

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## SENATE ENROLLED ACT No. 145

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AN ACT to amend the Indiana Code concerning business and other associations.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 10-17-1-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.5. (a) The definitions under IC 23-14-54.5-2 through IC 23-14-54.5-6 apply to this section.**

**(b) As used in this section, "cremated remains" has the meaning set forth in IC 23-14-31-7.**

**(c) A veterans' service organization may apply to the department for approval to receive the following from a licensed funeral director under IC 23-14-54.5:**

**(1) Verification information.**

**(2) Cremated remains of a veteran or dependent of a veteran.**

**(d) The department shall establish standards that a veterans' service organization must meet to receive approval by the department under this section, including:**

**(1) an application for approval;**

**(2) the information that a veterans' service organization is required to submit to the department; and**

**(3) criteria and standards for approval.**

**(e) If a veterans' service organization meets the standards established by the department under subsection (d), the department shall approve the veterans' service organization for**



eligibility to receive verification information and cremated remains under IC 23-14-54.5.

(f) The department shall:

(1) maintain a list, with names and contact information, of veterans' service organizations that have been approved under subsection (e); and

(2) publish the list on the department's Internet web site.

(g) The department shall prepare and provide, upon request, sample forms for transfer of cremated remains and release of liability between a funeral director and an approved veterans' service organization.

SECTION 2. IC 23-14-54.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

**Chapter 54.5. Unclaimed Remains of Veterans and Dependents of Veterans**

**Sec. 1.** The definitions in IC 23-14-31-1 through IC 23-14-31-21 apply to this chapter.

**Sec. 2.** As used in this chapter, "dependent of a veteran" means a spouse or a dependent child (as recognized by the United States Department of Veterans Affairs) of a veteran.

**Sec. 3.** As used in this chapter, "funeral director" means a person who holds a funeral director license issued under IC 25-15.

**Sec. 4.** As used in this chapter, "verification information" means data required by the United States Department of Veterans Affairs to verify whether a deceased person is a veteran or a dependent of a veteran and is eligible for burial in a national or state cemetery, including:

(1) a copy of the person's or veteran's death certificate; and

(2) the person's or veteran's:

(A) name;

(B) service number;

(C) branch of service;

(D) military rank;

(E) Social Security number;

(F) date and place of birth; and

(G) date of death.

**Sec. 5.** As used in this chapter, "veteran" means a person who:

(1) served:

(A) in the active military or naval service of the United States;

(B) in active duty in a force of any organized state militia



**in a full-time status; or**

**(C) in the reserve armed forces of the United States on active duty; and**

**(2) was released from the service described in subdivision (1) other than by dishonorable discharge.**

**Sec. 6. As used in this chapter, "veterans' service organization" means a veterans' organization that:**

**(1) is qualified as tax exempt under Section 501(c)(3) or 501(c)(19) of the Internal Revenue Code;**

**(2) is organized for the verification and burial of veterans and dependents of veterans; and**

**(3) meets one (1) or more of the following:**

**(A) Is recognized by the United States Department of Veterans Affairs.**

**(B) Is federally chartered by the Congress of the United States.**

**Sec. 7. (a) This section applies only if all the following apply:**

**(1) A funeral director has had possession of cremated remains for at least one (1) year.**

**(2) The funeral director has complied with any notice or other requirements under law concerning cremated remains that have not been claimed by an authorizing agent.**

**(3) No attempt has been made to claim the cremated remains by a person who has the right to serve as an authorizing agent.**

**(b) A veterans' service organization that is approved by the Indiana department of veterans' affairs under IC 10-17-1-4.5 may request a funeral director to release verification information concerning cremated remains in the possession of the funeral director.**

**(c) A funeral director may release verification information concerning cremated remains to a veterans' service organization described in subsection (b).**

**(d) If:**

**(1) the United States Department of Veterans Affairs or the Indiana department of veterans' affairs verifies that the cremated remains are the remains of a veteran or a dependent of a veteran and are eligible for burial in a state or national cemetery; and**

**(2) a veterans' service organization enters into a signed transfer and release of liability with the funeral director who has possession of the cremated remains;**



the funeral director may release the cremated remains to the veterans' service organization.

**Sec. 8. (a)** A veterans' service organization that receives cremated remains under section 7 of this chapter shall:

- (1) transport the cremated remains to a state or national cemetery; and
- (2) inter, entomb, or inurn the cremated remains in the state or national cemetery in accordance with any applicable state or federal law.

**(b)** A veterans' service organization shall provide, in writing to the funeral director who released the cremated remains, the following information concerning the location of the cremated remains that were interred, entombed, or inurned:

- (1) The city and state.
- (2) The cemetery name.
- (3) The plot.
- (4) The name of the cemetery owner.
- (5) The date the cremated remains were interred, entombed, or inurned.
- (6) The contact information of the veterans' service organization.

**(c)** This section may not be construed to require the funeral director who released the cremated remains under section 7 of this chapter to be present at the interment, entombment, or inurnment of the cremated remains.

**Sec. 9.** A veterans' service organization that in good faith receives and inters, entombs, or inurns cremated remains under this chapter is immune from civil liability for any acts or omissions by the veterans' service organization in receiving or interring, entombing, or inurning the cremated remains.

**Sec. 10.** A funeral director who in good faith releases:

- (1) verification information as required under this chapter; or
- (2) the cremated remains of a veteran or a dependent of a veteran as provided under this chapter;

is immune from civil liability for any acts or omissions in releasing the verification information or cremated remains.

SECTION 3. IC 34-30-2-90.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 90.3. IC 23-14-54.5-9 (Concerning a veterans' service organization receiving and interring, entombing, or inurning cremated remains).**

SECTION 4. IC 34-30-2-90.4 IS ADDED TO THE INDIANA



CODE AS A NEW SECTION TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2016]: **Sec. 90.4. IC 23-14-54.5-10**  
**(Concerning funeral directors releasing verification information or  
cremated remains to a veterans' service organization).**



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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