

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 186
97TH GENERAL ASSEMBLY

1112H.03C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 193.145, 194.350, and 194.360, RSMo, and to enact in lieu thereof three new sections relating to unclaimed veterans' remains.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 193.145, 194.350, and 194.360, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 193.145, 194.350, and 194.360, to read as follows:

193.145. 1. A certificate of death for each death which occurs in this state shall be filed with the local registrar, or as otherwise directed by the state registrar, within five days after death and shall be registered if such certificate has been completed and filed pursuant to this section. All data providers in the death registration process, including, but not limited to, the state registrar, local registrars, the state medical examiner, county medical examiners, coroners, funeral directors or persons acting as such, embalmers, sheriffs, attending physicians and resident physicians, and the chief medical officers of licensed health care facilities, and other public or private institutions providing medical care, treatment, or confinement to persons, shall be required to use and utilize any electronic death registration system required and adopted under subsection 1 of section 193.265 within six months of the system being certified by the director of the department of health and senior services, or the director's designee, to be operational and available to all data providers in the death registration process. **However, should the person or entity that certifies the cause of death not be part of, or does not use, the electronic death registration system, the funeral director or person acting as such may enter the required personal data into the electronic death registration system and then complete the filing by presenting the signed cause of death certification to the local registrar, in which case the**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **local registrar shall issue death certificates as set out in subsection 2 of section 193.265.**

18 Nothing in this section shall prevent the state registrar from adopting pilot programs or voluntary
19 electronic death registration programs until such time as the system can be certified; however,
20 no such pilot or voluntary electronic death registration program shall prevent the filing of a death
21 certificate with the local registrar or the ability to obtain certified copies of death certificates
22 under subsection 2 of section 193.265 until six months after such certification that the system
23 is operational.

24 2. If the place of death is unknown but the dead body is found in this state, the certificate
25 of death shall be completed and filed pursuant to the provisions of this section. The place where
26 the body is found shall be shown as the place of death. The date of death shall be the date on
27 which the remains were found.

28 3. When death occurs in a moving conveyance in the United States and the body is first
29 removed from the conveyance in this state, the death shall be registered in this state and the place
30 where the body is first removed shall be considered the place of death. When a death occurs on
31 a moving conveyance while in international waters or air space or in a foreign country or its air
32 space and the body is first removed from the conveyance in this state, the death shall be
33 registered in this state but the certificate shall show the actual place of death if such place may
34 be determined.

35 4. The funeral director or person in charge of final disposition of the dead body shall file
36 the certificate of death. The funeral director or person in charge of the final disposition of the
37 dead body shall obtain or verify:

38 (1) The personal data from the next of kin or the best qualified person or source
39 available; and

40 (2) The medical certification from the person responsible for such certification.

41 5. The medical certification shall be completed, attested to its accuracy either by
42 signature or an electronic process approved by the department, and returned to the funeral
43 director or person in charge of final disposition within seventy-two hours after death by the
44 physician in charge of the patient's care for the illness or condition which resulted in death. In
45 the absence of the physician or with the physician's approval the certificate may be completed
46 and attested to its accuracy either by signature or an approved electronic process by the
47 physician's associate physician, the chief medical officer of the institution in which death
48 occurred, or the physician who performed an autopsy upon the decedent, provided such
49 individual has access to the medical history of the case, views the deceased at or after death and
50 death is due to natural causes. The state registrar may approve alternate methods of obtaining
51 and processing the medical certification and filing the death certificate. The Social Security

52 number of any individual who has died shall be placed in the records relating to the death and
53 recorded on the death certificate.

54 6. When death occurs from natural causes more than thirty-six hours after the decedent
55 was last treated by a physician, the case shall be referred to the county medical examiner or
56 coroner or physician or local registrar for investigation to determine and certify the cause of
57 death. If the death is determined to be of a natural cause, the medical examiner or coroner or
58 local registrar shall refer the certificate of death to the attending physician for such physician's
59 certification. If the attending physician refuses or is otherwise unavailable, the medical examiner
60 or coroner or local registrar shall attest to the accuracy of the certificate of death either by
61 signature or an approved electronic process within thirty-six hours.

62 7. If the circumstances suggest that the death was caused by other than natural causes,
63 the medical examiner or coroner shall determine the cause of death and shall complete and attest
64 to the accuracy either by signature or an approved electronic process the medical certification
65 within seventy-two hours after taking charge of the case.

66 8. If the cause of death cannot be determined within seventy-two hours after death, the
67 attending medical examiner or coroner or attending physician or local registrar shall give the
68 funeral director, or person in charge of final disposition of the dead body, notice of the reason
69 for the delay, and final disposition of the body shall not be made until authorized by the medical
70 examiner or coroner, attending physician or local registrar.

71 9. When a death is presumed to have occurred within this state but the body cannot be
72 located, a death certificate may be prepared by the state registrar upon receipt of an order of a
73 court of competent jurisdiction which shall include the finding of facts required to complete the
74 death certificate. Such a death certificate shall be marked "Presumptive", show on its face the
75 date of registration, and identify the court and the date of decree.

 194.350. A licensed funeral establishment which cremates, or contracts for the cremation
2 of, a dead human body, whether the cremation occurs before or after August 28, 1989, may
3 dispose of the cremated remains by:

4 (1) Disposing the remains in accordance with the cremation contract, except if otherwise
5 prohibited by law;

6 (2) Delivering the remains to or as directed by another licensed funeral establishment
7 which contracted for the cremation;

8 (3) Delivering the remains to or as directed by the person who contracted for the
9 cremation; or

10 (4) If not delivered pursuant to subdivision (2) or (3) of this section, by scattering,
11 burying, or interring the unclaimed cremated remains in a scatter garden or pond, columbarium
12 or other place formally dedicated for such purpose [or] , by delivering the remains to any person

13 listed in section 194.119, **or releasing the remains to a veterans' service organization per the**
14 **procedures set out in section 194.360**, provided, at least ninety days prior to such action the
15 funeral establishment shall send a written notice by mail, with confirmation of delivery, to the
16 last known address of the person or establishment that contracted for the cremation stating that
17 the remains will be scattered [or] , interred, **or delivered** under this subdivision unless the
18 notified establishment or person, or other person authorized by the notified establishment or
19 person, claims and removes the remains prior to the end of such ninety-day period.

194.360. 1. As used in this section the following terms shall mean:

2 (1) "Funeral establishment", as defined in section 333.011, a funeral home, a funeral
3 director, an embalmer, or an employee of any of the individuals or entities;

4 (2) **"Identifying information", data required by the Department of Veterans Affairs**
5 **to verify a veteran or their dependent's eligibility for burial in a national or state cemetery:**
6 **name, service number, Social Security number, date of birth, date of death, place of birth,**
7 **and copy of death certificate;**

8 (3) **"Veteran", a person honorably discharged from the armed forces of the United**
9 **States, including, but not limited to, the Philippine Commonwealth Army, the Regular**
10 **Scouts "Old Scouts", and the Special Philippine Scouts "New Scouts", or a person who**
11 **died while on active military service with any branch of the Armed Forces of the United**
12 **States;**

13 (4) "Veterans' service organization", [an association or other entity organized for the
14 benefit of veterans that has been recognized or chartered by the United States Congress,
15 including the Disabled American Veterans, Veterans of Foreign Wars, the American Legion, the
16 Legion of Honor, the Missing in America Project, and the Vietnam Veterans of America. The
17 term includes a member or employee of any of those associations or entities] **a veterans**
18 **organization that is federally chartered by the Congress of the United States, veterans'**
19 **service organization recognized by the Department of Veterans Affairs or that qualifies as**
20 **a Section 501(c)(3) or 501(c)(19), non-profit tax exempt organization under the Internal**
21 **Revenue Code that is organized for the verification and burial of veterans and dependents.**

22 2. A funeral establishment [is not liable for simple negligence in the disposition of the
23 cremated remains of a veteran to a veterans' service organization for the purposes of interment
24 by that organization if:

25 (1) The remains have been in the possession of the funeral establishment for a period of
26 at least one year, all or any part of which period may occur or may have occurred before or after
27 August 28, 2009;

28 (2) The funeral establishment has given notice, as provided in subdivision (1) or (2) of
29 subsection 3 of this section, to the person entitled to the remains under section 194.350 of the
30 matters provided in subsection 4 of this section; and

31 (3) The remains have not been claimed by the person entitled to the remains under
32 section 194.350 within the period of time provided for in subsection 4 of this section following
33 notice to the person entitled to the remains under section 194.350.] **or coroner in the possession
34 of cremated remains is authorized to release the identifying information to the Department
35 of Veterans Affairs or a veterans' service organization for the purpose of obtaining
36 verification of the veteran's or veterans' dependent's eligibility for a military burial,
37 interment, or scattering. When verification of a veteran or dependent is completed, the
38 funeral establishment or coroner may release the remains to the veterans' service
39 organization who then may arrange for the burial, interment, or scattering of the remains.**

40 3. [In order for the immunity provided in subsection 2 of this section to apply, a funeral
41 establishment shall take the following action, alone or in conjunction with a veterans' service
42 organization, to provide notice to the person entitled to the remains under section 194.350:

43 (1) Give written notice by mail to the person entitled to the remains under section
44 194.350 for whom the address of the person entitled to the remains under section 194.350 is
45 known or can reasonably be ascertained by the funeral establishment giving the notice; or

46 (2) If the address of the person entitled to the remains under section 194.350 is not
47 known or cannot reasonably be ascertained, give notice to the person entitled to the remains
48 under section 194.350 by publication in a newspaper of general circulation:

49 (a) In the county of the veteran's residence; or

50 (b) If the residence of the veteran is unknown, in the county in which the veteran died;
51 or

52 (c) If the county in which the veteran died is unknown, in the county in which the funeral
53 establishment giving notice is located.

54 4. The notice required by subsection 3 of this section must include a statement to the
55 effect that the remains of the veteran must be claimed by the person entitled to the remains under
56 section 194.350 within thirty days after the date of mailing of the written notice provided for in
57 subdivision (1) of subsection 3 of this section or within four months of the date of the first
58 publication of the notice provided for in subdivision (2) of subsection 3 of this section, as
59 applicable, and that if the remains are not claimed, the remains may be given to a veterans'
60 service organization for interment.

61 5. A veterans' service organization receiving cremated remains of a veteran from a
62 funeral establishment for the purposes of interment is not liable for simple negligence in the
63 custody or interment of the remains if the veterans' service organization inters and does not

64 scatter the remains and does not know and has no reason to know that the remains do not satisfy
65 the requirements of subdivision (1) or (2) of subsection 3 of this section, as applicable.

66 **6.] A funeral establishment or coroner who releases the identifying information**
67 **shall not be liable in any action regarding the release of the identifying information and**
68 **neither the funeral establishment, coroner, or veterans' service organization shall be liable**
69 **in any action stemming from the final disposition, interment, burial, or scattering of**
70 **remains released to a veterans' service organization pursuant to this chapter so long as the**
71 **funeral establishment, prior to the burial, interment, or scattering of the remains, follows**
72 **the notification procedures for unclaimed cremated remains as set out in subdivision (4)**
73 **of section 194.350.**

74 **4.** A veterans' service organization accepting remains under this section shall take all
75 reasonable steps to inter the remains in a veterans' cemetery.

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