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HOUSE BILL NO. 439

Offered January 11, 2012

Prefiled January 10, 2012

A BILL to amend and reenact § 54.1-2808.1 of the Code of Virginia, relating to veterans; disposition of cremains.

Patrons—Tata, Anderson, Stolle, Albo, Cline, Cosgrove, Cox, M.K., Dance, Dudenhefer, Fariss, Greason, Hodges, Keam, Lingamfelter, May, Morris, Peace, Putney, Robinson, Rush, Spruill, Surovell, Toscano, Tyler, Ware, R.L. and Watson; Senators: Marsden, Puller and Wagner

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:**1. That § 54.1-2808.1 of the Code of Virginia is amended and reenacted as follows:**

§ 54.1-2808.1. Disposition of cremains; transfer to veterans service organization.

A. A funeral director may dispose of the cremains of an individual by interment, entombment, inurnment, or by scattering of the cremains, if after ~~ninety~~ 90 days from the date of cremation, the contracting agent has not claimed the cremains, or instructed the funeral director as to final disposition. The funeral director shall keep a permanent record of all cremains which identifies the method and site of final disposition. The costs and all reasonable expenses incurred in disposing of the cremains shall be borne by the contracting agent. Upon the disposition of the cremains, the funeral director shall not be liable for the cremains or for the method of final disposition. Any funeral director in possession of unclaimed cremains prior to July 1, 1993, may dispose of such cremains in accordance with the provisions of this section. However, no funeral director shall, without written permission of the contracting agent, dispose of cremains in a manner or a location in which the cremains of the deceased are commingled, except in the scattering of cremains at sea, by air, or in an area used exclusively for such purpose, or place, temporarily, the cremains of persons in the same container or urn.

B. Prior to disposing of cremains pursuant to subsection A, a funeral director shall contact the Department of Veterans Services to determine whether the cremains are those of a veteran. If the cremains are those of a veteran, a funeral director may transfer the cremains to a veterans service organization for the purpose of burial, interment, entombment, inurnment or other disposition of such cremains. Absent bad faith or malicious intent, no funeral director who transfers the cremains of a veteran to a veterans service organization or veterans service organization that receives the cremains of a veteran for purposes of disposition as provided in this section shall be liable for civil negligence.

C. For the purposes of this section:

"~~contracting~~ Contracting agent" means any person, organization, association, institution, or group of persons who contracts with a funeral director or funeral establishment for funeral services.

"Veterans service organization" means an association or other entity organized for the benefit of veterans that has been recognized by the U.S. Department of Veterans Affairs or chartered by Congress and any employee or representative of such association or entity.

INTRODUCED

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