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## FISCAL IMPACT REPORT

SPONSOR Park ORIGINAL DATE 02/18/11  
LAST UPDATED \_\_\_\_\_ HB 249  
SHORT TITLE Funeral Home Holding Body Regulations SB \_\_\_\_\_  
ANALYST Sanchez, C.

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY11	FY12		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

#### Responses Received From

Attorney General's Office (AGO)  
Regulation and Licensing Department (RLD)

### SUMMARY

#### Synopsis of Bill

House Bill 249 makes semantic changes to Section 61-32-24 of the Thanatopractice Act.

The amendment to section 61-32-24(B)(5) allows the board to take disciplinary action against an applicant or licensee for refusing to properly release a dead human body "whether or not" the authorized cost has been paid.

### FISCAL IMPLICATIONS

No significant fiscal impact is identified.

### SIGNIFICANT ISSUES

The bill gives the Thanatopractice Board the authority to prosecute funeral homes for not releasing a body to the custody of the person or entity that has legal right regardless of fees paid or not.

According to the Attorney General's Office (AGO) under this bill a funeral home releasing a dead body, while payment is still due, will have to resort to other laws to recover payment.

### TECHNICAL ISSUES

Section 1, amends section 61-32-24(B) (5) as follows: "(5) violation of [~~any of~~] the provisions of the Thanatopractice Act or [~~any~~] a rule of the board."

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According to the AGO, the section deals with violations of the law and should use a definite or indefinite pronoun, but not both in the same sentence; for the sake of uniformity, (see section 6 “violation of any local, state or federal law) section 5 as amended should read instead: violation of [~~any of~~] any provision[s] of the Thanatopractice Act or [~~any~~] any rule of the board;

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status Quo

CS/mew