

SENATE BILL 84

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0lr0320

(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

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 11, 2020

CHAPTER _____

1 AN ACT concerning

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

4 FOR the purpose of specifying that the purpose for which licensed funeral establishments
5 and holders of a permit for the business of operating a crematory are authorized to
6 transfer certain cremains to a veterans service organization under certain
7 circumstances is for the appropriate disposition of the cremains; requiring a licensed
8 funeral establishment and the holder of a permit for the business of operating a
9 crematory in possession of unclaimed cremated remains of a certain veteran or a
10 certain eligible dependent to make a certain notification to the Department of
11 Veterans Affairs within a certain period of time for the purpose of the appropriate
12 disposition of the cremains; requiring a funeral establishment or crematory to
13 transfer certain cremains to the Department for a certain purpose; ~~requiring the~~
14 ~~State Board of Morticians and Funeral Directors and the Department jointly to~~
15 ~~submit a certain report to the Governor and certain committees of the General~~
16 ~~Assembly on or before certain dates;~~ and generally relating to the appropriate
17 disposition of unclaimed cremains of veterans.

18 BY repealing and reenacting, with amendments,
19 Article – Health Occupations
20 Section 7-406
21 Annotated Code of Maryland
22 (2014 Replacement Volume and 2019 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Health Occupations**

4 7–406.

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

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

10 (ii) “Eligible dependent” means a veteran’s spouse, a veteran’s
11 unmarried child under the age of 21 years, or a veteran’s unmarried adult child who before
12 the age of 21 became permanently incapable of self–support because of physical or mental
13 disability.

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

17 2. “Identifying information” includes name, service number,
18 Social Security number, date of birth, date of death, place of birth, and copy of the death
19 certificate.

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

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

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

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

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

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

5 (4) If the unclaimed cremains are those of a veteran or an eligible
6 dependent, the licensed funeral establishment or permit holder may transfer the cremains
7 to a veterans service organization for the purpose of THE APPROPRIATE disposition of the
8 cremains.

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

16 **(I) NOTIFY THE DEPARTMENT OF VETERANS AFFAIRS OF THE**
17 **STATUS OF THE CREMAINS FOR THE PURPOSE OF THE APPROPRIATE DISPOSITION**
18 **OF THE CREMAINS; AND**

19 **(II) TRANSFER THE CREMAINS TO THE DEPARTMENT OF**
20 **VETERANS AFFAIRS FOR THE PURPOSE OF THE APPROPRIATE DISPOSITION OF THE**
21 **CREMAINS.**

22 ~~SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 31,~~
23 ~~2022, 2023, and 2024, the State Board of Morticians and Funeral Directors and the~~
24 ~~Department of Veterans Affairs jointly shall submit a report to the Governor and, in~~
25 ~~accordance with § 2-1257 of the State Government Article, the Senate Education, Health,~~
26 ~~and Environmental Affairs Committee and the House Health and Government Operations~~
27 ~~Committee on:~~

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

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

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

1 SECTION ~~3~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2020.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.