



Senate Bill No. 848

Public Act No. 19-57

AN ACT CONCERNING FUNERAL SERVICE CONTRACTS AND CEMETERIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 42-207 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2020*):

An irrevocable funeral service contract may be entered into in which the amount held in escrow or a death benefit payable under an individual or group life insurance policy may be disbursed only upon the death of the beneficiary, provided such a contract does not exceed [eight] ten thousand dollars and all interest, growth or dividends accumulates to the escrow account or insurance policy and are inaccessible to the beneficiary. Such irrevocable funeral service contract may be transferred from one funeral service establishment to another upon request of the beneficiary or a legal representative of the beneficiary. The purchase of an irrevocable funeral service contract shall not preclude an individual from purchasing other funeral service contracts that are revocable, provided any such revocable funeral service contract purchased by a Medicaid beneficiary may be revoked only upon written notice by the Medicaid beneficiary to the Commissioner of Social Services. An irrevocable funeral service contract shall provide that, upon the death of the beneficiary, the state

Senate Bill No. 848

of Connecticut shall receive any amounts remaining after performance of the contract, up to (1) the total amount of medical assistance paid by the state of Connecticut on behalf of the beneficiary that is recoverable under 42 USC 1396p, and (2) the total amount of all other forms of public assistance paid by the state of Connecticut on behalf of the beneficiary or his or her dependent child. The funeral service establishment providing services under such a contract shall make payment of such remaining funds to the Commissioner of Social Services not later than sixty days after all services have been performed under such contract. If a funeral service establishment pays such remaining amount to any person other than the Commissioner of Social Services, the funeral service establishment shall be liable to said commissioner for repayment of such amount.

Sec. 2. Section 19a-312 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2019*):

[(a) No crypt or room in any mausoleum not privately owned, or niche in a columbarium not so owned, shall be sold or offered for sale, until such structure is entirely completed.]

[(b)] (a) There shall be established and maintained a fund for the perpetual care and maintenance of each [such] mausoleum and columbarium, by applying in the case of a mausoleum not less than the sum of one hundred dollars from the proceeds received from the sale of each crypt and ten per cent of the proceeds received from the sale of each room; and in case of niches in a mausoleum or columbarium, used as a repository for the remains of deceased persons after cremation, a sum which shall be equivalent to ten per cent of the sale price of each niche. If sales of crypts or rooms in any such mausoleum, or sales of niches in any such mausoleum or columbarium, are made upon a partial payment plan, there shall be set apart and applied to said maintenance fund from each such payment such proportion thereof as the number of partial payments bears to the total amount of

Senate Bill No. 848

the sum required to be set aside for such fund.

[(c)] (b) When any mausoleum, vault, crypt or structure containing one or more deceased human bodies, in the opinion of the Department of Public Health, becomes a menace to public health, and the owner or owners thereof fail to remedy or remove the same to the satisfaction of said department, any court of competent jurisdiction may order the person, firm or corporation owning such structure to remove the deceased body or bodies for interment in some suitable cemetery at the expense of the person, firm or corporation owning such mausoleum, vault or crypt. If no such person, firm or corporation can be found in the county where such mausoleum, vault or crypt is located, such removal and interment shall be at the expense of the cemetery, city or town within which such mausoleum, vault or crypt is located, or of the cemetery association in charge of any such cemetery.

[(d)] (c) Any cemetery or mausoleum maintained or constructed contrary to the provisions of this chapter shall be deemed a public nuisance and may be enjoined in an action brought by any taxpayer of this state.

Sec. 3. Section 19a-311 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

Such structure shall be erected under the supervision of an inspector to be appointed by the Department of Public Health, which shall determine the amount of his compensation, such compensation to be paid by the person erecting the same. No vault, crypt, niche, mausoleum, columbarium or structure, and no addition or alteration thereof, shall be used for the purpose of interring therein any body until the person, firm or corporation operating such structure has obtained from said department a certificate, signed by the Commissioner of Public Health, certifying that the plans and specifications filed pursuant to the provisions of section 19a-310 have

Senate Bill No. 848

been complied with, and that the requirements for a maintenance fund provided for in subsection [(b)] (a) of section 19a-312, as amended by this act, have been complied with, which certificate shall be filed in the office of the town clerk of the town wherein the community mausoleum is located, provided a columbarium which is used solely as a repository for the remains, after cremation of deceased persons and is located on the premises of any religious society or corporation shall not be subject to the provisions of this section.

Approved July 3, 2019