

# Hall of the House of Representatives

87th General Assembly - Regular Session, 2009

## Amendment Form

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### Subtitle of House Bill No. 1409

"AN ACT CONCERNING THE RIGHTS TO CONTROL THE FINAL DISPOSITION OF A  
DECEASED PERSON."

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### Amendment No. 1 to House Bill No. 1409.

Amend House Bill No. 1409 as originally introduced:

Page 1, line 29, delete "governing" and substitute "~~governing~~ specifying"

AND

Page 2, delete lines 29 through 31 and substitute:

"(A) First, a person appointed by the decedent in the decedent's declaration of final disposition executed before his or her death, in accordance with this section;"

AND

Page 3, delete line 29 and substitute:

"the final disposition of the decedent's remains, including without limitation the personal"

AND

Page 4, delete line 2 and substitute:

"(B) In this subdivision, "class" means surviving children, siblings,"

AND

Page 4, delete line 19 and substitute:

"estate to pay such costs at the time the costs become due and payable; and"

AND

Page 4, line 20, delete "the circuit court determines that"

AND

Page 4, delete lines 23 through 26 and substitute:



"(ii)(a) As used in this section, "estranged" means a physical and emotional separation from the decedent at the time of death which has existed for a period of time that clearly demonstrates an absence of due affection, trust, and regard for the decedent;

(b) This shall also include the filing of a complaint for divorce by either party that remains pending at the time of the decedent's death or the separation by living apart of the decedent and spouse for a period of more than ninety (90) days preceding the decedent's death."

AND

Page 5, delete lines 30 through 33 and substitute:

"(iii) If a funeral director brings an action under this section or is made a party to an action concerning the right of disposition of the decedent's remains, either individually or as an agent of any entity, the funeral director may add the legal fees and court costs associated with a petition under this section to the cost of final disposition."

AND

Page 6, delete lines 35 and 36 and substitute:

"(A)(1) If after a good faith effort has been made with no success to contact the individuals listed under this subsection, the funeral director has no knowledge that any of the persons described in subsection (d)(1) of this section exist or if none"

AND

Page 7, delete lines 5 and 6 and substitute:

"within twenty-four (24) hours after receiving written notice of the facts, whichever is longer, but in no event longer than seven (7) days after the date of decedent's death."

The Amendment was read \_\_\_\_\_  
By: Representative McLean  
BPG/BCS - 02-16-2009 15:19  
BPG187

\_\_\_\_\_  
Chief Clerk