

House File 2266 - Enrolled

House File 2266

AN ACT

CONCERNING UNCLAIMED CREMATED REMAINS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 144.27, Code 2016, is amended to read as follows:

144.27 Funeral director's duty.

1. The funeral director who first assumes custody of a dead body shall file the death certificate, obtain the personal data from the next of kin or the best qualified person or source available and obtain the medical certification of cause of death from the person responsible for completing the certification. When a person other than a funeral director assumes custody of a dead body, the person shall be responsible for carrying out the provisions of [this section](#).

2. a. A funeral director responsible for filing a death certificate under this section may after a period of one hundred eighty days release to the department of veterans

affairs the name of a deceased person whose cremated remains are not claimed by a person authorized to control the decedent's remains under section 144C.5, for the purposes of determining whether the deceased person is a veteran or dependent of a veteran and is eligible for inurnment at a national or state veterans cemetery. If obtained pursuant to subsection 1, the funeral director may also release to the department of veterans affairs documents of identification, including but not limited to the social security number, military service number, and military separation or discharge documents, or such similar federal or state documents, of such a person.

b. If the department of veterans affairs determines that the cremated remains of the deceased person are eligible for inurnment at a national or state veterans cemetery, the department of veterans affairs shall notify the funeral director of the determination. If the cremated remains have not been claimed by a person authorized to control the decedent's remains under section 144C.5 one hundred eighty days after the funeral director receives notice under this paragraph "b", all rights to the cremated remains shall cease, and the funeral director shall transfer the cremated remains to an eligible veterans organization if the eligible veterans organization has secured arrangements for the inurnment of the cremated remains at a national or state veterans cemetery. For purposes of this subsection, an "eligible veterans organization" means a veterans service organization organized for the benefit of veterans and chartered by the United States Congress or a veterans remains organization exempt from federal income taxes under section 501(c)(3) of the Internal Revenue Code that is recognized by the department of veterans affairs to inurn unclaimed cremated remains.

c. A funeral director providing information or transferring cremated remains shall be immune from criminal, civil, or other regulatory liability arising from any actions in accordance with this subsection. In addition, the department of veterans affairs, a national or state veterans cemetery, and an eligible veterans organization shall be immune from criminal, civil, or other regulatory liability arising from any actions in

accordance with this subsection. Such immunity shall not apply to acts or omissions constituting intentional misconduct.

LINDA UPMEYER
Speaker of the House

PAM JOCHUM
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2266, Eighty-sixth General Assembly.

CARMINE BOAL
Chief Clerk of the House

Approved _____, 2016

TERRY E. BRANSTAD
Governor