CHAPTER 12

Veteran's Unclaimed Cremated Remains

**SECTION 25‑12‑10.** Disposal of unclaimed cremated remains of a veteran.

The unclaimed cremated remains of a veteran as defined in this chapter may be disposed of pursuant to the provisions of this chapter.

HISTORY: 2012 Act No. 166, Section 1, eff May 14, 2012; 2014 Act No. 160 (S.842), Section 1, eff April 14, 2014.

Effect of Amendment

2014 Act No. 160, Section 1, reenacted this section with no apparent change.

**SECTION 25‑12‑20.** Definitions.

As used in this chapter:

(1) "Veteran" means a person who has:

(a) served on active duty in the uniformed military services of the United States;

(b) served on active duty in the National Guard or any organized state militia; or

(c) served in the reserve components of the uniformed military services of the United States on active duty; and

(d) was released from this service other than by dishonorable discharge.

(2) "Veterans service organization" means an association, corporation, or other entity that qualifies under Internal Revenue Code Section 501(c)(3) or Section 501(c)(19) as a tax exempt organization, a federally chartered veterans' service corporation, or a veterans' affairs office or agency established by state law. This term also includes a member or employee of any such entity.

(3) "National cemetery" means a cemetery under the control of the United States Department of Veterans Affairs National Cemetery Administration.

(4) "Disposition" means disposal of cremated remains by placement in a tomb, mausoleum, crypt, columbarium, or by burial in a cemetery. For purposes of this chapter, "disposition" does not include the scattering of cremated remains.

(5) "Funeral home", "funeral establishment", and "mortuary" means as defined in Section 40‑19‑20.

(6) "Coroner" means the person defined in Section 17‑5‑5(3).

HISTORY: 2012 Act No. 166, Section 1, eff May 14, 2012; 2014 Act No. 160 (S.842), Section 1, eff April 14, 2014.

Effect of Amendment

2014 Act No. 160, Section 1, added subsection (6), definition of "Coroner", and made other nonsubstantive changes.

**SECTION 25‑12‑30.** Authority of coroner or manager of funeral home, funeral establishment, or mortuary.

A coroner or a manager of a funeral home, funeral establishment, or mortuary, which has held in its possession cremated remains for more than one hundred twenty days from the date of cremation, may determine, in accordance with the provisions of this chapter, if the cremated remains are those of a veteran, and if so, may dispose of those remains as provided in this chapter.

HISTORY: 2012 Act No. 166, Section 1, eff May 14, 2012; 2014 Act No. 160 (S.842), Section 1, eff April 14, 2014.

Effect of Amendment

2014 Act No. 160, Section 1, inserted "coroner or a".

**SECTION 25‑12‑40.** Sharing information; discharge of liability.

(A) Notwithstanding any law or regulation to the contrary, nothing in this chapter shall prevent a coroner or a manager of a funeral home, funeral establishment, or mortuary from sharing information with the Veterans Administration, a veterans' service agency or veterans' affairs office, a veterans' service organization, a national cemetery, or state or local veterans' cemetery for the purpose of determining whether the cremated remains are those of a veteran.

(B) A coroner or a funeral home, funeral establishment, mortuary, and any manager of them is discharged from any legal obligations or liability with regard to releasing or sharing information with the Veterans Administration, a veterans' service agency or veterans' affairs office, a veterans' service organization, a national cemetery, or state or local veterans' cemetery pursuant to this chapter in regard to determining if a person's cremated remains are those of a veteran.

HISTORY: 2012 Act No. 166, Section 1, eff May 14, 2012; 2014 Act No. 160 (S.842), Section 1, eff April 14, 2014.

Effect of Amendment

2014 Act No. 160, Section 1, in subsections (A) and (B), inserted "coroner or a".

**SECTION 25‑12‑50.** Disposition of remains.

(A) If a coroner or a manager of a funeral home, funeral establishment, or mortuary ascertains the cremated remains in its possession are those of a veteran, and they have not been instructed by the person in control of the disposition of the decedent's remains to arrange for the final disposal or delivery of the cremated remains, the coroner or the manager of a funeral home, funeral establishment, or mortuary may dispose of the cremated remains in the manner provided in this chapter or relinquish possession of the cremated remains to a veterans' service organization.

(B) The disposition of the cremated remains must be made in a national cemetery, a state or local veterans' cemetery, a section of a cemetery corporation where veterans are memorialized by a veteran's marker, a veterans' section of a cemetery corporation, or a veterans' cemetery if the deceased veteran is eligible for interment in such a manner.

HISTORY: 2012 Act No. 166, Section 1, eff May 14, 2012; 2014 Act No. 160 (S.842), Section 1, eff April 14, 2014.

Effect of Amendment

2014 Act No. 160, Section 1, in subsection (A), twice inserted reference to the coroner.

**SECTION 25‑12‑60.** Liability for costs or damages.

The veterans' service organization, coroner, funeral home, funeral establishment, mortuary, and any manager of them, upon disposing of cremated remains in accordance with the provisions of this chapter, must be held harmless for any costs or damages, except if there is gross negligence or wilful misconduct, and is discharged from any legal obligation or liability concerning the cremated remains.

HISTORY: 2012 Act No. 166, Section 1, eff May 14, 2012; 2014 Act No. 160 (S.842), Section 1, eff April 14, 2014.

Effect of Amendment

2014 Act No. 160, Section 1, inserted "coroner,".

**SECTION 25‑12‑70.** Reimbursement by estate.

The estate of the decedent is responsible for reimbursing a veterans' service organization, coroner, funeral home, funeral establishment, mortuary, and any manager of them for all reasonable expenses incurred in relation to the disposition of the cremated remains.

HISTORY: 2012 Act No. 166, Section 1, eff May 14, 2012; 2014 Act No. 160 (S.842), Section 1, eff April 14, 2014.

Effect of Amendment

2014 Act No. 160, Section 1, inserted "coroner,".

**SECTION 25‑12‑80.** Records.

A coroner or a manager of a funeral home, funeral establishment, or mortuary shall establish and maintain a record identifying the veterans' service organization receiving the cremated remains.

HISTORY: 2012 Act No. 166, Section 1, eff May 14, 2012; 2014 Act No. 160 (S.842), Section 1, eff April 14, 2014.

Effect of Amendment

2014 Act No. 160, Section 1, inserted "coroner or a".

**SECTION 25‑12‑90.** Limitation of duty.

Nothing in this chapter requires a coroner or a manager of a funeral home, funeral establishment, or mortuary to determine or seek others to determine that an individual's cremated remains are those of a veteran if the manager of a funeral home, funeral establishment, or mortuary was informed by the person in control of the remains that the individual was not a veteran, or to relinquish possession of the cremated remains to a veterans' service organization if the manager of a funeral home, funeral establishment, or mortuary was instructed by a person in control of the 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.

HISTORY: 2012 Act No. 166, Section 1, eff May 14, 2012; 2014 Act No. 160 (S.842), Section 1, eff April 14, 2014.

Effect of Amendment

2014 Act No. 160, Section 1, inserted "coroner or a".