



Senate

General Assembly

File No. 76

January Session, 2019

Senate Bill No. 848

Senate, March 19, 2019

The Committee on General Law reported through SEN. FONFARA of the 1st Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING FUNERAL SERVICE CONTRACTS AND CEMETERIES.

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

1 Section 1. Section 42-207 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2019*):

3 An irrevocable funeral service contract may be entered into in which
4 the amount held in escrow or a death benefit payable under an
5 individual or group life insurance policy may be disbursed only upon
6 the death of the beneficiary [, provided such a contract does not exceed
7 eight thousand dollars] and all interest, growth or dividends
8 accumulates to the escrow account or insurance policy and are
9 inaccessible to the beneficiary. Such irrevocable funeral service
10 contract may be transferred from one funeral service establishment to
11 another upon request of the beneficiary or a legal representative of the
12 beneficiary. The purchase of an irrevocable funeral service contract
13 shall not preclude an individual from purchasing other funeral service
14 contracts that are revocable, provided any such revocable funeral
15 service contract purchased by a Medicaid beneficiary may be revoked

16 only upon written notice by the Medicaid beneficiary to the
17 Commissioner of Social Services.

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 Section 19a-312 of the general statutes is repealed and the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

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

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

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

49 cemetery association in charge of any such cemetery.

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

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

56 Such structure shall be erected under the supervision of an inspector
 57 to be appointed by the Department of Public Health, which shall
 58 determine the amount of his compensation, such compensation to be
 59 paid by the person erecting the same. No vault, crypt, niche,
 60 mausoleum, columbarium or structure, and no addition or alteration
 61 thereof, shall be used for the purpose of interring therein any body
 62 until the person, firm or corporation operating such structure has
 63 obtained from said department a certificate, signed by the
 64 Commissioner of Public Health, certifying that the plans and
 65 specifications filed pursuant to the provisions of section 19a-310 have
 66 been complied with, and that the requirements for a maintenance fund
 67 provided for in subsection [(b)] (a) of section 19a-312, as amended by
 68 this act, have been complied with, which certificate shall be filed in the
 69 office of the town clerk of the town wherein the community
 70 mausoleum is located, provided a columbarium which is used solely
 71 as a repository for the remains, after cremation of deceased persons
 72 and is located on the premises of any religious society or corporation
 73 shall not be subject to the provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2019</i>	42-207
Sec. 2	<i>July 1, 2019</i>	19a-312
Sec. 3	<i>October 1, 2019</i>	19a-311

GL *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

The bill, which eliminates: (1) the \$8,000 cap on the maximum allowable death benefit of an irrevocable funeral service contract, and (2) a prohibition on selling crypts/rooms in a public columbarium before the structures are completed, does not result in a fiscal impact the State or municipalities.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**SB 848*****AN ACT CONCERNING FUNERAL SERVICE CONTRACTS AND CEMETERIES.*****SUMMARY**

This bill eliminates the \$8,000 cap on the maximum allowable amount of an irrevocable funeral service contract (see BACKGROUND).

The bill also eliminates the prohibition on selling crypts or rooms in a public mausoleum or niches in a public columbarium before the structures are completed. By law, columbaria and mausolea, subject to Department of Public Health and land use controls, may be operated by municipalities, ecclesiastical societies, or cemetery associations or corporations in established cemeteries.

EFFECTIVE DATE: July 1, 2019, except a conforming change is effective October 1, 2019.

BACKGROUND***Funeral Service Contracts***

A funeral service contract is a contract requiring compensation in exchange for funeral, burial, or related services or items which are not immediately needed. Compensation may be paid as money, the delivery of securities, or the assignment of a life insurance policy's death benefit. These contracts are sometimes referred to as "prepaid" or "pre-need" funeral service contracts because the individual is paying for services to be provided in the future.

COMMITTEE ACTION

General Law Committee

Joint Favorable

Yea 16 Nay 0 (03/05/2019)