



General Assembly

**Amendment**

January Session, 2019

LCO No. 10111



Offered by:

SEN. FONFARA, 1<sup>st</sup> Dist.

SEN. WITKOS, 8<sup>th</sup> Dist.

To: Senate Bill No. 848

File No. 76

Cal. No. 63

**"AN ACT CONCERNING FUNERAL SERVICE CONTRACTS AND CEMETERIES."**

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

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 Section 42-207 of the general statutes is repealed and the  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

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

15 shall not preclude an individual from purchasing other funeral service  
16 contracts that are revocable, provided any such revocable funeral  
17 service contract purchased by a Medicaid beneficiary may be revoked  
18 only upon written notice by the Medicaid beneficiary to the  
19 Commissioner of Social Services. An irrevocable funeral service  
20 contract shall provide that, upon the death of the beneficiary, the state  
21 of Connecticut shall receive any amounts remaining after performance  
22 of the contract, up to (1) the total amount of medical assistance paid by  
23 the state of Connecticut on behalf of the beneficiary that is recoverable  
24 under 42 USC 1396p, and (2) the total amount of all other forms of  
25 public assistance paid by the state of Connecticut on behalf of the  
26 beneficiary or his or her dependent child. The funeral service  
27 establishment providing services under such a contract shall make  
28 payment of such remaining funds to the Commissioner of Social  
29 Services not later than sixty days after all services have been  
30 performed under such contract. If a funeral service establishment pays  
31 such remaining amount to any person other than the Commissioner of  
32 Social Services, the funeral service establishment shall be liable to said  
33 commissioner for repayment of such amount.

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

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

39 [(b)] (a) There shall be established and maintained a fund for the  
40 perpetual care and maintenance of each [such] mausoleum and  
41 columbarium, by applying in the case of a mausoleum not less than the  
42 sum of one hundred dollars from the proceeds received from the sale  
43 of each crypt and ten per cent of the proceeds received from the sale of  
44 each room; and in case of niches in a mausoleum or columbarium,  
45 used as a repository for the remains of deceased persons after  
46 cremation, a sum which shall be equivalent to ten per cent of the sale  
47 price of each niche. If sales of crypts or rooms in any such mausoleum,

48 or sales of niches in any such mausoleum or columbarium, are made  
49 upon a partial payment plan, there shall be set apart and applied to  
50 said maintenance fund from each such payment such proportion  
51 thereof as the number of partial payments bears to the total amount of  
52 the sum required to be set aside for such fund.

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

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

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

72 Such structure shall be erected under the supervision of an inspector  
73 to be appointed by the Department of Public Health, which shall  
74 determine the amount of his compensation, such compensation to be  
75 paid by the person erecting the same. No vault, crypt, niche,  
76 mausoleum, columbarium or structure, and no addition or alteration  
77 thereof, shall be used for the purpose of interring therein any body  
78 until the person, firm or corporation operating such structure has  
79 obtained from said department a certificate, signed by the

80 Commissioner of Public Health, certifying that the plans and  
 81 specifications filed pursuant to the provisions of section 19a-310 have  
 82 been complied with, and that the requirements for a maintenance fund  
 83 provided for in subsection [(b)] (a) of section 19a-312, as amended by  
 84 this act, have been complied with, which certificate shall be filed in the  
 85 office of the town clerk of the town wherein the community  
 86 mausoleum is located, provided a columbarium which is used solely  
 87 as a repository for the remains, after cremation of deceased persons  
 88 and is located on the premises of any religious society or corporation  
 89 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>January 1, 2020</i>	42-207
Sec. 2	<i>July 1, 2019</i>	19a-312
Sec. 3	<i>October 1, 2019</i>	19a-311