

# Cremation Issue Chart

## UTAH



ISSUE: IDENTIFICATION OF DECEASED			
Law/Regulation	Is ID Required?	Information Required for ID	Any Restrictions/Limitations
UT Code § 58-9-607 Authorization to cremate	Yes	(i) the identity of the human remains and the time and date of death, including a signed declaration of visual identification of the deceased or refusal to visually identify the deceased;	
ISSUE: ALTERNATIVE CONTAINER FOR CREMATION			
Law/Regulation	Is It Required?	Definition of Alternative Container	
UT Code § 58-9-102 Definitions	Yes	(10) "Cremation container" means the container: (a) in which the human remains are transported to the crematory and placed in the cremation chamber for cremation; and (b) that meets substantially all of the following standards: (i) composed of readily combustible materials suitable for cremation; (ii) able to be closed in order to provide a complete covering for the human remains; (iii) resistant to leakage or spillage; (iv) rigid enough for handling with ease; and (v) able to provide protection for the health, safety, and personal integrity of crematory personnel.	
ISSUE: URN			
Law/Regulation	Any requirements for Urn/ Temporary Container	Definition of Urn/Temporary Container	
UT Code § 58-9-102 Definitions		(27) "Temporary container" means a receptacle for cremated remains usually made of cardboard, plastic, or similar material designed to hold the cremated remains until an urn or other permanent container is acquired. (30) "Urn" means a receptacle designed to permanently encase the cremated remains.	

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ISSUE: AUTHORIZING AGENT	
Law/Regulation	Legal Order of Authorizing Agent
<p>UT Code § 58-9-602 Determination of control of disposition.</p>	<p>The right and duty to control the disposition of a deceased person, which may include cremation as well as the location, manner and conditions of the disposition, and arrangements for funeral goods and services to be provided, vests in the following degrees of relationship in the order named, provided the person is at least 18 and is mentally competent:</p> <ol style="list-style-type: none"> <li>(1) the person designated: <ol style="list-style-type: none"> <li>(a) in a written instrument, excluding a power of attorney that terminates at death under Section 75-9-110, if the written instrument is acknowledged before a Notary Public or executed with the same formalities required of a will under Section 75-2-502; or</li> <li>(b) by a service member while serving in a branch of the United States Armed Forces as defined in 10 U.S.C. Sec. 1481 in a federal Record of Emergency Data, DD Form 93 or subsequent form;</li> </ol> </li> <li>(2) the surviving, legally recognized spouse of the decedent, unless a personal representative was nominated by the decedent subsequent to the marriage, in which case the personal representative shall take priority over the spouse;</li> <li>(3) the person nominated to serve as the personal representative of the decedent's estate in a will executed with the formalities required in Section 75-2-502;</li> <li>(4) <ol style="list-style-type: none"> <li>(a) the sole surviving child of the decedent, or if there is more than one child of the decedent, the majority of the surviving children;</li> <li>(b) less than one-half of the surviving children are vested with the rights of this section if they have used reasonable efforts to notify all other surviving children of their instructions and are not aware of any opposition to those instructions on the part of more than one-half of all surviving children;</li> </ol> </li> <li>(5) the surviving parent or parents of the decedent, however: <ol style="list-style-type: none"> <li>(a) if one of the surviving parents is absent, the remaining parent is vested with the rights and duties of this section after reasonable efforts have been unsuccessful in locating the absent surviving parent; or</li> <li>(b) if the parents are divorced or separated and the decedent was an incapacitated adult, the parent who was designated as the guardian of the decedent is vested with the rights and duties of this section;</li> </ol> </li> <li>(6) <ol style="list-style-type: none"> <li>(a) the surviving brother or sister of the decedent, or if there is more than one sibling of the decedent, the majority of the surviving siblings;</li> <li>(b) less than the majority of surviving siblings, if they have used reasonable efforts to notify all other surviving siblings of their instructions and are not aware of any opposition to those instructions on the part of more than one-half of all surviving siblings;</li> </ol> </li> <li>(7) the person in the classes of the next degree of kinship, in descending order, under the laws of descent and distribution to inherit the estate of the decedent, and if there is more than one person of the same degree, any person of that degree may exercise the right of disposition;</li> <li>(8) in the absence of any person under Subsections (1) through (7), the person who was the decedent's guardian at the time of death;</li> <li>(9) any public official charged with arranging the disposition of deceased persons; and</li> <li>(10) in the absence of any person under Subsections (1) through (9), any other person willing to assume the responsibilities to act and arrange the final disposition of the decedent's remains, including the personal representative of the decedent's estate or the funeral service director with custody of the body, after attesting in writing that a good faith effort has been made to no avail to contact the individuals referred to in Subsections (1) through (9).</li> </ol>

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ISSUE: FINAL DISPOSITION	
Law/Regulation	Any Guidelines or Requirements of Disposition of Cremated Remains Including Mailing Requirements
UT Code § 58-9-611 Disposition of cremated remains.	<p>(1) (a) An authorizing agent shall provide the person with whom cremation arrangements are made with a signed statement specifying the final disposition of the cremated remains, if known. (b) The funeral services establishment shall retain a copy of the statement.</p> <p>(2) (a) The authorizing agent is responsible for the disposition of the cremated remains. (b) If the authorizing agent or the agent's representative has not specified the ultimate disposition of or claimed the cremated remains within 60 days from the date of the cremation, the funeral service establishment may dispose of the remains in any manner permitted by law, except scattering. (c) The authorizing agent shall reimburse the funeral services establishment for all reasonable costs incurred in disposing of the cremated remains under Subsection (2)(b). (d) The person or entity disposing of cremated remains under this section: (i) shall make and keep a record of the disposition of the remains; and (ii) is discharged from any legal obligation or liability concerning the remains once the disposition has been made. (e) Subsection (2)(d)(ii) applies to cremated remains in the possession of a funeral services establishment or other responsible party as of May 5, 2008, or any time after that date.</p> <p>(3) (a) An authorizing agent may direct a funeral service establishment to dispose of or arrange for the disposition of cremated remains: (i) in a crypt, niche, grave, or scattering garden located in a dedicated cemetery; (ii) by scattering them over inhabited public land, the sea, or other public waterways subject to health and environmental laws and regulations; or (iii) in any manner on the private property of a consenting owner. (b) If cremated remains are to be disposed of on private property, other than dedicated cemetery property, the authorizing agent shall provide the funeral service establishment with the written consent of the property owner prior to disposal of the remains. (c) In order to scatter cremated remains under Subsection (3)(a)(ii) or (iii), the remains must be reduced to a particle size of one-eighth inch or less and removed from their closed container.</p> <p>(4) A funeral service establishment may not release cremated remains for scattering under this section to the authorizing agent or the agent's designated representative until the funeral service establishment is given a receipt that shows the proper filing has been made with the local registrar of births and deaths.</p>