

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL****No. 973** Session of  
2011

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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, VULAKOVICH, KAVULICH,  
REICHLEY, GINGRICH, MILLARD, GOODMAN, D. COSTA, DONATUCCI,  
GILLESPIE, CREIGHTON, PAYTON, FARRY AND MARSHALL,  
MARCH 9, 2011

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AS REPORTED FROM COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 24,  
2011

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## 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

1 this act--

2 \* \* \*

3 (10) "Veteran" means a deceased person who: ←

4 ~~(1) (i) served in the active military or naval service of~~  
5 ~~the United States;~~

6 ~~(ii) served in active duty in a force of any organized state~~  
7 ~~militia in a full time status;~~

8 ~~(iii) served in the reserve armed forces of the United~~  
9 ~~States in active duty; or~~

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

13 ~~(2) was released from such service under conditions other~~  
14 ~~than dishonorable~~ QUALIFIES FOR BURIAL AT A NATIONAL CEMETERY ←  
15 UNDER 38 U.S.C. (RELATING TO VETERANS' BENEFITS).

16 (11) "Veterans' service organization" means an association,  
17 corporation or other entity that qualifies under section 501(c)  
18 (3) or (19) of the Internal Revenue Code of 1986 (Public Law  
19 99-514, 26 U.S.C. § 501(c)(3) or (19)) as a tax exempt  
20 organization that has been organized for the benefit of veterans  
21 and recognized or chartered by the United States Congress. The  
22 term includes, but is not limited to, the Disabled American  
23 Veterans, the Veterans of Foreign Wars, the American Legion and  
24 the Vietnam Veterans of America. The term also includes a member  
25 or employee of an eligible nonprofit veterans' corporation,  
26 association or entity, such as the Missing In America Veteran  
27 Recovery Program, that specifically assists in facilitating the  
28 identification and interment OR FINAL DISPOSITION of unclaimed ←  
29 remains of American veterans.

30 (12) "National cemetery" means any cemetery under the

1 control of the United States Department of Veterans Affairs  
2 National Cemetery Administration.

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

4 Section 506.2. Death and Fetal Death Registration:

5 Disposition of Cremated Remains of Veterans.--(a) A funeral  
6 director or funeral establishment which has held in its  
7 possession cremated remains for more than one hundred twenty  
8 (120) days from the date of cremation may, in accordance with  
9 this section, determine if the cremated remains are those of a  
10 veteran and, if so, ~~may~~ SHALL dispose of the remains as provided ←  
11 in this section.

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

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

27 (c) (1) If a funeral director or funeral establishment  
28 ascertains the cremated remains in its possession are those of a  
29 veteran and the funeral director or funeral establishment has  
30 not been instructed by the LEGALLY AUTHORIZED person in control ←

1 of the FINAL disposition of the decedent to arrange for the ←  
2 final disposal or delivery DISPOSITION of the cremated remains, ←  
3 the funeral director or funeral establishment may dispose of the ←  
4 cremated remains or SHALL relinquish possession of the cremated ←  
5 remains to a veterans' service organization.

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

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

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

18 (2) Discharged from any legal obligation or liability  
19 concerning the cremated remains.

20 (e) The WHEN THE ESTATE OF THE DECEDENT HAS BEEN IDENTIFIED, ←  
21 THE estate of the decedent shall be responsible for reimbursing  
22 a funeral director, funeral establishment or veterans' service  
23 organization for all reasonable expenses incurred in relation to  
24 the FINAL disposition of the cremated remains. ←

25 (f) A funeral director or funeral establishment shall  
26 establish and maintain a record identifying the veterans'  
27 service organization receiving the cremated remains and the site  
28 designated for final disposition of the cremated remains.

29 (G) THE FUNERAL DIRECTOR OR FUNERAL ESTABLISHMENT SHALL MAKE ←  
30 A GOOD FAITH EFFORT TO NOTIFY THE NEXT OF KIN OF THE IDENTIFIED

1 CREMATED REMAINS OF THE VETERAN.

2 ~~(g)~~ (H) Nothing in this section shall require a funeral ←  
3 director or funeral establishment to:

4 (1) Determine or seek others to determine that an  
5 individual's cremated remains are those of a veteran if the  
6 funeral director or funeral establishment was informed by the  
7 LEGALLY AUTHORIZED person in control of the FINAL disposition OF ←  
8 THE CREMATED REMAINS that the individual was not a veteran.

9 (2) Relinquish possession of the cremated remains to a  
10 veterans' service organization if the funeral director or  
11 funeral establishment was instructed by the LEGALLY AUTHORIZED ←  
12 person in control OF THE CREMATED REMAINS or had a reasonable ←  
13 belief that the decedent did not desire any funeral or burial-  
14 related services or ceremonies recognizing the decedent's  
15 service as a veteran.

16 ~~(h)~~ (I) As used in this section, "disposition" "FINAL ←  
17 DISPOSITION" does not include the scattering of cremated  
18 remains.

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