

Regular Session, 2013

HOUSE BILL NO. 461

BY REPRESENTATIVE GISCLAIR

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

VETERANS: Provides for the identification of unclaimed cremated human remains

1 AN ACT

2 To enact R.S. 29:284, relative to identification of unclaimed cremated human remains; to  
3 require funeral directors to provide certain identifying information to the Department  
4 of Veterans Affairs when cremated human remains have not been claimed or  
5 identified within a certain period of time; to provide an exemption for the identifying  
6 information from Louisiana's Public Records requirements; to provide for  
7 notification requirements for the Department of Veterans Affairs regarding veteran  
8 identification and eligibility for burial; to prohibit the disposition of cremated human  
9 remains until certain requirements are satisfied; to provide for limitations on liability  
10 for funeral directors in certain cases; to provide for effectiveness of certain  
11 provisions; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 29:284 is hereby enacted to read as follows:

14 §284. Identification of unclaimed cremated human remains of veterans

15 A. Notwithstanding the provisions of R.S. 37:880, if an authorizing agent as  
16 defined in R.S. 37:876 has not claimed the cremated human remains or instructed the  
17 funeral director as to final disposition within ninety days from the date of cremation,  
18 the funeral director shall provide names and any other identifying information of the  
19 unclaimed cremated human remains to the Department of Veterans Affairs, in order  
20 for the department to determine whether the unclaimed cremated human remains are

1        those of a veteran. The names and any personal identifying information submitted  
2        by a funeral director to the Department of Veterans Affairs in compliance with the  
3        provisions of this Section shall be exempt from disclosure under the Louisiana Public  
4        Records Act, R.S. 44:1 et seq.

5                B. Commencing July 1, 2014, the Department of Veterans Affairs shall  
6        notify the funeral director, within thirty days of receipt of the identifying information  
7        required by Subsection A of this Section, whether the cremated human remains are  
8        those of a veteran and whether the veteran is eligible for burial in a veterans  
9        cemetery. The department shall, at that time, authorize the transfer of the unclaimed  
10       cremated human remains to a veterans cemetery identified by the department.

11               C. In accordance with the provisions of this Section, no disposition of  
12       unclaimed cremated human remains shall be made until the funeral director has  
13       notified the Louisiana Department of Veterans Affairs and has received a  
14       determination as to whether the cremated human remains are those of an eligible  
15       veteran. Absent bad faith or malicious intent, no funeral director who transfers the  
16       cremated human remains of a veteran to a veterans cemetery for purposes of  
17       disposition as provided in this Section shall be liable for civil negligence.

18        Section 2. The Louisiana Department of Veterans Affairs shall use every effort to  
19        verify the veteran status of the large volume of existing cremated human remains given the  
20        limitations set by the United States Department of Veterans Affairs on the number of names  
21        that can be screened to determine veteran status and eligibility, which is currently five to ten  
22        names per week. On July 1, 2014, the Louisiana Department of Veterans Affairs shall  
23        comply with the thirty-day notification requirement as provided in the provisions of Section  
24        1 of this Act.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Gisclair

HB No. 461

**Abstract:** Provides procedures and requirements relative to the identification and disposition of unclaimed cremated human remains by funeral directors and the Dept. of Veterans Affairs.

Proposed law requires a funeral director to provide the names and any other identifying information to the Dept. of Veterans Affairs for any cremated human remains that have not been identified or claimed within 90 days of cremation for determination by the department whether the cremated human remains are those of a veteran.

Proposed law exempts the identifying information that is submitted to the department from disclosure requirements provided for in present law relative to the public records.

Proposed law requires the department to notify the funeral director, within 30 days of receiving the information from the funeral director, whether the cremated human remains are those of a veteran and whether the veteran is eligible for burial in a veterans cemetery, effective July 1, 2014. Proposed law further authorizes the funeral director to transfer the unclaimed cremated human remains to a veterans cemetery identified by the department for transfer.

Proposed law prohibits the disposition of unclaimed cremated human remains by a funeral director until the department has been notified and a determination has been made whether the cremated human remains are a veteran eligible for burial.

Proposed law prohibits a funeral director who transfers the cremated human remains of a veteran to a veterans cemetery for disposition in accordance with the provisions of proposed law from civil negligence, absent bad faith or malicious intent.

(Adds R.S. 29:284)