

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 186

97TH GENERAL ASSEMBLY

2013

1112H.03T

AN ACT

To repeal sections 193.145, 194.350, 194.360, 447.559, and 447.560, RSMo, and to enact in lieu thereof five new sections relating to unclaimed veterans' remains.

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

Section A. Sections 193.145, 194.350, 194.360, 447.559, and 447.560, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 193.145, 194.350, 194.360, 447.559, and 447.560, to read as follows:

193.145. 1. A certificate of death for each death which occurs in this state shall be filed with the local registrar, or as otherwise directed by the state registrar, within five days after death and shall be registered if such certificate has been completed and filed pursuant to this section. All data providers in the death registration process, including, but not limited to, the state registrar, local registrars, the state medical examiner, county medical examiners, coroners, funeral directors or persons acting as such, embalmers, sheriffs, attending physicians and resident physicians, and the chief medical officers of licensed health care facilities, and other public or private institutions providing medical care, treatment, or confinement to persons, shall be required to use and utilize any electronic death registration system required and adopted under subsection 1 of section 193.265 within six months of the system being certified by the director of the department of health and senior services, or the director's designee, to be operational and available to all data providers in the death registration process. **However, should the person or entity that certifies the cause of death not be part of, or does not use, the electronic death registration system, the funeral director or person acting as such may enter the required personal data into the electronic death registration**

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

19 **system and then complete the filing by presenting the signed cause of**
20 **death certification to the local registrar, in which case the local**
21 **registrar shall issue death certificates as set out in subsection 2 of**
22 **section 193.265.** Nothing in this section shall prevent the state registrar from
23 adopting pilot programs or voluntary electronic death registration programs until
24 such time as the system can be certified; however, no such pilot or voluntary
25 electronic death registration program shall prevent the filing of a death certificate
26 with the local registrar or the ability to obtain certified copies of death
27 certificates under subsection 2 of section 193.265 until six months after such
28 certification that the system is operational.

29 2. If the place of death is unknown but the dead body is found in this
30 state, the certificate of death shall be completed and filed pursuant to the
31 provisions of this section. The place where the body is found shall be shown as
32 the place of death. The date of death shall be the date on which the remains
33 were found.

34 3. When death occurs in a moving conveyance in the United States and
35 the body is first removed from the conveyance in this state, the death shall be
36 registered in this state and the place where the body is first removed shall be
37 considered the place of death. When a death occurs on a moving conveyance
38 while in international waters or air space or in a foreign country or its air space
39 and the body is first removed from the conveyance in this state, the death shall
40 be registered in this state but the certificate shall show the actual place of death
41 if such place may be determined.

42 4. The funeral director or person in charge of final disposition of the dead
43 body shall file the certificate of death. The funeral director or person in charge
44 of the final disposition of the dead body shall obtain or verify:

45 (1) The personal data from the next of kin or the best qualified person or
46 source available; and

47 (2) The medical certification from the person responsible for such
48 certification.

49 5. The medical certification shall be completed, attested to its accuracy
50 either by signature or an electronic process approved by the department, and
51 returned to the funeral director or person in charge of final disposition within
52 seventy-two hours after death by the physician in charge of the patient's care for
53 the illness or condition which resulted in death. In the absence of the physician
54 or with the physician's approval the certificate may be completed and attested to
55 its accuracy either by signature or an approved electronic process by the

56 physician's associate physician, the chief medical officer of the institution in
57 which death occurred, or the physician who performed an autopsy upon the
58 decedent, provided such individual has access to the medical history of the case,
59 views the deceased at or after death and death is due to natural causes. The
60 state registrar may approve alternate methods of obtaining and processing the
61 medical certification and filing the death certificate. The Social Security number
62 of any individual who has died shall be placed in the records relating to the death
63 and recorded on the death certificate.

64 6. When death occurs from natural causes more than thirty-six hours after
65 the decedent was last treated by a physician, the case shall be referred to the
66 county medical examiner or coroner or physician or local registrar for
67 investigation to determine and certify the cause of death. If the death is
68 determined to be of a natural cause, the medical examiner or coroner or local
69 registrar shall refer the certificate of death to the attending physician for such
70 physician's certification. If the attending physician refuses or is otherwise
71 unavailable, the medical examiner or coroner or local registrar shall attest to the
72 accuracy of the certificate of death either by signature or an approved electronic
73 process within thirty-six hours.

74 7. If the circumstances suggest that the death was caused by other than
75 natural causes, the medical examiner or coroner shall determine the cause of
76 death and shall complete and attest to the accuracy either by signature or an
77 approved electronic process the medical certification within seventy-two hours
78 after taking charge of the case.

79 8. If the cause of death cannot be determined within seventy-two hours
80 after death, the attending medical examiner or coroner or attending physician or
81 local registrar shall give the funeral director, or person in charge of final
82 disposition of the dead body, notice of the reason for the delay, and final
83 disposition of the body shall not be made until authorized by the medical
84 examiner or coroner, attending physician or local registrar.

85 9. When a death is presumed to have occurred within this state but the
86 body cannot be located, a death certificate may be prepared by the state registrar
87 upon receipt of an order of a court of competent jurisdiction which shall include
88 the finding of facts required to complete the death certificate. Such a death
89 certificate shall be marked "Presumptive", show on its face the date of
90 registration, and identify the court and the date of decree.

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
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.

447.559. All abandoned tangible personal property delivered to the
2 treasurer pursuant to subdivision (4) of section 447.505 that has possible

3 historical significance shall be reviewed as follows:

4 (1) The treasurer at the treasurer's discretion shall screen such property
5 to determine if the property indicates a need for further review;

6 (2) In the event it is determined that such property needs further review,
7 the treasurer shall make available such property to the state historical society of
8 Missouri for historical review. The state historical society shall issue to the
9 treasurer its report and recommend to the treasurer the appropriate state
10 department or agency to act as custodian of any property deemed to be of such
11 historical significance as to be retained;

12 (3) The state historical society shall receive a reasonable fee for its
13 services. If the treasurer and the state historical society cannot agree on the
14 amount of the fee, the commissioner of administration shall determine the
15 fee. The fee shall be paid out of appropriations made from the abandoned fund
16 account;

17 (4) The [state treasurer's office] **treasurer** upon receiving military
18 medals shall hold and maintain such military medals until the original owner or
19 [their] **such owner's** respective heirs or beneficiaries can be identified and the
20 military medal returned. **The treasurer is authorized to make the**
21 **information described in subsection 4 of section 447.560 available to the**
22 **public in order to facilitate the identification of the original owner or**
23 **such owner's respective heirs or beneficiaries.** The [state] treasurer may
24 designate a [veteran's] **veterans'** organization or other appropriate organization
25 as custodian of **military** medals until the original owner or their respective heirs
26 or beneficiaries are located **and to assist the treasurer in identifying the**
27 **original owner or such owner's respective heirs or beneficiaries; except**
28 **that, no person or entity entering into an agreement under section**
29 **447.581 shall be designated by the treasurer as custodian or military**
30 **medals, and any agreement to pay compensation to recover or assist in**
31 **the recovery of military medals delivered to the treasurer is**
32 **unenforceable.**

447.560. 1. The treasurer shall retain a record of the name and last
2 known address of each person appearing from the holders' reports to be entitled
3 to the abandoned moneys and property and of the name and last known address
4 of each insured person or annuitant, and with respect to each policy or contract
5 listed in the report of a life insurance corporation, its number, the name of the
6 corporation, and the amount due. The record shall be available for public
7 inspection at all reasonable business hours.

8 2. Except as specifically provided by this section, no information furnished
9 to the treasurer in the holder reports, including Social Security numbers or other
10 identifying information, shall be open to public inspection or made public. Any
11 officer, employee or agent of the treasurer who, in violation of the provisions of
12 this section, divulges, discloses or permits the inspection of such information shall
13 be guilty of a misdemeanor.

14 3. If an amount is turned over to the state that is less than fifty dollars,
15 the amount reported may be made available as public information, along with the
16 name and last known address of the person appearing from the holder report to
17 be entitled to the abandoned moneys; except that, no additional information other
18 than provided for in this section may be released, and any individual other than
19 the person appearing from the holder report to be entitled to the abandoned
20 moneys shall be governed by sections 447.500 to 447.595 and other applicable
21 Missouri law in his or her use or dissemination of such information.

22 **4. If the abandoned property is a military medal, the treasurer**
23 **is authorized to make any information, other than Social Security**
24 **numbers, contained in the holder report and record under subsection**
25 **1 of this section, and any photograph or other visual depiction of the**
26 **military medal available to the public in order to facilitate the**
27 **identification of the original owner or such owner's respective heirs or**
28 **beneficiaries as described under subdivision (4) of section 447.559.**

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