CT Funeral Directors Association
130th Annual Convention
2018 Legislative & Legal Summary
Presented by Mike Dugan & John McHugh
December 6, 2018
Topics

- Custody & Control of a Decedent’s Body
- Increase in Cremation & Burial Permits
- Access to Death Certificate & FH Inspections
- McAllister Institute 2.0
- Sale of Abandoned or Unused Cemetery Lots
- Unauthorized Practice of Elder Law
- Disposition Notice to Parents of a Fetal Death
2018 Legislation of Interest
Custody & Control of a Decedent’s Body

SB 467 (PA 18-153) – Effective July 1, 2018

- CFDA’s top priority addressing three major issues:
  - First, prohibits the cancellation or substantially revising funeral service contracts and pre-arrangements of the decedent by the next of kin unless:
    - There are insufficient funds set aside and
    - The probate court approves the cancellation or revision
Custody & Control of a Decedent’s Body

SB 467 (PA 18-153) – Effective July 1, 2018 (cont’d)

Second, establishes procedures for funeral directors when disputes arise regarding final disposition. Permits funeral directors:

- To preserve and shelter a decedent’s remains;
- To carry out the disposition instructions of the individual the funeral director reasonably believes holds final disposition rights;
- Specifies funeral directors aren’t responsible to contact or required to investigate the existence of any next of kin of the decedent;
- When more than one person has equal disposition rights the funeral director can act on the instructions of the first person to make arrangements provided no person with equal disposition rights has provided written notice to the contrary; and
- To add to the final disposition costs, legal fees for petitioning the court or preserving remains during a dispute.
Custody & Control of a Decedent’s Body

+ SB 467 (PA 18-153) – Effective July 1, 2018 (cont’d)
  - Third, establishes an immunity clause:
    - A funeral director shall be presumed to have acted reasonably when relying in good faith upon the instructions of a person claiming to have the final rights of disposition of the decedent.
Increase in Cremation & Burial Permits

+ HB 5591 (PA 18-136) – *Effective July 1, 2018*
  - Increases numerous municipal fees which have not been increased in several decades.
  - Of interest to CFDA, the burial and cremation permits will increase from $3 to $5.
  - These fees were last increased in 1989.
Access to Death Certs & FH Inspections

**HB 5163 (PA 18-168) – Effective October 1, 2018**

- **Section 30 to 33:**
  - Replaces the term “inspection certificate” with “funeral home license” in statute.
  - Decreases the frequency of DPH inspections of funeral homes from annually to at least once every three years.

- **Section 6:**
  - Permits any adult to access all data (with the exception of the SSN) on death certs for death occurring on or after July 1, 1997.
  - Death certs with SSN shall be accessible only to: the informant, licensed funeral director, licensed embalmer, conservator, surviving spouse, physician, town clerk, next of kin or any state or federal agencies authorized by law.
McAllister Institute 2.0

+ HB 5429 (PA 18-25) – *Effective on May 29, 2018*

- Prior to the passage of PA 18-25, Funeral Directors with invalid exam score had until October 1, 2018 to retake and pass the exam.

- Under section of 9 of PA 18-25, if a Funeral Director fails to retake the exam by October 1, 2018, they must complete 45-hours (in addition to the six hours required annually) of continuing education by July 1, 2019. Failure to retake and pass the exam or meet the continuing education requirements will result in the loss of licensure.
Sale of Abandon Cemetery Lots

SB 432 (PA 18-87) – Applicable to burial plot contracts entered into on or after July 1, 2018

The bill reduces:

- From 10 years to one year that assessments on a burial plot must remain unpaid before a cemetery may sell the unused portion of the plot;
- From one year to six months parties have to resolve their delinquency; and
- From three to one the number of legal notices that a cemetery must place in a newspaper if the can’t locate the individual.
Legislation of Interest that Failed
Unauthorized Practice of Elder Law

+ **SB 470 – An Act Concerning the Unauthorized Practice of Law**
  - Introduced in the Judiciary Committee at the request of elder law attorneys
  - Sought to prohibit non-lawyers from providing advice to individuals about:
    - Advance directives
    - The need for conservatorships
    - Medicaid coverage
    - Assets, eligibility and application as well as other aspects of pre-planning
  - Judiciary took no action on the bill after the hearing.
Disposition Notice to Parents of a Fetal Death

- **SB 298 – An Act Concerning Burial and Cremation in Cases of Spontaneous Fetal Demise** - *Died in Public Health Cmte*

- **SB 325 – An Act Requiring a Study of Adequacy of Certain Notice Provided to Mothers of Stillborn Fetuses**
  - These proposals sought to ensure that parents received notice of their disposition rights and time to make a decision on stillborn fetus which died after a gestation period of 20-weeks or more.
  - SB 325 failed to be acted upon by the Senate. This issue may be reintroduced during the 2019 session.
A Look Forward into 2019

- Long Session Jan. 9th – June 5th
- New Administration
  - New Commissioners & Deputy Commissioner
- Potentially many new committee chairs
- Another Multi-Billion Dollar Budget Deficit on the horizon
- Democrats Make Significant Gains in General Assembly
2018 Elections Results
Blue Wave

- Democrats Run the Table
  - Governor
  - General Assembly – 17 seat pick-up
  - Constitutional Officers
    - Secretary of the State – Denise Merrill
    - Treasurer – Shawn Wooden
    - Comptroller – Kevin Lembo
    - Attorney General – William Tong
  - U.S. Senate – Chris Murphy
  - All Congressional Seats
    - Jahana Hayes (D) Wins CT-5
### Governor Election Results

<table>
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<tr>
<th>Candidate</th>
<th>Party</th>
<th>Votes</th>
<th>Per.</th>
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<tbody>
<tr>
<td>Ned Lamont</td>
<td>Democrat</td>
<td>687,940</td>
<td>49.2%</td>
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<tr>
<td>Bob Stefanowski</td>
<td>Republican</td>
<td>647,772</td>
<td>46.3%</td>
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<td>Oz Griebel</td>
<td>Independent</td>
<td>54,490</td>
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<td>Rodney Hanscomb</td>
<td>Libertarian</td>
<td>6,426</td>
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<tr>
<td>Mark Greenstein</td>
<td>Independent</td>
<td>1,292</td>
<td>0.1%</td>
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1,307,929 votes, 100% reporting (715 of 715 precincts)

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State Senate

**Facts:**
- Before the Election Senate tied 18 to 18
- 5 seat pick up for the Democrats
- 23 Democrats to 13 Republicans
  - Republican Incumbents that Lost:
    - Toni Boucher (R) lost to Will Haskell (D)
    - Mike McLachlan (R) lost to Julie Kushner (D)
    - Len Suzio (R) lost to Mary Abrams (D)
    - Scott Frantz (R) lost to Alexandra Bergstein (D) - 1930
  - Republican Open Seat
    - Melissa Ziobron (R) lost to Norm Needleman (D)
State Senate

Facts:
- Democrats took 5 of 7 open seats
- Every Democrat that sought re-election won (14/14)
- Republican incumbents seeking re-election went 11/15
- 11 Freshmen Senators out of 36 seats
- Democrat caucus has 10 women to 13 men
- Republican caucus has 1 woman to 12 men
State House

**Facts:**
- Before the Election House split 80 Democrats to 71 Republicans
- After the 92 to 59 in favor of the Democrats
- 12* seat pick up for Democrats
- Democrats win Greenwich House seat
  - Mike Bocchino (R) lost Stephen Mesker (D) - 1912
- No incumbent Democrats lost 68 for 68
- 11 incumbent Republicans lost 53 for 64
- In 19 open seats – 14 won by Democrats
- 30 Freshman House members. 24 Democrats and 6 Republicans
- Women members went from 42 to 52.
General Assembly Leaders

+ State House:
  + Speaker Aresimowicz (D-Berlin & Southington)
  + Majority Leader Ritter (D-Hartford)
  + Minority Leader Klarides (R-Derby, Orange & Woodbridge)

+ State Senate
  + President Pro Tempore Looney (D-New Haven, Hamden & North Haven)
  + Majority Leader Duff (D-Norwalk & Darien)
  + Minority Leader Fasano (R-Durham, East Haven, North Haven & Wallingford)
Questions?