

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.

- 1 (a) The Department of Health and Human Resources
- 2 shall pay for reasonable funeral service expenses for indigent
- 3 persons, in an amount not to exceed \$1,250.

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

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

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

28 (e) Any person who knowingly swears falsely in an
29 affidavit required by this section ~~shall be~~ is guilty of a
30 misdemeanor and, upon conviction thereof, shall be fined not
31 more than \$1,000 or confined in ~~the county or regional~~ jail
32 for a period of not more 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.