

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 84

(Senators Simonaire and Peters)

Education, Health, and Environmental Affairs

Health and Government Operations

**Funeral Establishments and Crematories - Unclaimed Remains of Veterans -
Notification, Disposition, and Reporting**

This bill requires a licensed funeral establishment or crematory in possession of the unclaimed remains 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 remains and (2) transfer the remains 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 2021 for costs associated with the disposition of unclaimed remains. Federal fund revenues increase to the extent dispositions are of veteran remains.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

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

Background: MDVA's Cemetery Program operates and maintains five veterans' cemeteries to provide interment for eligible Maryland veterans and their eligible dependents. Through the program, MDVA assists individuals in establishing burial eligibility, provides burial services, and performs perpetual care of the burial areas and surrounding grounds, buildings, and roads.

An eligible veteran receives interment services in a Maryland veterans' cemetery at no cost. MDVA receives federal reimbursement (\$796 per interment) from the U.S. Department of Veterans Affairs (VA). A veteran's eligible dependent must pay a fee of \$796 for burial. MDVA advises there are approximately 3,200 interments annually at State veterans' cemeteries.

State Fiscal Effect: MDVA expenditures (general, special, and federal funds) increase beginning in fiscal 2021 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 VA and, therefore, have no net impact on the State as federal fund revenues increase commensurate with expenditures.

MDVA anticipates receiving approximately 10 cremains of eligible dependents annually under the bill. As the expenses associated with these interments are not eligible for VA reimbursement and payment from the family is unlikely for unclaimed cremains, MDVA general and special fund expenditures increase by approximately \$7,960 annually under this assumption.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

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

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