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H.394

Introduced by Representatives Hooper of Burlington, Hooper of Montpelier,
Hooper of Randolph, Bancroft of Westford, Birong of
Vergennes, Brownell of Pownal, Brumsted of Shelburne,
Canfield of Fair Haven, Chase of Colchester, Christensen of
Weathersfield, Christie of Hartford, Cina of Burlington, Colston
of Winooski, Demrow of Corinth, Donovan of Burlington,
Durfee of Shaftsbury, Fagan of Rutland City, Gannon of
Wilmington, Gardner of Richmond, Gregoire of Fairfield,
Harrison of Chittenden, Hashim of Dummerston, Jerome of
Brandon, Jessup of Middlesex, Kitzmiller of Montpelier,
LaClair of Barre Town, Macaig of Williston, Martel of
Waterford, McCullough of Williston, Mrowicki of Putney,
Notte of Rutland City, O'Brien of Tunbridge, O'Sullivan of
Burlington, Page of Newport City, Palasik of Milton, Patt of
Worcester, Potter of Clarendon, Redmond of Essex, Smith of
New Haven, Squirrell of Underhill, Terenzini of Rutland Town,
Troiano of Stannard, Walz of Barre City, and Yantachka of
Charlotte

Referred to Committee on

Date:

1 Subject: Internal security and public safety; health; deaths, burials, and
2 autopsies; Vermont Veterans Memorial Cemetery

3 Statement of purpose of bill as introduced: This bill proposes to permit
4 funeral directors and crematory operators to have the cremated remains of a
5 veteran be interred at the Vermont Veterans Memorial Cemetery if the
6 deceased veteran's remains have not been claimed by a relative within 30 days
7 after cremation.

8 An act relating to the disposition of the remains of veterans

9 It is hereby enacted by the General Assembly of the State of Vermont:

10 ~~Sec. 1. 20 V.S.A. § 1586 is added to read:~~

11 § 1586. INTERMENT OF UNCLAIMED REMAINS OF VETERANS

12 (a) The Vermont Veterans Memorial Cemetery shall accept and inter the
13 unclaimed remains of a veteran if a funeral director or crematory operator has
14 determined pursuant to 18 V.S.A. § 5220(b) that interment of the veteran's
15 remains in the Cemetery is appropriate.

16 (b) The Commissioner of Buildings and General Services shall provide an
17 appropriate memorialization to mark the grave of each veteran who is interred
18 pursuant to this section.

1 ~~Sec. 2. 18 V.S.A. § 5230 is amended to read:~~

2 § 5230. RIGHTS OF FUNERAL DIRECTOR OR CREMATORY

3 OPERATOR

4 (a) A funeral director or crematory operator may determine the final
5 disposition of remains and may file a civil action in Probate Division of the
6 Superior Court against a person, estate, banking institution, governmental
7 agency, or other entity ~~which~~ that may have liability for the final disposition,
8 either:

9 * * *

10 (b) A funeral director or crematory operator may determine that the
11 unclaimed cremated remains of a veteran shall be interred at the Vermont
12 Veterans Memorial Cemetery pursuant to 20 V.S.A. § 1586 if:

13 (1) 30 days have passed since the funeral director or crematory operator
14 cremated the remains; and

15 (2)(A) the funeral director or crematory operator has actual knowledge
16 that there is no surviving family member, guardian, or individual appointed to
17 arrange for the disposition of the decedent's remains pursuant to chapter 231
18 of this title; or

19 (B) the funeral director or crematory operator has made reasonable
20 efforts to locate and contact any known family member, guardian, or agent.

1 ~~Sec. 3. EFFECTIVE DATE~~

2 ~~This act shall take effect on July 1, 2019.~~

Sec. 1. 20 V.S.A. § 1586 is added to read:

§ 1586. INTERMENT OF UNCLAIMED REMAINS OF VETERANS

The Vermont Veterans Memorial Cemetery shall accept and inter the unclaimed remains of an eligible veteran if:

(1) a funeral director or crematory operator has determined pursuant to 18 V.S.A. § 5227(c)(2) that interment of the veteran's remains in the Cemetery is appropriate; or

(2) the Office of the Chief Medical Examiner has determined pursuant to 18 V.S.A. § 5227(d)(4) that interment of the veteran's remains in the Cemetery is appropriate.

Sec. 2. 18 V.S.A. § 5227 is amended to read:

§ 5227. RIGHT TO DISPOSITION

(a) If there is no written directive of the decedent, in the following order of priority, one or more competent adults shall have the right to determine the disposition of the remains of a decedent, including the location, manner, and conditions of disposition and arrangements for funeral goods and services:

* * *

(9) the funeral director or crematory operator with custody of the body, after attesting in writing that a good faith effort has been made to contact the individuals described in subdivisions (1) through (8) of this subsection; or

** * **

(c)(1) If the disposition of the remains of a decedent is determined under subdivision (a)(9) of this section and the funeral director or crematory operator has cremated the remains, the funeral director or crematory operator shall retain the remains for three years and, if no interested party as provided in subdivisions (a)(1) through (8) of this section claims the decedent's remains after three years, the funeral director or crematory operator shall arrange for the final disposition of the cremated remains consistent with any applicable law and standard funeral practices.

(2) Notwithstanding any provision of subdivision (1) of this subsection to the contrary, a funeral director or crematory operator may determine that the unclaimed cremated remains of a deceased veteran shall be interred at the Vermont Veterans Memorial Cemetery pursuant to 20 V.S.A. § 1586 if:

(A) at least 180 days have passed since the funeral director or crematory operator cremated the remains;

(B) the funeral director or crematory operator either:

(i) has actual knowledge that there is no interested party as provided in subdivisions (a)(1) through (8) of this section to claim the decedent's remains; or

(ii) after making reasonable efforts, has been unable to locate and contact any known interested party as provided in subdivisions (a)(1) through (8) of this section; and

(C) the funeral director or crematory operator has confirmed with the Office of Veterans Affairs that the deceased veteran is eligible to be interred at the Vermont Veterans Memorial Cemetery.

(d)(1) If the disposition of the remains of a decedent is determined under subdivision (a)(10) of this section, the Office of the Chief Medical Examiner may contract with a funeral director or crematory operator to cremate the remains of the decedent.

* * *

(3) The cremated remains shall be returned to the Office of the Chief Medical Examiner. The Office shall retain the remains for three years, and if no interested party, as described in subdivisions (a)(1) through (8) of this section, claims the decedent's remains after three years, the Office shall arrange for the final disposition of the cremated remains consistent with any applicable law and standard funeral practices.

(4) Notwithstanding any provision of subdivision (3) of this subsection to the contrary, the Office of the Chief Medical Examiner may determine that the unclaimed cremated remains of a deceased veteran shall be interred at the Vermont Veterans Memorial Cemetery pursuant to 20 V.S.A. § 1586 if:

(A) at least 180 days have passed since the remains were cremated;

(B) the Office of the Chief Medical Examiner either:

(i) has actual knowledge that there is no interested party as provided in subdivisions (a)(1) through (8) of this section to claim the decedent's remains; or

(ii) after making reasonable efforts, has been unable to locate and contact any known interested party as provided in subdivisions (a)(1) through (8) of this section; and

(C) the Office of the Chief Medical Examiner has confirmed with the Office of Veterans Affairs that the deceased veteran is eligible to be interred at the Vermont Veterans Memorial Cemetery.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2019.