

FIRST REGULAR SESSION

HOUSE BILL NO. 111

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DAY (Sponsor), BROWN (149), SCHAAF, GRISAMORE, WRIGHT, MEADOWS, SATER, WALLACE, DUSENBERG, SCHAD, KOMO, LAMPE, SMITH (150), NANCE, YATES, CASEY, WILSON (119), SANDER, PARKINSON, RUESTMAN, McGHEE AND MOLENDORP (Co-sponsors).

0668L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 194, RSMo, by adding thereto one new section relating to the disposal of unclaimed veterans' remains.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 194, RSMo, is amended by adding thereto one new section, to be known as section 194.360, to read as follows:

194.360. 1. As used in this section the following terms shall mean:

(1) "Funeral establishment", as defined in section 333.011, RSMo, a funeral home, a funeral director, an embalmer, or an employee of any of the individuals or entities;

(2) "Veterans' service organization", an association or other entity organized for the benefit of veterans that has been recognized or chartered by the United States congress, including the disabled American veterans, veterans of foreign wars, the American legion, the legion of honor, the missing in America project, and the Vietnam veterans of America. The term includes a member or employee of any of those associations or entities.

2. A funeral establishment is not liable for simple negligence in the disposition of the human remains or cremated remains of a veteran to a veterans' service organization for the purposes of internment by that organization if:

(1) The remains have been in the possession of the funeral establishment for a period of at least one year, all or any part of which period may occur or may have occurred before or after August 28, 2009;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 **(2) The funeral establishment has given notice, as provided in subdivision (1) or (2)**
16 **of subsection 3 of this section, to the person entitled to the remains under section 194.350**
17 **of the matters provided in subsection 4 of this section; and**

18 **(3) The remains have not been claimed by the person entitled to the remains under**
19 **section 194.350 within the period of time provided for in subsection 4 of this section**
20 **following notice to the person entitled to the remains under section 194.350.**

21 **3. In order for the immunity provided in subsection 2 of this section to apply, a**
22 **funeral establishment shall take the following action, alone or in conjunction with a**
23 **veterans' service organization, to provide notice to the person entitled to the remains under**
24 **section 194.350:**

25 **(1) Give written notice by mail to the person entitled to the remains under section**
26 **194.350 for whom the address of the person entitled to the remains under section 194.350**
27 **is known or can reasonably be ascertained by the funeral establishment giving the notice;**
28 **or**

29 **(2) If the address of the person entitled to the remains under section 194.350 is not**
30 **known or cannot reasonably be ascertained, give notice to the person entitled to the**
31 **remains under section 194.350 by publication in a newspaper of general circulation:**

32 **(a) In the county of the veterans' residence; or**

33 **(b) If the residence of the veteran is unknown, in the county in which the veteran**
34 **died; or**

35 **(c) If the county in which the veteran died is unknown, in the county in which the**
36 **funeral establishment giving notice is located.**

37 **4. The notice required by subsection 3 of this section must include a statement to**
38 **the effect that the remains of the veteran must be claimed by the person entitled to the**
39 **remains under section 194.350 within thirty days after the date of mailing of the written**
40 **notice provided for in subdivision (1) of subsection 3 of this section or within four months**
41 **of the date of the first publication of the notice provided for in subdivision (2) of subsection**
42 **3 of this section, as applicable, and that if the remains are not claimed, the remains may**
43 **be given to a veterans' service organization for internment.**

44 **5. A veterans' service organization receiving human remains or cremated remains**
45 **of a veteran from a funeral establishment for the purposes of internment is not liable for**
46 **simple negligence in the custody or internment of the remains if the veterans' service**
47 **organization inters and does not scatter the remains and does not know and has no reason**
48 **to know that the remains do not satisfy the requirements of subdivision (1) or (2) of**
49 **subsection 3 of this section, as applicable.**

50 **6. A veterans' service organization accepting remains under this section shall take**
51 **all reasonable steps to inter the remains in a veterans' cemetery. However, the**
52 **organization is not liable for any additional expense for internment in a veterans' cemetery**
53 **and internment in a veterans' cemetery is not a condition for immunity under this section.**

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