

House File 2127 - Introduced

HOUSE FILE 2127

BY SALMON

A BILL FOR

1 An Act concerning unclaimed cremated remains.

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

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

3 **144.27 Funeral director's duty.**

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

12 2. a. A funeral director responsible for filing a death
13 certificate under this section shall after a period of one
14 hundred eighty days release to the department of veterans
15 affairs the name of a deceased person whose cremated remains
16 are not claimed by a relative, for the purposes of determining
17 whether the deceased person is a veteran or dependent of a
18 veteran and is eligible for inurnment at a national or state
19 veterans cemetery. If obtained pursuant to subsection 1,
20 the funeral director shall also release to the department of
21 veterans affairs documents of identification, including but not
22 limited to the social security number, military service number,
23 and military separation or discharge documents, or such similar
24 federal or state documents, of such a person.

25 b. If the department of veterans affairs determines that
26 the cremated remains of the deceased person are eligible
27 for inurnment at a national or state veterans cemetery,
28 the department of veterans affairs shall notify the funeral
29 director of the determination. If the cremated remains have
30 not been claimed by a relative one hundred eighty days after
31 the funeral director receives notice under this paragraph "b",
32 all rights to the cremated remains shall cease, and the funeral
33 director shall transfer the cremated remains to an eligible
34 veterans organization if the eligible veterans organization has
35 secured arrangements for the inurnment of the cremated remains

1 at a national or state veterans cemetery. For purposes of this
2 subsection, an "eligible veterans organization" means a veterans
3 service organization organized for the benefit of veterans and
4 chartered by the United States Congress or a veterans remains
5 organization exempt from federal income taxes under section
6 501(c)(3) of the Internal Revenue Code that is recognized by
7 the department of veterans affairs to inurn unclaimed cremated
8 remains.

9 c. A funeral director providing information or transferring
10 cremated remains shall be immune from criminal, civil, or other
11 regulatory liability arising from any actions in accordance
12 with this subsection. In addition, the department of veterans
13 affairs, a national or state veterans cemetery, and an eligible
14 veterans organization shall be immune from criminal, civil,
15 or other regulatory liability arising from any actions in
16 accordance with this subsection. Such immunity shall not apply
17 to acts or omissions constituting intentional misconduct.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

21 This bill relates to unclaimed cremated remains. The bill
22 provides that a funeral director responsible for filing a
23 death certificate may after 180 days release to the department
24 of veterans affairs the name of a deceased person whose
25 cremated remains are not claimed by a relative, for the
26 purposes of determining whether the deceased person is a
27 veteran or dependent of a veteran and is eligible for inurnment
28 at a veterans cemetery, along with release of documents of
29 identification, including the person's social security number,
30 military service number, and military separation or discharge
31 documents, if available. If the department determines that
32 the cremated remains are eligible for inurnment at a veterans
33 cemetery, the organization is required to notify the funeral
34 director of the determination. The bill provides that if
35 the cremated remains have not been claimed by a relative 180

1 days after the funeral director receives such notice that all
2 rights to the cremated remains shall cease, and the funeral
3 director is required to transfer the cremated remains to a
4 chartered veterans service organization or veterans remains
5 organization that made the determination for inurnment at a
6 veterans cemetery if the applicable organization has secured
7 such arrangements.

8 The bill provides that a funeral director providing
9 information or transferring cremated remains, the department of
10 veterans affairs, a national or state veterans organization,
11 a veterans service organization, and a veterans remains
12 organization, are immune from liability arising from any
13 actions in accordance with the provisions of the bill,
14 but provides that such immunity shall not apply to acts or
15 omissions constituting intentional misconduct.