

# SENATE BILL 180

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SB 84/20 – EHE

(PRE-FILED)

11r0487

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By: **Senator Simonaire**

Requested: August 13, 2020

Introduced and read first time: January 13, 2021

Assigned to: Education, Health, and Environmental Affairs

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## 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 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; and generally  
14 relating to the appropriate disposition of unclaimed cremains of veterans.

15 BY repealing and reenacting, with amendments,  
16 Article – Health Occupations  
17 Section 7–406  
18 Annotated Code of Maryland  
19 (2014 Replacement Volume and 2020 Supplement)

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

22 **Article – Health Occupations**

23 7–406.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

6 (ii) "Eligible dependent" means a veteran's spouse, a veteran's  
7 unmarried child under the age of 21 years, or a veteran's unmarried adult child who before  
8 the age of 21 became permanently incapable of self-support because of physical or mental  
9 disability.

10 (iii) 1. "Identifying information" means data required by a  
11 veterans service organization to verify the eligibility of a veteran or an eligible dependent  
12 for burial in a national or state veterans cemetery.

13 2. "Identifying information" includes name, service number,  
14 Social Security number, date of birth, date of death, place of birth, and copy of the death  
15 certificate.

16 (iv) "Veteran" has the meaning stated in § 9-901 of the State  
17 Government Article.

18 (v) "Veterans service organization" means an association or other  
19 entity organized for the benefit of veterans that has been recognized by the U.S.  
20 Department of Veterans Affairs or chartered by Congress and any employee or  
21 representative of the association or entity.

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

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

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

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

35 (4) If the unclaimed cremains are those of a veteran or an eligible  
36 dependent, the licensed funeral establishment or permit holder may transfer the cremains

1 to a veterans service organization for the purpose of THE APPROPRIATE disposition of the  
2 cremains.

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

10                   **(I) NOTIFY THE DEPARTMENT OF VETERANS AFFAIRS OF THE**  
11 **STATUS OF THE CREMAINS FOR THE PURPOSE OF THE APPROPRIATE DISPOSITION**  
12 **OF THE CREMAINS; AND**

13                   **(II) TRANSFER THE CREMAINS TO THE DEPARTMENT OF**  
14 **VETERANS AFFAIRS FOR THE PURPOSE OF THE APPROPRIATE DISPOSITION OF THE**  
15 **CREMAINS.**

16           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2021.