

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 186
97TH GENERAL ASSEMBLY

Reported from the Committee on Veterans' Affairs and Health, March 7, 2013, with recommendation that the Senate Committee Substitute do pass.

1112S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 194.350 and 194.360, RSMo, and to enact in lieu thereof two new sections relating to unclaimed veterans' remains.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 194.350 and 194.360, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 194.350 and 194.360, to
3 read as follows:

194.350. A licensed funeral establishment which cremates, or contracts
2 for the cremation of, a dead human body, whether the cremation occurs before or
3 after August 28, 1989, may dispose of the cremated remains by:

4 (1) Disposing the remains in accordance with the cremation contract,
5 except if otherwise prohibited by law;

6 (2) Delivering the remains to or as directed by another licensed funeral
7 establishment which contracted for the cremation;

8 (3) Delivering the remains to or as directed by the person who contracted
9 for the cremation; or

10 (4) If not delivered pursuant to subdivision (2) or (3) of this section, by
11 scattering, burying, or interring the unclaimed cremated remains in a scatter
12 garden or pond, columbarium or other place formally dedicated for such purpose
13 [or], by delivering the remains to any person listed in section 194.119, **or**
14 **releasing the remains to a veterans' service organization per the**
15 **procedures set out in section 194.360**, provided, at least ninety days prior to
16 such action the funeral establishment shall send a written notice by mail, with
17 confirmation of delivery, to the last known address of the person or establishment

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 that contracted for the cremation stating that the remains will be scattered [or],
19 interred, **or delivered** under this subdivision unless the notified establishment
20 or person, or other person authorized by the notified establishment or person,
21 claims and removes the remains prior to the end of such ninety-day period.

194.360. 1. As used in this section the following terms shall mean:

2 (1) "Funeral establishment", as defined in section 333.011, a funeral home,
3 a funeral director, an embalmer, or an employee of any of the individuals or
4 entities;

5 (2) "**Identifying information**", data required by the Department of
6 Veterans Affairs to verify a veteran or their dependent's eligibility for
7 burial in a national or state cemetery: name, service number, Social
8 Security number, date of birth, date of death, place of birth, and copy
9 of death certificate;

10 (3) "**Veteran**", a person honorably discharged from the armed
11 forces of the United States, including, but not limited to, the Philippine
12 Commonwealth Army, the Regular Scouts "Old Scouts", and the Special
13 Philippine Scouts "New Scouts" or a person who died while on active
14 military service with any branch of the Armed Forces of the United
15 States;

16 (4) "Veterans' service organization", [an association or other entity
17 organized for the benefit of veterans that has been recognized or chartered by the
18 United States Congress, including the Disabled American Veterans, Veterans of
19 Foreign Wars, the American Legion, the Legion of Honor, the Missing in America
20 Project, and the Vietnam Veterans of America. The term includes a member or
21 employee of any of those associations or entities] **a veterans organization that
22 is federally chartered by the Congress of the United States, veterans'
23 service organization recognized by the Department of Veterans Affairs
24 or that qualifies as a Section 501(c)(3) or 501(c)(19), non profit tax
25 exempt organization under the Internal Revenue Code that is organized
26 for the verification and burial of veterans and dependents.**

27 2. A funeral establishment [is not liable for simple negligence in the
28 disposition of the cremated remains of a veteran to a veterans' service
29 organization for the purposes of interment by that organization if:

30 (1) The remains have been in the possession of the funeral establishment
31 for a period of at least one year, all or any part of which period may occur or may
32 have occurred before or after August 28, 2009;

33 (2) The funeral establishment has given notice, as provided in subdivision
34 (1) or (2) of subsection 3 of this section, to the person entitled to the remains
35 under section 194.350 of the matters provided in subsection 4 of this section; and

36 (3) The remains have not been claimed by the person entitled to the
37 remains under section 194.350 within the period of time provided for in
38 subsection 4 of this section following notice to the person entitled to the remains
39 under section 194.350.] **or coroner in the possession of cremated remains**
40 **is authorized to release the identifying information to the Department**
41 **of Veterans Affairs or a veterans' service organization for the purpose**
42 **of obtaining verification of the veteran's or veterans' dependent's**
43 **eligibility for a military burial, interment, or scattering. When**
44 **verification of a veteran or dependent is completed, the funeral**
45 **establishment or coroner may release the remains to the veterans'**
46 **service organization who then may arrange for the burial, interment,**
47 **or scattering of the remains.**

48 3. [In order for the immunity provided in subsection 2 of this section to
49 apply, a funeral establishment shall take the following action, alone or in
50 conjunction with a veterans' service organization, to provide notice to the person
51 entitled to the remains under section 194.350:

52 (1) Give written notice by mail to the person entitled to the remains under
53 section 194.350 for whom the address of the person entitled to the remains under
54 section 194.350 is known or can reasonably be ascertained by the funeral
55 establishment giving the notice; or

56 (2) If the address of the person entitled to the remains under section
57 194.350 is not known or cannot reasonably be ascertained, give notice to the
58 person entitled to the remains under section 194.350 by publication in a
59 newspaper of general circulation:

60 (a) In the county of the veteran's residence; or

61 (b) If the residence of the veteran is unknown, in the county in which the
62 veteran died; or

63 (c) If the county in which the veteran died is unknown, in the county in
64 which the funeral establishment giving notice is located.

65 4. The notice required by subsection 3 of this section must include a
66 statement to the effect that the remains of the veteran must be claimed by the
67 person entitled to the remains under section 194.350 within thirty days after the
68 date of mailing of the written notice provided for in subdivision (1) of subsection

69 3 of this section or within four months of the date of the first publication of the
70 notice provided for in subdivision (2) of subsection 3 of this section, as applicable,
71 and that if the remains are not claimed, the remains may be given to a veterans'
72 service organization for interment.

73 5. A veterans' service organization receiving cremated remains of a
74 veteran from a funeral establishment for the purposes of interment is not liable
75 for simple negligence in the custody or interment of the remains if the veterans'
76 service organization interments and does not scatter the remains and does not know
77 and has no reason to know that the remains do not satisfy the requirements of
78 subdivision (1) or (2) of subsection 3 of this section, as applicable.

79 **6.] A funeral establishment or coroner who releases the**
80 **identifying information shall not be liable in any action regarding the**
81 **release of the identifying information and neither the funeral**
82 **establishment, coroner, or veterans' service organization shall be liable**
83 **in any action stemming from the final disposition, interment, burial, or**
84 **scattering of remains released to a veterans' service organization**
85 **pursuant to this chapter so long as the funeral establishment, prior to**
86 **the burial, interment, or scattering of the remains, follows the**
87 **notification procedures for unclaimed cremated remains as set out in**
88 **subdivision (4) of section 194.350.**

89 4. A veterans' service organization accepting remains under this section
90 shall take all reasonable steps to inter the remains in a veterans' cemetery.

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