

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

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, IN SENATE, AS AMENDED, MAY 8, 2012

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, FOR REGISTRATION ←
14 DISTRICTS, LOCAL REGISTRARS AND APPOINTMENT AND REMOVAL OF
15 AND FOR DEATH AND FETAL DEATH REGISTRATION, CERTIFICATES TO ←
16 BE FILED; and providing for disposition of cremated remains ←
17 of veterans; AND FURTHER PROVIDING FOR RECORDS AND DISCLOSURE ←
18 BY LOCAL REGISTRARS.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 Section 1. Section 105 of the act of June 29, 1953 (P.L.304,
22 No.66), known as the Vital Statistics Law of 1953, is amended by

1 adding clauses to read:

2 Section 105. General Provisions: Definitions.--As used in
3 this act--

4 * * *

5 (10) "Veteran" means a deceased person who qualifies for
6 burial at a national cemetery under 38 U.S.C. (relating to
7 veterans' benefits).

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

22 (12) "National cemetery" means any cemetery under the
23 control of the United States Department of Veterans Affairs
24 National Cemetery Administration.

25 SECTION 2. SECTION 302 OF THE ACT IS AMENDED TO READ:

26 SECTION 302. REGISTRATION DISTRICTS: LOCAL REGISTRARS;
27 APPOINTMENT AND REMOVAL OF.--(A) THE SECRETARY OF HEALTH SHALL
28 APPOINT A LOCAL REGISTRAR FOR EACH REGISTRATION DISTRICT. EACH
29 LOCAL REGISTRAR SHALL APPOINT A DEPUTY TO ACT IN THE EVENT OF
30 HIS ABSENCE OR DISABILITY. IF THE DEPARTMENT DETERMINES THAT THE



1 PROPER AND EFFICIENT ADMINISTRATION OF A REGISTRATION DISTRICT
2 REQUIRES ADDITIONAL PERSONNEL, THE DEPARTMENT MAY APPOINT ONE OR
3 MORE ASSISTANTS. NO LOCAL REGISTRAR, DEPUTY OR ASSISTANT SHALL
4 BE APPOINTED WHO DOES NOT MEET THE QUALIFICATIONS PRESCRIBED BY
5 THE ADVISORY HEALTH BOARD. THE DEPARTMENT MAY AT ANY TIME REMOVE
6 ANY LOCAL REGISTRAR, DEPUTY OR ASSISTANT FOR CAUSE. THE
7 DEPARTMENT MAY ABOLISH THE OFFICE OF ANY LOCAL REGISTRAR IN THE
8 EVENT THAT THE REGISTRATION DISTRICT IS COMBINED WITH ANOTHER.
9 THE DEPARTMENT MAY REDUCE THE NUMBER OF ASSISTANTS AT ANY TIME.

10 (B) ANY VACANCY IN THE OFFICE OF LOCAL REGISTRAR, DEPUTY OR
11 ASSISTANT FOR A REGISTRATION DISTRICT THAT EXISTS ON OR AFTER
12 THE EFFECTIVE DATE OF THIS SUBSECTION SHALL BE FILLED AS
13 PROVIDED IN THIS SECTION.

14 SECTION 3. SECTION 501 OF THE ACT, AMENDED JULY 2, 2009
15 (P.L.52, NO.11), IS AMENDED TO READ:

16 SECTION 501. DEATH AND FETAL DEATH REGISTRATION:
17 CERTIFICATES TO BE FILED.--A CERTIFICATE OF EACH DEATH OR FETAL
18 DEATH WHICH OCCURS IN THIS COMMONWEALTH SHALL BE FILED WITHIN
19 [NINETY-SIX (96) HOURS] FOUR (4) BUSINESS DAYS AFTER THE DEATH
20 OR FETAL DEATH OR WITHIN [NINETY-SIX (96) HOURS] FOUR (4)
21 BUSINESS DAYS AFTER THE FINDING OF A DEAD BODY OR FETAL REMAINS.
22 IN EVERY INSTANCE, THE CERTIFICATE SHALL BE FILED PRIOR TO THE
23 ISSUANCE OF A PERMIT FOR INTERMENT OR OTHER DISPOSITION OF THE
24 DEAD BODY OR FETAL REMAINS. THE PERSON IN CHARGE OF INTERMENT OR
25 OF REMOVAL OF THE DEAD BODY OR FETAL REMAINS FROM THE
26 REGISTRATION DISTRICT SHALL FILE THE CERTIFICATE WITH ANY LOCAL
27 REGISTRAR OR THE STATE REGISTRAR OF VITAL STATISTICS, WHO SHALL
28 BE AUTHORIZED TO ISSUE CERTIFIED COPIES OF SUCH DEATH.

29 Section ~~2~~ 4. The act is amended by adding a section to read: ←

30 Section 506.2. Death and Fetal Death Registration:

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

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

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

20 (c) (1) If a funeral director or funeral establishment
21 ascertains the cremated remains in its possession are those of a
22 veteran and the funeral director or funeral establishment has
23 not been instructed by the legally authorized person in control
24 of the final disposition of the decedent to arrange for the
25 final disposition of the cremated remains, the funeral director
26 or funeral establishment shall relinquish possession of the
27 cremated remains to a veterans' service organization.

28 (2) Final disposition shall be made in a national cemetery
29 if the deceased veteran is eligible for interment in such a
30 manner.

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

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

7 (2) Discharged from any legal obligation or liability
8 concerning the cremated remains.

9 (e) When the estate of the decedent has been identified, the
10 estate of the decedent shall be responsible for reimbursing a
11 funeral director, funeral establishment or veterans' service
12 organization for all reasonable expenses incurred in relation to
13 the final disposition of the cremated remains.

14 (f) A funeral director or funeral establishment shall
15 establish and maintain a record identifying the veterans'
16 service organization receiving the cremated remains and the site
17 designated for final disposition of the cremated remains.

18 (g) The funeral director or funeral establishment shall make
19 a good faith effort to notify the next of kin of the identified
20 cremated remains of the veteran.

21 (h) Nothing in this section shall require a funeral director
22 or funeral establishment to:

23 (1) Determine or seek others to determine that an
24 individual's cremated remains are those of a veteran if the
25 funeral director or funeral establishment was informed by the
26 legally authorized person in control of the final disposition of
27 the cremated remains that the individual was not a veteran.

28 (2) Relinquish possession of the cremated remains to a
29 veterans' service organization if the funeral director or
30 funeral establishment was instructed by the legally authorized

1 person in control of the cremated remains or had a reasonable
2 belief that the decedent did not desire any funeral or burial-
3 related services or ceremonies recognizing the decedent's
4 service as a veteran.

5 (i) As used in this section, "final disposition" does not
6 include the scattering of cremated remains.

7 SECTION 5. SECTION 809(B) OF THE ACT IS AMENDED TO READ: ←

8 SECTION 809. RECORDS: DISCLOSURE BY LOCAL REGISTRARS.--* * *

9 (B) (1) SUBJECT TO THE APPROVAL OF THE ADVISORY HEALTH
10 BOARD, THE DEPARTMENT MAY AUTHORIZE ANY LOCAL REGISTRAR TO ISSUE
11 CERTIFIED COPIES OF ORIGINAL CERTIFICATES OF DEATH OR PARTS
12 THEREOF WHICH ARE IN HIS POSSESSION, BUT IN EVERY INSTANCE LOCAL
13 REGISTRARS SHALL WITHIN NINETY (90) DAYS OF THE DATE OF ISSUANCE
14 TRANSMIT THE ORIGINAL CERTIFICATES OF DEATH TO THE DEPARTMENT IN
15 ACCORDANCE WITH THE RULES AND ORDERS OF THE DEPARTMENT.

16 (2) AFTER THE ORIGINAL CERTIFICATE OF DEATH HAS BEEN
17 TRANSMITTED TO THE DEPARTMENT, THE LOCAL REGISTRAR MAY ISSUE A
18 COPY OF A CERTIFIED COPY OF THE ORIGINAL CERTIFICATE OF DEATH OR
19 PART THEREOF WHICH IS IN HIS POSSESSION FOR NINETY (90) DAYS
20 AFTER ISSUANCE OF THE ORIGINAL CERTIFICATE OF DEATH.

21 (3) ANY LOCAL REGISTRAR WHO ISSUES A CERTIFIED COPY OF AN
22 ORIGINAL CERTIFICATE OF DEATH OR A COPY OF A CERTIFIED COPY OF
23 THE ORIGINAL CERTIFICATE OF DEATH IN ACCORDANCE WITH THE
24 PROVISIONS OF THIS SECTION SHALL RECEIVE THEREFOR A FEE
25 PRESCRIBED BY THE ADVISORY HEALTH BOARD, NOT EXCEEDING THE FEE
26 CHARGED BY THE DEPARTMENT FOR A LIKE SERVICE, TO BE PAID BY THE
27 PERSON APPLYING FOR THE CERTIFIED COPY.

28 Section 3 6. This act shall take effect in 60 days. ←