

HB129 INTRODUCED



1 5LHXM3-1

2 By Representatives Paschal, Harrison, Robertson, Treadaway,

3 Pettus, McClammy

4 RFD: Military and Veterans Affairs

5 First Read: 21-Mar-23

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SYNOPSIS:

Existing law provides that, after 60 days from the date of cremation, if the authorizing agent has not claimed the cremated remains or specified the ultimate disposition of the remains, the funeral establishment or entity in possession of the remains may dispose of the remains in a dignified and humane manner and in accordance with any applicable law.

This bill would define "dignified and humane manner" and would mandate best efforts to identify the unclaimed cremated remains of Alabama veterans eligible for burial in a state or national military cemetery.

A BILL
TO BE ENTITLED
AN ACT

Relating to funeral services; to amend Section 34-13-122, Code of Alabama 1975; to define dignified and humane manner for the disposition of cremated remains; and to mandate best efforts to identify the unclaimed cremated remains of Alabama veterans eligible for burial in a state or national military cemetery.



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29 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

30 Section 1. Section 34-12-122, Code of Alabama 1975, is
31 amended to read as follows:

32 "§34-13-122

33 (a) The authorizing agent shall provide a signed
34 statement to the funeral establishment ~~which the handling the~~
35 cremation arrangements ~~are made a signed statement~~ specifying
36 the ultimate disposition of the cremated remains, ~~if known~~. A
37 copy of this statement shall be retained by the funeral
38 establishment ~~offering or conducting the cremation for a~~
39 period of five years.

40 (b) Cremated remains shall be shipped only by a method
41 that has an internal tracing system available and that
42 provides a receipt signed by the person accepting delivery.

43 (c) The authorizing agent is responsible for the
44 disposition of the cremated remains. If, after 60 days from
45 the date of cremation, the authorizing agent or his or her
46 representative has not specified the ultimate disposition or
47 claimed the cremated remains, the funeral establishment or
48 entity in possession of the cremated remains may dispose of
49 the cremated remains in a dignified and humane manner and in
50 accordance with any state, county, or municipal laws or
51 provisions regarding the disposal of cremated remains. For
52 purposes of this section, a dignified and humane manner of
53 dispostion includes, but is not limited to, placement in an
54 appropriate mausoleum, crypt, vault, columbarium niche, or
55 inground site. A record of this disposition shall be ~~made and~~
56 ~~kept~~ maintained by the entity making the disposition for a



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57 period of five years. Upon disposing of cremated remains in
58 accordance with this section, the funeral establishment or
59 entity in possession of the cremated remains shall be
60 discharged from any legal obligation or liability concerning
61 the cremated remains.

62 (d) Before the disposition of unclaimed cremated
63 remains, the funeral establishment shall use best efforts to
64 determine whether the remains belong to a United States
65 military veteran who is eligible for burial in a veterans
66 cemetery. For this purpose, the funeral establishment is
67 authorized to disclose identifying information to the United
68 States Department of Veterans Affairs, the Alabama Department
69 of Veterans Affairs, or to a veterans service organization or
70 a nonprofit organization approved by the Alabama Department of
71 Veterans Affairs.

72 (e) The remains of an eligible veteran may be
73 transported to a state or national veterans cemetery for
74 interment or released for interment to a veterans service
75 organization or a nonprofit organization approved by the
76 Alabama Department of Veterans Affairs."

77 Section 2. This act shall become effective on the first
78 day of the third month following its passage and approval by
79 the Governor, or its otherwise becoming law.