

By: Senator(s) Kirby

To: Insurance

SENATE BILL NO. 2599

1 AN ACT TO PROVIDE THAT CERTAIN PRE-NEED CEMETERY AND FUNERAL
2 CONTRACTS OVERRULE THE CONFLICTING WISHES OF THE DECEDENT'S NEXT
3 OF KIN; TO PROVIDE THAT CONTRACT PROVIDERS SHALL HAVE THE RIGHT TO
4 RELY ON THE PRE-NEED CONTRACT AND PERFORM ITS OBLIGATIONS; AND FOR
5 RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** (1) Any pre-need contract which is executed by
8 the decedent for his own arrangements and is fully funded
9 overrules, following the decedent's death, the conflicting wishes
10 of the decedent's next of kin, unless a compelling public interest
11 makes it impossible to comply with a decedent's directions in a
12 pre-need contract or the decedent did not make conflicting
13 provisions regarding funeral matters in a subsequently executed
14 last will and testament.

15 (2) The provisions of this section shall not prevent the
16 decedent's next of kin or surviving heirs at law from, at their
17 own expense, pursuing reasonable services and making reasonable
18 arrangements that do not conflict with the decedent's directions
19 in a pre-need contract.

20 (3) All contract providers shall have the right to rely on
21 the pre-need contract and perform obligations in accordance with
22 the pre-need contract. There shall be no liability for any
23 contract provider who in good faith performs his obligations
24 pursuant to the pre-need contract, provided the pre-need contract
25 is in compliance with Section 75-63-51 et seq. and any rules
26 promulgated thereunder.

27 **SECTION 2.** This act shall take effect and be in force from
28 and after July 1, 2004.