

Legislative Analysis



CREMAINS: REGISTRY OF VETERANS AND IMMUNITY FROM LIABILITY

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House Bill 5245

Sponsor: Rep. Gino Polidori

House Bill 5246

Sponsor: Rep. Kenneth Kurtz

Committee: Military and Veterans Affairs and Homeland Security

Complete to 8-25-09

A SUMMARY OF HOUSE BILLS 5245 AND 5246 AS INTRODUCED 8-19-09

House Bill 5245 would amend the Occupational Code (MCL 339.1809b) to specify that a person licensed in the practice of mortuary science could compile a list of names of the unclaimed cremated remains (or "cremains") held in his or her possession for purposes of determining whether one or more of the deceased is a veteran of the United States armed services.

Under the bill, the licensee could release the list of names to any federally chartered veterans service organization to confirm with the National Cemetery Administration's Central Scheduling Office in St. Louis, Missouri, whether the deceased is eligible for proper disposition at a veterans cemetery. The veterans service organization would be required to report to the funeral director regarding the names of the confirmed veterans or spouses of veterans. If the unclaimed cremains of a confirmed veteran were not claimed by the person to whom the proper notice had been sent, the licensee would arrange for the proper disposition with a state or national veterans cemetery.

A funeral director would be immune from criminal or civil liability for complying with this provision.

House Bill 5246 would amend the Occupational Code (MCL 339.101 et al.) by adding Section 1809a to specify that a person licensed in the practice of mortuary science is immune from civil liability for the proper disposition of unclaimed cremated remains if the proper disposition was made six months or longer after the date of cremation and at least 30 days after the date the required notice was sent. A licensee claiming immunity under this section would be required to send written notice of intent to make proper disposition of the unclaimed cremations to the person having the right to make decisions about the disposition of a decedent's body as provided under Section 3206 of the Estates and Protected Individuals Code (EPIC). (However, the bill's provisions would not supersede the existing provisions involving the priority of persons with the right to make decisions relating to the disposition of a decedent's body defined in Section 3206 of the EPIC Code.)

The bill would define "proper disposition" to mean interment, entombment, or inurnment of unclaimed cremated remains in a cemetery in this state. In the case of the unclaimed cremains of a veteran of the United States armed forces, proper disposition includes the interment, entombment, or inurnment in a cemetery designed solely for veterans by the United States Department of Veterans Affairs or by the Michigan Department of Veterans Affairs. "Unclaimed Cremated Remains" would be defined to mean the cremated remains of a dead human body that has not been picked up or delivered to a person with the right to make decisions relating to the deposition of a decedent's body under Section 3206 of the EPIC Code.

House Bill 5245 and 5246 are tie-barred to each other meaning neither could take effect unless both are enacted. The bills have an effective date of July 1, 2010.

FISCAL IMPACT:

The bill has no apparent fiscal impact on state or local government.

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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.