

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 408 Session of 2019

INTRODUCED BY STAATS, McNEILL, STURLA, JOZWIAK, SAYLOR, SIMMONS, BARRAR, CIRESI, SIMS, HILL-EVANS, STRUZZI, WARREN, CALTAGIRONE, HEFFLEY, BERNSTINE, MURT, KINSEY, FARRY, DIAMOND, MIHALEK, KORTZ, T. DAVIS, READSHAW, ULLMAN, DRISCOLL, PASHINSKI, HAHN, POLINCHOCK, SAINATO AND GABLER, FEBRUARY 6, 2019

AS REPORTED FROM COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, HOUSE OF REPRESENTATIVES, AS AMENDED, DECEMBER 17, 2019

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania
2 Consolidated Statutes, in Department of Military Affairs,
3 providing for burial benefits.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 51 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 705.1. Burial benefits.

9 ~~(a) Notice of burial benefits.~~

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10 ~~(1) The following persons shall be required to provide~~
11 ~~information regarding the availability of veterans' burial~~
12 ~~benefits to a purchaser of funeral merchandise or a burial~~
13 ~~lot:~~

14 ~~(i) A licensed funeral director.~~

15 ~~(ii) A funeral entity.~~

1 ~~(iii) A cemetery company.~~

2 ~~(2) A funeral director, funeral entity or cemetery~~
3 ~~company shall also notify the county where the veteran~~
4 ~~resided of the death. The notification shall be made to the~~
5 ~~county no later than the notice provided under paragraph (1).~~

6 ~~(b) Required information. At a minimum, information on the~~
7 ~~following shall be provided under subsection (a)(1):~~

8 ~~(1) Burial benefits and allowances, flags to be draped~~
9 ~~over caskets and headstones and markers, as provided under 38~~
10 ~~U.S.C. Ch. 23 (relating to burial benefits).~~

11 ~~(2) Burial in national cemeteries as provided under 38~~
12 ~~U.S.C. § 112 (relating to Presidential memorial certificate~~
13 ~~program).~~

14 ~~(3) Military funeral honors as provided under 10 U.S.C.~~
15 ~~§ 1491 (relating to funeral honors functions at funerals for~~
16 ~~veterans).~~

17 ~~(c) Affidavit. A funeral director, funeral entity and~~
18 ~~cemetery company shall require the following:~~

19 ~~(1) A purchaser to sign an affidavit indicating that the~~
20 ~~information under subsection (a)(1) was supplied prior to the~~
21 ~~purchase of any funeral merchandise or burial lot.~~

22 ~~(2) Written acknowledgment of the notification made~~
23 ~~under subsection (a)(2).~~

24 ~~(d) Penalty. A funeral director or officer of a cemetery~~
25 ~~company who fails to furnish this required information commits a~~
26 ~~misdemeanor of the third degree.~~

27 ~~(A) NOTICE OF DECEASED SERVICEPERSON TO COUNTY.--~~

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28 ~~(1) SUBJECT TO PARAGRAPH (2), A FUNERAL DIRECTOR,~~
29 ~~FUNERAL ENTITY OR CEMETERY COMPANY SHALL, WITHIN 96 HOURS,~~
30 ~~NOTIFY THE COUNTY VETERANS AFFAIRS DIRECTOR OF A DECEASED~~

1 SERVICEPERSON HAVING LEGAL RESIDENCE IN THE COUNTY AT THE
2 TIME OF DEATH AND PROVIDE THE FAMILY OF THE DECEASED
3 SERVICEPERSON WITH THE CONTACT INFORMATION FOR THE COUNTY
4 VETERANS AFFAIRS DIRECTOR.

5 (2) PARAGRAPH (1) SHALL APPLY TO A CEMETERY COMPANY ONLY
6 IF THE CEMETERY COMPANY IS PROVIDING INTERMENT FOR THE
7 CREMATED REMAINS OF A DECEASED SERVICEPERSON FOR WHOM A
8 FUNERAL DIRECTOR OR FUNERAL ENTITY DID NOT PROVIDE GOODS OR
9 SERVICES.

10 ~~(e)~~ (B) Definitions.--As used in this section, the following <--
11 words and phrases shall have the meanings given to them in this
12 subsection unless the context clearly indicates otherwise:

13 "DECEASED SERVICEPERSON." AS DEFINED IN SECTION 1908-A OF <--
14 THE ACT OF AUGUST 9, 1955 (P.L.323, NO.130), KNOWN AS THE COUNTY
15 CODE.

16 "Funeral entity." As defined in 49 Pa. Code § 13.1 (relating
17 to definitions).

18 "Licensed funeral director." As defined in 49 Pa. Code §
19 13.1.

20 Section 2. This act shall take effect in 60 days.