



State of Tennessee

PUBLIC CHAPTER NO. 287

HOUSE BILL NO. 715

By Representatives Carter, Dean

Substituted for: Senate Bill No. 727

By Senators Watson, Ketron

AN ACT to amend Tennessee Code Annotated, Title 38; Title 46; Title 62 and Title 68, relative to human remains.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 4, Part 1, is amended by adding the following language as a new section:

68-4-113. Notwithstanding any law to the contrary, the coroner, medical investigator or county medical examiner may direct the cremation of an unclaimed dead body; provided:

- (1) Proper notice is given in accordance with § 68-4-103; and
- (2) The body is held for the time period provided in § 68-4-103.

SECTION 2. Tennessee Code Annotated, Section 68-4-103(a), is amended by deleting the subsection and by substituting instead the following:

(a) Whenever a person dies in any hospital, infirmary, mental health institute, poorhouse, penitentiary, house of correction, workhouse, jail, or other charitable or penal institution that is supported in whole or in part at public expense, or whenever a body is delivered to a public official for the purpose of determining the cause of death or for the purpose of burial of the body or the cremated remains at public expense, it is the duty of the public official or of the custodian, superintendent or active head of such institution to immediately notify the nearest relative of the person, if any relative be known, of the person's death.

SECTION 3. Tennessee Code Annotated, Section 68-4-103(b)(1), is amended by deleting the language "made for its interment" and substituting instead "made for its interment by burial of the body or the cremated remains".

SECTION 4. Tennessee Code Annotated, Section 68-4-103(c), is amended by deleting the subsection and by substituting instead the following:

(c) If the chief medical examiner or the chief medical examiner's representative, upon receipt of the notification, does not, within seventy two (72) hours, make a demand for the body, then the body or the cremated remains shall be buried as provided by law or cremated in accordance with § 68-4-113. The public official or the custodian, superintendent or active head of such institution as referred to in subsection (a) may, in such person's discretion, choose to have the body cremated prior to burial.

SECTION 5. Tennessee Code Annotated, Section 38-5-118, is amended by deleting the section in its entirety and substituting instead the following language:

After the inquisition, the coroner or medical investigator may deliver the body of the deceased to the deceased's relatives, if there are any; but if not, the coroner or the medical investigator shall cause the deceased to be decently buried or cremated in accordance with § 68-4-113, and the expense to be paid from the property found with the body, or, if there is none, from the county treasury, by certifying an account of the

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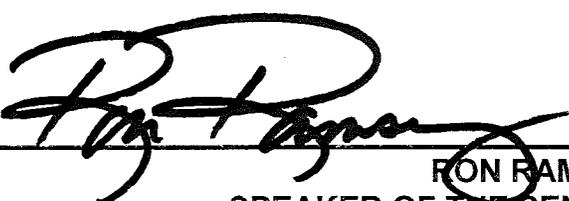
expenses to the county mayor, who shall allow and pay the expenses, if deemed reasonable, as other claims on the county.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

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PASSED: APRIL 11, 2013


BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES


RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 25th day of April 2013


BILL HASLAM, GOVERNOR