

By: Senator(s) Kirby

To: Insurance

SENATE BILL NO. 2599
(As Sent to Governor)

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.

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

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

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