

Unclaimed Veterans' Cremains

This Act gives veterans' organizations the right to receive the cremains of a veteran which have not been claimed by a relative or friend of the deceased within a certain time after cremation, and upon certification to the state commissioner of health and senior services that a diligent effort has been made to identify, locate and notify a relative or friend of the deceased within that time. The Act also specifies that veterans organizations receiving the cremains must be 501(c)(3) or 501(c)(19) tax-exempt veterans organizations or federally chartered Veterans Service Organizations. The Act grants immunity from damages arising from civil actions to funeral homes, mortuaries, and qualified veterans organizations for disposing cremains pursuant to the Act unless damages were the result of gross negligence or willful misconduct.

Submitted as:
New Jersey
P.L. 2009, Chapter 14
Status: Enacted into law in 2009.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act shall be cited as "The Veterans' Cremains Act."

2

3 Section 2. [*Definitions.*] As used in this Act:

4 (1) "Cremains" means that substance which remains after the cremation of a dead body.

5 (2) "Diligent effort" means an effort defined under [insert citation], and includes a
6 certified letter, return receipt requested, mailed to the person who authorizes a cremation.

7 (3) "Funeral director" means a person licensed under [insert citation].

8 (4) "Qualified Veterans' Organization" means a veterans' organization that qualifies as a
9 section 501(c)(3) or 501(c)(19) tax exempt organization under the Internal Revenue Code, or a
10 federally chartered Veterans' Service Organization.

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12 Section 3. [*Qualified Veterans' Organizations Granted Right to Receive Unclaimed*
13 *Veterans' Cremains.*]

14 (A) A funeral director shall grant a qualified veterans' organization the right to receive
15 the cremains of a veteran which have not been claimed by a relative or friend of the deceased
16 within [one year] after cremation upon certification to the [commissioner of health and senior
17 services] that a diligent effort has been made to identify, locate and notify a relative or friend of
18 the deceased within that [one-year] period.

19 (B) A qualified veterans' organization which takes possession of cremains pursuant to
20 this section shall dispose of the cremains by scattering them at sea or by interring them on land in
21 a dignified manner at the [state-operated veterans' cemetery] if the individual is eligible for
22 interment at that facility.

23 (C) A funeral home or mortuary, or an agent of the funeral home or mortuary, or a
24 funeral director, or qualified veterans' organization, shall not be liable for damages in any civil
25 action arising out of the disposal of cremains pursuant to this section unless the damages are the
26 result of gross negligence or willful misconduct.

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28 Section 4. [*Severability.*] [Insert severability clause.]
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30 Section 5. [*Repealer.*] [Insert repealer clause.]
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32 Section 6. [*Effective Date.*] [Insert effective date.]