

By: Representative Hines

To: Public Health and Human Services

HOUSE BILL NO. 38

1 AN ACT TO REQUIRE RESIDENTS OF CERTAIN LONG-TERM CARE
 2 FACILITIES WHO ARE SIXTY YEARS OF AGE OR OLDER TO OBTAIN A PRENEED
 3 CONTRACT THAT PROVIDES SERVICES, MERCHANDISE OR BOTH IN CONNECTION
 4 WITH THE FINAL DISPOSITION OF THE RESIDENT'S BODY AFTER HIS OR HER
 5 DEATH, WITHIN SIX MONTHS AFTER BEING ADMITTED TO THE FACILITY; TO
 6 REQUIRE RESIDENTS OF THOSE FACILITIES ON JULY 1, 2024, WHO DO NOT
 7 HAVE A PRENEED CONTRACT TO OBTAIN A PRENEED CONTRACT NOT LATER
 8 THAN DECEMBER 31, 2024; TO PROHIBIT FACILITIES FROM REFUSING TO
 9 ADMIT PERSONS OR TAKING ADVERSE ACTIONS AGAINST RESIDENTS BECAUSE
 10 THEY DO NOT HAVE A PRENEED CONTRACT; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** (1) Each resident of a nursing facility,
 13 assisted living facility, personal care home or adult foster care
 14 facility licensed under Chapter 11, Title 43, Mississippi Code of
 15 1972, who is sixty (60) years of age or older shall obtain a
 16 preneed contract meeting the requirements of the Preneed Cemetery
 17 and Funeral Registration Act (Sections 75-63-51 through 75-63-81)
 18 which provides services, merchandise or both in connection with
 19 the final disposition of the resident's body after his or her
 20 death, within six (6) months after being admitted to the facility.
 21 If a resident does not obtain a preneed contract within the time
 22 required by this section, the facility must purchase a preneed



23 contract for the resident and add the cost of purchasing the
24 preneed contract to the regular charges to the resident by the
25 facility.

26 (2) Any resident of a facility described in subsection (1)
27 of this section on July 1, 2024, who is sixty (60) years of age or
28 older, who was admitted to the facility before July 1, 2024, and
29 who does not have a preneed contract meeting the requirements of
30 this section must obtain a preneed contract not later than
31 December 31, 2024, or the facility shall purchase a preneed
32 contract for the resident as provided in this section.

33 (3) A nursing facility, assisted living facility, personal
34 care home or adult foster care facility may not refuse to admit a
35 person to the facility because the person does not have a preneed
36 contract before becoming a resident of the facility and may not
37 take any adverse action against a resident of a facility because
38 the person does not obtain a preneed contract while a resident of
39 the facility. The State Department of Health shall enforce the
40 provisions of this subsection.

41 **SECTION 2.** This act shall take effect and be in force from
42 and after July 1, 2024.

