HOUSE DOCKET, NO. 2518 FILED ON: 1/17/2013

HOUSE . . . . . No. 1991

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to comporting state laws with Department of Defense rules on the disposition of service members' remains.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bradley H. Jones, Jr.	*20th Middlesex*
George N. Peterson, Jr.	*9th Worcester*
Bradford Hill	*4th Essex*
Elizabeth A. Poirier	*14th Bristol*
Viriato Manuel deMacedo	*1st Plymouth*
Donald F. Humason, Jr.	*4th Hampden*
Sheila C. Harrington	*1st Middlesex*
Paul K. Frost	*7th Worcester*
Nicholas A. Boldyga	*3rd Hampden*
Kimberly N. Ferguson	*1st Worcester*
Keiko M. Orrall	*12th Bristol*
Kevin J. Kuros	*8th Worcester*

HOUSE DOCKET, NO. 2518 FILED ON: 1/17/2013

HOUSE . . . . . No. 1991

By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 1991) of Bradley H. Jones, Jr. and others relative to the donation of deceased veterans' bodies or parts for transplantation, therapy, research or education. Public Health.

The Commonwealth of Massachusetts

An Act relative to comporting state laws with Department of Defense rules on the disposition of service members' remains.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 9 of Chapter 113A of the General Laws, as inserted by chapter 39 of the acts of 2012, is hereby amended by striking subsection (a) and replacing it with the following section:—

(a) Subject to subsections (b) and (c) and unless otherwise prohibited by section 7 or 8, an anatomical gift of a decedent's body or part for transplantation, therapy, research or education may be made by any member of any of the following classes of individuals who is reasonably available, in the order of priority as specified below:

(1) person designated by the decedent as authorized to direct disposition pursuant to Public Law No. 109-163, Section 654, as listed on the decedent's United States Department of Defense Record of Emergency Data, DD Form 93, or its successor form, if the decedent died during military service, as provided in 10 USC Section 1481 (a) (1) through (8), in any branch of the United States Armed Forces, United States Reserve Forces, or National Guard;

(2) an agent of the decedent at the time of death who could have made an anatomical gift under clause of section 4 immediately before the decedent's death;

(3) the spouse of the decedent;

(4) an adult child of the decedent;

(5) a parent of the decedent;

(6) an adult sibling of the decedent;

(7) an adult grandchild of the decedent;

20 (8) a grandparent of the decedent;

21 (9) an adult who exhibited special care and concern for the decedent;

22 (10) a person who was acting as a guardian of the person of the decedent at the time of
23 death; and

24 (11) any other person having the authority to dispose of the decedent's body.

25 SECTION 2. Chapter 114 of the General Laws, as appearing in the 2010 Official Edition,
26 is hereby amended by inserting at the end thereof, the following new section:—

27 Section 52. (a) As used in this section, the term "decedent" shall mean a deceased
28 individual, including a stillborn infant or fetus.

29 (b) If a decedent has left no written authorization for the cremation or disposition of the
30 body of the decedent, as permitted by law, the following competent persons, in the order of
31 priority listed below, may authorize the type, method, place, cremation or other disposition of the
32 decedent's body:

33 (1) the person designated by the decedent as authorized to direct disposition pursuant to
34 Public Law No. 109-163, Section 654, as listed on the decedent's United States Department of
35 Defense Record of Emergency Data, DD Form 93, or its successor form, if the decedent died
36 during military service, as provided in 10 USC Section 1481 (a) (1) through (8), in any branch of
37 the United States Armed Forces, United States Reserve Forces, or National Guard;

38 (2) the surviving spouse of the decedent;

39 (3) the surviving adult children of the decedent;

40 (4) the surviving parent(s) of the decedent;

41 (5) the surviving adult sibling of the decedent;

42 (7) an adult grandchild of the decedent;

43 (8) a grandparent of the decedent

44 (9) the guardian of the body of the decedent at the time of death; and

45 (10) any other person authorized or under obligation to dispose of the decedent's body.