

Chapter 338

(House Bill 604)

AN ACT concerning

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

FOR the purpose of specifying that the purpose for which licensed funeral establishments and holders of a permit for the business of operating a crematory are authorized to transfer certain cremains to a veterans service organization under certain circumstances is for the appropriate disposition of the cremains; requiring a licensed funeral establishment and the holder of a permit for the business of operating a crematory in possession of unclaimed cremated remains of a certain veteran or a certain eligible dependent to make a certain notification to the Department of Veterans Affairs within a certain period of time for the purpose of the appropriate disposition of the cremains; requiring a funeral establishment or crematory to transfer certain cremains to the Department for a certain purpose; and generally relating to the appropriate disposition of unclaimed cremains of veterans.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 7–406

Annotated Code of Maryland

(2014 Replacement Volume and 2020 Supplement)

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

Article – Health Occupations

7–406.

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

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

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

(iii) 1. “Identifying information” means data required by a

veterans service organization to verify the eligibility of a veteran or an eligible dependent for burial in a national or state veterans cemetery.

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, May 18, 2021.