

SENATE BILL 180

J2
SB 84/20 – EHE

(PRE-FILED)

11r0487
CF HB 604

By: **Senator Simonaire**

Requested: August 13, 2020

Introduced and read first time: January 13, 2021

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: February 10, 2021

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; 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:

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.



Article – Health Occupations

1
2 7–406.

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

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

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

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

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

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

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

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

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

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

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

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

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

14 **(i) NOTIFY THE DEPARTMENT OF VETERANS AFFAIRS OF THE**
15 **STATUS OF THE CREMAINS FOR THE PURPOSE OF THE APPROPRIATE DISPOSITION**
16 **OF THE CREMAINS; AND**

17 **(ii) TRANSFER THE CREMAINS TO THE DEPARTMENT OF**
18 **VETERANS AFFAIRS FOR THE PURPOSE OF THE APPROPRIATE DISPOSITION OF THE**
19 **CREMAINS.**

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.