



KANSAS FUNERAL DIRECTORS ASSOCIATION
1200 S. Kansas Ave. Topeka, KS 66612
785-232-7789 • 785-232-7791 fax • www.ksfda.org

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Topeka

January 26, 2012

To: Senate Public Health and Welfare Committee

From: Pam Scott, Executive Director

Re: Senate Bill No. 303

Madam Chair and members of the committee, I would like to thank you for the opportunity to appear before you today on behalf of the Kansas Funeral Directors Association (KFDA) in support of Senate Bill No. 303. The bill, which was introduced at the request of the KFDA, amends K.S.A. 65-1732 which concerns the disposition of unclaimed cremated remains.

The main purpose of the bill is to establish a process to allow funeral establishments, branch establishment and crematories to determine whether unclaimed cremated remains in their possession are those of a veteran and, if they are those of a veteran, to turn the unclaimed cremated remains over to a veteran's cemetery for an honorable disposition.

As background, there is a movement across the United States to see that unclaimed cremated remains of veterans are located, identified and interred. The program is called the Missing in American Project. The mission of the project is to provide honor and respect to those who have served this country by securing a final resting place for these forgotten heroes.

This bill, in section 1(b), helps to accomplish this mission by allowing a funeral establishment, branch establishment or crematory to share appropriate personal information concerning the deceased with the Kansas Commission on Veterans Affairs (KCVA) or the United States Department of Veterans Affairs (VA) to determine whether the unclaimed cremated remains are those of a veteran. There has been concern over a funeral establishment or crematory's ability to turn over private information to the KCVA or VA without statutory authority. Under the bill, the funeral establishment, branch establishment, crematory funeral director and crematory operator are discharged from any liability with regard to the releasing or sharing of such information with those entities for that purpose.

If it is ascertained that the unclaimed cremated remains are those of a veteran, the funeral establishment, branch establishment or crematory is authorized under the bill to turn the cremated remains over to the KCVA or a national cemetery for disposition. Disposition shall

be by placement of the cremated remains in a tomb, mausoleum, crypt, a niche in a columbarium or by burial in a cemetery.

Section 1(c) of the bill sets forth instances in which a funeral establishment or crematory may not share personal information concerning a deceased to determine whether they were a veteran. They include when the funeral home was specifically told the deceased was not a veteran or the deceased did not want a funeral service or ceremony recognizing service as a veteran.

Section 1(d) of the bill holds the funeral establishment, branch establishment, crematory, funeral director, assistant funeral director and crematory operator harmless for following the provisions of this act unless there is gross negligence or willful misconduct.

The bill also clarifies general language in the statute as to when notice is required to be given before a funeral establishment; branch funeral establishment or crematory can dispose of any unclaimed cremated remains. The new language in section 1 (a) states that unclaimed cremated remains can be disposed of if (1) they have been unclaimed for 90 days, (2) the funeral establishment, branch establishment or crematory sends notice by certified mail to the last known address of the authorizing agent that the unclaimed cremated remains will be disposed of if not claimed within 30 days of the notice, and (3) the unclaimed cremated remains are not claimed within the 30 days. Current law could be interpreted to require that notice must be given at least 30 days prior to the end of the 90 days the cremated remains have been unclaimed and cannot be given after the 90 days have expired. This would have the effect in some cases of preventing unclaimed cremated remains from being disposed of. The amendments to the bill allow the 30 days notice to be given at any time.

We ask for your support of this bill to help assure that the unclaimed cremated remains of veterans receive an honorable disposition. I would be happy to address any questions you have.