of liability.

(a) General rule.--Any person signing a cremation
authorization form as an authorizing agent shall be deemed to
warrant the truthfulness of any facts set forth in the cremation
authorization form, including the identity of the deceased whose
remains are sought to be cremated and that person's authority to
order such cremation. Any person signing a cremation
authorization form as an authorizing agent shall be personally
and individually liable for all damage occasioned thereby and
resulting therefrom. A crematory authority and a funeral
establishment may rely upon the representations of the
authorizing agent in the cremation authorization form.

(b) Funeral establishment.--A funeral establishment shall
have the authority to arrange the cremation of human remains
upon the receipt of a cremation authorization form signed by an
authorizing agent. A crematory authority shall have authority to
cremate human remains upon the receipt of a cremation
authorization form signed by an authorizing agent. A funeral
establishment or crematory authority that arranges a cremation,
cremates human remains or releases or disposes of the cremated
remains pursuant to such authorization shall not be liable for
such actions.

(c) Refusal.--
(1) A funeral establishment that refuses to arrange a cremation and a crematory authority that refuses to accept a body or to perform a cremation shall not be liable for refusing to accept a body or to perform a cremation until they receive a court order or other suitable confirmation that a dispute has been settled:

(i) if they are aware of any dispute concerning the cremation of human remains;

(ii) if they have a reasonable basis for questioning any of the representations made by the authorizing agent;

or

(iii) for any other lawful reason.

(2) If a funeral establishment or crematory authority is aware of any dispute concerning the release or disposition of the cremated remains, the funeral establishment or crematory authority may refuse to release the cremated remains until the dispute has been resolved or the funeral establishment or crematory authority has been provided with a court order authorizing the release or disposition of the cremated remains. Funeral establishments and crematory authorities shall not be liable for the refusal to release or dispose of cremated remains in accordance with this subsection.

Section 11. Pacemakers and other battery-powered implants.

If any authorizing agent informs the funeral establishment in writing on the cremation authorization form of the presence of a pacemaker or other battery-powered implants in the human remains, the funeral establishment shall be responsible for ensuring that all necessary steps have been taken to remove the pacemaker or other battery-operated implants before delivering the human remains to the crematory. If the funeral establishment
that has received written notice of the presence of a pacemaker or implant delivers the human remains to the crematory without removing the pacemaker or implant from the human remains, and if the human remains are cremated with the pacemaker or implant, the funeral establishment that delivered the human remains to the crematory shall also be liable for all resulting damages.

Section 12. Administration.

(a) General rule.--The department may adopt, promulgate, amend and repeal such reasonable regulations as may be consistent with this act. Such regulations shall include the conditions under which human remains of persons dying from an infectious, contagious or communicable disease can be transported from any portion of this Commonwealth to a crematory for the purpose of cremation, and minimum standards of sanitation, required equipment and fire protection for all crematories which the department may deem necessary for the protection of the public.

(b) Crematory rules.--A crematory authority may enact reasonable rules and regulations consistent with this act for the management and operation of a crematory, the types of cremation containers it will accept, authorization forms required, witnesses to a cremation and similar provisions. Nothing in this subsection shall prevent a crematory authority from enacting rules and regulations which are more stringent than the provisions contained in this act except that no crematory authority shall make or enforce any rules requiring that human remains be placed in a casket before cremation or that human remains be cremated in a casket, nor shall a crematory refuse to accept human remains for cremation for the reason that they are not in a casket.
(c) Violations.--Violations of this act shall be punishable as follows:

(1) Maintenance or operation of a building or structure within this Commonwealth as a crematory in violation of the provisions of this act or the rules and regulations of the department adopted pursuant to this act is hereby declared to be a public nuisance and may be abated as provided by law.

(2) Holding oneself out to the public as a crematory authority without being licensed under this act, or performing a cremation without a cremation authorization form signed by an authorizing agent constitutes a misdemeanor of the second degree. Each cremation shall constitute a separate violation.

(3) No person shall engage in or conduct, or hold himself out as engaging in or conducting, the activities of a crematory manager without holding a valid, unexpired crematory manager license. No licensed crematory manager shall engage in or conduct, or hold himself out as engaging in or conducting, the activities of a crematory manager without being employed by, or without being a sole proprietor, partner or corporate officer of a licensed crematory.

(4) A violation of any other provision of this act constitutes a misdemeanor of the third degree.

(5) A person commits a felony of the second degree if he unlawfully takes or exercises unlawful control over a human body part.

Section 13. Preneed cremation arrangements.

(a) General rule.--Any preneed contract sold by or preneed arrangements made with a funeral establishment that includes a
cremation shall specify the ultimate disposition of the cremated
remains if known and that portion of the agreement shall be
initialed by the individual making the arrangements. In the
event no additional or different instructions are provided to
the funeral establishment by the authorizing agent at the time
of death, the funeral establishment and the crematory authority
shall be authorized to release or dispose of the cremated
remains as indicated in the preneed agreement. Upon compliance
with the terms of that preneed agreement, the funeral
establishment shall be released from any liability concerning
the disposition of the cremated remains.

(b) Specific provisions.--

(1) Any person or anyone who has legal authority to act
on behalf of a person may authorize his or her own cremation
and the final disposition of his or her cremated remains by
executing, as the authorizing agent, a cremation
authorization form on a preneed basis. The individual or
authorizing agent shall have the right to transfer the
arrangements for such cremation or cancel this authorization
at any time prior to death by rescinding the executed
cremation authorization form in writing and providing written
notice to funeral establishment.

(2) At the time of the death of a person who has
executed, as the authorizing agent, a cremation authorization
form on a preneed basis, any person in possession of an
executed form and any person charged with making arrangements
for the final disposition of the decedent who has knowledge
of the existence of an executed form shall use their best
efforts to ensure that the decedent is cremated and that the
final disposition of the cremated remains is in accordance
with the instructions contained on the cremation authorization form. If a crematory authority is in possession of a completed cremation authorization form that was executed on a preneed basis, is in possession of the designated human remains, the crematory authority shall be required to cremate the human remains and dispose of the cremated remains according to the instructions contained on the cremation authorization form and may do so without any liability.

Section 20. Effective date.

This act shall take effect in 60 days.