

BILL

No. 145

An Act to amend *The Funeral and Cremation Services Act*

(Assented to _____)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Funeral and Cremation Services (Legal Decision-Maker Protection) Amendment Act, 2023*.

SS 1999, c F-23.3 amended

2 *The Funeral and Cremation Services Act* is amended in the manner set forth in this Act.

Section 4 amended

3 Clause 4(1)(b) is amended by striking out “he or she” and substituting “the person”.

Section 11 amended

4 Subsection 11(3) is amended by striking out “his or her” and substituting “that licensee’s”.

Section 18 amended

5(1) Subsection 18(1) is amended by striking out “his or her” and substituting “that licensee’s”.

(2) Subsection 18(2) is amended by striking out “his or her” and substituting “that licensee’s”.

Section 25 amended

6 Subsection 25(6) is repealed.

Section 26 amended

7(1) Subsection 26(2) is amended by striking out “Subject to subsection 25(6), a member” and substituting “A member”.

(2) Subsection 26(5) is amended by striking out “his or her” and substituting “that member’s”.

(3) Subsection 26(6) is amended by striking out “his or her” and substituting “that member’s”.

Section 42.2 amended

8 Subsection 42.2(1) is amended by striking out “he or she” and substituting “on which that person”.

Section 63 amended

9 Clause 63(1)(e) is amended by striking out “his or her” and substituting “the superintendent’s”.

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Section 81 amended

10 Subsection 81(2) is amended by striking out “he or she” and substituting “the owner”.

New section 91

11 Section 91 is repealed and the following substituted:

“Authorized decision-maker

91(1) Subject to subsections (2) and (3), the person deemed to be the authorized decision-maker with the right to control the disposition of human remains is the person first described in the following clauses who has the capacity to make the decision:

- (a) the executor named in the will of the deceased;
- (b) the spouse of the deceased or a person with whom the deceased cohabited as a spouse in a relationship of some permanence;
- (c) an adult child of the deceased;
- (d) the legal decision-maker, as defined in *The Children’s Law Act, 2020*, of the deceased, other than the minister responsible for the administration of *The Child and Family Services Act*, if:
 - (i) the deceased was a minor; or
 - (ii) the deceased was an adult and the legal decision-maker was the legal decision-maker of the deceased immediately before the deceased became an adult;
- (e) a parent of the deceased;
- (f) an adult brother or sister of the deceased;
- (g) a grandparent of the deceased;
- (h) an adult grandchild of the deceased;
- (i) an adult uncle or aunt of the deceased;
- (j) an adult nephew or niece of the deceased;
- (k) an adult next of kin of the deceased determined on the basis provided by sections 11 and 12 of *The Intestate Succession Act, 2019*;
- (l) another adult person having some relationship with the deceased not based on a family relationship.

(2) In determining who is an authorized decision-maker pursuant to subsection (1):

- (a) persons are to be chosen in the order mentioned in subsection (1); and
- (b) the elder or eldest of the persons in the same category is to be chosen in preference to younger persons in that category.

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- (3) For the purposes of subsection (1):
- (a) the relationships listed in clauses (1)(c) to (k) include adoptive relationships; and
 - (b) a person mentioned in clause (1)(l) may not provide written authorization for the cremation of human remains.
- (4) If the person who, pursuant to this section, is deemed to be the authorized decision-maker with the right to control the disposition of human remains is not available or is unwilling to give instructions, the next qualified person is deemed to be the authorized decision-maker.
- (5) If the identity of the deceased is not known, or no one is willing to act, the minister responsible for the administration of *The Social Services Administration Act* may designate a person to be the authorized decision-maker with the right to control the disposition by burial of the deceased person”.

Section 110 amended

12 Subsection 110(5) is amended by striking out “he or she” and substituting “the superintendent”.

Section 115 amended

13 Subsection 115(1) is amended:

- (a) in clause (a) by striking out “his or her” and substituting “the person’s”; and**
- (b) in clause (c) by striking out “he or she has in his or her possession or under his or her control” and substituting “are in the possession or control of that person”.**

Section 117 amended

14 Subsection 117(2) is amended by striking out “his or her own” and substituting “the person”.

Coming into force

15 This Act comes into force on assent.

FOURTH SESSION

Twenty-ninth Legislature

SASKATCHEWAN

BILL

No. 145

An Act to amend *The Funeral and
Cremation Services Act*

Received and read the

First time

Second time

Third time

And passed

Honourable Bronwyn Eyre
