

SENATE BILL 84

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(PRE-FILED)

By: **Senators Simonaire and Peters**

Requested: July 13, 2019

Introduced and read first time: January 8, 2020

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Funeral Establishments and Crematories – Unclaimed Cremains of Veterans –**
3 **Notification, Disposition, and Reporting**

4 FOR the purpose of requiring a licensed funeral establishment and the holder of a permit
5 for the business of operating a crematory in possession of unclaimed cremated
6 remains of a certain veteran or a certain eligible dependent to make a certain
7 notification to the Department of Veterans Affairs within a certain period of time for
8 the purpose of disposition of the cremains; requiring a funeral establishment or
9 crematory to transfer certain cremains to the Department for a certain purpose;
10 requiring the State Board of Morticians and Funeral Directors and the Department
11 jointly to submit a certain report to the Governor and certain committees of the
12 General Assembly on or before certain dates; and generally relating to the disposition
13 of unclaimed cremains of veterans.

14 BY repealing and reenacting, with amendments,
15 Article – Health Occupations
16 Section 7–406
17 Annotated Code of Maryland
18 (2014 Replacement Volume and 2019 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
20 That the Laws of Maryland read as follows:

21 **Article – Health Occupations**

22 7–406.

23 (a) A licensee shall maintain a complete file of a cremation that includes the
24 signature of the next of kin, person identifying the body, or person responsible for
25 disposition, time of death, and the date and time of cremation.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) (1) (i) In this subsection the following words have the meanings
2 indicated.

3 (ii) “Eligible dependent” means a veteran’s spouse, a veteran’s
4 unmarried child under the age of 21 years, or a veteran’s unmarried adult child who before
5 the age of 21 became permanently incapable of self-support because of physical or mental
6 disability.

7 (iii) 1. “Identifying information” means data required by a
8 veterans service organization to verify the eligibility of a veteran or an eligible dependent
9 for burial in a national or state veterans cemetery.

10 2. “Identifying information” includes name, service number,
11 Social Security number, date of birth, date of death, place of birth, and copy of the death
12 certificate.

13 (iv) “Veteran” has the meaning stated in § 9–901 of the State
14 Government Article.

15 (v) “Veterans service organization” means an association or other
16 entity organized for the benefit of veterans that has been recognized by the U.S.
17 Department of Veterans Affairs or chartered by Congress and any employee or
18 representative of the association or entity.

19 (2) If a licensed funeral establishment or a crematory is in possession of
20 cremated human remains that have been unclaimed for 90 days or more, the licensed
21 funeral establishment or holder of the permit for the business of operating a crematory
22 shall provide identifying information of the unclaimed cremains to a veterans service
23 organization in order for the veterans service organization to determine if the unclaimed
24 cremains are those of a veteran or an eligible dependent.

25 (3) Within 45 days after receipt of the information required under
26 paragraph (2) of this subsection, the veterans service organization shall notify the licensed
27 funeral establishment or permit holder:

28 (i) Whether the cremains are those of a veteran or an eligible
29 dependent; and

30 (ii) If so, whether the veteran or eligible dependent is eligible for
31 burial in a veterans cemetery.

32 (4) If the unclaimed cremains are those of a veteran or an eligible
33 dependent, the licensed funeral establishment or permit holder may transfer the cremains
34 to a veterans service organization for the purpose of disposition of the cremains.

1 **(5) IF A VETERANS SERVICE ORGANIZATION DOES NOT TAKE**
2 **POSSESSION OF UNCLAIMED CREMAINS THAT QUALIFY FOR A PLOT IN A STATE**
3 **VETERANS' CEMETERY UNDER § 9-906 OF THE STATE GOVERNMENT ARTICLE**
4 **WITHIN 10 DAYS AFTER THE LICENSED FUNERAL ESTABLISHMENT OR PERMIT**
5 **HOLDER RECEIVES THE NOTIFICATION REQUIRED UNDER PARAGRAPH (3) OF THIS**
6 **SUBSECTION, THE LICENSED FUNERAL ESTABLISHMENT OR PERMIT HOLDER**
7 **SHALL:**

8 **(I) NOTIFY THE DEPARTMENT OF VETERANS AFFAIRS OF THE**
9 **STATUS OF THE CREMAINS FOR THE PURPOSE OF DISPOSITION OF THE CREMAINS;**
10 **AND**

11 **(II) TRANSFER THE CREMAINS TO THE DEPARTMENT OF**
12 **VETERANS AFFAIRS FOR THE PURPOSE OF DISPOSITION OF THE CREMAINS.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 31,
14 2022, 2023, and 2024, the State Board of Morticians and Funeral Directors and the
15 Department of Veterans Affairs jointly shall submit a report to the Governor and, in
16 accordance with § 2-1257 of the State Government Article, the Senate Education, Health,
17 and Environmental Affairs Committee and the House Health and Government Operations
18 Committee on:

19 (1) the number of unclaimed cremains of veterans and eligible dependents
20 for whom licensed funeral establishments and permit holders for the business of operating
21 a crematory received notification under § 7-406(b)(3) of the Health Occupations Article
22 during the immediately preceding year;

23 (2) the number of unclaimed cremains transferred to the Department of
24 Veterans Affairs under § 7-406(b)(5) of the Health Occupations Article, as enacted by
25 Section 1 of this Act, during the immediately preceding year; and

26 (3) the costs associated with the transfer of unclaimed cremains to the
27 Department of Veterans Affairs under § 7-406(b)(5) of the Health Occupations Article, as
28 enacted by Section 1 of this Act, during the immediately preceding year.

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2020.