

By: Senator(s) Carmichael

To: Veterans and Military  
Affairs

SENATE BILL NO. 2418

1 AN ACT TO AMEND SECTION 73-11-58, MISSISSIPPI CODE OF 1972,  
2 TO LEGALLY RECOGNIZE THE PERSON DESIGNATED BY FEDERAL  
3 DOCUMENTATION TO DIRECT DISPOSITION OF A DECEDENT'S BODY, IF THE  
4 DECEDENT DIED DURING MILITARY SERVICE IN ANY BRANCH OF THE UNITED  
5 STATES ARMED FORCES, UNITED STATES RESERVE FORCES OR NATIONAL  
6 GUARD; AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** Section 73-11-58, Mississippi Code of 1972, is  
9 amended as follows:

10 73-11-58. (1) If a decedent has left no written  
11 authorization for the cremation and/or disposition of the  
12 decedent's body as permitted by law, the following competent  
13 persons, in the order of priority listed below, may authorize the  
14 type, method, place, cremation and/or other disposition of the  
15 decedent's body:

16 (a) The person designated by the decedent as authorized  
17 to direct disposition pursuant to Public Law No. 109-163, Section  
18 564, as listed on the decedent's United States Department of  
19 Defense Record of Emergency Data, DD Form 93, or its successor  
20 form, if the decedent died during military service, as provided in  
21 10 USC Section 1481(a) (1) through (8), in any branch of the United  
22 States Armed Forces, United States Reserve Forces, or National  
23 Guard.

24 (b) The surviving spouse.

25 (c) The surviving children who are at least eighteen  
26 (18) years of age and can be located after reasonable efforts.

27 (d) The surviving parents.



28           (e) The surviving siblings who are at least eighteen  
29 (18) years of age and can be located after reasonable efforts.

30           (f) A person in the class of the next degree of  
31 kinship, in descending order, who, under state law, would inherit  
32 the decedent's estate if the decedent died intestate who are at  
33 least eighteen (18) years of age and can be located with  
34 reasonable effort.

35           (g) A person who has exhibited special care and concern  
36 for the decedent and is willing and able to make decisions about  
37 the cremation and disposition.

38           (h) In the case of indigents or any other individuals  
39 whose final disposition is the responsibility of the state or any  
40 of its instrumentalities, a public administrator, medical  
41 examiner, coroner, state-appointed guardian, or any other public  
42 official charged with arranging the final disposition of the  
43 decedent may serve as the authorizing agent.

44           (i) In the case of individuals who have donated their  
45 bodies to science or whose death occurred in a nursing home or  
46 private institution and in which the institution is charged with  
47 making arrangements for the final disposition of the decedent, a  
48 representative of the institution may serve as the authorizing  
49 agent in the absence of any of the above.

50           (j) In the absence of any of the above, any person  
51 willing to assume responsibility for the cremation and disposition  
52 of the decedent.

53           (2) No funeral establishment shall accept a dead human body  
54 from any public officer or employee or from the official of any  
55 institution, hospital or nursing home, or from a physician or any  
56 person having a professional relationship with a decedent, without  
57 having first made due inquiry as to the desires of the persons who  
58 have the legal authority to direct the disposition of the  
59 decedent's body. If any persons are found, their authority and  
60 directions shall govern the disposal of the remains of the



61 decedent. Any funeral establishment receiving the remains in  
62 violation of this subsection shall make no charge for any service  
63 in connection with the remains before delivery of the remains as  
64 stipulated by the persons having legal authority to direct the  
65 disposition of the body. This section shall not prevent any  
66 funeral establishment from charging and being reimbursed for  
67 services rendered in connection with the removal of the remains of  
68 any deceased person in case of accidental or violent death and  
69 rendering necessary professional services required until the  
70 persons having legal authority to direct the disposition of the  
71 body have been notified.

72       **SECTION 2.** This act shall take effect and be in force from  
73 and after its passage.

