

HOUSE BILL No. 4276

February 17, 2009, Introduced by Reps. Griffin and Polidori and referred to the Committee on Military and Veterans Affairs and Homeland Security.

A bill to amend 1980 PA 299, entitled
"Occupational code,"
(MCL 339.101 to 339.2919) by adding section 1807a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1807A. (1) A PERSON ENGAGED IN THE PRACTICE OF FUNERAL
2 DIRECTING SHALL MAKE A DETERMINATION OF WHETHER A DECEASED PERSON,
3 WHOSE REMAINS HAVE BEEN SUBMITTED TO A FUNERAL ESTABLISHMENT FOR
4 FINAL DISPOSITION BY CREMATION, IS A VETERAN OF THE ARMED SERVICES.
5 THE DETERMINATION SHALL BE MADE AT, OR SHORTLY AFTER, THE TIME THE
6 ORDER OF DISPOSITION FOR CREMATION IS SIGNED. THE FUNERAL DIRECTOR
7 SHALL DIRECT THE INQUIRY TO THE PERSON WITH AUTHORITY OVER THE
8 DISPOSAL OF THE REMAINS OF THE DECEDENT AND SHALL CONTACT THE
9 NATIONAL CEMETERY ADMINISTRATION'S CENTRAL SCHEDULING OFFICE IN ST.

1 LOUIS, MISSOURI. IF THERE IS ANY DOUBT OF THE PERSON'S STATUS AS A
2 VETERAN, THE FUNERAL DIRECTOR, IF THERE IS NO PERSON WITH AUTHORITY
3 OVER THE DISPOSAL OF THE REMAINS OF THE DECEDENT, OR THE PERSON
4 WITH AUTHORITY OVER THE DISPOSAL OF THE REMAINS OF THE DECEDENT
5 SHALL NOTIFY IN WRITING THE NEAREST STATE OR NATIONAL VETERANS
6 CEMETERY AND THE NATIONAL CEMETERY ADMINISTRATION'S CENTRAL
7 SCHEDULING OFFICE IN ST. LOUIS, MISSOURI. IF THE DECEASED IS
8 DETERMINED, IN ANY MANNER, TO BE A VETERAN OF THE ARMED SERVICES,
9 THE FUNERAL DIRECTOR SHALL GIVE NOTICE TO THE PERSON WITH AUTHORITY
10 OVER THE DISPOSAL OF THE REMAINS OF THE DECEDENT AS TO THAT STATUS
11 AND ADVISE THAT PERSON THAT THE VETERAN AND HIS OR HER SPOUSE MAY
12 BE ELIGIBLE TO BE INTERRED AT AN APPROPRIATE VETERANS CEMETERY.

13 (2) IF THE REMAINS OF A VETERAN ARE NOT CLAIMED BY A PERSON
14 WITH AUTHORITY OVER THE DISPOSAL OF THE REMAINS OF THE DECEDENT,
15 THE FUNERAL DIRECTOR SHALL HOLD ANY CREMATED REMAINS FOR AT LEAST 6
16 MONTHS. AT THE EXPIRATION OF 6 MONTHS OR LONGER, THE FUNERAL
17 DIRECTOR SHALL SEND WRITTEN NOTICE TO A PERSON WITH AUTHORITY OVER
18 THE DISPOSAL OF THE REMAINS OF THE DECEDENT REQUESTING DISPOSITION
19 INSTRUCTIONS. IF A WRITTEN RESPONSE TO THE WRITTEN NOTICE IS NOT
20 RECEIVED WITHIN 30 DAYS AFTER THE NOTICE IS SENT, THE FUNERAL
21 DIRECTOR SHALL ATTEMPT TO ARRANGE FOR THE DISPOSITION OF THE
22 REMAINS OF ANY VETERAN AND HIS OR HER SPOUSE IN A STATE OR NATIONAL
23 VETERANS CEMETERY. THE FUNERAL DIRECTOR MAY RELEASE ANY RELEVANT
24 INFORMATION TO THE VETERANS ADMINISTRATION, A VETERANS
25 ORGANIZATION, OR THE NATIONAL CEMETERY ADMINISTRATION'S CENTRAL
26 SCHEDULING OFFICE IN ST. LOUIS, MISSOURI.

27 (3) A FUNERAL DIRECTOR COMPLYING WITH THIS SECTION IS IMMUNE

1 FROM ANY CRIMINAL OR CIVIL LIABILITY REGARDING THE RELEASE OF
2 INFORMATION RELATIVE TO THE DETERMINATION OF THE STATUS AS A
3 VETERAN OR ANY AVAILABLE INTERNMENT AS A VETERAN OR FOR THE RELEASE
4 OF THE REMAINS TO A VETERANS CEMETERY.

5 (4) AS USED IN THIS SECTION:

6 (A) "PERSON WITH AUTHORITY OVER THE DISPOSAL OF THE REMAINS OF
7 THE DECEDENT" MEANS THAT PERSON AS DETERMINED UNDER SECTION 3206 OF
8 THE ESTATES AND PROTECTED INDIVIDUALS CODE, 1998 PA 386, MCL
9 700.3206.

10 (B) "VETERANS ORGANIZATION" MEANS AN ASSOCIATION OR OTHER
11 ENTITY ORGANIZED FOR THE BENEFITS OF VETERANS THAT HAS BEEN
12 RECOGNIZED OR CHARTERED BY THE UNITED STATES CONGRESS AND INCLUDES,
13 BUT IS NOT LIMITED TO, THE AMERICAN LEGION, THE LEGION OF HONOR,
14 THE PATRIOT GUARD, THE MISSING IN AMERICA PROJECT, AND THE VIETNAM
15 VETERANS OF AMERICA.