



General Assembly

Amendment

February Session, 2012

LCO No. 3314

HB0529903314HDO

Offered by:
REP. HENNESSY, 127th Dist.

To: Subst. House Bill No. 5299 File No. 143 Cal. No. 122

"AN ACT ESTABLISHING A COMMENDATION MEDAL, AN ACHIEVEMENT MEDAL AND THE ORDER OF PRECEDENCE FOR STATE MILITARY DECORATIONS AND AWARDS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 45a-318 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) Any person eighteen years of age or older, and of sound mind,
6 may execute in advance of such person's death a written document,
7 subscribed by such person and attested by two witnesses, either: (1)
8 Directing the disposition of such person's body upon the death of such
9 person, which document may also designate an individual to have
10 custody and control of such person's body and to act as agent to carry
11 out such directions; or (2) if there are no directions for disposition,
12 designating an individual to have custody and control of the
13 disposition of such person's body upon the death of such person. Such
14 disposition shall include, but not be limited to, cremation, incineration,

15 disposition of cremains, burial, method of interment and cryogenic
16 preservation. Any such document may designate an alternate to an
17 individual designated under subdivision (1) or (2) of this subsection.

18 (b) No person may challenge a funeral director's decision to carry
19 out the directions for disposition contained in a document executed for
20 the purposes of subsection (a) or (f) of this section if the funeral
21 director's decision and conduct in carrying out such directions for
22 disposition in reliance on such document was reasonable and
23 warranted under the circumstances.

24 (c) In the absence of a written designation of an individual pursuant
25 to subsection (a) of this section, or in the event that an individual and
26 any alternate designated pursuant to subsection (a) of this section
27 decline to act or cannot be located within forty-eight hours after the
28 time of death or the discovery of the body, the following individuals,
29 in the priority listed, shall have the right to custody and control of the
30 disposition of a person's body upon the death of such person, subject
31 to any directions for disposition made by such person pursuant to
32 subdivision (1) of subsection (a) of this section:

33 (1) The deceased person's spouse, unless such spouse abandoned
34 the deceased person prior to the deceased person's death or has been
35 adjudged incapable by a court of competent jurisdiction;

36 (2) The deceased person's surviving adult children;

37 (3) The deceased person's surviving parents;

38 (4) The deceased person's surviving siblings;

39 (5) Any adult person in the next degree of kinship in the order
40 named by law to inherit the deceased person's estate, provided such
41 adult person shall be of the third degree of kinship or higher;

42 (6) Such adult person as the Probate Court shall determine.

43 (d) A document executed by a person for the purposes of subsection

44 (a) or (f) of this section shall revoke any document previously executed
45 by such person for the purposes of said subsection or any prior
46 cremation authorization or other authorization for the disposition of
47 remains executed by such person. [and]

48 (e) A document executed by a person for the purposes of subsection
49 (a) of this section may be in substantially the following form, but the
50 use of such form shall not preclude the use of any other form:

51 DISPOSITION OF REMAINS AND
52 APPOINTMENT OF AGENT

53 I, ..., of ..., being of sound mind, make known that upon my death
54 my body shall be disposed of in the following manner:

55 (Insert desired disposition directions)

56 I appoint ..., having an address and telephone number of ..., to
57 have custody and control of my body to act as my agent to carry out
58 the disposition directions expressed in this document, and in the
59 absence of disposition directions, to have custody and control of my
60 body and to determine the disposition of my body. If ... shall decline
61 to act or cannot be located within forty-eight hours of my death or the
62 discovery of my body, then ..., having an address and telephone
63 number of ..., shall act in that person's place and stead.

64 Executed at (insert location of execution), Connecticut on (insert
65 date of execution).

66

67 (Signature)

68 Signed in our presence by ... who, at the time of the execution of
69 this document, appeared to be of sound mind and over eighteen years
70 old.

71 ... of ...

72

73 (Signature of witness)

74 of

75

76 (Signature of witness)

77 (f) A DD Form 93, "Record of Emergency Data", executed by a
78 member of the armed forces of the state or the United States shall be
79 given the same legal effect as a document executed for the purposes of
80 subsection (a) of this section.

81 ~~[(e)]~~ (g) The court of probate for the district of the domicile or
82 residence of a deceased person shall have jurisdiction to hear and
83 decide any issue regarding the custody, control or disposition of the
84 deceased person's body, upon the petition of any individual
85 designated by the deceased person pursuant to subsection (a) or (f) of
86 this section, the individual entitled to custody and control under
87 subsection (c) of this section if no designation is made pursuant to
88 subsection (a) of this section, the first selectman, chief executive officer
89 or director of health of the town in which the deceased person's body
90 is being held, or the funeral director or any other person or institution
91 holding the deceased person's body, and upon such notice to
92 interested parties as the court shall determine.

93 ~~[(f)]~~ (h) This section shall not (1) apply to the disposition of the body
94 of a deceased person under the provisions of sections 19a-270 and 54-
95 102, (2) affect the powers and duties of the Chief Medical Examiner
96 under the provisions of sections 19a-406 to 19a-408, inclusive, or (3)
97 affect the making of anatomical gifts under the provisions of sections
98 14-42 and 19a-289 to 19a-289v, inclusive."

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	45a-318
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