

No. 2012-101

## AN ACT

HB 973

Amending the act of June 29, 1953 (P.L.304, No.66), entitled "An act providing for the administration of a statewide system of vital statistics; prescribing the functions of the State Department of Health, the State Advisory Health Board and local registrars; imposing duties upon coroners, prothonotaries, clerks of orphans' court, physicians, midwives and other persons; requiring reports and certificates for the registration of vital statistics; regulating the disposition of dead bodies; limiting the disclosure of records; prescribing the sufficiency of vital statistics records as evidence; prescribing fees and penalties; and revising and consolidating the laws relating thereto," further providing for definitions, for registration districts, local registrars and appointment and removal of; and for death and fetal death registration, certificates to be filed; providing for disposition of cremated remains of veterans; and further providing for records and disclosure by local registrars.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 105 of the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, is amended by adding clauses to read:

Section 105. General Provisions: Definitions.—As used in this act—

\* \* \*

**(10) "Veteran" means a deceased person who qualifies for burial at a national cemetery under 38 U.S.C. (relating to veterans' benefits).**

**(11) "Veterans' service organization" means an association, corporation or other entity that qualifies under section 501(c)(3) or (19) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3) or (19)) as a tax exempt organization that has been organized for the benefit of veterans and recognized or chartered by the Congress of the United States. The term includes, but is not limited to, the Disabled American Veterans, the Veterans of Foreign Wars, the American Legion and the Vietnam Veterans of America. The term also includes a member or employee of an eligible nonprofit veterans' corporation, association or entity, such as the Missing In America Veteran Recovery Program, that specifically assists in facilitating the identification and interment or final disposition of unclaimed remains of American veterans.**

**(12) "National cemetery" means any cemetery under the control of the United States Department of Veterans Affairs National Cemetery Administration.**

Section 2. Section 302 of the act is amended to read:

Section 302. Registration Districts: Local Registrars; Appointment and Removal of.—**(a)** The Secretary of Health shall appoint a local registrar for each registration district. Each local registrar shall appoint a deputy to act in the event of his absence or disability. If the department determines that the proper and efficient administration of a registration district requires additional personnel, the department may appoint one or more assistants. No

local registrar, deputy or assistant shall be appointed who does not meet the qualifications prescribed by the Advisory Health Board. The department may at any time remove any local registrar, deputy or assistant for cause. The department may abolish the office of any local registrar in the event that the registration district is combined with another. The department may reduce the number of assistants at any time.

*(b) Any vacancy in the office of local registrar, deputy or assistant for a registration district that exists on or after the effective date of this subsection shall be filled as provided in this section.*

Section 3. Section 501 of the act, amended July 2, 2009 (P.L.52, No.11), is amended to read:

Section 501. Death and Fetal Death Registration: Certificates to be Filed.—A certificate of each death or fetal death which occurs in this Commonwealth shall be filed within ~~[ninety-six (96) hours]~~ *four (4) business days* after the death or fetal death or within ~~[ninety-six (96) hours]~~ *four (4) business days* after the finding of a dead body or fetal remains. In every instance, the certificate shall be filed prior to the issuance of a permit for interment or other disposition of the dead body or fetal remains. The person in charge of interment or of removal of the dead body or fetal remains from the registration district shall file the certificate with any local registrar or the State Registrar of Vital Statistics, who shall be authorized to issue certified copies of such death.

Section 4. The act is amended by adding a section to read:

*Section 506.2. Death and Fetal Death Registration: Disposition of Cremated Remains of Veterans.—(a) A funeral director or funeral establishment which has held in its possession cremated remains for more than one hundred twenty (120) days from the date of cremation may, in accordance with this section, determine if the cremated remains are those of a veteran and, if so, shall dispose of the remains as provided in this section.*

*(b) (1) Notwithstanding any law or regulation to the contrary, nothing in this section shall prevent a funeral director or funeral establishment from sharing information with the United States Department of Veterans Affairs, a veterans' service organization or a national cemetery for the purpose of determining whether the cremated remains are those of a veteran.*

*(2) A funeral director or funeral establishment shall be discharged from any legal obligations or liability with regard to releasing information to or sharing information with the United States Department of Veterans Affairs, a veterans' service organization or a national cemetery in accordance with this section.*

*(c) (1) If a funeral director or funeral establishment ascertains the cremated remains in its possession are those of a veteran and the funeral director or funeral establishment has not been instructed by the legally authorized person in control of the final disposition of the decedent to arrange for the final disposition of the cremated remains, the funeral director or funeral establishment shall relinquish possession of the cremated remains to a veterans' service organization.*

*(2) Final disposition shall be made in a national cemetery if the deceased veteran is eligible for interment in such a manner.*

*(d) The funeral director, funeral establishment or veterans' service organization, notwithstanding any law to the contrary, upon disposing of cremated remains in accordance with this section, shall be:*

*(1) Held harmless for any costs or damages, except if there is gross negligence or willful misconduct.*

*(2) Discharged from any legal obligation or liability concerning the cremated remains.*

*(e) When the estate of the decedent has been identified, the estate of the decedent shall be responsible for reimbursing a funeral director, funeral establishment or veterans' service organization for all reasonable expenses incurred in relation to the final disposition of the cremated remains.*

*(f) A funeral director or funeral establishment shall establish and maintain a record identifying the veterans' service organization receiving the cremated remains and the site designated for final disposition of the cremated remains.*

*(g) The funeral director or funeral establishment shall make a good faith effort to notify the next of kin of the identified cremated remains of the veteran.*

*(h) Nothing in this section shall require a funeral director or funeral establishment to:*

*(1) Determine or seek others to determine that an individual's cremated remains are those of a veteran if the funeral director or funeral establishment was informed by the legally authorized person in control of the final disposition of the cremated remains that the individual was not a veteran.*

*(2) Relinquish possession of the cremated remains to a veterans' service organization if the funeral director or funeral establishment was instructed by the legally authorized person in control of the cremated remains or had a reasonable belief that the decedent did not desire any funeral or burial-related services or ceremonies recognizing the decedent's service as a veteran.*

*(i) As used in this section, "final disposition" does not include the scattering of cremated remains.*

Section 5. Section 809(b) of the act is amended to read:

Section 809. Records: Disclosure by Local Registrars.—\* \* \*

*(b) (1) Subject to the approval of the Advisory Health Board, the department may authorize any local registrar to issue certified copies of original certificates of death or parts thereof which are in his possession, but in every instance local registrars shall transmit the original certificates of death to the department in accordance with the rules and orders of the department.*

*(2) After the original certificate of death has been transmitted to the department, the local registrar may issue a copy of a certified copy of the original certificate of death or part thereof which is in his possession for ninety (90) days after issuance of the original certificate of death.*

*(3) Any local registrar who issues a certified copy of an original certificate of death or a copy of a certified copy of the original certificate of*

*death* in accordance with the provisions of this section shall receive therefor a fee prescribed by the Advisory Health Board, not exceeding the fee charged by the department for a like service, to be paid by the person applying for the certified copy.

Section 6. This act shall take effect immediately.

APPROVED—The 5th day of July, A.D. 2012

TOM CORBETT