

ASSEMBLY BILL

No. 1644

Introduced by Assembly Member Nielsen

January 12, 2010

An act to add Chapter 4.5 (commencing with Section 7250) to Division 7 of the Health and Safety Code, relating to cremated remains.

LEGISLATIVE COUNSEL'S DIGEST

AB 1644, as introduced, Nielsen. Veterans' remains.

Existing law regulates the custody, control, and interment of human remains.

This bill would allow specified entities in possession of the cremated remains of a veteran to release the remains to a veterans' service organization, as defined, if specified conditions are met. The bill would require the veterans' service organization to take all reasonable steps to inter remains received and would exempt the veterans' service organization from storage charges accrued by the holding entity and the additional expenses of interment. The bill would also exempt from civil liability an entity that releases the remains after meeting the specified conditions and exempt from negligence a veterans' service organization that receives and inters remains if the veterans' service organization does not know or have reason to know that the remains were not released in compliance with the above conditions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 4.5 (commencing with Section 7250) is
2 added to Division 7 of the Health and Safety Code, to read:

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CHAPTER 4.5. CREMATED REMAINS OF VETERANS

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6 7250. For purposes of this chapter, the following definitions
7 shall apply:

8 (a) "Veteran" shall have the same meaning as it is defined in
9 Section 940 of the Military and Veterans Code.

10 (b) "Veterans' service organization" means an association or
11 other entity organized for the benefit of veterans that has been
12 recognized or chartered by the United States Congress, including,
13 but not limited to, the Disabled American Veterans, Veterans of
14 Foreign Wars, the American Legion, the Legion of Honor, and the
15 Vietnam Veterans of America. The term also includes a member
16 or employee of an eligible association or entity.

17 7251. (a) A funeral home, cemetery authority, cemetery
18 corporation or association, or other entity in possession of the
19 cremated remains of a veteran or the spouse of a veteran may
20 release the remains to a veterans' service organization if all of the
21 following conditions are met:

22 (1) The remains have been in the entity's possession for a period
23 of at least ____ year.

24 (2) Notice has been given by mail to the next of kin at the last
25 known address. If no address is known or can reasonably be
26 ascertained, notice shall be given by publication once each week
27 for ____ successive weeks in a newspaper of general circulation
28 in the county of the veteran's residence. If the veteran's residence
29 is unknown, the notice shall be published in a newspaper of general
30 circulation in the county in which the veteran died. If the county
31 of death is unknown, publication shall be made in a newspaper of
32 general circulation in the county in which the holding entity is
33 located.

34 (b) Notice given pursuant to paragraph (2) of subdivision (a)
35 shall include all of the following information:

36 (1) The veteran's name and, if known, the veteran's year of
37 birth and date of death.

1 (2) A statement including the date by which the veteran's
2 remains must be claimed by the next of kin. If notice is given by
3 mail, the date shall be 30 days after the date of mailing of the
4 notice. If notice is given by publication, the date shall be four
5 months after the date of first publication of the notice.

6 (3) A statement that the remains will be given to a veterans'
7 service organization for interment.

8 (4) Contact information for the holding entity.

9 (c) The veterans' service organization shall not be liable for
10 storage charges that may have accrued at the holding entity or the
11 additional expense of interment.

12 (d) The funeral home, cemetery authority, cemetery corporation
13 or association, or other entity that releases the remains of a veteran
14 pursuant to this section shall not be subject to civil liability if the
15 conditions in this section are met.

16 7252. (a) A veterans' service organization shall take all
17 reasonable steps to inter remains received pursuant to this chapter.

18 (b) A veterans' service organization that receives and inters
19 remains pursuant to this chapter shall not be liable for negligence
20 if the veterans' service organization does not know or have reason
21 to know that the remains were not released in compliance with
22 Section 7251.