

H. B. 4647

(By Delegates C. Miller, Reynolds, Morgan and Craig)
[Introduced February 20, 2012; referred to the
Committee on Government Organization.]

A BILL to amend and reenact §9-5-18 of the Code of West Virginia,
1931, as amended, relating to funeral expenses for indigent
persons; and restricting payments for burial services of
indigents to only those services provided by a funeral
director licensed by West Virginia.

Be it enacted by the Legislature of West Virginia:

That §9-5-18 of the Code of West Virginia, 1931, as amended,
be amended and reenacted to read as follows:

ARTICLE 5. MISCELLANEOUS PROVISIONS.

**§9-5-18. Funeral expenses for indigent persons; filing of
affidavit to certify indigency; penalties for false
swearing; payment by division.**

(a) The Department of Health and Human Resources shall pay for
reasonable funeral service expenses for indigent persons, in an

1 amount not to exceed \$1,250.

2 (b) For purposes of this section, the indigency of a deceased
3 person is determined by the filing of an affidavit with the
4 department, in a form provided by and determined in accordance with
5 the income guidelines as set forth by the department: (1) Signed
6 by the heir or heirs-at-law which states that the estate of the
7 deceased person is pecuniarily unable to pay the costs associated
8 with a funeral; or (2) signed by the county coroner or the county
9 health officer, the attending physician or other person signing the
10 death certificate or the state medical examiner stating that the
11 deceased person has no heirs or that heirs have not been located
12 after a reasonable search and that the deceased person had no
13 estate or the estate is pecuniarily unable to pay the costs
14 associated with a funeral.

15 (c) Payment shall be made by the department to the person or
16 persons who have furnished the services and supplies for the
17 indigent person's funeral expenses or to the persons who have
18 advanced payment for same, as the department may determine,
19 pursuant to appropriations for expenditures made by the Legislature
20 for ~~such~~ that purpose.

21 (d) For purposes of this section, "reasonable funeral service
22 expenses" means expenses for services provided by a West Virginia
23 licensed funeral director for the disposition of human remains.

24 (e) Any person who knowingly swears falsely in an affidavit

1 required by this section ~~shall be~~ is guilty of a misdemeanor and,
2 upon conviction thereof, shall be fined not more than \$1,000 or
3 confined in ~~the county or regional~~ jail for a period of not more
4 than six months, or both.

NOTE: The purpose of this bill is to restrict payments for
burial services of indigents to only those services provided by a
funeral director licensed by West Virginia.

Strike-throughs indicate language that would be stricken from
the present law, and underscoring indicates new language that would
be added.