



## 1997 ASSEMBLY BILL 943

March 24, 1998 - Introduced by Representative BALDWIN. Referred to Committee on Judiciary.

1     **AN ACT to create** 157.055 and 851.60 of the statutes; **relating to:** allowing  
2           persons to control the disposition of their remains and to appoint an agent to  
3           carry out their wishes.

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*Analysis by the Legislative Reference Bureau*

This bill grants to persons the right to direct by a written document the method and location of the final disposition of their remains, as well as the method of the preparation for that final disposition, and to appoint an agent to carry out their wishes about those matters. The bill also specifies the persons who are responsible for carrying out those directives, and the order in which that responsibility devolves upon them, if an agent is not appointed or if the agent does not act. The bill prohibits persons who have possession or control of human remains from knowingly violating the relevant directives. The bill also provides immunity from civil liability for a funeral director who, in good faith, disposes of a person's remains in a manner consistent with that person's directives.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

4           **SECTION 1.** 157.055 of the statutes is created to read:  
5           **157.055 Directive for disposition of remains and appointment of agent.**  
6           **(1)** A person who is at least 18 years old, by a written document signed by the person

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1 and by 2 adult witnesses of the person's signature, may direct the method and  
2 location of the final disposition of the person's remains and the method of the  
3 preparation for that final disposition and may appoint an agent to carry out those  
4 directives. The agent's authority survives the person's death.

5 (2) If a person who executes a directive under sub. (1) does not appoint an agent,  
6 or if an agent who is appointed under sub. (1) declines to act or does not act for any  
7 other reason, the duty to carry out the directions of the person under sub. (1)  
8 devolves, in the order specified, on the following:

9 (a) The surviving spouse.

10 (b) A surviving adult child.

11 (c) A surviving parent.

12 (d) A surviving adult brother or sister.

13 (e) A surviving grandparent.

14 (f) A surviving adult grandchild.

15 (g) A surviving adult close friend.

16 (3) Debts incurred, in a good faith effort to carry out the directive, by an agent  
17 who is appointed under sub. (1) or by a person under sub. (2) (a) to (g) who properly  
18 assumes responsibility for carrying out the directive are reasonable funeral and  
19 burial expenses under s. 859.25 (1) (b).

20 (4) No person who has possession or control of the remains of a person who has  
21 executed a directive under sub. (1) may knowingly dispose of those remains in a  
22 manner that is inconsistent with the directive.

23 (5) A funeral director, as defined in s. 445.01 (5), who acts in good faith is  
24 immune from any civil liability for disposing of the remains of a person who has  
25 executed a directive under sub. (1) in a manner that is consistent with the directive.

