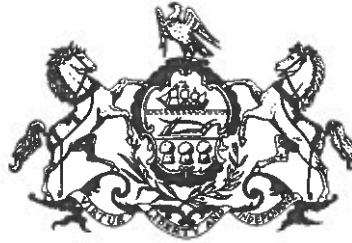


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House of Representatives  
COMMONWEALTH OF PENNSYLVANIA  
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JUDICIARY, DEMOCRATIC SECRETARY

**MEMO**

**DATE:** March 1, 2011  
**TO:** All House Members  
**FROM:** Rep. Deberah Kula  
**RE:** Providing for the disposition of cremated remains of veterans, a veteran's spouse and dependent children by funeral directors or funeral establishment.

In the near future, I will be introducing legislation that will provide for the disposition of cremated remains of veterans, a veteran's spouse and for dependent children by funeral directors or funeral establishments.

The Missing in America Project's mission is to locate, identify and inter the unclaimed cremated remains of veterans through the joint efforts of private, state and federal organizations, by doing so they provide the honor and respect to the veterans who have served this country by securing a final resting place for these heroes.

It is Missing in America Project's (MSAP's) belief that unclaimed cremated remains of our veterans are all across this country, from state hospitals to funeral homes. MIAP has spent the last year visiting funeral homes nationwide attempting to identify these veterans so they can receive the proper burial they deserve in a national or state cemetery. MIAP has located, identified and interred over 630 veterans with honors.

When a veteran or family member is indented, the funeral director, or funeral establishment will notify the authorizing agent that the deceased person may be eligible to be interred at an appropriate veterans' cemetery.

If you wish to co-sponsor the important legislation, please email [jmartin@pahouse.net](mailto:jmartin@pahouse.net) or call 772-1858.

## 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 \* \* \*

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

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

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

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

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

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

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

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

29 Section 2. 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, may 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 local  
12 veterans' service agency, a veterans' service organization, a  
13 national cemetery or a county veterans' cemetery for the purpose  
14 of determining whether the cremated remains are those of a  
15 veteran.

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

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

1 organization.

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

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

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

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

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

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

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

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

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

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

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