

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 973 Session of 2011

INTRODUCED BY KULA, READSHAW, MAHONEY, FABRIZIO, BRENNAN, CALTAGIRONE, COHEN, DeWEESE, HALUSKA, HARHAI, HARKINS, HORNAMAN, KORTZ, KOTIK, MICOZZIE, MURPHY, MURT, M. O'BRIEN, SAINATO, STABACK, MANN, JOSEPHS AND VULAKOVICH, MARCH 9, 2011

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, MARCH 9, 2011

AN ACT

1 Amending the act of June 29, 1953 (P.L.304, No.66), entitled "An
 2 act providing for the administration of a statewide system of
 3 vital statistics; prescribing the functions of the State
 4 Department of Health, the State Advisory Health Board and
 5 local registrars; imposing duties upon coroners,
 6 prothonotaries, clerks of orphans' court, physicians,
 7 midwives and other persons; requiring reports and
 8 certificates for the registration of vital statistics;
 9 regulating the disposition of dead bodies; limiting the
 10 disclosure of records; prescribing the sufficiency of vital
 11 statistics records as evidence; prescribing fees and
 12 penalties; and revising and consolidating the laws relating
 13 thereto," further providing for definitions; and providing
 14 for disposition of cremated remains of veterans.

15 The General Assembly of the Commonwealth of Pennsylvania
 16 hereby enacts as follows:

17 Section 1. Section 105 of the act of June 29, 1953 (P.L.304,
 18 No.66), known as the Vital Statistics Law of 1953, is amended by
 19 adding clauses to read:

20 Section 105. General Provisions: Definitions.--As used in
 21 this act--

22 * * *

1 (10) "Veteran" means a deceased person who:

2 (1) (i) served in the active military or naval service of
3 the United States;

4 (ii) served in active duty in a force of any organized state
5 militia in a full-time status;

6 (iii) served in the reserve armed forces of the United
7 States in active duty; or

8 (iv) was a recipient of the Armed Forces Expeditionary
9 Medal, Navy Expeditionary Medal, Marine Corps Expeditionary
10 Medal or Global War on Terrorism Expeditionary Medal; and

11 (2) was released from such service under conditions other
12 than dishonorable.

13 (11) "Veterans' service organization" means an association,
14 corporation or other entity that qualifies under section 501(c)

15 (3) or (19) of the Internal Revenue Code of 1986 (Public Law
16 99-514, 26 U.S.C. § 501(c)(3) or (19)) as a tax exempt

17 organization that has been organized for the benefit of veterans
18 and recognized or chartered by the United States Congress. The

19 term includes, but is not limited to, the Disabled American
20 Veterans, the Veterans of Foreign Wars, the American Legion and

21 the Vietnam Veterans of America. The term also includes a member
22 or employee of an eligible nonprofit veterans' corporation,

23 association or entity, such as the Missing In America Veteran
24 Recovery Program, that specifically assists in facilitating the

25 identification and interment of unclaimed remains of American
26 veterans.

27 (12) "National cemetery" means any cemetery under the
28 control of the United States Department of Veterans Affairs

29 National Cemetery Administration.

30 Section 2. The act is amended by adding a section to read:

1 Section 506.2. Death and Fetal Death Registration:
2 Disposition of Cremated Remains of Veterans.--(a) A funeral
3 director or funeral establishment which has held in its
4 possession cremated remains for more than one hundred twenty
5 (120) days from the date of cremation may, in accordance with
6 this section, determine if the cremated remains are those of a
7 veteran and, if so, may dispose of the remains as provided in
8 this section.

9 (b) (1) Notwithstanding any law or regulation to the
10 contrary, nothing in this section shall prevent a funeral
11 director or funeral establishment from sharing information with
12 the United States Department of Veterans Affairs, a local
13 veterans' service agency, a veterans' service organization, a
14 national cemetery or a county veterans' cemetery for the purpose
15 of determining whether the cremated remains are those of a
16 veteran.

17 (2) A funeral director or funeral establishment shall be
18 discharged from any legal obligations or liability with regard
19 to releasing information to or sharing information with the
20 United States Department of Veterans Affairs, a local veterans'
21 service agency, a veterans' service organization, a national
22 cemetery or a county veterans' cemetery in accordance with this
23 section.

24 (c) (1) If a funeral director or funeral establishment
25 ascertains the cremated remains in its possession are those of a
26 veteran and the funeral director or funeral establishment has
27 not been instructed by the person in control of the disposition
28 of the decedent to arrange for the final disposal or delivery of
29 the cremated remains, the funeral director or funeral
30 establishment may dispose of the cremated remains or relinquish

1 possession of the cremated remains to a veterans' service
2 organization.

3 (2) The method of disposition shall be made in a national
4 cemetery, a county veterans' cemetery, a section of a cemetery
5 corporation where veterans are memorialized by a veteran's
6 marker if eligible, a veterans' section of a cemetery
7 corporation or a veterans' cemetery if the deceased veteran is
8 eligible for interment in such a manner.

9 (d) The funeral director, funeral establishment or veterans'
10 service organization, notwithstanding any law to the contrary,
11 upon disposing of cremated remains in accordance with this
12 section, shall be:

13 (1) Held harmless for any costs or damages, except if there
14 is gross negligence or willful misconduct.

15 (2) Discharged from any legal obligation or liability
16 concerning the cremated remains.

17 (e) The estate of the decedent shall be responsible for
18 reimbursing a funeral director, funeral establishment or
19 veterans' service organization for all reasonable expenses
20 incurred in relation to the disposition of the cremated remains.

21 (f) A funeral director or funeral establishment shall
22 establish and maintain a record identifying the veterans'
23 service organization receiving the cremated remains and the site
24 designated for final disposition of the cremated remains.

25 (g) Nothing in this section shall require a funeral director
26 or funeral establishment to:

27 (1) Determine or seek others to determine that an
28 individual's cremated remains are those of a veteran if the
29 funeral director or funeral establishment was informed by the
30 person in control of the disposition that the individual was not

1 a veteran.

2 (2) Relinquish possession of the cremated remains to a
3 veterans' service organization if the funeral director or
4 funeral establishment was instructed by the person in control or
5 had a reasonable belief that the decedent did not desire any
6 funeral or burial-related services or ceremonies recognizing the
7 decedent's service as a veteran.

8 (h) As used in this section, "disposition" does not include
9 the scattering of cremated remains.

10 Section 3. This act shall take effect in 60 days.