

HB129 ENROLLED



1 5LHXM3-2
2 By Representatives Paschal, Harrison, Robertson, Treadaway,
3 Pettus, McClammy
4 RFD: Military and Veterans Affairs
5 First Read: 21-Mar-23
6 2023 Regular Session



HB129 Enrolled

1 Enrolled, An Act,

2

3

4 Relating to funeral services; to amend Section
5 34-13-122, Code of Alabama 1975; to define dignified and
6 humane manner for the disposition of cremated remains; and to
7 mandate best efforts to identify the unclaimed cremated
8 remains of Alabama veterans eligible for burial in a state or
9 national military cemetery.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Section 34-12-122, Code of Alabama 1975, is
12 amended to read as follows:

13 "§34-13-122

14 (a) The authorizing agent shall provide a signed
15 statement to the funeral establishment ~~which the handling the~~
16 cremation arrangements ~~are made a signed statement~~ specifying
17 the ultimate disposition of the cremated remains, ~~if known~~. A
18 copy of this statement shall be retained by the funeral
19 establishment ~~offering or conducting the cremation for a~~
20 period of five years.

21 (b) Cremated remains shall be shipped only by a method
22 that has an internal tracing system available and that
23 provides a receipt signed by the person accepting delivery.

24 (c) The authorizing agent is responsible for the
25 disposition of the cremated remains. If, after 60 days from
26 the date of cremation, the authorizing agent or his or her
27 representative has not specified the ultimate disposition or
28 claimed the cremated remains, the funeral establishment or



HB129 Enrolled

29 entity in possession of the cremated remains may dispose of
30 the cremated remains in a dignified and humane manner and in
31 accordance with any state, county, or municipal laws or
32 provisions regarding the disposal of cremated remains. For
33 purposes of this section, a dignified and humane manner of
34 disposition includes, but is not limited to, placement in an
35 appropriate mausoleum, crypt, vault, columbarium niche, or
36 inground site. A record of this disposition shall be ~~made and~~
37 ~~kept~~ maintained by the entity making the disposition for a
38 period of five years. Upon disposing of cremated remains in
39 accordance with this section, the funeral establishment or
40 entity in possession of the cremated remains shall be
41 discharged from any legal obligation or liability concerning
42 the cremated remains.

43 (d) Before the disposition of unclaimed cremated
44 remains, the funeral establishment shall use best efforts to
45 determine whether the remains belong to a United States
46 military veteran who is eligible for burial in a veterans
47 cemetery. For this purpose, the funeral establishment is
48 authorized to disclose identifying information to the United
49 States Department of Veterans Affairs, the Alabama Department
50 of Veterans Affairs, or to a veterans service organization or
51 a nonprofit organization approved by the Alabama Department of
52 Veterans Affairs.

53 (e) The remains of an eligible veteran may be
54 transported to a state or national veterans cemetery for
55 interment or released for interment to a veterans service
56 organization or a nonprofit organization approved by the



HB129 Enrolled

57 [Alabama Department of Veterans Affairs.](#)"

58 Section 2. This act shall become effective on the first
59 day of the third month following its passage and approval by
60 the Governor, or its otherwise becoming law.



HB129 Enrolled

61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86

Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 25-May-23.

John Treadwell
Clerk

Senate

31-May-23

Passed