

14104037D

SENATE BILL NO. 77

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on January 16, 2014)

(Patron Prior to Substitute—Senator Martin)

A BILL to amend and reenact § 54.1-2818.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 54.1-2807.02, relating to dead bodies; absence of next of kin.

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2818.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 54.1-2807.02 as follows:

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2800 of the Code of Virginia is amended and reenacted as follows:

§54.1-2807.02. Absence of next of kin.

In the absence of a next of kin, a person designated to make arrangements for the decedent's burial or the disposition of his remains pursuant to § 54.1-2825, or an agent named in an advance directive pursuant to § 54.1-2984 or the failure or refusal of such next of kin, designated person, or agent to accept responsibility for the disposition of the decedent, then any other person over 18 years of age who is able to provide positive identification of the deceased and is willing to pay for the costs associated with the disposition of the decedent's remains, shall be authorized to make arrangements for such disposition of the decedent's remains. If a funeral service establishment or funeral service licensee makes arrangements with a person other than a next of kin, designated person, or agent in accordance with this section, then the funeral service licensee or funeral service establishment shall be immune from civil liability unless such act, decision, or omission resulted from bad faith or malicious intent.

§ 54.1-2818.1. Prerequisites for cremation.

No dead human body shall be cremated without permission of the medical examiner as required by § 32.1-284 and visual identification of the deceased by the next-of-kin or his representative, who may be any person designated to make arrangements for the decedent's burial or the disposition of his remains pursuant to § 54.1-2825, an agent named in an advance directive pursuant to § 54.1-2984, or a sheriff, upon court order, if no next-of-kin, designated person, or agent is available either a sheriff, upon court order, or any person over 18 years of age who is able to provide visual identification and is willing to pay the costs of cremation pursuant to § 54.1-2807.02. When visual identification is not feasible, other positive identification of the deceased may be used as a prerequisite for cremation. Unless such act, decision, or omission resulted from bad faith or malicious intent, the funeral service establishment, funeral service licensee, or the sheriff shall be immune from civil liability for any act, decision, or omission resulting from cremation.

SENATE SUBSTITUTE

SB77S1