

Legislative Analysis



FUNERAL HOME PROCEDURES FOR VETERANS AND SPOUSES

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House Bill 6200 (Substitute H-1)

Sponsor: Rep. Martin Griffin

Committee: Military and Veterans Affairs and Homeland Security

Complete to 9-12-08

A SUMMARY OF HOUSE BILL 6200 AS REPORTED FROM COMMITTEE ON 9-10-08

The bill would amend the Occupational Code by adding Section 1807a to require funeral directors to screen for veteran status when a cremation order is signed. The bill would do all the following.

Funeral Director Responsibility. Under the bill, a funeral director would be required to make a determination of whether a deceased person, whose remains have been submitted to a funeral establishment for final disposition by cremation, is a veteran of the armed services. The determination would be made at or shortly after the time the order of disposition by cremation is signed. The funeral director would direct the inquiry to the person with authority over the disposal of the remains of the decedent and contact the National Cemetery Administration central scheduling office in St. Louis, Missouri.

Confirmation of Veteran Status. If there is any doubt of the person's status as a veteran, the funeral director (if there is no person with authority over the disposal of the remains) would be required to notify in writing the nearest state or national veterans cemetery and the National Cemetery Administration scheduling office in St. Louis, Missouri. If the deceased is determined to be a veteran of the armed services, the funeral director would notify person with authority that the veteran and his or her spouse could be eligible to be interred at an appropriate veterans cemetery.

Unclaimed Veteran's Remains. If the remains of the veteran are not claimed by a person with authority, the funeral director would hold any cremated remains for at least six months. At the end of six months, or longer, the funeral director would send written notice to a person with authority requesting disposition instructions. If a written response to the notice is not received within 30 days after being sent, the funeral director would attempt to arrange for disposition of any veteran and his or her spouse in a state or national veterans cemetery. The funeral director could release relevant information to the Veterans Administration, a veterans affairs organization, or the National Cemetery Administration scheduling office in St. Louis, Missouri.

Funeral Director Immunity. A funeral director complying with this section is immune from any criminal or civil liability regarding the release of information to determine

status as a veteran or any interment or for the release of the remains to a veterans cemetery.

The bill would define a "person with authority over the disposal of the remains of the decedent" to mean that person as define in Section 3206 of the Estates and Protected Individuals Code of 1998. Veterans organization would be defined to mean an association or other entity organized for the benefit of veterans that has been recognized or chartered by the United States congress and includes the American Legion, the Legion of Honor, the Patriot Guard, the Missing in American Project, and the Vietnam Veterans of America.

FISCAL IMPACT:

The bill would have no apparent fiscal impact on state and local government.

POSITIONS:

The Department of Military and Veterans Affairs supports the bill. (9-10-08)

A representative of Missing In America Project testified in support of the bill. (9-10-08)

Military Order of the Purple Heart supports the bill. (9-10-08)

The American Legion, The Marine Corps League, and the Commanders Group support the bill. (9-10-08)

Department of Labor and Economic Growth is neutral on the bill. (9-10-08)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.