
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2288 Session of
2010

INTRODUCED BY KULA, MELIO, FAIRCHILD, MAHONEY, WHITE, WHEATLEY,
STEVENSON, M. SMITH, K. SMITH, SIPTROTH, SHAPIRO, SEIP,
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BRENNAN, BOBACK, STABACK, GOODMAN, CARROLL, YUDICHAK, HARHAI,
HORNAMAN, MURPHY, VULAKOVICH, CALTAGIRONE, COHEN, HESS AND
HARKINS, OCTOBER 4, 2010

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, OCTOBER 4, 2010

AN ACT

1 Providing for the disposition of cremated remains of veterans
2 and veterans' spouses and dependent children by funeral
3 directors and crematories and for certain immunities.

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

6 Section 1. Short title.

7 This act may be cited as the Disposition of Veterans'
8 Cremated Remains Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Authorizing agent." A person who is legally entitled to
14 authorize the cremation and final disposition of the cremated
15 remains of the deceased person.

1 "Crematory authority." A legal entity that is licensed to
2 operate a crematory and to perform cremations.

3 "Funeral establishment." A place or premise approved by the
4 State Board of Funeral Directors wherein a licensed funeral
5 director conducts the professional practice of funeral
6 directing, including the preparation, care and funeral services
7 for the human dead.

8 "Veteran." A resident of this Commonwealth who has served as
9 a member of the armed forces of the United States on active duty
10 or a member of the reserve component of the armed forces of the
11 United States as defined in 51 Pa.C.S. § 7301 (relating to
12 definitions) and who has received an honorable discharge.

13 "Veterans organization." An association or other entity
14 organized for the benefits of veterans that has been recognized
15 or chartered by the Congress of the United States or a veterans'
16 organization whose primary purpose is to locate, identify and
17 inter the unclaimed cremated remains of American veterans.

18 Section 3. Funeral director or crematory authority
19 responsibilities.

20 (a) General rule.--A funeral director or crematory authority
21 must make a reasonable effort to determine whether a deceased
22 person, whose human remains have been submitted to a funeral
23 establishment for final disposition by cremation, is one of the
24 following:

25 (1) A veteran.

26 (2) The spouse of a veteran.

27 (3) The dependent child of a veteran.

28 (b) Time of determination.--The determination under
29 subsection (a) must be made at or shortly after the time a
30 permit authorizing cremation is issued by an authorizing agent.

1 The funeral director or crematory authority must start an
2 inquiry with the authorizing agent and notify the authorizing
3 agent of the funeral director's or crematory authority's
4 responsibilities under this act. Nothing in this act shall delay
5 the cremation of a deceased person's remains as authorized by
6 law.

7 (c) Assistance with determination.--If the funeral director
8 or crematory authority cannot determine with certainty the
9 deceased person's status and no authorizing agent exists, then
10 the funeral director or crematory authority may allow the
11 National Cemetery Administration's National Cemetery Scheduling
12 Office or any veterans organization to have access to the
13 cremated remains and all information regarding the deceased
14 person in the possession of the funeral director or crematory
15 authority so that it may attempt to determine whether the
16 deceased person qualifies under subsection (a).

17 (d) Notification.--If the funeral director or crematory
18 authority determines that the deceased person is a veteran, the
19 spouse of a veteran or the dependent child of a veteran, then
20 the funeral director or crematory authority must immediately
21 notify the authorizing agent of this finding and advise the
22 authorizing agent that the deceased person may be eligible to be
23 interred at an appropriate veterans' cemetery.

24 (e) Failure of authorizing agent to claim remains.--If the
25 cremated remains of a veteran, the spouse of a veteran or the
26 dependent child of a veteran are not claimed by an authorizing
27 agent, then the funeral director or crematory authority must
28 hold any cremated remains for at least 180 days. Upon expiration
29 of that time period, the funeral director or crematory authority
30 must send written notice to an authorizing agent requesting

1 disposition instructions. If the funeral director or crematory
2 authority does not receive a written response from an
3 authorizing agent within 30 days after the written notice is
4 sent, the funeral director or crematory authority must contact a
5 veterans organization so that arrangements for the disposition
6 of the cremated remains of the veteran, spouse of a veteran or
7 dependent child of a veteran may be made in a national or State
8 veterans' cemetery.

9 (f) Release of information.--The funeral director or
10 crematory authority may release any relevant information to the
11 United States Department of Veterans Affairs or any veterans
12 organization to effect the timely and accurate identification
13 and interment or inurnment of the cremated remains of a decedent
14 as a veteran, the spouse of a veteran or the dependent child of
15 a veteran.

16 Section 4. Immunity.

17 (a) Release of information.--A funeral director or crematory
18 authority complying with this act is immune from any criminal or
19 civil liability regarding the release of information relating
20 to:

21 (1) The determination of the deceased person's status as
22 a veteran, the spouse of a veteran or the dependent child of
23 a veteran.

24 (2) The availability of interment or inurnment as a
25 veteran.

26 (3) The release of the cremated remains to a veterans'
27 cemetery.

28 (b) Civil liability.--

29 (1) A funeral director or crematory authority shall be
30 immune from civil liability for any act or omission under

1 this act, except for willful or wanton misconduct.

2 (2) A veterans organization shall be immune from civil
3 liability for any act or omission related to the disposition
4 of cremated remains under this act, except for willful or
5 wanton misconduct.

6 Section 20. Effective date.

7 This act shall take effect in 60 days.