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Legislative Reference Bureau

INTRODUCED _____

By Schemel, Paul District 90
NO. _____

By _____ District _____
NO. _____

By _____ District _____
NO. _____

By _____ District _____
NO. _____

See next page for additional co-sponsors.

Prior Session _____

Referred to Committee on	
Date	_____
Reported	_____
As Committed-Amended	
Recomendation	_____
By Hon.	_____

AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the
2 Pennsylvania Consolidated Statutes, in ownership of property
3 and legal title and equitable estate, further providing for
4 right to dispose of a decedent's remains.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 305(a) of Title 20 of the Pennsylvania
8 Consolidated Statutes is amended and the section is amended by
9 adding a subsection to read:

10 § 305. Right to dispose of a decedent's remains.

11 (a) General rule.--Except as specified in [subsection (a.1)]
12 subsections (a.1) and (a.2), the determination of the final
13 disposition of a decedent's remains shall be as set forth in
14 this section unless otherwise specifically provided by waiver
15 and agreement of the person entitled to make such determination
16 under this section, subject to the provisions of a valid will
17 executed by the decedent and sections 8611(a) (relating to
18 persons who may execute anatomical gift) and 8654(1) (relating

1 to requirement of explicit, specific and separate
2 authorization).

3 * * *

4 (a.2) Exception for preplanned and prepaid funerals.--

5 Subject to the provisions of sections 8611(a) and 8654(1), the
6 determination of the final disposition of a decedent's remains
7 shall be as set forth in this section, except that an individual
8 who has a preplanned and prepaid funeral may direct the
9 disposition of the individual's own remains by a written
10 statement dated and signed by the individual and witnessed by
11 two individuals who are 18 years of age or older. If the
12 individual chooses cremation as the individual's desired form of
13 disposition, a signed authorization by the individual
14 prearranging for cremation, executed during the prearrangement
15 and witnessed by two individuals who are 18 years of age or
16 older, shall preempt the written authorization form required by
17 a family member under 49 Pa. Code § 13.201(7) (relating to
18 professional responsibilities). For the purposes of this
19 subsection, the following shall apply:

20 (1) An individual who has a preplanned and prepaid
21 funeral and the two witnesses shall sign and date the written
22 statement required under this subsection.

23 (2) A witness may not be an individual who:

24 (i) signs the written statement required under this
25 subsection on behalf of and at the direction of the
26 individual who has a preplanned and prepaid funeral; or

27 (ii) has a material interest in the decedent's
28 estate.

29 * * *

30 Section 2. This act shall take effect in 60 days.