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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2004**

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A N A C T

RELATING TO HEALTH AND SAFETY -- DISPOSITION OF BODIES TO BE BURIED  
WITH PUBLIC FUNDS

Introduced By: Representative Victor G. Moffitt

Date Introduced: February 24, 2004

Referred To: House Finance

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 23-18.1-1 of the General Laws in Chapter 23-18.1 entitled  
2 "Disposition of Bodies to be Buried with Public Funds" is hereby amended to read as follows:  
3           **23-18.1-1. Public expense burials.** – Unless the office of the state medical examiners  
4 has established its jurisdiction over the body of a deceased person in accordance with chapter 4 of  
5 this title, whoever ~~Whoever~~ has custody of the body of a deceased person required to be buried at  
6 public expense shall use reasonable efforts to ascertain if the deceased person has any relative or  
7 friend who will assume responsibility for burial at his or her expense. If no such person is found  
8 within twenty-four (24) hours after death, the person having custody of the dead body shall notify  
9 the director of ~~public welfare of the city or town where the person died, and the director shall take~~  
10 ~~custody of and remove the unclaimed body~~ the department of human services or his or her  
11 designee who shall arrange for the removal of the unclaimed body. If the body is not claimed at  
12 or before the expiration of thirty (30) hours thereafter, the director of ~~public welfare of the city or~~  
13 ~~town~~ the department of human services or his or her designee shall give public notice of its  
14 finding and a description of the unclaimed body, and within a reasonable time thereafter cause the  
15 body to be decently buried; and if the director certifies that he or she has made careful inquiry and  
16 that to the best of his or her knowledge and belief the person found dead is a stranger having no  
17 settlement in any town of the state, the actual expense of burial shall be paid from the general  
18 treasury upon proper vouchers for the burial approved by the director of human services in

1 accordance with provisions of this section. ~~In all other cases, the expense of the burial shall be~~  
2 ~~first paid by the city or town wherein the body is found, and the city or town may recover the~~  
3 ~~money so paid from the city or town where the person last had a settlement. The general treasurer~~  
4 ~~of any city or town ultimately paying~~ To the extent that the department of human services makes  
5 payment of the burial expenses, it shall have the right to recover the burial expenses from the  
6 estate of the deceased person.

7 SECTION 2. Section 40-6-3.10 of the General Laws in Chapter 40-6 entitled "Public  
8 Assistance Act" is hereby amended to read as follows:

9 **40-6-3.10. Funeral and burial expenses.** -- (a) The department may provide for vendor  
10 payment of reasonable funeral and burial expenses of deceased residents of this state who are  
11 found eligible in accordance with rules and regulations of the department. The department shall,  
12 from time to time, establish cost standards for the reasonable funeral and burial expenses, which  
13 cost standards shall establish the maximum amount payable by this department for the expenses  
14 and the maximum total allowable funeral and burial costs. The amount payable under this section  
15 shall be determined with due regard to the income and resources of the deceased and his or her  
16 legally-liable relatives, if any, and shall be reduced dollar-for-dollar by contributions of friends or  
17 other kindred in excess of the maximum total allowable funeral and burial costs established by  
18 the department.

19 (b) Application for payment of funeral and burial expenses shall be made on behalf of a  
20 decedent before final funeral arrangements with a funeral director are concluded. Provided, that  
21 any legally-liable relative and/or agent of the decedent may make an application under this  
22 section within thirty (30) days after the death of the decedent.

23 (c) In determining either eligibility for benefits and/or the amount of any reduction in  
24 benefits paid under this section, the department shall exclude any of the following forms of  
25 income:

- 26 (1) veterans' benefits; and/or
- 27 (2) social security lump sum benefits.

28 (d) The department's standard basic allowance payment shall be set at nine hundred  
29 dollars (\$900).

30 (e) The amount of the contribution which friends or other kindred, except for legally-  
31 liable relatives, may make for upgraded services and merchandise, without affecting eligibility for  
32 the basic allowance, shall be set at one thousand six hundred dollars (\$1,600).

33 (f) Whenever the person having custody of an unclaimed deceased body as specified in  
34 section 23-18.1-1 contacts the department of human services to report the unclaimed body of a

1 deceased person, the department shall deem this referral as an application of payment for funeral  
2 and burial expenses, and the department shall process that application in accordance with the  
3 provisions of this section.

4 (g) In the event that the department determines that the unclaimed deceased body is not  
5 eligible for a vendor payment of reasonable funeral and burial expenses because of the  
6 availability of the decedent's assets, the director of the department may nonetheless authorize the  
7 burial of the person and he or she may notify the specified funeral home of the existence of the  
8 decedent's assets.

9 SECTION 3. Section 40-5-12 of the General Laws in Chapter 40-5 entitled "Support of  
10 the Needy" is hereby repealed.

11 ~~40-5-12. Burial of nonresident paupers. -- Whenever a pauper shall die in a town of~~  
12 ~~which he or she is not an inhabitant, the directors of public welfare thereof shall give him or her a~~  
13 ~~decent burial, the reasonable expense whereof shall be paid by the town to which the pauper~~  
14 ~~belonged.~~

15 SECTION 4. This act shall take effect upon passage on July 1, 2004.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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- 1           This act would make amendments to the Public Assistance Act to clarify the process to
- 2 provide burial for the unclaimed bodies of persons who may die in the state.
- 3           This act would take effect upon passage on July 1, 2004.

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