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**COMMITTEE SUBSTITUTE**

**FOR**

**H. B. 2173**

(By Delegates Miller, Reynolds and Morgan)

[Originating in the Committee on Government Organization.]

(February 19, 2013)

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; restricting payments for funeral services to those provided by a funeral director licensed by the state of West Virginia; and restricting payments for burial services to those provided by a person or business entity authorized by West Virginia law.

*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

1 reasonable funeral service expenses or reasonable burial expenses  
2 for indigent persons in an amount not to exceed \$1,250.

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

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

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

1 ~~remains~~ and "reasonable burial expenses" means expenses for burial  
2 services provided by a person or business entity authorized by West  
3 Virginia law to provide burial services.

4 (e) ~~Any~~ A person who knowingly swears falsely in an affidavit  
5 required by this section ~~shall be~~ is guilty of a misdemeanor and,  
6 upon conviction thereof, shall be fined not more than \$1,000 or  
7 confined in ~~the county or regional jail~~ a correctional facility for  
8 a period of not more than six months, or both.