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# HOUSE BILL No. 1064

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 23-14-31; IC 34-30-2-89.9.

**Synopsis:** Burial of veterans. Requires that a funeral director and crematory authority make a reasonable effort to determine whether a deceased person whose remains have been submitted to a funeral establishment for final disposition by cremation is any of the following: (1) a veteran; (2) the spouse of a veteran; or (3) the dependent child of a veteran. If the funeral director or crematory authority cannot determine with certainty the deceased person's status and there is not an authorizing agent, the funeral director or crematory authority may allow certain veterans organizations to have access to the cremated remains and information regarding the deceased person to determine if the deceased person qualifies as a veteran or veteran's spouse or dependent. Allows a funeral director to turn over unclaimed cremated remains of a deceased person who qualifies as a veteran or veteran's spouse or dependent to a veterans organization for final disposition. Provides immunity for crematory authorities and funeral directors for acts and omissions while complying with the law concerning cremated veterans.

**Effective:** July 1, 2011.

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January 5, 2011, read first time and referred to Committee on Veterans Affairs and Public Safety.

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First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

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## HOUSE BILL No. 1064



A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 23-14-31-13.7 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2011]: **Sec. 13.7. As used in this chapter,**  
4 **"funeral director" means an individual who has a funeral director**  
5 **license issued under IC 25-15.**

6 SECTION 2. IC 23-14-31-21.5 IS ADDED TO THE INDIANA  
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
8 [EFFECTIVE JULY 1, 2011]: **Sec. 21.5. As used in this chapter,**  
9 **"veteran" means an individual who:**

- 10 (1) served in:  
11 (A) the United States armed forces or their reserves;  
12 (B) the Indiana Army National Guard; or  
13 (C) the Indiana Air National Guard; and  
14 (2) received an honorable discharge from service.

15 SECTION 3. IC 23-14-31-21.7 IS ADDED TO THE INDIANA  
16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
17 [EFFECTIVE JULY 1, 2011]: **Sec. 21.7. As used in this chapter,**



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**"veterans organization" means:**

- (1) a local organization or a branch, lodge, or chapter of a state or national organization that:**
  - (A) has been recognized or chartered by the Congress of the United States; and**
  - (B) that is for the benefit of veterans; or**
- (2) a veterans' organization whose primary purpose is to locate, identify, and inter the unclaimed cremated remains of American veterans.**

**SECTION 4. IC 23-14-31-44.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 44.5. (a) This section does not apply to a cremation performed under a pre-need cremation authorization that includes instructions for the final disposition of the cremated remains.**

**(b) This section may not operate to delay the cremation of a deceased person's remains as authorized by a cremation authorization.**

**(c) A funeral director or crematory authority shall make a reasonable effort to determine whether a deceased person whose human remains have been submitted to a funeral establishment for final disposition by cremation is any of the following:**

- (1) A veteran.**
- (2) The spouse of a veteran.**
- (3) The dependent child of a veteran.**

**(d) The determination under subsection (c) must be made not later than five (5) business days after the time a cremation authorization is signed by the authorizing agent. The funeral director or crematory authority shall begin the inquiry with the authorizing agent and notify the authorizing agent of the funeral director's or crematory authority's responsibilities under this section.**

**(e) If the funeral director or crematory authority cannot determine with certainty the deceased person's status and there is not an authorizing agent, the funeral director or crematory authority may allow the National Cemetery Administration's National Cemetery Scheduling Office or a veterans organization to have access to the cremated remains and all information regarding the deceased person in the possession of the funeral director or crematory authority to determine if the deceased person qualifies under subsection (c).**

**(f) If the funeral director or crematory authority determines**

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1 that the deceased person qualifies under subsection (c), the funeral  
 2 director or crematory authority shall immediately:  
 3 (1) notify the authorizing agent of this finding; and  
 4 (2) advise the authorizing agent that the deceased person may  
 5 be eligible to be interred at an appropriate veterans'  
 6 cemetery.  
 7 (g) If the cremated remains of:  
 8 (1) a veteran;  
 9 (2) the spouse of a veteran; or  
 10 (3) the dependent child of a veteran;  
 11 are not claimed by an authorizing agent not later than thirty (30)  
 12 days after the date of cremation, the crematory authority shall  
 13 send the remains to the funeral director as required under section  
 14 45 of this chapter.  
 15 (h) The funeral director or crematory authority may release any  
 16 relevant information to the United States Department of Veterans  
 17 Affairs or any federally chartered veterans service organization to  
 18 affect the timely and accurate identification and interment or  
 19 inurnment of the cremated remains of a decedent as a veteran, the  
 20 spouse of a veteran, or the dependent child of a veteran.  
 21 SECTION 5. IC 23-14-31-45 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 45. (a) After  
 23 completion of the cremation process, if a crematory authority existing  
 24 on cemetery property has not been instructed to arrange for the  
 25 interment, entombment, inurnment, or scattering of the cremated  
 26 remains, the crematory authority shall deliver the cremated remains to  
 27 the funeral director of record not later than thirty (30) days after the  
 28 date of cremation. The delivery may be made in person or by registered  
 29 mail. After delivery of the cremated remains, the crematory authority  
 30 is discharged from any legal obligation or liability concerning the  
 31 disposition of the cremated remains.  
 32 (b) If arrangements have been made by the authorizing agent,  
 33 a funeral director may hold remains returned by a crematory authority  
 34 for not longer than sixty (60) days from the date of cremation and may  
 35 dispose of the remains as previously arranged. or  
 36 (c) If:  
 37 (1) no arrangement has been made by the authorizing agent at  
 38 the end of sixty (60) days; and  
 39 (2) the deceased person has not been determined to qualify  
 40 under section 44.5(c) of this chapter;  
 41 the funeral director may dispose of the remains in any legal manner.  
 42 (d) If:

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- 1 (1) no arrangement has been made by the authorizing agent
- 2 at the end of sixty (60) days; and
- 3 (2) the deceased person is determined to qualify under section
- 4 44.5(c) of this chapter;

5 the funeral director shall send written notice to an authorizing  
 6 agent requesting written disposition instructions and that if the  
 7 remains are not claimed, the remains may be given to a veterans  
 8 organization for final disposition. If the funeral director does not  
 9 receive a written response from an authorizing agent not later than  
 10 thirty (30) days after the written notice is sent, the funeral director  
 11 shall contact a veterans organization to make arrangements for the  
 12 disposition of the cremated remains of the veteran, spouse of a  
 13 veteran, or dependent child of a veteran in a state or national  
 14 veterans' cemetery.

15 (c) (e) A funeral director and crematory authority shall observe  
 16 religious practices or preferences specified by the authorizing agent.

17 SECTION 6. IC 23-14-31-45.5 IS ADDED TO THE INDIANA  
 18 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 19 [EFFECTIVE JULY 1, 2011]: Sec. 45.5. (a) A funeral director or  
 20 crematory authority complying with sections 44.5 and 45(d) of this  
 21 chapter is immune from any criminal or civil liability regarding  
 22 the release of information relating to the following:

- 23 (1) The determination of the deceased person's status as a
- 24 veteran, the spouse of a veteran, or the dependent child of a
- 25 veteran.
- 26 (2) The availability of interment or inurnment as a veteran.
- 27 (3) The release of the cremated remains to a veterans'
- 28 cemetery.

29 (b) A funeral director or crematory authority is immune from  
 30 civil liability for any act or omission under sections 44.5 and 45(d)  
 31 of this chapter, except for willful or wanton misconduct.

32 (c) A veterans organization is immune from civil liability for  
 33 any act or omission related to the disposition of cremated remains  
 34 under sections 44.5 and 45(d) of this chapter, except for willful or  
 35 wanton misconduct.

36 SECTION 7. IC 34-30-2-89.9 IS ADDED TO THE INDIANA  
 37 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 38 [EFFECTIVE JULY 1, 2011]: Sec. 89.9. IC 23-14-31-45.5  
 39 (Concerning authority of crematory authorities and funeral  
 40 directors for remains of persons eligible for veterans burial  
 41 benefit).

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