

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 180

(Senator Simonaire)

Education, Health, and Environmental Affairs

Health and Government Operations

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

This bill requires a licensed funeral establishment or crematory in possession of the unclaimed cremains of a veteran or an eligible dependent for which a veterans service organization has not taken possession to (1) notify the Maryland Department of Veterans Affairs (MDVA) of the status of the cremains and (2) transfer the cremains to MDVA for appropriate disposition.

Fiscal Summary

State Effect: MDVA expenditures (general, special, and federal funds) increase, likely by a minimal amount, beginning in FY 2022 for costs associated with the disposition of unclaimed cremains. Federal fund revenues increase to the extent dispositions are of veteran cremains.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: Chapter 349 of 2015 requires a licensed funeral establishment or crematory in possession of cremains that have been unclaimed for 90 or more days to provide identifying information of the unclaimed cremains to a veterans service organization in order for the organization to determine if the unclaimed cremains are those of a veteran or an eligible dependent.

Within 45 days of receipt of the information, a veterans service organization must notify the licensed funeral establishment or crematory whether the cremains are those of a veteran or an eligible dependent and, if so, whether the veteran or eligible dependent is eligible for burial in a veterans' cemetery. If the unclaimed cremains are those of a veteran or an eligible dependent, the licensed funeral establishment or crematory may transfer the cremains to a veterans service organization for the purpose of disposition of the cremains.

A licensed funeral establishment or crematory that acts in good faith is not civilly liable for transferring the unclaimed cremains of a veteran or an eligible dependent to a veterans service organization for purposes of disposition. A veterans service organization that acts in good faith is not civilly liable for receiving the unclaimed cremains of a veteran or an eligible dependent for purposes of disposition.

A veteran must be a resident of Maryland to qualify for burial at a State veterans' cemetery. An eligible dependent of a veteran may also be eligible for burial at a State veterans' cemetery if certain criteria are met.

State Fiscal Effect: MDVA expenditures (general, special, and federal funds) increase beginning in fiscal 2022 for costs associated with the disposition of cremains of veterans and eligible dependents. Any costs associated with interment of veteran cremains are reimbursed by the U.S. Department of Veterans Affairs and, therefore, have no net impact on the State as federal fund revenues increase commensurate with expenditures. MDVA advises that the department can implement the bill's provisions with existing resources.

Additional Information

Prior Introductions: SB 84 of 2020 passed in the Senate and had a hearing in the House Health and Government Operations Committee, but no further action was taken.

Designated Cross File: HB 604 (Delegate Kipke) - Health and Government Operations.

Information Source(s): Maryland Department of Health; Maryland Department of Veterans Affairs; Department of Legislative Services

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