

**Latest Revision:**

Ch. 4.5 of Div. 7 HSC

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

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

(b) "Veterans' service organization" A veterans organization that is federally chartered by the Congress of the United States or that qualifies as a section 501(c)(3) or 501(c)(19), Non Profit tax exempt organization under the Internal Revenue code that is organized for the verification and burial of veterans and dependants.

(c) "Information" data required by the Department of Veterans Affairs to verify a Veteran or their dependant's eligibility for burial in a National or State Cemetery: Name, Service Number, Social Security Number, Date of Birth, Date of Death, Place of Birth, Branch of Service and Military Rank.

7251. (a) A cemetery authority, cemetery corporation or association, or other entity in possession of cremated remains shall release the information required by the Department of Veterans Affairs to verify if they are a veteran, or the dependant of a veteran. When verification of a veteran or dependant is completed, these entities may then transport the remains to a State or National VA Cemetery or release to a veterans' service organization. This shall transpire when all of the following have been met:

(1) The entity has made reasonable efforts (30 day notification letters) to locate the agent or family member who has the right to control the cremains;

(2) No attempt has been made to claim the cremains by the agent or family member who has the right to control the cremains;

(3) The cremains have been in the entity's possession for a period of at least one year.

(b) The cemetery authority, cemetery corporation or association, or other entity that releases the information required or the cremains of a veteran, or dependant, pursuant to this section shall not be subject to civil liability if the conditions in Section 7251(a) are met.

7252. (a) A veterans' service organization shall inter cremains received pursuant to this chapter. Preference shall be given to interment in a state or national veterans' cemetery.

(b) A veterans' service organization that receives and inters cremains pursuant to this chapter shall not be liable for any negligence.

**Current Update by Paulo:**

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

- (a) "Veteran" shall have the same meaning as is defined in Section 940 of the Military and Veterans Code.
- (b) "Veterans' service organization" means an association or other entity organized for the benefit of veterans that has been recognized or chartered by the United States Congress, including, but not limited to, 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 also includes a member or employee of an eligible nonprofit veterans' corporation, association or entity who specifically deals with verification and veterans' burial activities.
- (c) "Information" data required by the Department of Veterans Affairs to verify a Veteran or their dependant's eligibility for burial in a National or State Cemetery: Name, Service Number, Social Security Number, Date of Birth, Date of Death, Place of Birth, Branch of Service and Military Rank (any or all that is available)

7251. (a) A cemetery authority, cemetery corporation or association, or other entity in possession of cremated remains shall release the information required by the Department of Veterans Affairs to verify if they are a veteran, or the dependant of a veteran. When verification of a veteran or dependant is completed, these entities may then release the cremains to a veterans' service organization WHEN all of the following have been met:

- (1) The entity has made reasonable efforts to locate the agent or family member who has the right to control the cremains;
- (2) No attempt has been made to claim the cremains by the agent or family member who has the right to control the cremains;
- (3) The cremains have been in the entity's possession for a period of at least one year, all or any part of which may occur before August 28, 2009

(b) The cemetery authority, cemetery corporation or association, or other entity that releases the information required or the cremains of a veteran, or dependant, pursuant to this section shall not be subject to civil liability if the conditions in Section 7251(a) are met.

7252. (a) A veterans' service organization shall inter cremains received pursuant to this chapter. Preference shall be given to internment in a state or national veterans' cemetery.

(b) A veterans' service organization that receives and inters cremains pursuant to this chapter shall not be liable for any negligence.