

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 2916 - HB 3300

February 5, 2012

SUMMARY OF BILL: Defines “Disposition directions,” “qualified adult,” and “right of disposition” relative to funerals and funeral services. Authorizes a qualified adult to execute disposition directions or a pre-need funeral contract to direct the location, manner, and conditions of disposition of such adult’s remains. Prohibits cancellation or substantial revision of disposition directions or a pre-need funeral contract unless the action has been ordered by a person authorized by the decedent to do so in the directions or contract, or if insufficient funds are available to fund the directions or contract. Establishes the order for the right to control the disposition of a decedent’s remains in the absence of directions or a contract. Directs that a funeral establishment is not liable for refusing to dispose of a decedent’s remains in the event of a dispute regarding the right of disposition. Authorizes a funeral establishment to add legal fees and court costs when bringing a legal action. Authorizes a funeral establishment to carry out the instructions of a person the establishment reasonably believes to hold the right of disposition.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Based upon information provided by the Department of Commerce and Insurance and the Board of Funeral Directors and Embalmers (Board), this bill will not create any additional responsibilities for the Department. As a result, the fiscal impact to state government is estimated to be not significant.
- Pursuant to Tenn. Code Ann. § 4-3-1011, all regulatory boards are required to be self-supporting over a two-year period. The Board had closing balances of \$327,719 in FY10-11 and \$430,277 in FY09-10.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise".

Lucian D. Geise, Executive Director

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