

**Study Guide
Embalmer/Funeral Director
Jurisprudence Examination**

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Connecticut General Statutes
Chapter 385
Embalmers and Funeral Directors

Sec. 20-207. Definitions. As used in this chapter, unless the context otherwise requires, the following terms shall have the meanings specified:

- (1) "Board" means the Connecticut Board of Examiners of Embalmers and Funeral Directors;
- (2) "Person" means an individual or corporation, but not a partnership;
- (3) "Funeral directing" means the business, practice or profession, as commonly practiced, of (A) directing or supervising funerals, or providing funeral services; (B) handling or encasing or providing services for handling and encasing dead human bodies, otherwise than by embalming, for burial or disposal; (C) providing embalming services; (D) providing transportation, interment and disinterment of dead human bodies; (E) maintaining an establishment so located, constructed and equipped as to permit the decent and sanitary handling of dead human bodies, with suitable equipment in such establishment for such handling, and (F) conducting an establishment from which funerals may be held;
- (4) "Funeral director" means any person engaged or holding himself out as engaged in funeral directing whether or not he uses in connection with his name or business the words "funeral director," "undertaker" or "mortician" or any other word or title intended to designate him as a funeral director or mortician or as one so engaged;
- (5) "Funeral service business" means the business, practice or profession of funeral directing;
- (6) "Licensed embalmer" means an embalmer holding a license as provided in this chapter;
- (7) "Licensed funeral director" means a funeral director holding a license as provided in this chapter;
- (8) "Student embalmer" means a person studying embalming and registered with the Department of Public Health as an apprentice pursuant to the provisions of this chapter;
- (9) "Student funeral director" means a person studying the funeral service business and registered with the Department of Public Health as an apprentice pursuant to the provisions of this chapter;
- (10) "Full-time employment" means regular and steady work during the normal working hours by any person at the establishment at which he is employed; and
- (11) "Manager" means an individual who (A) is licensed as an embalmer or funeral director pursuant to this chapter and (B) has direct and personal responsibility for the daily operation and management of a funeral service business.

Sec. 20-208. Examining board. (a) The board shall consist of five members, who shall be residents of the state, three of whom shall be practical arterial embalmers, shall be actively engaged in the practice of embalming at the time of their respective appointments and shall be licensed embalmers as hereinafter provided; and two of whom shall be public members. The Governor shall appoint the members of said board in accordance with the provisions of section 4-9a. Any vacancy in said board shall be filled by the Governor for the unexpired portion of the term. No member of said board shall be an elected or appointed officer of any professional association of embalmers or funeral directors or have been such an officer during the year immediately preceding his appointment. The Governor shall appoint a chairperson from among such members. No member shall serve for more than two full consecutive terms commencing after July 1, 1980. Members shall not be compensated for their services.

(b) Said board shall meet at least once during each calendar quarter and at such other times as the chairman deems necessary. Special meetings shall be held on the request of a majority of the board after notice in accordance with the provisions of section 1-225. A majority of the members of the board shall constitute a quorum. Any member who fails to attend three consecutive meetings or who fails to attend fifty per cent of all meetings held during any calendar year shall be deemed to have resigned from office. Minutes of all meetings shall be recorded by the board. No member shall participate in the affairs of the board during the pendency of any disciplinary proceedings by the board against such member.

Sec. 20-209. Powers and duties. Oath. Section 20-209 is repealed.
(1949 Rev., S. 4526; 1951, June, 1955, S. 2248d; P.A. 77-614, S. 432, 610; P.A. 80-484, S. 175, 176.)

Sec. 20-209a. Duties of board. The Board of Examiners of Embalmers and Funeral Directors shall (1) hear and decide matters concerning suspension or revocation of licensure, (2) adjudicate complaints filed against practitioners licensed under this chapter and (3) impose sanctions where appropriate.

Sec. 20-210. Compensation of members; secretary. Section 20-210 is repealed.

Sec. 20-211. Regulations. The Commissioner of Public Health, with advice and assistance from the board, shall from time to time adopt regulations for the purpose of carrying out the board's duties.

Sec. 20-211a. Reciprocal agreements waiving apprenticeships. The Connecticut Board of Examiners of Embalmers and Funeral Directors may, upon the affirmative vote of a majority of its members, enter into an agreement with the corresponding licensing authority of any other state competent to enter into such agreement which agreement shall be in substantially the following form: "We, the undersigned representatives of the various states, by and through their respective licensing authorities, hereby jointly agree that a person duly registered and licensed as a funeral director or embalmer in either one of the several states may be licensed as a funeral director or embalmer in the other state upon payment of the appropriate license fee without the necessity of completing an apprenticeship period."

Sec. 20-212. Embalming, care and disposal of bodies restricted. No person, except a licensed embalmer, shall inject any fluid or substance into any dead human body, except that a registered student embalmer may, even if not in the presence of a licensed embalmer, make such injection or perform any other act under his instruction; and no person, firm or corporation shall enter, engage in, carry on or manage for another the business of caring for, preserving or disposing of dead human bodies until each person, firm or corporation so engaged has obtained from the Department of Public Health and holds a license as provided in this chapter; nor shall any person be employed to remove a dead human body, except a licensed embalmer, a registered student embalmer, a licensed funeral director, or a person authorized in each instance by the Chief Medical Examiner, Deputy Medical Examiner or assistant medical examiner incidental to examining the body of a deceased person, except that once a dead human body has been prepared in accordance with the Public Health Code and the applicable provisions of the general statutes, an embalmer or funeral director licensed in this state may authorize an unlicensed employee to transport such body. Nothing in this section shall be construed to affect any provision of section 7-70. Nothing in this section shall be construed to prohibit any person licensed as an embalmer or as a funeral director under the laws of another state from bringing into or removing from this state a dead human body, provided any and all other laws of this state relative to such body have been complied with.

Sec. 20-213. Embalmer's license. Examination. Fee. Out-of-state licensees. (a) After a student embalmer has completed a program of education in mortuary science approved by the board with the consent of the Commissioner of Public Health, has successfully completed an examination prescribed by the department with the consent of the board and has completed one year of practical training and experience in full-time employment under the personal supervision and instruction of an embalmer licensed under the provisions of this chapter, such training and experience to be in the state of Connecticut and of a grade and character satisfactory to the commissioner, and has embalmed fifty human bodies under the supervision of a licensed embalmer or embalmers, he shall submit to the department an application and fee of two hundred and ten dollars and then be examined in writing on the Connecticut public health laws and the regulations of the Department of Public Health pertaining to the activities of an embalmer, and shall take an examination in practical embalming which shall include an actual demonstration upon a cadaver. When such registered student embalmer has satisfactorily passed said examinations, said department shall issue to him a license to practice embalming. At the expiration

of such license, if the holder thereof desires a renewal, the department shall grant it pursuant to section 20-222a except for cause.

(b) Examinations for registration as a student embalmer and for an embalmer's license shall be administered to applicants by the Department of Public Health, under the supervision of the board, semiannually and at such other times as may be determined by the department.

(c) Any person licensed as an embalmer in another state whose requirements for licensure in such capacity are substantially similar to or higher than those of this state and who is a currently practicing competent practitioner shall be eligible for licensure without examination upon application and payment of a fee of two hundred and ten dollars, provided all such applicants shall be required to pass an examination, given in writing, on the Connecticut public health laws and the regulations of the Department of Public Health pertaining to the activities of an embalmer. No license shall be issued under this section to any applicant against whom professional disciplinary action is pending or who is the subject of an unresolved complaint.

Sec. 20-214. Examination questions. Examinations for the purpose of examining applicants for licenses as embalmers shall be upon the questions prescribed by the Commissioner of Public Health with the advice and consent of the board.

Sec. 20-215. Certificate of preparation or embalming of body. No licensed embalmer shall sign an affidavit attesting the preparation or embalming of any body unless such body has been prepared or embalmed by him, or by a registered student embalmer under his personal supervision.

Sec. 20-216. Medical examiner's permission for embalming. No person shall inject any fluid or substance into the body of any person whose death is subject to investigation by the Office of the Chief Medical Examiner until permission has been obtained from the Chief Medical Examiner, Deputy Chief Medical Examiner, an associate medical examiner or an authorized assistant medical examiner.

Sec. 20-217. Funeral director's license. Examination. Fee. Out-of-state licensees. (a) When a student funeral director has completed a program of education approved by the board with the consent of the Commissioner of Public Health, has successfully completed an examination prescribed by the department with the consent of the board and furnishes the department with satisfactory proof that he has completed one year of practical training and experience in full-time employment under the personal supervision of a licensed embalmer or funeral director, and pays to the department a fee of two hundred and ten dollars, he shall be entitled to be examined upon the Connecticut state law and regulations pertaining to his professional activities. If found to be qualified by the Department of Public Health, he shall be licensed as a funeral director. Renewal licenses shall be issued by the Department of Public Health pursuant to section 20-222a, unless withheld for cause as herein provided, upon a payment of a fee of two hundred thirty dollars.

(b) Examinations for a funeral director's license shall be held semiannually and at such other times as may be determined by the Department of Public Health.

(c) Any person licensed as a funeral director in another state whose requirements for licensure in such capacity are substantially similar to or higher than those of this state and who is a currently practicing competent practitioner shall be eligible for licensure without examination upon application and payment of a fee of two hundred and ten dollars, provided all such applicants shall be required to pass an examination, given in writing, on the Connecticut public health laws and the regulations of the Department of Public Health pertaining to the activities of a funeral director. No license shall be issued under this section to any applicant against whom professional disciplinary action is pending or who is the subject of an unresolved complaint.

Sec. 20-218. Display of licenses. Each license shall be signed by the Commissioner of Public Health or his designee, and shall specify the name of the person to whom issued. Each license shall be nonassignable and nontransferable and shall be displayed by the holder thereof in a conspicuous place in his office or place of

business.

Sec. 20-220. Requirements for engaging in funeral directing business. Except as provided in section 20-223, no person shall carry on or engage in the business of funeral directing, or hold himself out to the public as a funeral director, unless he is licensed by the Department of Public Health as a funeral director and unless he owns his business of funeral directing or is an employee or member of a firm, partnership or corporation operating a funeral directing business at an established place of business, for which place of business there has been issued a certificate of inspection by said department as provided in section 20-222. Facilities that accept bodies for anatomical purposes pursuant to section 19a-270 are exempt from this section.

Sec. 20-221. Employment of embalmers. Each holder of a funeral director's license issued in accordance with the provisions of this chapter, who becomes an owner or part owner of an establishment, shall comply with the requirements and provisions of section 20-222 and, in addition thereto, shall employ a full-time licensed embalmer. The provisions of this section shall not apply to an embalmer licensed by the Department of Public Health who is a member of the firm, partnership or corporation operating a funeral service business, provided the funeral service business shall comply with all the provisions of section 20-222.

Sec. 20-222. Inspection certificate. Hearing; appeal. (a) No person, firm, partnership or corporation shall enter into, engage in, or carry on a funeral service business unless an inspection certificate has been issued by the department for each place of business. Any person, firm, partnership or corporation desiring to engage in the funeral service business shall submit, in writing, to the department an application upon blanks furnished by the department for an inspection certificate for a funeral service business for each place of business, and each such application shall be accompanied by a fee of three hundred and seventy-five dollars and shall identify the manager. Each holder of an inspection certificate shall, annually, on or before July first, submit in writing to the Department of Public Health an application for renewal of such certificate together with a fee of one hundred ninety dollars. If the Department of Public Health issues to such applicant such an inspection certificate, the same shall be valid until July first next following, unless revoked or suspended.

(b) Upon receipt of an application for an inspection certificate or renewal thereof, the Department of Public Health shall make an inspection of each building or part thereof wherein a funeral service business is conducted or is intended to be conducted, and satisfactory proof shall be furnished the Department of Public Health that the building or part thereof, in which it is intended to conduct the funeral service business, contains an adequate sanitary preparation room equipped with tile, cement or composition flooring, necessary ventilation, sink, and hot and cold running water, sewage facilities, and such instruments and supplies for the preparing or embalming of dead human bodies for burial, transportation or other disposition as the Commissioner of Public Health, with advice and assistance from the board, deems necessary and suitable for the conduct and maintenance of such business.

(c) Any person, firm, partnership or corporation desiring to change its place of business shall notify the Department of Public Health thirty days in advance of such change, and a fee of twenty-five dollars shall accompany the application for the inspection certificate of the new premises. Any person, firm, partnership or corporation desiring to change its manager shall notify the Department of Public Health thirty days in advance of such change, on a form prescribed by the Commissioner of Public Health.

(d) The building or part thereof in which is conducted or intended to be conducted any funeral service business shall be open at all times for inspection by the board or the Department of Public Health. The Department of Public Health may make inspections whenever it deems advisable.

(e) If, upon inspection by the Department of Public Health, it is found that such building, equipment or instruments are in such an unsanitary condition as to be detrimental to public health, the board shall give to the applicant or operator of the funeral service business notice and opportunity for hearing as provided in the regulations adopted by the Commissioner of Public Health. At any such hearing, the Commissioner of Public Health or his designee shall be considered a member of the board and entitled to a vote. The board, or the

Department of Public Health or his designee acting upon the board's finding or determination, may, after such hearing, revoke or refuse to issue or renew any such certificate upon cause found after hearing. Any person aggrieved by the finding of said board or action taken by the Department of Public Health may appeal therefrom in accordance with the provisions of section 4-183.

(f) Any of the inspections provided for in this section may be made by a person designated by the Department of Public Health or by a representative of the Commissioner of Public Health.

(g) All records relating to contracts for funeral services, prepaid funeral contracts or escrow accounts shall be maintained at the address of record of the funeral home identified on the certificate of inspection for a period of not less than three years after the death of the individual for whom funeral services were provided.

Sec. 20-222a. Renewal of licenses and inspection certificates. Each embalmer's license, funeral director's license and inspection certificate issued pursuant to the provisions of this chapter shall be renewed, except for cause, by the Department of Public Health upon the payment to said Department of Public Health by each applicant for license renewal of the sum of one hundred-ten dollars in the case of an embalmer, two hundred thirty dollars in the case of a funeral director and for inspection certificate renewal the sum of one hundred ninety dollars for each certificate to be renewed. Fees for renewal of inspection certificates shall be given to the Department of Public Health on or before July first in each year and the renewal of inspection certificates shall begin on July first of each year and shall be valid for one calendar year. Licenses shall be renewed in accordance with the provisions of section 19a-88.

Sec. 20-222b. Disclosure of ownership information. (a) Each person, firm or corporation that carries on or engages in a funeral service business, as defined in section 20-207, shall display, on a sign located immediately inside of such funeral service business, in a place proximate to the display of the license and certificate required by this chapter and in a manner visible to the public, the following ownership information:

(1) The name of every licensed funeral director, as defined in section 20-207, who holds an ownership interest of ten per cent or more in the corporation, limited liability company, partnership, limited partnership or other business entity that operates such funeral service business; and

(2) The name of any corporation, limited liability company, partnership, or limited partnership that holds an ownership interest of ten per cent or more in such funeral service business.

(b) Each person, firm or corporation that carries on or engages in such funeral service business shall include, on any contract for the sale of funeral services or merchandise, the name, business address and business telephone number of any corporation, limited liability company, partnership, or limited partnership that holds an ownership interest of ten per cent or more in such funeral service business.

Sec. 20-223. Embalmers may act as funeral directors. Any embalmer's license issued by the Department of Public Health shall entitle the holder thereof to act as a funeral director or embalmer, provided owners of establishments operating a funeral service business shall comply with the provisions of section 20-222.

Sec. 20-224. Employment of assistants and students. Apprentice registration. (a) The provisions of sections 20-217, 20-220 and 20-227 shall not prohibit the employment of assistants or of student embalmers and student funeral directors as provided in this chapter, provided a licensed funeral service business may employ no more than two student embalmers at any one time, and any person, firm, corporation or other organization engaged in the business of funeral directing may employ no more than one student funeral director at any one time, without the approval of the Board of Examiners of Embalmers and Funeral Directors.

(b) Student embalmers and student funeral directors shall register as apprentices with the Department of Public Health, in the manner prescribed by the commissioner in regulations adopted pursuant to section 20-211, for purposes of completing practical training and experience pursuant to the provisions of this chapter.

Sec. 20-225. Registration of students. Section 20-225 is repealed.

Sec. 20-226. Lists of licensees and students to be filed with town clerks. The Department of Public Health shall, on or before the tenth day of September in each year, or as soon thereafter as possible, forward to the town clerk or registrar of vital statistics of each town four printed lists duly verified, one containing the names of all licensed funeral directors, one the names of all licensed embalmers, one the names of all student embalmers and one the names of all student funeral directors, and such lists shall be kept on file in the office to which they have been transmitted. The Department of Public Health shall issue to each person granted a license or registration subsequent to the making of such list a card stating that the holder thereof has received a license or registration, as the case may be. The holders of such cards shall have the same rights as those whose names appear in the lists on file in the office of the town clerk.

Sec. 20-227. Disciplinary action; grounds; appeals. The Department of Public Health may refuse to grant a license or inspection certificate or the board may take any of the actions set forth in section 19a-17 against a licensee, registrant or holder of an inspection certificate if it finds the existence of any of the following grounds: (1) The practice of any fraud or deceit in obtaining or attempting to obtain a license, registration or inspection certificate; (2) violation of the statutes or regulations of said department relative to the business of embalming or funeral directing in this state; (3) the conviction of a crime in the course of professional activities; (4) incompetency, negligence or misconduct in the carrying on of such business or profession; (5) violation of or noncompliance with the provisions of this chapter or the rules established hereunder; (6) loaning, borrowing or using a license or inspection certificate of another, or knowingly aiding or abetting in any way the granting of an improper license or inspection certificate; (7) aiding or abetting the practice of embalming or funeral directing by an unlicensed person; (8) physical or mental illness, emotional disorder or loss of motor skill, including but not limited to, deterioration through the aging process; or (9) abuse or excessive use of drugs, including alcohol, narcotics or chemicals. The Commissioner of Public Health may order a license holder to submit to a reasonable physical or mental examination if his physical or mental capacity to practice safely is the subject of an investigation. Said commissioner may petition the superior court for the judicial district of Hartford to enforce such order of any action taken pursuant to section 19a-17. The Department of Public Health shall not refuse to renew any license or inspection certificate nor shall the board suspend any such license, registration or inspection certificate until the holder thereof has been given notice and opportunity for hearing in accordance with the regulations adopted by the Commissioner of Public Health. Any person aggrieved by the action of said department in refusing to renew a license or inspection certificate or by the action of said board in suspending or revoking any license, registration or inspection certificate under the provisions of this chapter or action taken under section 19a-17 may appeal therefrom in accordance with the provisions of section 4-183. No person whose license, registration or inspection certificate is suspended or revoked shall, during such suspension or revocation, enter or engage, either personally or through any corporation, partnership or other organization, or through any agent, in any of the activities which such license, registration or inspection certificate entitled him to engage in; nor shall any such person receive any money or any other valuable consideration on account of engaging in any of such activities. No person shall pay, promise, offer or give to anyone whose license, registration or inspection certificate is suspended or revoked any money or other valuable consideration for engaging in any of the activities which such license, registration or inspection certificate entitled him to engage in.

Sec. 20-228. Reinstatement of registration or license of veteran. Any person who has served in the armed forces of the United States and who was a holder in good standing of a registration or a license as provided in this chapter at the date of his entry into the armed forces may, upon his separation from active duty in said armed forces or within one year thereafter, make application to the Department of Public Health for the reinstatement of the registration or license which he held at the time of his entry into the service as aforesaid. Said department shall issue such registration or license to such an applicant without examination, if it approves

of his professional qualifications.

Sec. 20-229. Reciprocal agreements. The Commissioner of Public Health may enter into an agreement with the corresponding licensing authority of any other state competent to enter into such agreement, which agreement shall be in substantially the following form: "We, the undersigned representatives of the various states, by and through their respective licensing authorities, hereby jointly agree that a person duly registered and licensed as a funeral director or embalmer in either one of the several states may go into the other state for the purpose of handling, embalming, transporting and burying dead human bodies and directing funerals as though he were registered under the laws of that state, except that he shall not maintain an establishment, advertise, have any agent or agency, or otherwise hold himself out as a funeral director or embalmer other than in his native state.

It is further agreed that the licensing authority of the state in which the funeral director or embalmer is licensed will assume the responsibility for instituting disciplinary action against any licensed funeral directors or embalmers who may be guilty of unprofessional conduct in the practice of their business in the other state, when such is called to their attention by the licensing authority of that state."

Any such agreement may be rescinded by said commissioner at any time.

Sec. 20-230. Business not to be conducted in cemetery or on tax-exempt property. No person, firm, association or corporation shall engage in the business of funeral directing, except in continuing the supervision of a funeral, or in the profession of embalming or the sale of funeral merchandise in or on any cemetery or tax-exempt property. Facilities that accept bodies for anatomical purposes pursuant to section 19a-270 are exempt from this section.

Sec. 20-230a. Price list of available services and merchandise. Purchaser's rights. No licensed funeral director or licensed embalmer shall offer to sell services to arrange for or conduct funerals or offer to sell any merchandise used in connection with a funeral without first providing the purchaser of such services or merchandise with an itemized price list of all available services and merchandise and every such purchaser shall also be informed by such funeral director or embalmer, prior to entering into any sales agreement, of the right to select only such services or merchandise which the purchaser so desires.

Sec. 20-230b. Statement of prices for requested services and merchandise. Method of payment. Cash advanced. No person engaged in the business of funeral directing and no licensed funeral director or licensed embalmer shall fail to provide the person making funeral arrangements or arranging for disposition of a dead human body, at the time funeral arrangements are completed and prior to the time of rendering service or providing merchandise, a written statement indicating to the extent then known: (1) The price of the service that the person has selected and what is included therein; (2) the price of each supplemental item of service or merchandise requested; (3) the amount involved for each of the items for which the funeral firm will advance money as an accommodation to the family of the deceased; and (4) the methods of payment. No person engaged in the business of funeral directing and no licensed funeral director or licensed embalmer shall bill or cause to be billed any item that is referred to as a "cash advanced" item unless the net amount paid for such item by the funeral firm is the same as is billed by the funeral firm.

Sec. 20-231. Misleading statement by license applicant; penalty. (a) No applicant for an embalmer's license or a funeral director's license shall present to the Department of Public Health any written statement, signed either by himself or any other person, which is misleading or untrue.

(b) Any person who violates this section shall be fined not more than one hundred dollars for each offense.

Sec. 20-232. Disposition of fees and fines. All fees collected and fines paid under the provisions of this chapter shall be paid to the secretary of said board, and by him accounted for and paid over to the State Treasurer.

Sec. 20-233. Penalty. Any person, firm, corporation or partnership, or his or its agent or representative, who violates any provision of section 20-217, 20-220, 20-221, 20-224, 20-227, 20-230a or 20-230b shall be fined not more than one hundred dollars for the first offense, and for the second offense not less than one hundred dollars nor more than five hundred dollars, and his license shall be suspended for such period, not less than six months, as the board determines. Any person who violates any provision of this chapter, for the violation of which no other penalty has been provided, shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense. No provision of this chapter shall apply to officials of public institutions or to federal officers in the discharge of their duty. No provision of this chapter shall be construed to prohibit persons enrolled in approved programs of education in mortuary science from participating in practical activities for academic credit in such programs, provided such activities are performed under the direct and immediate supervision of a faculty member of such program who is licensed pursuant to this chapter and acting within the scope of such license.

Section 1, Public Act 03-118

Section 1. (NEW) (*Effective October 1, 2003*) (a) As used in this section: (1) "Licensee" means a funeral director or embalmer licensed pursuant to chapter 385 of the general statutes; and (2) "department" means the Department of Public Health; and (3) "registration period" means the twelve-month period that commences on the date of renewal of the licensee's license, as provided in section 19a-88 of the general statutes, and is current and valid.

(b) Each licensee shall complete a minimum of six hours of continuing education during each registration period. The continuing education shall be in areas related to the licensee's practice, including, but not limited to, bereavement care, business management and administration, religious customs and traditions related to funerals, cremation services, cemetery services, natural sciences, preneed services, restorative arts and embalming, federal and state laws governing funeral services, counseling, funeral service merchandising, sanitation and infection control, organ donation or hospice care. The continuing education shall consist of courses offered or approved by the Academy of Professional Funeral Service Practice, educational offerings sponsored by a hospital or other licensed health care institution or courses offered by a regionally accredited institution of higher education.

(c) Each licensee shall obtain a certificate of completion from the provider of the continuing education for all continuing education hours that are successfully completed and shall retain such certificate for a minimum of three years following the license renewal date for which the activity satisfies the continuing education requirement. Upon request by the department, the licensee shall submit the certificate to the department.

(d) A licensee who fails to comply with the provisions of this section shall be subject to disciplinary action pursuant to section 20-227 of the general statutes.

(e) The continuing education requirements shall be waived for licensees applying for license renewal for the first time. The department may, for a licensee who has a medical disability or illness, grant a waiver of the continuing education requirements for a specific period of time or may grant the licensee an extension of time in which to fulfill the requirements.

Regulations of Connecticut State Agencies

20-211-17. Employment of registered students to be full time

Employment of registered student embalmers or student funeral directors shall be on a full-time paid basis. Part-time or side-line employment is not sufficient to meet the board's requirement. "Full time" means working a

minimum of forty hours per week under a licensed funeral director or embalmer. Other employment may be allowed provided the student shall have obtained the prior written approval of the board.

20-211-19. Licenses and certificates. Display

Licenses and certificates issued by this board are nonassignable and nontransferable and shall be displayed by the holder thereof in a conspicuous place in his office or his place of business. Pocket licenses shall be carried on the person of the licensee at all times.

20-211-20a. Registration procedures

Student embalmers and student funeral directors shall register as apprentices with the Department of Public Health and Addiction Services, for purposes of completing practical training and experience pursuant to chapter 385 of the Connecticut General Statutes. Applications for registration shall be submitted to the department, on forms provided by the department, and shall be accompanied by documentation satisfactory to the department that the applicant has completed a program of education approved pursuant to section 20-213 or section 20-217 of the Connecticut General Statutes and has successfully completed an examination in mortuary science prescribed pursuant to section 20-213 or section 20-217 of the Connecticut General Statutes. Said application shall include a statement to be signed by the licensed embalmer or funeral director indicating that such licensee shall be responsible for supervising the applicant's practical training and experience. Registration shall be issued to each applicant determined to be eligible under this section, for a period not to exceed one year, and may be renewed for an additional year at the discretion of the department if the department determines that such additional period of time is necessary for satisfactory completion of the practical training and experience. Computation of any period of practical training and experience shall commence at the date of registration by the department.

20-211-21a. Registration of pregraduate students

Notwithstanding any provision of section 20-211-20a of the Regulations of Connecticut State Agencies to the contrary, the department may, upon application, issue registration as a pregraduate student embalmer or pregraduate student funeral director to a person who has not yet completed the program of education or examination referenced in said section. Said registration shall be valid for a period not to exceed three months and shall be non-renewable.

20-211-28. Serving of food or drink in funeral home prohibited. Exception

Serving of food or drink in a funeral home or in connection with a funeral service or the storage of equipment and supplies for such purposes in a funeral home is prohibited, provided it shall not be a violation of this section if

- (a) the proprietor of a funeral home lives upon the premises and serves food or drink to his invitees or family not in connection with a funeral;
 - (b) a proprietor of a funeral home stores equipment and supplies for the use of his employees or otherwise makes available to his employees facilities for food or drink.
- (Effective August 5, 1969.)

20-211-29. Signs identifying funeral service establishments

Where a sign is used to identify a funeral service establishment and the name of a licensee is not a part of the corporate or firm name, the name of the licensee of record shall be placed in a conspicuous place easily visible to the public.

20-211-34. Mandatory disclosure

Every funeral firm in this state and/or the funeral service licensee thereof shall give or cause to be given to the person or persons making funeral arrangements or arranging for disposition of a dead human body, at the time

such arrangements are completed and prior to the time of rendering the service and/or providing the merchandise, a written statement showing to the extent then known:

- (1) the price of the service that the person or persons have selected and what is included therein;
- (2) the price of each of the supplemental items of service and/or merchandise requested;
- (3) the amount involved for each of the items for which the firm will advance monies as an accommodation to the family;
- (4) the method of payment.

20-211-35. Billing "cash advanced" items

No funeral firm shall bill or cause to be billed any item that is referred to as a "cash advanced" item (Section 20-211-34) unless the net amount paid for such item or items by the funeral firm is the same as is billed by the funeral firm. Failure to comply with Sections 20-211-34 or 20-211-35 shall result in a hearing as provided for in Sections 20-211-30 to 20-211-33.

Chapter 93 Registrars of Vital Statistics

Sec. 7-45. Preparation of certificates. Each person making any certificate of birth, marriage, death or fetal death, or any copy of such certificate for the commissioner, or any sexton's report required by law, shall cause the same to be typewritten or printed in a legible manner as to all material information or facts required by the provisions of sections 7-48, 7-60, 7-62b, 46b-25 to 46b-27, inclusive, and 46b-29 to 46b-30, inclusive, and contained in such certificate. If the certificate is in paper format, such person shall sign the certificate in black ink, shall state therein in what capacity such person so signs, and shall type or print in a legible manner the name of each person signing such certificate, under such person's signature. If the certificate is in an electronic format, such certificate shall be authenticated by the electronic vital records system of the department. Any certificate not complying with the requirements of this section shall be returned by the registrar with whom it is filed to the person making the same for the proper correction.

Sec. 7-60. Fetal death certificates. (a) Each case of fetal death shall be registered and a fetal death certificate shall be filed with the registrar of vital statistics in the manner required by sections 7-48, 7-50, 7-51, 7-52 with respect to the filing, content and issuance of birth certificates. A fetus born after a period of gestation of not less than twenty weeks in which there is no attempt at respiration, no action of heart and no movement of voluntary muscle, shall be recorded as a fetal death. A fetal death certificate shall be signed by a physician or, when no physician was in attendance, by the Chief Medical Examiner, Deputy Chief Medical Examiner, an associate medical examiner, or an authorized assistant medical examiner.

(b) Such certificate shall include, on a confidential portion of the certificate, any additional information required by the department, provided the information obtained under this section shall be used only for medical and health purposes.

Sec. 7-62a. Illegal issuance of certificates. No person other than a registrar of vital statistics or the commissioner shall issue or cause to be issued any certificate or document which is, or purports to be, an original or certified copy of a certificate of birth, death, fetal death or marriage. No person other than such registrar or the commissioner shall certify or purport to certify as a true copy any certificate of birth, death, fetal death or marriage. No person other than a registrar of vital statistics or the commissioner shall issue or cause to be issued an uncertified copy of a certificate of birth, death, fetal death or marriage, in accordance with the provisions of subsection (a) of section 7-51a. Any person who violates this section shall be fined not more than one hundred fifty dollars or imprisoned not more than one year, or both.

Sec. 7-62b. Death certificates; filing and registration; responsibilities of funeral directors and licensed embalmers; medical certification; burial of person who died from communicable disease; "presumptive" death certificates; regulations. (a) A death certificate for each death which occurs in this state shall be completed in its entirety and filed with the registrar of vital statistics in the town in which the death occurred no later than five days after death if filing a paper certificate and no later than three days after death if filing through an electronic death registry system, in order to obtain a burial permit prior to final disposition. The death certificate shall be registered if properly filed. If the place of death is unknown but the body is found in this state, the death certificate shall be completed and filed in accordance with this section, provided the place where the body is found shall be shown as the place of death.

(b) The funeral director or embalmer licensed by the department, or the funeral director or embalmer licensed in another state and complying with the terms of a reciprocal agreement on file with the department, in charge of the burial of the deceased person shall complete the death certificate on a form provided by the department. Said certificate shall be filed by a licensed embalmer or such embalmer's designee or a funeral director or such

director's designee, in accordance with the provisions of this section, except when inquiry is required by the Chief Medical Examiner's Office, in which case the death certificate shall be filed in accordance with section 19a-409. The Social Security number of the deceased person shall be recorded on such certificate. Such licensed funeral director or licensed embalmer shall obtain the personal data from the next of kin or the best qualified person or source available and shall obtain a medical certification from the person responsible therefor, in accordance with the provisions of this section. Only a licensed embalmer may assume charge of the burial of a deceased person who had a communicable disease, as designated in the Public Health Code, at the time of death and such licensed embalmer shall file an affidavit, on a form provided by the department, signed and sworn to by such licensed embalmer stating that the body has been disinfected in accordance with the Public Health Code.

(c) The medical certification portion of the death certificate shall be completed, signed and returned to the licensed funeral director or licensed embalmer no later than twenty- four hours after death by the physician or advanced practice registered nurse in charge of the patient's care for the illness or condition which resulted in death. In the absence of such physician or advanced practice registered nurse, or with the physician's or advanced practice registered nurse's approval, the medical certification may be completed and signed by an associate physician and advanced practice registered nurse, a physician assistant as provided in section 20-101a, as amended by public act 04-255, the chief medical officer of the institution in which death occurred, or by the pathologist who performed an autopsy upon the decedent. No physician, advanced practice registered nurse, physician assistant, registered nurse, chief medical officer or pathologist shall sign and return the medical certification unless such physician, advanced practice registered nurse, physician assistant, registered nurse, chief medical officer or pathologist has personally viewed and examined the body of the person to whom the medical certification relates is satisfied that at the time of the examination such person was in fact dead, except in the event a medical certification is completed by a advanced practice registered nurse, physician assistant, registered nurse, chief medical officer or pathologist other than the one who made the determination and pronouncement of death, an additional viewing and examination of the body shall not be required. If a physician, advanced practice registered nurse, physician assistant, registered nurse, chief medical officer or pathologist refuses or otherwise fails to complete, sign and return the medical portion of the death certificate to the licensed funeral director or licensed embalmer within twenty-four hours after death, such licensed funeral director or embalmer may notify the Commissioner of Public Health of such refusal. The commissioner may, upon receipt of notification and investigation, assess a civil penalty against such physician, advanced practice registered nurse, physician assistant, registered nurse, chief medical officer or pathologist not to exceed two hundred fifty dollars. The medical certification shall state the cause of death, defined so that such death may be classified under the international list of causes of death, the duration of disease if known and such additional information as the Department of Public Health requires. The department shall give due consideration to national uniformity in vital statistics in prescribing the form and content of such information.

(d) If the cause of death cannot be determined within twenty-four hours after death and inquiry is not required by the Chief Medical Examiner, the medical certification may be completed in such manner as may be provided by regulation, adopted by the Commissioner of Public Health in accordance with chapter 54. The attending physician or advanced practice registered nurse shall give the licensed funeral director or licensed embalmer notice of the reason for the delay and final disposition of the body shall not be made until a signed medical certification is obtained from the attending physician or advanced practice registered nurse.

(e) When a death is presumed to have occurred within this state but the body cannot be located, a death certificate may be prepared by the Chief Medical Examiner upon receipt of an order of a court of competent jurisdiction, which shall include the finding of facts required to complete the death certificate. Such death certificate shall be filed with the Department of Public Health and marked "presumptive" and shall show on its face the date of filing and shall identify the court and the date of decree.

(f) The Commissioner of Public Health may by regulation, adopted in accordance with chapter 54, provide for the extension of time periods prescribed for the filing of death certificates in cases where compliance therewith

would result in undue hardship.

Sec. 7-62c. Filing and registration of death certificate when death not recorded in accordance with Sec. 7-62b; "delayed" death certificates. (a) When a death occurring in this state has not been recorded in accordance with section 7-62b, a death certificate may be filed in accordance with regulations adopted pursuant to chapter 54 by the Commissioner of Public Health. Such death certificate shall be registered subject to the evidentiary requirements prescribed by such regulations to substantiate the alleged facts of death. (b) Death certificates registered one year or more after the date of death shall be marked "Delayed" and shall show on their face the date of the delayed registration.

Sec. 7-63. Notice of deaths at the Connecticut Juvenile Training School. When any boy or girl committed to the Connecticut Juvenile Training School dies, the superintendent shall cause immediate notice thereof to be sent by mail to the registrar of vital statistics of the town from which such boy or girl was so committed.

Sec. 7-64. Disposal of bodies. The body of each person who dies in this state shall be buried, removed or cremated within a reasonable time after death. The person to whom the custody and control of the remains of any deceased person are granted by law shall see that the certificate of death required by law has been completed and filed in accordance with section 7-62b as amended by public act 04-255, prior to final disposition of the body. An authorization for final disposition issued under the law of another state which accompanies a dead body or fetus brought into this state shall be authority for final disposition of the body or fetus in this state. The final disposition of a cremated body shall be recorded as the crematory. The provisions of this section shall not in any way impair the authority of directors of health in cases of death resulting from communicable diseases, nor conflict with any statutes regulating the delivery of bodies to any medical school, nor prevent the placing of any body temporarily in the receiving vault of any cemetery. The placing of any body in a family vault or tomb within any cemetery shall be deemed a burial under the provisions of this section. Any person who violates any provision of this section shall be fined not more than five hundred dollars or imprisoned not

Sec. 7-65. Burial permits. Subregistrars. The embalmer or funeral director licensed by the department, or licensed in a state having a reciprocal agreement on file with the department and complying with the terms of such agreement, who assumes custody of a dead body shall obtain a burial transit removal permit from the registrar of the town in which the death occurred not later than five calendar days after death, and prior to the final disposition or removal of the body from the state. The burial permit shall specify the place of burial or other place of interment and state that the death certificate and any other certificate required by law have been returned and recorded. Such registrar shall appoint suitable persons as subregistrars, who shall be authorized to issue a burial transit removal permit based upon receipt of a completed death certificate as provided in section 7-62b, as amended by public act 04-255, during the hours in which the registrar of vital records is closed. All such certificates upon which a permit is issued shall be forwarded to the registrar within seven days after receiving such certificates. The appointment of subregistrars shall be made in writing, with the approval of the selectmen of such town, and shall be made with reference to locality, to best accommodate the inhabitants of the town. Such subregistrars shall be sworn, and their term of office shall not extend beyond the term of office of the appointing registrar. The names of such subregistrars shall be reported to the Department of Public Health. The Chief Medical Examiner, Deputy Chief Medical Examiner and associate medical examiners shall be considered subregistrars of any town in which death occurs for the purpose of issuing burial permits and removal permits. The fee for such burial permit and burial permit removal permit shall be paid to the town in which the death occurred.

Sec. 7-65a. Multiple interment in common hospital-supplied container. Multiple interment within a common hospital-supplied container shall be permitted only for fetal remains. If a death certificate is issued,

such multiple interment shall be prohibited. Signed copies of the appropriate hospital consent forms for the disposition of remains and the permits required by law shall accompany any such container.

Sec. 7-66. Duties of sextons. The sexton of a cemetery shall specify on the burial permit the place of burial, by section, lot or grave, or other place of interment. No additional burial permit or burial transit removal permit shall be required for a body that is placed temporarily in a receiving vault of any cemetery and subsequently buried in the same cemetery. In each case herein provided for, the sexton of such cemetery shall endorse upon the burial permit the date when the body was placed in the temporary receiving vault and the date when and the place where such body was subsequently buried. The sexton shall also include a statement of the same in the monthly returns to the registrar of vital statistics. If such subsequent burial is to be in any cemetery other than the cemetery where the body was temporarily deposited or if the body is to be cremated, the sexton shall return the burial permit to the issuing registrar, who shall thereupon issue the necessary permits. Any person who violates any provision of this section shall be fined not more than five hundred dollars or imprisoned not more than five years.

Sec. 7-67. Disinterment permit required. No person shall open any grave for the disinterment of the body of any person in any cemetery or burial place or disinter or remove any dead body from the town in which the death took place, without having procured from the registrar a permit therefor, or an order from a Superior Court judge as provided in section 19a-413.

Sec. 7-68. Issuance of disinterment or removal permit. On receipt by the registrar of vital statistics of any town of a certificate of death containing the facts required by section 7-65, as amended by public act 04-255, for a permit for burial, or when it appears that such certificate is already a matter of record, or that the original burial permit, by virtue of which the body of any deceased person was brought into such town, is on file or recorded in such registrar's office, the registrar, upon request, shall issue a permit for the disinterment or removal of such body to the responsible licensed funeral director or embalmer, as indicated on the death certificate or burial permit, or to an individual designated on an order from a judge of the Superior Court, as provided in section 19a-413, stating therein the locality of the interment, disinterment or removal; but no permit for the disinterment of the body of any deceased person shall be issued in any case where death was caused by a communicable disease, except by the permission and under the direction of the town director of health.

Sec. 7-68a. Application to Probate Court for disinterment of remains of child buried in a multiple interment within common hospital-supplied container. Hearing. Order of disinterment. Sexton and Chief Medical Examiner to determine whether remains are sufficiently identifiable. Liability of parent. (a) Any parent of a deceased child who was buried in a multiple interment within a common hospital-supplied container on or after June 1, 1981, but not later than June 30, 1981, may request the disinterment of the remains of such child for the purpose of removal and reinterment of the remains by making application for such disinterment with the probate court for the district in which such parent resides or in which the remains of such child are interred. A copy of the death certificate of such child and the disinterment permit required by section 7-67 shall be filed with such application.

(b) The probate court, upon receipt of such application, shall schedule a hearing. If the court finds that there is a likelihood that the remains of such child will be sufficiently identifiable, the court shall order disinterment in accordance with subsection (c) of this section.

(c) Upon order of disinterment of the probate court, a sexton shall permit the disinterment of the remains of such child. Upon the disinterment of the common hospital-supplied container, the Chief Medical Examiner, in consultation with the sexton, shall determine whether the remains of such child are sufficiently identifiable. If the remains are found to be sufficiently identifiable, the remains of such child shall be removed for reinterment in accordance with the wishes of the person who requested disinterment. If the remains are not sufficiently identifiable, the common hospital-supplied container shall be reinterred.

(d) No person, other than the parent requesting the disinterment, shall be liable for damages or subject to criminal prosecution for any disinterment in accordance with this section. The parent requesting the disinterment shall be liable for any costs incurred with respect to such disinterment.

Sec. 7-69. Removal of body from one town to another. No person except a licensed embalmer or funeral director licensed by the department, or licensed in a state having a reciprocal agreement on file with the department and complying with the terms of such agreement, shall remove the body of a deceased person, except that once a dead body has been embalmed or prepared in accordance with the Public Health Code and applicable provisions of the general statutes, a licensed embalmer or funeral director may authorize an unlicensed employee to transport such body. No person except a licensed embalmer or funeral director licensed by the department, or licensed in a state having a reciprocal agreement on file with the department, shall remove the body of any deceased person from this state to another state until a burial transit removal permit has been issued in accordance with section 7-65, as amended. No burial removal permit shall be issued unless the death certificate has been signed by a licensed embalmer or funeral director licensed by the department, or licensed in a state having a reciprocal agreement on file with the department and complying with the terms of such agreement. In the case of a deceased person who, at the time of death, had a communicable disease specified by the Public Health Code, the permit shall certify that the body was prepared in accordance with the regulations of the Public Health Code. Such permit shall be sufficient to permit the burial of such deceased person in any town in this state other than the town in which such person died, without a burial permit from the registrar of the town where such person is to be buried. If the body of a deceased person is brought into the state for burial and is accompanied by a burial transit removal permit issued by the legally constituted authorities of the state from which it was brought, such permit shall be received as sufficient authority for burial; but, if it is not accompanied by such permit, then the person or persons in charge of it shall apply for a burial permit to the registrar of vital statistics of the town in which it is to be buried, and such registrar shall issue such permit when furnished with such information as to the identity of the deceased and the cause of death as is required by section 7-62b, as amended, concerning a person dying in this state. Any person who violates any provision of this section, or who knowingly signs a false permit or knowingly allows a false permit to be used in lieu of a permit required by this section, shall be fined not more than five hundred dollars or imprisoned not more than six months, or both.

Sec. 7-70. Temporary removal of body to another town or state. Temporary removal permit. Any licensed embalmer, registered student embalmer or licensed funeral director licensed by the department, or licensed in a state having a reciprocal agreement on file with the department, may transfer the body of any deceased person to another town or state for preparation for burial or cremation, if death was not sudden or the result of violence or of a communicable disease other than tuberculosis or pneumonia, provided a permit for permanent removal, as required under the provisions of section 7-69 has been secured within twenty-four hours. Such temporary transfer shall be made only by a licensed embalmer, registered student embalmer or licensed funeral director licensed by the department, or licensed in a state having a reciprocal agreement on file with the department. Such licensed embalmer, registered student embalmer or licensed funeral director shall leave, in writing, with the institution from which or the person from whom any such body is received, a temporary removal permit, on a form supplied by the department, such embalmer's or director's name, address and license number and the date and hour such body was delivered to such embalmer or director. A duplicate of such temporary removal permit shall be left with or mailed to the local registrar where the death occurred, within twelve hours after such temporary transfer. Any body for which a burial or removal permit has been secured in accordance with the provisions of section 7-69, except the body of any person whose death occurred while suffering from any communicable disease other than tuberculosis or pneumonia, may be taken through or into another town for funeral services without additional permits.

Chapter 700B Burial Contracts

Sec. 38a-464. (Formerly Sec. 38-32). Burial contracts; license from Insurance Commissioner. A "burial contract" or "burial certificate", within the meaning of this section, is any instrument in writing whereby any person, firm, corporation or association, in consideration of the payment of a specified sum of money or for any other valuable consideration, promises or agrees to embalm or inter or otherwise dispose of, or to procure the embalmment or interment or other disposal of, the remains of any person who is living at the time of the execution of such instrument. No person, firm, corporation or association shall transact the business of issuing burial contracts or burial certificates until such person, firm, corporation or association has procured from the commissioner a license to conduct such business under such regulations as the commissioner prescribes. All the applicable provisions of the general statutes which pertain to and govern the issuance of policies of life insurance are made applicable to and shall govern the issuance of burial contracts or burial certificates. Any person who violates any provision of this section shall be fined not more than five hundred dollars or imprisoned not more than one year or both.

Chapter 676 Insurance

Sec. 38a-464. (Formerly Sec. 38-32). Burial contracts; license from Insurance Commissioner. A "burial contract" or "burial certificate", within the meaning of this section, is any instrument in writing whereby any person, firm, corporation or association, in consideration of the payment of a specified sum of money or for any other valuable consideration, promises or agrees to embalm or inter or otherwise dispose of, or to procure the embalmment or interment or other disposal of, the remains of any person who is living at the time of the execution of such instrument. No person, firm, corporation or association shall transact the business of issuing burial contracts or burial certificates until such person, firm, corporation or association has procured from the commissioner a license to conduct such business under such regulations as the commissioner prescribes. All the applicable provisions of the general statutes which pertain to and govern the issuance of policies of life insurance are made applicable to and shall govern the issuance of burial contracts or burial certificates. Any person who violates any provision of this section shall be fined not more than five hundred dollars or imprisoned not more than one year or both.

Chapter 743c Funeral Service Contracts

Sec. 42-200. Funeral service contract defined. For the purposes of this section and sections 42-201 to 42-206, inclusive, a funeral service contract means a contract which requires the payment of money or the delivery of securities in exchange for the final disposition of a dead human body, including funeral, burial or other services, or the furnishing of personal property or funeral merchandise in connection with any such disposition, wherein the use or delivery of such services, property or merchandise is not required immediately.

Sec. 42-201. Funeral service contracts limited to licensed firms and persons. No person, firm or corporation shall enter into a funeral service contract to provide such services, property or merchandise unless such person, firm or corporation is licensed in accordance with the provisions of chapter 385. No person may arrange, promote or sell any funeral service contract on behalf of a funeral service establishment unless such person is an embalmer or funeral director licensed in accordance with the provisions of chapter 385.

Sec. 42-202. Escrow accounts. (a) A licensed funeral service establishment shall deposit any money or securities which such establishment receives pursuant to a funeral service contract, and within fifteen days of its

receipt of such money or securities, in one or more escrow accounts established in accordance with the provisions of this section.

(b) Each escrow account established pursuant to this section shall be administered and maintained by an escrow agent. The funeral service establishment which deposits money or securities in such escrow account shall appoint such agent who shall be one of the following: (1) A national banking association; (2) a state bank and trust company; (3) a federal or state chartered savings bank; (4) a federal or state chartered savings and loan association; (5) a licensed insurance company, or (6) a registered broker-dealer. No such institution shall be appointed as an agent unless such institution is authorized by law to act as an escrow agent.

(c) Assets held in escrow accounts established pursuant to this section shall be invested in one or more of the following: (1) Deposit accounts insured by the Federal Deposit Insurance Corporation; (2) accounts insured against loss of principal by an agency or instrumentality of the United States government; (3) bonds in which savings banks in this state may, by law, invest; (4) bonds of the United States or any agency thereof or of this state or any municipality of this state; or (5) any other deposit account, insurance contract, or security of a quality, safety and expense comparable to those set forth in this subsection.

(d) All interest, dividends and other income earned on the amounts deposited in an escrow account pursuant to this section shall be retained in such escrow account and credited, less any administration expenses, to the respective interests of those persons for whose benefit the escrow account is maintained. Amounts in an escrow account shall be removed from such account only as provided in sections 42-200 to 42-206, inclusive. Each party to a funeral service contract shall receive an annual statement of the amount credited to such party's escrow account. Such statement shall include the name and address of the escrow agent.

(e) If a purchaser of funeral services, property or merchandise defaults in making payments required under the terms of such contract, or if the purchaser or the person responsible for making funeral arrangements for a deceased beneficiary fails to have the funeral service establishment provide services, the funeral service establishment may retain any origination fee and any costs actually and reasonably incurred by such establishment in the performance of the contract as liquidated damages, provided the sum of the amount retained as an origination fee and the amount retained to pay for costs incurred by the funeral establishment in the performance of the contract shall not exceed an amount equal to five per cent of the amount in the escrow account at the time the purchaser of funeral services defaults in making such payments. The balance of any amount remaining in the escrow account shall be paid to such purchaser upon request.

(f) A person, firm or corporation licensed in accordance with the provisions of chapter 385 which enters into a funeral service contract shall furnish the agent of an escrow account established in accordance with the provisions of this section with the name of the purchaser of such services, property or merchandise, the address and name of the beneficiary of the funeral service contract and the amount contracted for, together with a copy of the contract listing the services, personal property or merchandise to be furnished by the funeral service establishment. Nothing in this section shall prohibit the commingling within an escrow account of the money or securities received under more than one funeral service contract for the purpose of management and investment of funds in such escrow account.

(g) A funeral service contract shall provide that, if the particular merchandise provided for in the contract is not available at the time of death, the funeral service establishment shall furnish merchandise similar in style and at least equal in quality of material and workmanship to the merchandise provided for in the contract.

Sec. 42-203. Disposition of funds held in escrow. Funds held in an escrow account in accordance with the provisions of a funeral service contract shall remain intact unless such funds are commingled in accordance with the provisions of subsection (f) of section 42-202 or the purchaser of funeral services, property or merchandise defaults in making payments required under the terms of the contract, as provided in subsection (e) of section 42-202 or until the services contracted for have been performed or the contracted for property or merchandise has been delivered. Upon submission to the escrow agent, by the funeral service establishment, of proof that the services, personal property and merchandise contracted for have been fully performed or delivered, the escrow agent shall pay to such funeral service establishment the amounts deposited therein

pursuant to such funeral service contract, and all income earned thereon and retained in the escrow account. If, for any reason, the funeral service establishment which has entered into a funeral service contract for the sale of services, personal property, or merchandise and which has deposited the funds into an escrow account in accordance with the provisions of sections 42-200 to 42-206, inclusive, fails to meet its obligation under such contract promptly after the death of the person to be benefited, the family, the next of kin, or the legal representative of the deceased person, having provided for such services, personal property or merchandise on behalf of the deceased person, may receive from the escrow agent the amount of money in such escrow account. An affidavit which states that services have been performed or property delivered, signed by a member of the family, next of kin, or legal representative of the deceased, and by the funeral service establishment which has provided such services, personal property or merchandise, and which is delivered to the escrow agent shall be sufficient to authorize an escrow agent, acting alone, to make such payment without liability to the person making the deposit of such money into the escrow account or to any other person. Nothing contained in this section shall relieve the funeral service establishment of its liability for nonperformance.

Sec. 42-204. Cancellation of contract. The legal representative of the decedent or a person who has entered into a funeral service contract with a funeral service establishment, upon written notice to such establishment and to the escrow agent and subject to the provisions of section 17b-91, may cancel any funeral service contract prior to the performance by such establishment. In the event of such a cancellation, all money in the escrow account paid by such person, together with all accrued income, less costs actually and reasonably incurred by the funeral service establishment in the performance of such contract, shall be returned to such person.

Sec. 42-205. Funeral service contract not a burial insurance policy. A funeral service contract shall not be deemed a burial insurance policy under section 38-32.

Sec. 42-206. Unfair trade practice. A violation of any of the provisions of sections 42-200 to 42-205, inclusive, shall be deemed an unfair or deceptive trade practice in accordance with the provisions of chapter 735a.

Sec. 42-207. Irrevocable funeral contract. An irrevocable funeral contract may be entered into in which the amount held in escrow may be disbursed only upon the death of the beneficiary, provided such a contract does not exceed five thousand four hundred dollars and all interest accumulates to the escrow account and is inaccessible to the beneficiary. Such irrevocable funeral contracts may be transferred from one funeral service establishment to another upon request of the beneficiary. The purchase of an irrevocable funeral contract shall not preclude an individual from purchasing other funeral contracts that are revocable.

Chapter 802b Decedents' Estates

Sec. 45a-273. (Formerly Sec. 45-266). Settlement of small estates without probate of will or letters of administration. (a) The surviving spouse of any person who dies, or if there is no surviving spouse, any of the next of kin of such decedent, or if there is no next of kin or if such surviving spouse or next of kin refuses, then any suitable person whom the court deems to have a sufficient interest may, in lieu of filing an application for admission of a will to probate or letters of administration, file an affidavit or statement signed under penalty of false statement in the court of probate in the district wherein the decedent resided, stating, if such is the case, that all debts of the decedent have been paid in the manner prescribed by section 45a-392, at least to the extent of the fair value of all of the decedent's assets, when (1) such decedent leaves property of the type described in subsection (b) of this section and (2) the aggregate value of any such property as described in subsection (b) of this section does not exceed the sum of twenty thousand dollars. In addition such affidavit or statement shall state that the decedent either did, or did not, receive aid or care from the state, which shall also include aid or

care from the Department of Veterans' Affairs, whichever is true.

(b) Such property includes: (1) A deposit in any bank; (2) equity in shares in any savings and loan association, federal savings and loan association or credit union, doing business in this state; (3) corporate stock or bonds; (4) any unpaid wages due from any corporation, firm, individual, association or partnership located in this state; (5) a death benefit payable from any fraternal order or shop society or payable under any insurance policy for which the decedent failed to name a beneficiary entitled under the bylaws and regulations of such order or society or under the terms of such insurance policy to receive such death benefit; (6) other personal property, tangible or intangible, including a motor vehicle or motor vehicles and a motor boat or motor boats registered in his name; or (7) an unreleased interest in a mortgage with or without value.

(c) Thereafter, except as provided in subsection (e) of this section, the judge of probate for such district shall issue a decree finding that no probate proceedings have been instituted in connection with the estate of such decedent and authorizing either the holder of such property or the registrant thereof, including the authority issuing the registration, to transfer the same or pay the amount thereof to the persons legally entitled thereto. The court of probate may issue such certificates and other documents as may be necessary to carry out the intent of this section. If the petitioner indicates in such affidavit that the assets listed in such affidavit or a portion thereof are necessary to pay the funeral director who buried such decedent or to pay debts due for the last sickness of the decedent, the court may order the payment of such assets directly to such funeral director or to those creditors to whom debts are due for the last sickness of the decedent to the extent necessary to pay their preferred claims for funeral expenses or expenses for the decedent's last sickness, or may order such assets sold and the proceeds from such sale paid directly to the funeral director or such creditors. If the petitioner indicates in such affidavit that the decedent received public assistance or institutional care from the state of Connecticut, the court shall not issue a decree until thirty days after notification to the Department of Administrative Services. Any decree issued by the court may authorize the surviving spouse or next of kin, or some suitable person whom the court deems to have a sufficient interest, to release an interest in any mortgage reported under the provisions of this section.

(d) If there is no surviving spouse or next of kin of a person who dies leaving property as described in this section, the funeral director who buried such decedent or any creditor to whom a debt is due for the last sickness of the decedent may file in such court of probate an affidavit as described in this section that such funeral director or any creditor to whom a debt is due for the last sickness of the decedent has a lawful preferred claim for funeral expenses or expenses for the decedent's last sickness. Thereupon such court may, in its discretion, authorize either the holder of such property or the registrant thereof, as aforesaid, to transfer the property or pay from the property the amount of such claim, or to pay proceeds from the sale of any such assets ordered sold by the court, to such funeral director or any creditor to whom a debt is due for the last sickness of the decedent, in satisfaction of the amount of the claim of each.

(e) If an affidavit is filed under subsection (a) of this section in lieu of an application for admission of a will to probate or letters of administration and the fair value of the property of the decedent exceeds the total amount of claims, including any amounts allowed to the family under section 45a-320, the court shall proceed as follows: (1) If no purported last will and testament is found, the court shall order distribution of the excess in accordance with the laws of intestate succession; (2) if the decedent left a duly executed last will and testament and the will provides for a distribution which is the same as that under the laws of intestate succession, the court shall order distribution of the excess in accordance with the laws of intestate succession; (3) if the decedent left a duly executed last will and testament and the will provides for a distribution different from that under the laws of intestate succession, and the heirs at law of such decedent sign a written waiver of their right to contest the will, the court shall order the excess to be paid in accordance with the terms of the will; (4) if the will directs a distribution different from the laws of intestate succession, and the heirs at law do not waive their right to contest the admission of such will, the will shall be offered for probate in accordance with section 45a-286. In such case, the court may issue a decree under this section only if the persons entitled to take the bequests under the will consent, in writing, to the distribution of the bequests in accordance with the laws of intestate succession. If the claims against the estate exceed the value of the property of such decedent, the claims shall be

paid in accordance with the priorities set forth in section 45a-392. As used in this subsection, the term "will" includes any duly executed codicil thereto.

(f) Any such transfer or payment shall, to the extent of the amount so transferred or paid, discharge the registrant or holder of such property from liability to any person on account thereof.

(g) As a condition of such transfer or payment, the registrant or holder may require the filing of appropriate waivers, the execution of a bond of indemnity and a receipt for such transfer or payment.

(h) The authority issuing the transfer of registration shall charge a fee of three dollars for the transfer of each motor vehicle and a fee of one dollar for the transfer of each motor boat under this section.

(i) Any transfer or payment under the provisions of this section shall be exempt from taxation under the provisions of chapter 219.

(j) (1) Any person to whom such transfer or payment has been made shall be liable for the value thereof to the Commissioner of Revenue Services for any succession or transfer tax on the property transferred or payment made and to the executor or administrator of the estate of the decedent thereafter appointed.

(2) The Commissioner of Revenue Services shall be given notice by the court of probate of the issuance of any such decree upon such form as may be provided by said commissioner unless such surviving spouse or next of kin, or other suitable person whom the court deems to have a sufficient interest, files with the court of probate a sworn return provided for by chapter 216, in which event the judge of probate may incorporate in the decree a statement that the Commissioner of Revenue Services has issued a finding that no succession or transfer tax is due, or that any such tax computed by him as due has been paid. Such statement shall be conclusive evidence of the consent by the Commissioner of Revenue Services to the transfer or payment of such property as provided in this section free from any claim for such tax, notwithstanding any provision in chapter 216 to the contrary.

Sec. 45a-274. (Formerly Sec. 45-266a). Payment of medical or health benefits. When any decedent is entitled to payment of medical benefits, federal or state, or insurance or health benefits or proceeds, or other intangible personal property owned by or payable to him or to his estate in a sum not exceeding one thousand dollars, the judge of probate for the district within which such decedent resided may name an administrator, ex parte, for the purpose of enabling distribution to the surviving spouse or, if there is no surviving spouse, to the next of kin of such decedent or to the funeral director or physician, as the case may be, upon evidence satisfactory to him that all debts have been paid or provided for as prescribed by section 45a-392.

Sec. 45a-275. (Formerly Sec. 45-266b). Applicability of statutes. Sections 45a- 273 and 45a-274 shall apply only to estates of decedents for whom no will is presented for probate or no application for administration is filed within thirty days after death.

Sec. 45a-318. Cremation authorization, execution re. Custody of remains of deceased persons. Cremation. Notification of next of kin. Funeral director's decision to be reasonable and warranted.

(a) Any person eighteen years of age or older, and of sound mind, may execute in advance of such person's death a written document, subscribed by such person and attested by two witnesses, either: (1) Directing the disposition of such person's body upon the death of such person, which document may also designate an individual to have custody and control of such person's body and to act as agent to carry out such directions; or (2) if there are no directions for disposition, designating an individual to have custody and control of the disposition of such person's body upon the death of such person. Such disposition shall include, but not be limited to, cremation, incineration, disposition of cremains, burial, method of interment and cryogenic preservation. Any such document may designate an alternate to an individual designated under subdivision (1) or (2) of this subsection.

(b) No person may challenge a funeral director's decision to carry out the directions for disposition contained in a document executed for the purposes of subsection (a) of this section if the funeral director's decision and

conduct in carrying out such directions for disposition in reliance on such document was reasonable and warranted under the circumstances.

(c) In the absence of a written designation of an individual pursuant to subsection (a) of this section, or in the event that an individual and any alternate designated pursuant to subsection (a) of this section declines to act or cannot be located within forty-eight hours after the time of death or the discovery of the body, the following individuals, in the priority listed, shall have the right to custody and control of the disposition of a person's body upon the death of such person, subject to any directions for disposition made by such person pursuant to subdivision (1) of subsection (a) of this section:

(1) The deceased person's spouse, unless such spouse abandoned the deceased person prior to the deceased person's death or has been adjudged incapable by a court of competent jurisdiction;

(2) The deceased person's surviving adult children;

(3) The deceased person's surviving parents;

(4) The deceased person's surviving siblings;

(5) Any adult person in the next degree of kinship in the order named by law to inherit the deceased person's estate, provided such adult person shall be of the third degree of kinship or higher;

(6) Such adult person as the Probate Court shall determine.

(d) A document executed by a person for the purposes of subsection (a) of this section shall revoke any document previously executed by such person for the purposes of said subsection or any prior cremation authorization or other authorization for the disposition of remains executed by such person and may be in substantially the following form, but the use of such form shall not preclude the use of any other form:

DISPOSITION OF REMAINS AND
APPOINTMENT OF AGENT

I,, of, being of sound mind, make known that upon my death my body shall be disposed of in the following manner:

(Insert desired disposition directions)

I appoint, having an address and telephone number of, to have custody and control of my body to act as my agent to carry out the disposition directions expressed in this document, and in the absence of disposition directions, to have custody and control of my body and to determine the disposition of my body. If shall decline to act or cannot be located within forty-eight hours of my death or the discovery of my body, then, having an address and telephone number of, shall act in that person's place and stead.

Executed at (insert location of execution), Connecticut on (insert date of execution).

....

(Signature)

Signed in our presence by who, at the time of the execution of this document, appeared to be of sound mind and over eighteen years old.

.... of

....

(Signature of witness)

.... of

....

(Signature of witness)

(e) The court of probate for the district of the domicile or residence of a deceased person shall have jurisdiction to hear and decide any issue regarding the custody, control or disposition of the deceased person's body, upon the petition of any individual designated by the deceased person pursuant to subsection (a) of this section, the individual entitled to custody and control under subsection (c) of this section if no designation is made pursuant to subsection (a) of this section, the first selectman, chief executive officer or director of health of the town in which the deceased person's body is being held, or the funeral director or any other person or institution holding the deceased person's body, and upon such notice to interested parties as the court shall determine.

(f) This section shall not (1) apply to the disposition of the body of a deceased person under the provisions of sections 19a-270 and 54-102, (2) affect the powers and duties of the Chief Medical Examiner under the provisions of sections 19a-406 to 19a-408, inclusive, or (3) affect the making of anatomical gifts under the provisions of sections 19a-279a to 19a-279l, inclusive.

Sec. 45a-320. (Formerly Sec. 45-250). Allowance for support of surviving spouse and family. Family car.

(a) The Court of Probate may allow out of any real or personal estate of a deceased person in settlement before such court, including a small estate being settled under the provisions of section 45a-273, such amount as it may judge necessary for the support of the surviving spouse or family of the deceased during the settlement of the estate.

(b) In making such allowance the court may in its discretion include in its decree ordering such allowance any one or more of the following provisions, to the extent they are not mutually inconsistent: (1) A provision that such allowance shall run (A) for the entire period the estate is in settlement, or (B) for a fixed period of time not to exceed the period of settlement, in which case such allowance shall be subject to renewal by the court in its discretion; (2) a provision that such allowance is to be paid in a lump sum; (3) a provision that such an allowance made for a surviving spouse shall vest in such spouse retroactively as of the moment of death of his spouse so that it will be a fixed sum certain as of said date of death and shall not terminate with the subsequent death or remarriage of the surviving spouse, such allowance to be the absolute property of the surviving spouse, or, if deceased, of the estate of such surviving spouse, without restriction as to use, encumbrance or disposition and for the purpose of this section, the right to seek such a vested allowance shall be a vested right as of the date of death of the deceased spouse, and (4) a provision that such allowance shall be charged ultimately in whole or in part against any right the surviving spouse or other family member for whom an allowance is ordered may have to the income of the estate earned during the period of settlement.

(c) The court may also allow for the use during the settlement of the estate by such surviving spouse or family of any motor vehicle maintained by the decedent during his lifetime as a family car.

Sec. 45a-392. (Formerly Sec. 45-204c). Order of payment of claims. On the final settlement of the estate, the Court of Probate shall direct the payment of claims against the estate to be made in the following order: First, the funeral expenses and the expenses of settling the estate; second, debts due for the last sickness of the deceased; third, all lawful taxes and all debts due the state and the United States; fourth, all debts due any laborer or mechanic for personal wages for labor performed by such laborer or mechanic for the deceased within three months immediately before the decease of such person; fifth, other preferred claims; and last, all

other debts allowed in proportion to their respective amounts.

Sec. 45a-409. (Formerly Sec. 45-230). Settlement of estate without commissioners. When it appears to the Court of Probate that the assets of the estate of any deceased person in settlement before the court, exclusive of the articles which may be legally set out to the surviving spouse and the allowance for support of such spouse and that of the family of the deceased, will not be more than sufficient to pay the funeral expenses, the expenses of settling the estate, the expenses of the last sickness and the lawful taxes and debts due the state and the United States, the court may, after notice to all persons interested, upon hearing, ascertain the amount of the funeral and other expenses and of such taxes and preferred debts, and decree that the settlement of the estate be completed without the appointment of commissioners.

Sec. 45a-448. (Formerly Sec. 45-280). Distribution of damages for causing death. (a) All damages recovered for injuries resulting in death, which death occurred before October 1, 1961, after payment of the costs and expenses of suit, all expenses of last illness and all funeral bills, the expenses of administration and such amount for the support of the surviving spouse or family of the deceased during the settlement of the estate as the Court of Probate may allow, shall be distributed in accordance with the law concerning the distribution of intestate personal estate.

(b) All damages recovered for injuries resulting in death, which death occurred on or after October 1, 1961, after payment of the costs and expenses of suit, all expenses of last illness and all funeral bills, the expenses of administration and claims against the estate and such amount for the support of the surviving spouse or family of the deceased during the settlement of the estate as the Court of Probate may allow, shall be distributed as personal estate in accordance with the last will and testament of the deceased if there is one or, if not, in accordance with the law concerning the distribution of intestate personal estate. Such damages shall not be subject to taxation under the provisions of chapter 216.

Chapter 368a Department of Public Health

Sec. 19a-91. (Formerly Sec. 19-49). Transportation of bodies of deceased persons. The Department of Public Health may adopt such regulations, in accordance with chapter 54, concerning the preparation and transportation of the bodies of deceased persons to be removed from or into the limits of any town or into any adjoining state, as the public health and welfare may require. Such regulations shall be signed by the Commissioner of Public Health, and a copy thereof shall be mailed to each town clerk, licensed embalmer and funeral director at least fifteen days before such regulations take effect. Any person who violates any regulation of the department adopted pursuant to the provisions of this section shall be fined not more than fifty dollars.

Chapter 368I Anatomical Donations

Sec. 19a-270. (Formerly Sec. 19-139). Bodies for anatomical purposes. The first selectman of any town, the mayor of any city, the administrative head of any state correctional institution or the superintendent or person in charge of any almshouse, asylum, hospital, morgue or other public institution which is supported, in whole or in part, at public expense, having in his possession or control the dead body of any person which, if not claimed as hereinafter provided, would have to be buried at public expense, or at the expense of any such institution, shall, immediately upon the death of such person, notify his relatives thereof, if known, and, if such relatives are not known, shall notify the person or persons bringing or committing him to such institution. Such official shall, within twenty-four hours from the time such body came into his possession or control, give notice thereof to the Department of Public Health and shall deliver such body to The University of Connecticut, the Yale University

School of Medicine or the University of Bridgeport College of Chiropractic or its successor institution, as said department may direct and in accordance with an agreement to be made among said universities in such manner as is directed by said department and at the expense of the university receiving the body, if The University of Connecticut, Yale University, or the University of Bridgeport College of Chiropractic or its successor institution, at any time within one year, has given notice to any of such officials that such bodies would be needed for the purposes specified in section 19a-270b; provided any such body shall not have been claimed by a relative, either by blood or marriage, or a legal representative of such deceased person prior to delivery to any of said universities. The university receiving such body shall not embalm such body for a period of at least forty-eight hours after death, and any relative, either by blood or marriage, or a legal representative of such deceased person may claim such body during said period. If any such body is not disposed of in either manner herein specified, it may be cremated or buried. When any person has in his possession or control the dead body of any person which would have to be buried at public expense or at the expense of any such institution, he shall, within forty-eight hours after such body has come into his possession or control, file, with the registrar of the town within which such death occurred, a certificate of death as provided in section 7-62b, as amended, unless such certificate has been filed by a funeral director. Before any such body is removed to any of said universities, the official or person contemplating such removal shall secure a burial transit removal permit which shall be delivered with the body to the official in charge of such university, who shall make return of such burial transit removal permit in the manner provided in section 7-72, as amended.

Sec. 19a-270a. (Formerly Sec. 19a-283). Disposition of remains of bodies. The professors and teachers in the institutions designated in section 19a-270 shall dispose of the remains of all bodies, received in accordance with the provisions of this chapter, in a manner consistent with public propriety and as directed by the Department of Public Health, after the same have answered the purposes of study. Said department shall keep a record of the name, sex and last residence, if known, of each person whose body is so received.

Sec. 19a-270b. (Formerly Sec. 19a-284). Bodies to be used for medical study. Such bodies shall be used for the purposes of medical and surgical study only, in a manner consistent with public propriety, and in this state only.

Sec. 19a-279a. Anatomical gifts: Definitions. As used in sections 19a-279a to 19a-279l, inclusive:

- (1) "Anatomical gift" means a donation of all or part of a human body to take effect upon or after death.
- (2) "Decedent" means a deceased person and includes a stillborn infant or fetus.
- (3) "Document of gift" means a card, a statement attached to or imprinted on a motor vehicle operator's or chauffeur's license, a will or other writing used to make an anatomical gift.
- (4) "Donor" means a person who makes an anatomical gift of all or part of his body.
- (5) "Hospital" means a hospital licensed under chapter 368v or licensed, accredited or approved as a hospital under the law of any state or a facility operated as a hospital by the United States government, a state or a subdivision of a state.
- (6) "Part" means an organ, tissue, eye, bone, artery, blood, fluid or other portion of a human body.
- (7) "Person" means an individual, corporation, limited liability company, business trust, estate, trust, partnership, joint venture, association, government, governmental subdivision or agency or any other legal or commercial entity.
- (8) "Physician" or "surgeon" means a person licensed to practice medicine and surgery under chapter 370 or the law of any other state.
- (9) "Procurement organization" means a person licensed, accredited or approved under the laws of any state for procurement, distribution or storage of human bodies or parts.
- (10) "State" means a state, territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.
- (11) "Technician" means a technician of an organ or tissue procurement organization which meets the

requirements of the American Association of Tissue Banks or the Eyebank Association of America.

Sec. 19a-279b. Making, amending, revoking and refusing to make an anatomical gift by an individual. (a)

A person who is at least eighteen years of age may (1) make an anatomical gift for any of the purposes stated in subsection (a) of section 19a-279f, (2) limit an anatomical gift to one or more of such purposes, or (3) refuse to make an anatomical gift.

(b) An anatomical gift may be made by a document of gift signed by the donor. If the donor cannot sign, the document of gift shall be signed by another person and by two witnesses, all of whom have signed at the direction and in the presence of the donor and of each other, and state that it has been so signed.

(c) If a document of gift is attached to or imprinted on a donor's motor vehicle operator's license, the document of gift shall comply with subsection (b) of this section. Revocation, suspension, expiration or cancellation of the license shall not invalidate the anatomical gift.

(d) A document of gift may designate a particular physician or surgeon to carry out the appropriate procedures. In the absence of a designation or if the designee is not available, the donee or other person authorized to accept the anatomical gift may employ or authorize any physician or surgeon to carry out the appropriate procedure.

(e) An anatomical gift by will shall take effect upon the death of the testator, whether or not the will is probated. If, after death, the will is declared invalid for testamentary purposes, the validity of the anatomical gift is unaffected.

(f) A donor may amend or revoke an anatomical gift, not made by will, only by: (1) A signed statement, or (2) the delivery of a signed statement to a specified donee to whom a document of gift had been delivered.

(g) The donor of an anatomical gift made by will may amend or revoke the gift in the manner provided for amendment or revocation of wills, or as provided in subsection (f) of this section.

(h) An anatomical gift that is not revoked by the donor before death is irrevocable and shall not require the consent or concurrence of any person after the death of the donor.

(i) A person may refuse to make an anatomical gift of his body or part by (1) a writing signed in the same manner as a document of gift, (2) a statement attached to or imprinted on a donor's motor vehicle operator's or chauffeur's license or (3) any other writing used to identify the person as refusing to make an anatomical gift. During a terminal illness or injury, the refusal may be an oral statement or other form of communication.

(j) In the absence of contrary indications by the donor, an anatomical gift of a part is neither a refusal to give other parts nor a limitation on an anatomical gift under section 19a-279c or on a removal or release of other parts under section 19a-279d.

(k) In the absence of contrary indications by the donor, a revocation or amendment of an anatomical gift is not a refusal to make another anatomical gift. If the donor intends a revocation to be a refusal to make an anatomical gift, the donor shall make the refusal pursuant to subsection (i) of this section.

Sec. 19a-279c. Classes of persons who may make an anatomical gift of all or a part of decedent's body. (a)

Any member of the following classes of persons, in the order of priority listed, may make an anatomical gift of all or a part of the decedent's body for an authorized purpose, unless the decedent, before or at the time of death, has made an unrevoked refusal to make that anatomical gift: (1) The spouse of the decedent; (2) a person designated by the decedent pursuant to section 1-56r; (3) an adult son or daughter of the decedent; (4) either parent of the decedent; (5) an adult brother or sister of the decedent; (6) a grandparent of the decedent; (7) a guardian of the person of the decedent at the time of death; (8) any person legally authorized to make health care decisions for the decedent prior to death, including, but not limited to, a health care agent appointed under section 19a-576; and (9) a conservator of the person, as defined in section 45a-644.

(b) An anatomical gift may not be made by a person listed in subsection (a) of this section if: (1) A person in a prior class is available at the time of death to make an anatomical gift; (2) the person proposing to make an anatomical gift knows of a refusal or contrary indications by the decedent; or (3) the person proposing to make an anatomical gift knows of an objection to making an anatomical gift by a member of the person's class or prior class.

(c) An anatomical gift by a person authorized under subsection (a) of this section shall be made by (1) a document of gift signed by the person or (2) the person's telegraphic, recorded telephonic or other recorded message, or other form of communication from the person that is contemporaneously reduced to writing and signed by the recipient.

(d) An anatomical gift by a person authorized under subsection (a) of this section may be revoked by any member of the same or a prior class if, before procedures have begun for the removal of a part from the body of the decedent, the physician, surgeon or technician removing the part knows of the revocation.

(e) A failure to make an anatomical gift under subsection (a) of this section is not an objection to the making of an anatomical gift.

Sec. 19a-279d. Role of Chief Medical Examiner. The Chief Medical Examiner shall serve as a facilitator for tissue harvesting and organ procurement within the constraints imposed by his official investigative responsibilities.

Sec. 19a-279d. Role of Chief Medical Examiner. The Chief Medical Examiner shall serve as a facilitator for tissue harvesting and organ procurement within the constraints imposed by his official investigative responsibilities.

Sec. 19a-279e. Discussion and request re anatomical gift; search and notification re document of gift or evidence of refusal. (a) If, at or near the time of death of a patient, there is no medical record that the patient has made or refused to make an anatomical gift, the hospital administrator or a representative designated by the administrator shall discuss the option to make or refuse to make an anatomical gift and request the making of an anatomical gift pursuant to subsection (a) of section 19a-279c. The request shall be made with reasonable discretion and sensitivity to the circumstances of the family. A request is not required if the gift is not suitable, based upon accepted medical standards, for a purpose specified in section 19a-279f. An entry shall be made in the medical record of the patient stating the name and affiliation of the person making the request, and the name, response and relationship to the patient of the person to whom the request was made.

(b) The following persons shall make a reasonable search for a document of gift or other information identifying the bearer as a donor or as a person who has refused to make an anatomical gift: (1) A law enforcement officer, fireman, paramedic or other emergency rescuer finding a person who the searcher believes is dead or near death; and (2) a hospital, upon the admission of a person at or near the time of death, if there is not immediately available any other source of that information.

(c) If a document of gift or evidence of refusal to make an anatomical gift is located by the search required by subdivision (1) of subsection (b) of this section, and the person or body to whom it relates is taken to a hospital, the hospital shall be notified of the contents and the document or other evidence shall be sent to the hospital.

(d) If, at or near the time of death of a patient, a hospital knows that an anatomical gift has been made pursuant to subsection (a) of section 19a-279c or a release and removal of a part has been permitted pursuant to section 19a-279d, or that a patient or a person identified as in transit to the hospital is a donor, the hospital shall notify the donee if one is named and known to the hospital; if not, it shall notify an appropriate procurement organization. The hospital shall cooperate in the implementation of the anatomical gift or release and removal of a part.

(e) A person who fails to discharge the duties imposed by this section shall not be subject to criminal or civil liability but shall be subject to appropriate administrative sanctions.

Sec. 19a-279f. Persons who may become donees; purposes for which anatomical gifts may be made. (a) The following persons may become donees of anatomical gifts for the purposes stated: (1) A hospital, physician, surgeon or procurement organization, for transplantation, therapy, medical or dental education, research, or advancement of medical or dental science; (2) an accredited medical or dental school, college or university for education, research, advancement of medical or dental science; or (3) a designated person for transplantation or therapy needed by that individual.

(b) An anatomical gift may be made to a designated donee or without designating a donee. If a donee is not designated or if the donee is not available or rejects the anatomical gift, the anatomical gift may be accepted by any hospital.

(c) If the donee knows of the decedent's refusal or contrary indications to make an anatomical gift or that an anatomical gift by a member of a class having priority to act is opposed by a member of the same class or a prior class under subsection (a) of section 19a-279c, the donee may not accept the anatomical gift.

Sec. 19a-279g. Delivery of document of gift. (a) Delivery of a document of gift during the donor's lifetime is not required for the validity of an anatomical gift.

(b) If an anatomical gift is made to a designated donee, the document of gift, or a copy, may be delivered to the donee to expedite the appropriate procedures after death. The document of gift, or a copy, may be deposited in any hospital, procurement organization or registry office that accepts it for safekeeping or for facilitation of procedures after death. On request of an interested person, upon or after the donor's death, the person in possession shall allow the interested person to examine or copy the document of gift.

Sec. 19a-279h. Rights and duties at death. (a) Rights of a donee created by an anatomical gift are superior to rights of others except with respect to autopsies under subsection (b) of section 19a-279j. A donee may accept or reject an anatomical gift. If a donee accepts an anatomical gift of an entire body, the donee, subject to the terms of the gift, may allow embalming and use of the body in funeral services. If the gift is of a part of a body, the donee, upon the death of the donor and before embalming, shall cause the part to be removed without unnecessary mutilation. After removal of the part, custody of the remainder of the body shall vest in the person under obligation to dispose of the body.

(b) The time of death shall be determined by two physicians who attend the donor at death or, if none, the physicians who certify the death. Without limiting any other method of determining death, a donor may be pronounced dead if two physicians determine, in accordance with the usual and customary standards of medical practice, that the donor has suffered a total and irreversible cessation of all brain function. A total and irreversible cessation of all brain function shall mean that the heart and lungs of the donor cannot function, and are not functioning, without artificial supportive measures. Neither the physicians who attend the donor at death nor the physicians who determine the time of death may participate in the procedures for removing or transplanting a part unless the document of gift designates a particular physician or surgeon pursuant to subsection (d) of section 19a-279b.

Sec. 19a-279i. Coordination of procurement and use. Each hospital in this state, after consultation with other hospitals and procurement organizations, shall establish agreements or affiliations for coordination of procurement and use of human bodies and parts.

Sec. 19a-279j. Examination, autopsy, liability. (a) An anatomical gift shall authorize any reasonable examination necessary to assure medical acceptability of the gift for the purposes intended.

(b) The provisions of sections 19a-279a to 19a-279l, inclusive, shall be subject to the laws of this state governing autopsies.

(c) A hospital, physician, surgeon, medical examiner or other person, who acts in accordance with sections 19a-279a to 19a-279l, inclusive, or with the applicable anatomical gift law of another state or attempts in good faith to do so shall not be liable for that act in a civil action or criminal proceeding. Following a signed statement by a donor or the donor card of a donor pursuant to section 14-42 shall be prima facie evidence of a good faith attempt to conform to the donor's intent.

(d) A person who makes an anatomical gift pursuant to section 19a-279b or 19a-279c and the person's estate shall not be liable for any injury or damage that may result from the making or the use of the anatomical gift.

Sec. 19a-279k. Transitional provision. Sections 19a-279a to 19a-279l, inclusive, shall apply to a document of gift, revocation or refusal to make an anatomical gift signed by the donor or a person authorized to make or object to making an anatomical gift before, on or after July 1, 1988.

Sec. 19a-279l. Regulations. The Commissioner of Public Health shall adopt regulations, in accordance with the provisions of chapter 54, for purposes of sections 19a- 279a to 19a-279k, inclusive.

Sec. 19a-280. (Formerly Sec. 19-139l). Sale of blood, tissue and organs. The implied warranties of merchantability and fitness shall not be applicable to a contract for the sale of human blood, blood plasma, or other human tissue or organs from a blood bank or reservoir of such other tissues or organs. Such blood, blood plasma, and the components, derivatives or fractions thereof, or tissue or organs shall not be considered commodities subject to sale or barter, but shall be considered as medical services.

Sec. 19a-280a. Prohibition against transfer for valuable consideration of any human organ for use in human transplantation. Penalty. (a) For the purposes of this section:

(1) "Human organ" means human kidney, liver, heart, lung, pancreas, eye, bone, skin, fetal tissue or any other human organ or tissue, but does not include hair or blood, blood components including plasma, blood derivatives, or blood reagents.

(2) "Valuable consideration" does not include (A) a fee paid to a physician or to other medical personnel for services rendered in the usual course of medical practice or a fee paid for hospital or other clinical services; (B) reimbursement of legal or medical expenses incurred for the benefit of the ultimate receiver of the organ; or (C) reimbursement of expenses of travel, housing and lost wages incurred by the donor of a human organ in connection with the donation of the organ.

(b) No person shall knowingly acquire, receive or otherwise transfer for valuable consideration any human organ for use in human transplantation.

(c) Any person who violates the provisions of this section shall be guilty of a class A misdemeanor.

Sec. 19a-281. (Formerly Sec. 19-139m). Removal of corneal or pituitary tissue during autopsy.

Authorization. (a) Where an autopsy, authorized pursuant to section 19a-406, is to be performed at the Office of the Chief Medical Examiner and the official responsible for conducting the autopsy has reason to believe, (1) that the pituitary or corneal tissue would be beneficial to the health of a living person and (2) that such tissue could be removed without any resulting disfigurement to the body or interference with the subsequent course of the investigation or autopsy, such official shall, if no objection by the decedent's next of kin is known at the time of autopsy and the decedent was not a known member of a religious group with a public position in opposition to tissue removal, remove such deceased person's corneal or pituitary tissue and deposit it in the appropriate bank or storage facility.

(b) Any medical examiner or other authorized official, who acts in good faith and in accordance with the provisions of subsection (a) with respect to the corneal or pituitary tissue of a decedent, shall not be liable for damages in any civil action or subject to prosecution in any criminal proceeding for his act.

Sec. 19a-282. (Formerly Sec. 19-140). When the delivery of bodies is prohibited. No notice shall be given, and no body delivered, under the provisions of section 19a-270, in the case of a person dying of Asiatic cholera, yellow fever, scarlet fever, typhus fever, smallpox, diphtheria, membranous croup or measles; nor shall the body of any person known to any such officer to have relatives, either by blood or marriage, be delivered without their consent; nor shall the body of any person detained on civil process or for trial for any criminal offense, or of any traveler or stranger other than a tramp or vagrant, or of a person who is known to have expressed a desire that his body should be buried, be so delivered. The body of any person so delivered, if subsequently claimed by any relative or friend for burial, shall be given up to him for that purpose.

Sec. 19a-285. (Formerly Sec. 19-142a). Consent by minor to medical, dental, health or hospital services for child. (a) Any minor who has been married or who has borne a child may give effective consent to medical, dental, health and hospital services for his or her child.

(b) Any such minor who has given effective consent as provided in subsection (a) of this section shall be legally liable for any fees, costs or expenses incurred as a result of the rendering of any such service.

Sec. 19a-285a. Donation of blood by minors. Any person who is seventeen years of age or older shall have the legal capacity, without written authorization of his or her parent or guardian, to donate blood or any component thereof and to consent to the withdrawal of blood from his or her body, in conjunction with any voluntary blood donation program.

Sec. 19a-286. (Formerly Sec. 19-143). Autopsy consent. Autopsy arrangements, rights and responsibilities. Informed autopsy consent form. (a) Whenever any person dies and no postmortem examination or autopsy has been ordered pursuant to subsection (b) of section 19a-406, no physician shall conduct or assist in conducting any postmortem examination or autopsy upon the body of such deceased person without first obtaining the consent of whichever one of the following persons, eighteen years of age or older, assumes custody of the body for the purposes of burial: Father, mother, husband, wife, child, guardian, next of kin, friend, a person designated by the deceased person in accordance with section 45a-318 or any person charged by law with the responsibility for burial. If two or more persons assume custody of the body, consent of one of them shall be deemed sufficient. Prior to January 1, 2002, any such consent may be in writing or may be given by telegram, and any telegram purporting to have been sent by a person authorized to give such consent shall be conclusively presumed to have been sent by such person, or may be given by telephone, provided a record of any such consent by telephone shall be kept by such physician for not less than three years. On and after January 1, 2002, such consent shall be made pursuant to subsection (c) of this section, provided such consent may be communicated in person, by telephone, electronically, by mail or by courier. If the physician who is to conduct or assist in conducting any postmortem examination or autopsy, after due inquiry and diligence, is unable to find any person authorized to give consent as provided for in this subsection, such postmortem examination or autopsy may be made by such physician without such consent but only after a reasonable time, which shall not be less than twelve hours nor more than forty-eight hours, has elapsed. Any person violating any provision of this subsection or subsection (b) of this section shall be fined not more than five hundred dollars.

(b) Any person authorized to consent to an autopsy under subsection (a) of this section may make arrangements for an autopsy to be performed at any institution that routinely performs autopsies by any physician who is qualified to perform autopsies at such institution. The person requesting the autopsy shall be responsible for arranging for the autopsy and any necessary associated services and for the payment of any costs incurred. Information concerning the rights and responsibilities under this subsection shall be contained in the institution's patient bill of rights and shall be included in all written material that describes the institution's autopsy policy. A copy of the institution's patient bill of rights containing such information shall be given to the person who assumes custody of the body of the deceased person prior to the signing of an autopsy consent form by the person who assumes such custody. The institution shall provide such information in writing in a language understood by the person who assumes custody of the body of the deceased person.

(c) Not later than January 1, 2002, the Commissioner of Public Health, in consultation with the Chief Medical Examiner, shall develop minimum requirements for an informed autopsy consent form that: (1) Includes clear information naming the institution and department that will perform the autopsy; (2) provides the family member or other person who assumes custody of the body of the deceased person as provided in subsection (a) of this section with an opportunity to place any restrictions or limitations on the autopsy or to express any concerns that such family member or other person may have; and (3) provides for documented and witnessed consent. Such minimum requirements shall include procedures for the oral communication of the information required by subdivisions (1) to (3), inclusive, of this subsection, including communication by telephone, as

provided in subsection (a) of this section, and shall include procedures for the written or telephonic acknowledgment of receipt of an institution's patient bill of rights containing its autopsy policy. Such minimum requirements shall not be deemed to be regulations, as defined in section 4-166.

Sec. 19a-287. (Formerly Sec. 19-144). Penalty. Any selectman, or mayor, the Chief Medical Examiner or deputy medical examiner or an assistant medical examiner, or the administrative head of any state correctional institution, or the superintendent or person in charge of any almshouse, asylum, hospital, morgue or other public institution which is supported, in whole or in part, at public expense, who delivers a corpse, for the purposes of medical and surgical study, to any person in violation of any provision of this chapter, or any person who violates any provision of this chapter for which no other penalty is prescribed, or any person knowing that the deceased had relatives, either by blood or marriage, who desired to give the body a decent burial, or to whom the deceased had expressed a desire that his body should be buried, who wilfully neglects or refuses to give information thereof to the persons in charge of such body, having reasonable opportunity for so doing and having knowledge of the fact that such body may be delivered for medical or surgical purposes, shall be fined not more than five hundred dollars.

Sec. 19a-288. Delivering or receiving corpse for speculation; penalty. Any person who delivers or receives a corpse for the purpose of speculation or pecuniary profit shall be fined not more than one thousand dollars and imprisoned not more than one year.

Chapter 368j Cemeteries

Sec. 19a-295. Ownership and management of burial grounds. Town appropriations. Towns and ecclesiastical societies may procure and hold lands for burial grounds and provide a hearse and pall for the burial of the dead. Cemeteries may be acquired, owned and managed and controlled by such towns and ecclesiastical societies, and by cemetery associations heretofore incorporated or incorporated as provided in section 19a-296, and by no other persons, firms or corporations. Any town may appropriate annually such sum as may be necessary to maintain and properly care for public cemeteries and public burying grounds owned or controlled by such town, and any town may appropriate annually such sums as may be necessary to aid in the maintenance and care of public cemeteries and public burying grounds owned or controlled by ecclesiastical societies or cemetery associations.

Sec. 19a-296. Cemetery associations. (a) Cemetery associations shall be organized in accordance with the provisions of sections 33-1025 to 33-1047, inclusive, and shall not be conducted for the purposes of speculation in cemetery lots and property, or for private gain, either directly or indirectly, to any of the members of any such association; and land for the enlargement of a cemetery may be taken in accordance with the provisions of section 48-18.

(b) The board of directors or board of trustees of any cemetery association shall hold an annual meeting of the association. At such annual meeting, the board shall accept an annual financial statement that shall contain an accounting of income and expenses of the cemetery association for the preceding fiscal year and an accounting of assets owned by the association. Such financial statement shall be included in the minutes of the annual meeting at which such financial statement was accepted. The board shall retain the minutes of such annual meeting for a period of not less than twenty years after such meeting.

(c) No officer, director or trustee of a cemetery association may serve as an officer, director or trustee of any company that manages or operates any aspect of the cemetery.

(d) Any interested party may petition the probate court for the district within which the cemetery owned or controlled by a cemetery association is located to require disclosure of the minutes of an annual meeting of the cemetery association including any financial statement required to be included in such minutes. The court may, after hearing, with notice to all interested parties, grant the petition and require disclosure of such minutes for such periods of time as it determines are reasonable and necessary on finding that: (1) The petitioner has an interest in the minutes sufficient to warrant disclosure, and (2) the petition is not for the purpose of harassment.

Sec. 19a-297. Bylaws. Sexton. The selectmen of towns, cemetery associations or ecclesiastical societies, having the care of cemeteries, may enact bylaws providing for the care and management of all burial lots, and the protection of all shrubs, trees, fences and monuments thereon, provided no such bylaws shall require or result in the removal or banishing of any undamaged United States flag or armed forces service marker, including flagholders provided by veterans organizations, from any grave site, and may appoint superintendents and sextons for such cemeteries, who shall have the exclusive right to direct the opening of graves, and no grave shall be opened in any cemetery except with the consent of the superintendent or sexton. Any person to whom such bylaws have been made known who violates the same shall be fined not more than ten dollars. The incorporators, organizers or members of any cemetery association or, if no incorporators, organizers or members are living, the owners of burial lots therein, by a majority vote, may, at any meeting called for that purpose, amend its articles of association or its bylaws.

Sec. 19a-298. Cemetery associations with capital stock organized prior to 1855. Cemetery associations having capital stock and organized under the general law as to incorporating burial societies prior to 1855 may, when the principal and interest of the subscriptions for capital stock have been repaid and no dividends have been paid for sixty-five years, amend the articles of association by a majority vote of the stock present and voting at a special meeting of such association called for the purpose.

Sec. 19a-299. Trust funds for care of cemeteries. Towns, ecclesiastical societies and cemetery associations may receive and hold in trust donations, the income of which is to be used wholly or in part for the care or improvement of their cemeteries and burial lots or of private lots within such cemeteries or elsewhere. All such donations shall be invested as by law required for the investment of trust funds, except when otherwise authorized by the donors. The principal of two or more such trust funds may be combined and merged in a single fund for the purpose of the investment of the same.

Sec. 19a-300. Funds for care of cemetery lots. Money declared by an instrument in writing to be intended for the perpetual care, maintenance, improvement or embellishment of any cemetery in this state, or of any lot or plot therein, to an amount not less than one hundred dollars, may be deposited with the State Treasurer who shall, in the name of the state, receive and receipt therefor. Each depositor shall, at the time of making such deposit, file with the State Treasurer and with the Secretary of the State a copy of such instrument. The State Treasurer shall invest the money deposited with him under the provisions of this section, in the name of the state, in bonds or other obligations of the state or other securities in which he is authorized to invest money in behalf of the state; and, on the first days of February and August annually, he shall pay over the accrued interest thereof to the treasurer of the town in which the cemetery is located, and the same shall be expended in the same manner as the income of funds donated to towns under the provisions of section 19a-304. At the time of paying such interest the State Treasurer shall inform the person to whom it is paid of the purpose to which it is to be applied, as stated in the copy of such instrument, and such person shall thereupon apply it to such purpose.

Sec. 19a-301. Establishment and management of perpetual funds. Accounting. (a) Any cemetery association, organized as provided by law, may, by vote of the directors or members of such association, set aside the surplus funds of such association as a perpetual fund. Such fund shall be invested in accordance with the provisions of the statutes concerning the investment of trust funds. Such fund, together with any donation

received by an ecclesiastical society or cemetery association pursuant to section 19a-303, shall be under the control, management and supervision of a committee of not fewer than three persons elected by such association or society. Such ecclesiastical society or cemetery association shall meet at least once annually. The treasurer of such society or association shall be, ex officio, the treasurer of such committee, and shall give bond, with surety, to the satisfaction of such committee, for the faithful discharge of his duties. He shall expend the income from such fund or donation for the management, care and maintenance of any cemetery owned or controlled by such ecclesiastical society or cemetery association, or for the purpose set forth in the instrument or declaration of trust regulating the use of such donation or fund if such instrument or declaration of trust should otherwise provide, at the times and in the manner designated by such society or association. The treasurer shall annually, on or before July first, make a report to such society or association, stating the income received, to whom it has been paid, the amount and condition of the fund and how it is invested. A copy of such report shall be filed with the probate court for the district within which the cemetery owned or controlled by the society or association is located. Any treasurer who fails to file such report with the probate court shall be fined not more than fifty dollars.

(b) Any interested party may petition the probate court having jurisdiction under this section to require an accounting by the treasurer. The court may, after hearing, with notice to all interested parties, grant the petition and require an accounting for such periods of time as it determines are reasonable and necessary on finding that: (1) The petitioner has an interest in the fund sufficient to entitle him to an accounting; (2) cause has been shown that an accounting is necessary; and (3) the petition is not for the purpose of harassment. The court shall cause notice of the hearing on the account be given to such parties and in such manner as it directs.

(c) The action to submit an accounting to the court shall not subject the fund to the continuing jurisdiction of the court.

(d) Upon the allowance of any such account, the court shall determine the rights of the parties, subject to appeal as in other cases.

Sec. 19a-302. Care of fund by selectmen or committee. If at any time such association fails to comply with the provisions of section 19a-301, the selectmen of the town in which such cemetery is located shall take over the care of said fund and file an annual report with the Probate Court in accordance with the provisions of section 19a-301. The selectmen may appoint a cemetery committee consisting of three members, residents of such town, one to serve for a term of two years, one for four years and one for six years, and biennially thereafter they may appoint one member for a term of six years to replace the member whose term expires. Said committee shall have all of the powers and duties of a committee established as provided in section 19a-301.

Sec. 19a-303. Acceptance of legacy. Any town or ecclesiastical society, at any meeting warned and held for that purpose, may accept, upon the terms and conditions expressed by a testator in his will, any legacy intended as a provision for the enlargement, improvement or repair of any cemetery or any part thereof, in any town in this state.

Sec. 19a-304. Care of funds by towns. Such a donation, when received by a town, shall, unless otherwise directed by the donor, be paid to the town treasurer; and the income therefrom shall be paid by such treasurer to such person as the selectmen may annually appoint to receive and expend such income. The person so appointed shall give a bond to the town for such sum as the selectmen may fix, with surety to their satisfaction, conditioned for the faithful performance of his duties; and thereupon such person shall expend such income pursuant to the terms of the instrument or declaration of trust regulating the use thereof, and, when no specific direction has been made by the donor relative to the expenditure of such income, or when the purpose specified is incapable of performance, or when there is a surplus of income after the directions of the trust have been fully complied with and performed, he shall expend the same wholly or in part for the general care or improvement of the cemeteries and burial lots or of private lots within such cemeteries in such town.

Sec. 19a-305. Probate Court may make allowance for care of lot. The Court of Probate may allow, out of the estate of a deceased person in settlement before such court, such amount as it deems necessary for the perpetual care, or for care for such time as it determines, of the cemetery lot wherein the deceased is interred.

Sec. 19a-306. Cemeteries in adjoining towns. When any cemetery association or ecclesiastical society owns or manages a cemetery or cemeteries in two adjoining towns, or in the town next adjoining the town in which such association or society is located, a certificate of the registrar of that one of such towns in which any person dies shall be sufficient to enable such association or society to bury such deceased person in any of the cemeteries owned or managed by it as aforesaid.

Sec. 19a-307. Sale of abandoned or unused lots. Any town or any mutual nonstock cemetery association or corporation having charges legally assessed against any lot in the cemetery under its control or any holder of any such lot which have been due and unpaid for at least ten years shall be authorized to sell the unused portion of such lot in such manner as its legislative body or governing board, as the case may be, may direct, provided a notice shall be sent by registered or certified mail to any such lotholder and any other person known to be beneficially interested in any such lot, at the last-known address of such lotholder or other person, which notice shall substantially contain the information that, if such legally assessed charges are not paid within a year from the date of the issuance of such notice, such town, cemetery association or corporation may take over any unused portion of such lot for the purpose of sale, provided space shall be reserved for the surviving spouse, if any, of the original lotholder, if the surviving spouse would otherwise be eligible for burial in such cemetery under the rules and regulations governing burials in such cemetery. If such town, association or corporation is unable to determine any person known to be beneficially interested in any such lot, it shall cause to be published, in a newspaper having a circulation in the town in which the cemetery is located, at least once a week for three consecutive weeks, a notice containing the same information as is sent to any known lotholder or person known to be beneficially interested. The proceeds from the sale of such unused portion of such lots shall first be used to reimburse such town, association or corporation for any past due charges and costs of sale. The balance shall be placed in a perpetual care fund, the interest from which shall be expended in the care of such uncared-for lots in such cemetery as are designated by the legislative body of such town or the governing board of such cemetery, as the case may be.

Sec. 19a-308. Care of neglected cemeteries. In any town in which there is a burial ground or cemetery containing more than six places of interment and not under the control or management of any currently functioning cemetery association, which has been neglected and allowed to grow up to weeds, briars and bushes, or about which the fences have become broken, decayed or dilapidated, the selectmen of such town may annually cause such burial ground to be cleared of weeds, briars and bushes, and may cause its fences or walls to be repaired and kept in orderly and decent condition and its memorial stones to be straightened.

Sec. 19a-309. Headstones at soldiers' graves. No cemetery association shall make or enforce any bylaw, order or regulation prohibiting the erection of any tombstone or headstone, provided by the state or otherwise, at the grave of any soldier, sailor or marine buried in such cemetery. Each association or officer thereof who violates any provision of this section shall be fined fifty dollars.

Sec. 19a-310. Approval of vaults above ground by Department of Public Health. Fees. No person shall construct any vault, crypt, columbarium or mausoleum for public use, wholly or partially above the surface of the ground, to be used to contain the body of any dead person (1) unless the same is located within the confines of an established cemetery containing not less than five acres, which cemetery has been in existence and operation for a period of at least five years immediately preceding the time of the erection thereof, or (2) if located within a cemetery containing less than five acres, such location has been approved by the selectmen of any town, the mayor and council or board of aldermen of any city and the warden and burgesses of any

borough; except that in any town, city or borough having a zoning commission or combined planning and zoning commission, such commission shall have the authority to grant such approval; nor until plans and specifications for such vault, crypt, columbarium or mausoleum are approved by the Department of Public Health and a fee of one thousand dollars is paid to the Department of Public Health for its review and approval of such plans and specifications, provided a columbarium which is used solely as a repository for the remains, after cremation, of deceased persons and is located on the premises of any religious society or corporation shall not be subject to the provisions of this section. Such plans and specifications shall set forth the sections, halls, rooms, corridors, elevators or other subdivisions thereof, with their descriptive names and numbers, and shall provide: (a) That such structure be so arranged that the cell, niche or crypt may be readily examined at any time by any person authorized by law to do so; (b) that the materials of which such structure is to be constructed are to be of the best quality and of a character best suited for the purposes intended; and (c) that the structure shall be so constructed as to insure its durability and permanence as well as the safety, convenience, comfort and health of the community in which it is located, as dictated and determined at the time by modern mausoleum construction and engineering science. The person making the application shall file a certificate of such approval, signed by the Commissioner of Public Health, with a copy of such plans and specifications, in the office of the town clerk of the town wherein such structure is to be erected, and such clerk shall retain the same on file.

Sec. 19a-311. Inspection. Burial prohibited until certificate obtained. Such structure shall be erected under the supervision of an inspector to be appointed by the Department of Public Health, which shall determine the amount of his compensation, such compensation to be paid by the person erecting the same. No vault, crypt, niche, mausoleum, columbarium or structure, and no addition or alteration thereof, shall be used for the purpose of interring therein any body until the person, firm or corporation operating such structure has obtained from said department a certificate, signed by the Commissioner of Public Health, certifying that the plans and specifications filed pursuant to the provisions of section 19a-310 have been complied with, and that the requirements for a maintenance fund provided for in subsection (b) of section 19a-312 have been complied with, which certificate shall be filed in the office of the town clerk of the town wherein the community mausoleum is located, provided a columbarium which is used solely as a repository for the remains, after cremation of deceased persons and is located on the premises of any religious society or corporation shall not be subject to the provisions of this section.

Sec. 19a-312. Sale of crypts. Maintenance. (a) No crypt or room in any mausoleum not privately owned, or niche in a columbarium not so owned, shall be sold or offered for sale, until such structure is entirely completed.

(b) There shall be established and maintained a fund for the perpetual care and maintenance of each such mausoleum and columbarium, by applying in the case of a mausoleum not less than the sum of one hundred dollars from the proceeds received from the sale of each crypt and ten per cent of the proceeds received from the sale of each room; and in case of niches in a mausoleum or columbarium, used as a repository for the remains of deceased persons after cremation, a sum which shall be equivalent to ten per cent of the sale price of each niche. If sales of crypts or rooms in any such mausoleum, or sales of niches in any such mausoleum or columbarium, are made upon a partial payment plan, there shall be set apart and applied to said maintenance fund from each such payment such proportion thereof as the number of partial payments bears to the total amount of the sum required to be set aside for such fund.

(c) When any mausoleum, vault, crypt or structure containing one or more deceased human bodies, in the opinion of the Department of Public Health, becomes a menace to public health, and the owner or owners thereof fail to remedy or remove the same to the satisfaction of said department, any court of competent jurisdiction may order the person, firm or corporation owning such structure to remove the deceased body or bodies for interment in some suitable cemetery at the expense of the person, firm or corporation owning such mausoleum, vault or crypt. If no such person, firm or corporation can be found in the county where such

mausoleum, vault or crypt is located, such removal and interment shall be at the expense of the cemetery, city or town within which such mausoleum, vault or crypt is located, or of the cemetery association in charge of any such cemetery.

(d) Any cemetery or mausoleum maintained or constructed contrary to the provisions of this chapter shall be deemed a public nuisance and may be enjoined in an action brought by any taxpayer of this state.

Sec. 19a-313. Burials above ground restricted. No person shall be buried, interred or entombed in any burying ground, or in any vault, niche, crypt, columbarium, mausoleum or structure wholly or partially above the surface of the ground, unless such burying ground or structure is located within the confines of an established cemetery which is owned, managed or controlled by a municipality, ecclesiastical society, cemetery association or corporation, as provided in this chapter, or a private burying ground or structure approved by the Department of Public Health.

Sec. 19a-314. Penalty. Any officer, manager or agent of any corporation or association, or any other person, who violates any provision of section 19a-296, 19a-307, 19a-310, 19a-311 or 19a-312 shall be fined not more than five hundred dollars or imprisoned not more than six months or both; but no provision of said sections shall prohibit or apply to the construction of temporary receiving vaults.

Sec. 19a-314a. Disclosure of dispute resolution procedure relating to the sale of any item or service by a town, ecclesiastical society or cemetery association which owns, manages or controls a cemetery.

"Cemetery" defined. (a) As used in this section, "cemetery" means any place performing interments on or after October 1, 1995.

(b) Each town, ecclesiastical society or cemetery association which owns, manages or controls a cemetery shall disclose to each consumer, in writing at the time of the sale of any item or service, any dispute resolution procedure of such town, ecclesiastical society or cemetery association. The written disclosure shall also indicate that the consumer may contact the Department of Public Health or local public health director if the consumer has any complaints which concern violations of sections 7-64 to 7-72, inclusive, 19a-310 and 19a-311.

Chapter 368k Crematories

Sec. 19a-320. Erection and maintenance of crematories. Certificates of inspection. Fees. (a) Any resident of this state, or any corporation formed under the law of this state, may erect, maintain and conduct a crematory in this state and provide the necessary appliances and facilities for the disposal by incineration of the bodies of the dead, in accordance with the provisions of this section. The location of such crematory shall be within the confines of an established cemetery containing not less than twenty acres, which cemetery shall have been in existence and operation for at least five years immediately preceding the time of the erection of such crematory, or shall be within the confines of a plot of land approved for the location of a crematory by the selectmen of any town, the mayor and council or board of aldermen of any city and the warden and burgesses of any borough; provided, in any town, city or borough having a zoning commission, such commission shall have the authority to grant such approval. On and after October 1, 1998, no crematory which is not operating on October 1, 1998, shall be located within five hundred feet of any residential structure or land used for residential purposes not owned by the owner of the crematory. This section shall not apply to any resident of this state or any corporation formed under the law of this state that was issued an air quality permit by the Department of Environmental Protection prior to October 1, 1998.

(b) Application for such approval shall be made in writing to the local authority specified in subsection (a) and a hearing shall be held within the town, city or borough in which such location is situated within sixty-five days from the date of receipt of such application. Notice of such hearing shall be given to such applicant by mail,

postage paid, to the address given on the application, and to the Commissioner of Public Health, and by publication twice in a newspaper having a substantial circulation in the town, city or borough at intervals of not less than two days, the first being not more than fifteen days nor less than ten days, and the second being not less than two days before such hearing. The local authority shall approve or deny such application within sixty-five days after such hearing, provided an extension of time not to exceed a further period of sixty-five days may be had with the consent of the applicant. The grounds for its action shall be stated in the records of the authority. Each applicant shall pay a fee of ten dollars, together with the costs of the publication of such notice and the reasonable expense of such hearing, to the treasurer of such town, city or borough.

(c) (1) No such crematory shall be erected until the plans therefor have been filed with and approved by the Department of Public Health; and no such crematory shall be used until it has been inspected and received a certificate of inspection by said department and a fee of one thousand dollars is paid to the Department of Public Health for its inspection and approval.

(2) Each holder of an inspection certificate shall, annually, on or before July first, submit in writing to the Department of Public Health an application for renewal of such certificate together with a fee of two hundred fifty dollars. If the department issues to such applicant such an inspection certificate, the same shall be valid until July first next following, unless revoked or suspended.

(3) Upon receipt of an application for a renewal of such certificate, the Department of Public Health shall make an inspection of each crematory.

(4) A crematory shall be open at all times for inspection by the Department of Public Health. The department may make inspections whenever it deems advisable.

(5) If, upon inspection by the Department of Public Health, it is found that such crematory is in such condition as to be detrimental to public health, the department shall give to the applicant or operator of the crematory notice and opportunity for hearing as provided in regulations adopted by the Commissioner of Public Health, in accordance with the provisions of chapter 54. The commissioner may, after such hearing, revoke, suspend or refuse to issue or renew any such certificate upon cause found at hearing. Any person aggrieved by the finding of or action taken by the Department of Public Health may appeal therefrom in accordance with the provisions of section 4-183.

(6) Any of the inspections provided for in this section may be made by a person designated by the Department of Public Health or by a representative of the Commissioner of Public Health.

Sec. 19a-321. Crematories at public institutions. Any public institution in this state may erect and maintain a crematory for the incineration after death of the bodies of those connected with the institution officially or as inmates, and such others as may be deemed advisable by the administrative head of such institution. Such crematories shall be erected, maintained and conducted in accordance with the provisions of this chapter, and all crematories shall be made subject to the restrictions herein provided. No body shall be cremated in any such crematory if the body is claimed and removed, within seven days after receipt of notice, by relatives or interested friends or by the authorities of the town responsible for the burial of such person, but any body may be cremated with the consent of such relatives, friends or town authorities.

Sec. 19a-322. The managers of each crematory shall keep books of record, which shall be open at reasonable times for inspection, in which shall be entered the name, age, sex and residence of each person whose body is cremated, together with the authority for such cremation and the disposition of the ashes. The owner or superintendent shall complete the cremation permit required by section 19a-323, as amended, retain a copy for the record and immediately forward the original permit to town in which the death occurred. The registrar shall keep the cremation permit on file and record it with other vital statistics. When any body is removed from this state for the purpose of cremation, the person having the legal custody and control of such body shall cause a certificate to be procured from the person in charge of the crematory in which such body is incinerated, stating the facts called for in this section, and cause such certificate to be filed for record with the of the town in which the death occurred.

Sec. 19a-323. Cremation authorized. Cremation certificate required. Fee payable in certain cases. The body of any deceased person may be disposed of by incineration or cremation in this state or may be removed from the state for such purpose. If death occurred in this state, the death certificate required by law shall be filed with the registrar of vital statistics for the town in which such person died, if known, or, if not known, for the town in which the body was found. The Chief Medical Examiner, Deputy Chief Medical Examiner, associate medical examiner, or an authorized assistant medical examiner shall complete the cremation certificate, stating that such medical examiner has made inquiry into the cause and manner of death and is of the opinion that no further examination or judicial inquiry is necessary. The cremation certificate shall be submitted to the registrar of vital statistics of the town in which such person died, if known, or, if not known, of the town in which the body was found, or with the registrar of vital statistics of the town in which the funeral director having charge of the body is located. Upon receipt of the cremation certificate, the registrar shall authorize the cremation certificate, keep it on permanent record, and issue a cremation permit, except that if the cremation certificate is submitted to the registrar of the town where the funeral director is located, such certificate shall be forwarded to the registrar of the town where the person died to be kept on permanent record. The estate of the deceased person, if any, shall pay the sum of forty dollars for the issuance of the cremation certificate or an amount equivalent to the compensation then being paid by the state to authorized assistant medical examiners, if greater. No cremation certificate shall be required for a permit to cremate the remains of bodies pursuant to section 19a-270a. When the cremation certificate is submitted to a town other than that where the person died, the registrar of vital statistics for such other town shall ascertain from the original burial transit removal permit that the certificates required by the state statutes have been received and recorded, that the body has been prepared in accordance with the Public Health Code and that the entry regarding the place of disposal is correct. Whenever the registrar finds that the place of disposal is incorrect, the registrar shall issue a corrected burial transit removal permit and, after inscribing and recording the original permit in the manner prescribed for sextons' reports under section 7-72, shall then immediately give written notice to the registrar for the town where the death occurred of the change in place of disposal stating the name and place of the crematory and the date of cremation. Such written notice shall be sufficient authorization to correct these items on the original certificate of death. No body shall be cremated until at least forty-eight hours after death, unless such death was the result of communicable disease, and no body shall be received by any crematory unless accompanied by the permit provided for in this section. The fee for a cremation permit shall be three dollars and for the written notice one dollar. The Department of Public Health shall provide forms for cremation permits, which shall not be the same as for regular burial permits and shall include space to record information about the intended manner of disposition of the cremated remains, and such blanks and books as may be required by the registrars.

Sec. 19a-324. Penalty. Any person who makes any false statement in procuring any permit required by chapter 93 or by this chapter, or who removes any body from this state for the purpose of cremation upon an ordinary removal permit, or who violates any provision of this chapter, shall be fined not more than five hundred dollars or imprisoned not more than five years.

Provisions of Public Act 05-81

AN ACT CONCERNING DISPOSITION OF UNCLAIMED CREMATED REMAINS BY FUNERAL DIRECTORS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective July 1, 2005*) If the person who has custody and control of the remains of a deceased person pursuant to section 45a-318 of the general statutes requests the disposal of the deceased body by cremation or if the deceased had executed a cremation authorization form in accordance with the provisions of said section 45a-318, the funeral director shall complete a written form containing the following information: (1) The name and address of the funeral service business that is responsible for the disposal of the deceased body; (2) the name of the deceased; (3) the place and time of the cremation; (4) the name of the licensed funeral director or embalmer; (5) the name and address of the person who has custody and control of the remains of the deceased; (6) a summary of the disposition, in accordance with section 2 of this act, of the cremated remains, if unclaimed; and (7) a statement indicating the disposition of the cremated remains requested by the person who has custody and control of the remains of the deceased or a statement indicating the deceased had executed a cremation authorization form in accordance with the provisions of section 45a-318 of the general statutes. The written form shall be signed and dated by the person who has custody and control of the remains of the deceased and the funeral director. A copy of the signed form shall be provided to the person who has custody and control of the remains of the deceased. The original signed form shall be retained at the funeral service business for not less than twenty years from the date on which it was signed by the person who has custody and control of the remains of the deceased.

Sec. 2. (NEW) (*Effective July 1, 2005*) (a) If the cremated remains are not accepted by a person in accordance with the requested disposition of the cremated remains on the form required by section 1 of this act or by the person designated to take custody and control of the cremated remains, the funeral director may dispose of such cremated remains by: (1) Burial in a cemetery, (2) storage in a crypt of a mausoleum or columbarium, (3) scattering, (4) burial in a memorial garden, (5) storage at the funeral home, or (6) such other method identified in the signed form required by section 1 of this act, provided the funeral director has complied with the notice requirements of subsection (b) of this section. Upon such disposal of the cremated remains, the funeral director shall notify, in writing, the registrar of vital records in the town from which the cremation permit for the deceased was issued pursuant to section 19a-323 of the general statutes, as amended by this act, of the manner in which the cremated remains were disposed. Such written notice shall be attached to the cremation permit.

(b) If, because of the failure of the person responsible for accepting the cremated remains or the person designated to take custody and control of the cremated remains to accept such remains, a funeral director or embalmer possesses cremated remains for more than one hundred eighty days after the date of cremation, such funeral director or embalmer shall provide notice, by certified mail, to (1) the person who signed the form required by section 1 of this act, and (2) (A) the person responsible for accepting such remains, or (B) the person designated to take custody and control of the cremated remains, if different from the person signing the form. Such notice shall provide that if the cremated remains are unclaimed for more than ninety days from the date of mailing of such notice, the remains will be disposed of in accordance with subsection (a) of this section.

(c) Any cremated remains in the possession of a funeral director on July 1, 2005, may be disposed of in the manner specified in subsection (a) of this section, provided the funeral director has made a reasonable attempt to notify the person who had custody and control of the remains of the deceased or a relative of the decedent. Such notice shall provide that if the cremated remains are unclaimed for more than one hundred eighty days from the date of mailing of such notice, the remains will be disposed of in accordance with subsection (a) of this section.

Chapter 368q

Medicolegal Investigations

Sec. 19a-404. (Formerly Sec. 19-528). Chief Medical Examiner. The Chief Medical Examiner shall be a citizen of the United States and a doctor of medicine licensed to practice medicine in Connecticut and shall have had a minimum of four years postgraduate training in pathology and such additional subsequent experience in forensic pathology as the commission may determine, provided any person otherwise qualified who is not licensed to so practice may be appointed Chief Medical Examiner, provided he shall obtain such a license within one year of his appointment. His term of office and annual salary shall be fixed by the commission and he may be removed by the commission only for cause. Under the direction of the commission, he shall prepare for transmission to the Secretary of the Office of Policy and Management as required by law estimates of expenditure requirements. He shall account to the State Treasurer for all fees and moneys received and expended by him by virtue of his office. He may as part of his duties teach medical and law school classes, conduct special classes for police investigators and engage in other activities related to the work of his office to such extent and on such terms as may be authorized by the commission.

Sec. 19a-405. (Formerly Sec. 19-529). Deputy Chief Medical Examiner. Staff. The Chief Medical Examiner, with the approval of the commission, shall appoint a deputy who shall perform all the duties of the Chief Medical Examiner in case of his sickness or absence and such associate medical examiners, assistant medical examiners, pathologists, toxicologists, laboratory technicians and other professional staff as the commission may specify. The commission in advance of appointments shall specify the qualifications required for each position in terms of education, experience and other relevant considerations and shall submit recommendations concerning salaries and compensation of such professional staff to the Commissioner of Administrative Services. The Chief Medical Examiner, the Deputy Chief Medical Examiner, associate medical examiners, and assistant medical examiners shall take the oath provided by law for public officers. Other staff members as determined by the commission shall be appointed by the Chief Medical Examiner, subject to the provisions of chapter 67 and the rules of the commission not inconsistent therewith.

Sec. 19a-406. (Formerly Sec. 19-530). Powers and duties of Chief Medical Examiner. Certified pathologists. Autopsies. (a) The Chief Medical Examiner shall investigate all human deaths in the following categories: (1) Violent deaths, whether apparently homicidal, suicidal or accidental, including but not limited to deaths due to thermal, chemical, electrical or radiational injury and deaths due to criminal abortion, whether apparently self-induced or not; (2) sudden or unexpected deaths not caused by readily recognizable disease; (3) deaths under suspicious circumstances; (4) deaths of persons whose bodies are to be cremated, buried at sea or otherwise disposed of so as to be thereafter unavailable for examination; (5) deaths related to disease resulting from employment or to accident while employed; (6) deaths related to disease which might constitute a threat to public health. The Chief Medical Examiner may require autopsies in connection with deaths in the preceding categories when it appears warranted for proper investigation and, in the opinion of the Chief Medical Examiner, the Deputy Chief Medical Examiner, an associate medical examiner or an authorized assistant medical examiner, an autopsy is necessary. The autopsy shall be performed at the Office of the Chief Medical Examiner or by a designated pathologist at a community hospital. Where indicated, the autopsy shall include toxicologic, histologic, microbiologic and serologic examinations. If a medical examiner has reason to suspect that a homicide has been committed, the autopsy shall be performed at the Office of the Chief Medical Examiner or by a designated pathologist in the presence of at least one other designated pathologist if such other pathologist is immediately available. A detailed description of the findings of all autopsies shall be written or dictated during their progress. The findings of the investigation at the scene of death, the autopsy and any toxicologic, histologic, serologic and microbiologic examinations and the conclusions drawn therefrom shall be filed in the Office of the Chief Medical Examiner.

(b) The Chief Medical Examiner shall designate pathologists who are certified by the Department of Public Health to perform autopsies in connection with the investigation of any deaths in the categories listed in subsection (a) of this section. Any state's attorney or assistant state's attorney shall have the right to require an autopsy by a pathologist so designated in any case in which there is a suspicion that death resulted from a criminal act. The official requiring said autopsy shall make a reasonable effort to notify whichever one of the following persons, eighteen years of age or older, assumes custody of the body for purposes of burial: Father, mother, husband, wife, child, guardian, next of kin, friend or any person charged by law with the responsibility for burial, that said autopsy has been required, however performance of said autopsy need not be delayed pending such notice.

(c) If there are no other circumstances which would appear to require an autopsy and if the investigation of the circumstances and examination of the body enable the Chief Medical Examiner, the Deputy Chief Medical Examiner, an associate medical examiner or an authorized assistant medical examiner to conclude with reasonable certainty that death occurred from natural causes or obvious traumatic injury, the medical examiner in charge shall certify the cause of death and file a report of his findings in the Office of the Chief Medical Examiner.

Sec. 19a-407. (Formerly Sec. 19-531). Reports of deaths. Procedure. (a) All law enforcement officers, state's attorneys, prosecuting attorneys, other officials, physicians, funeral directors, embalmers and other persons shall promptly notify the Office of the Chief Medical Examiner of any death coming to their attention which is subject to investigation by the Chief Medical Examiner under this chapter, shall assist in making dead bodies and related evidence available to that office for investigations and postmortem examinations, including autopsies, and shall cooperate fully with said office in making the investigations and examinations herein provided for. In conducting such investigations or examinations, the Chief Medical Examiner may issue subpoenas requiring the production of medical reports, records or other documents concerning the death under investigation and compelling the attendance and testimony of any person having pertinent knowledge of such death.

(b) In cases of apparent homicide or suicide, or of accidental death, the cause of which is obscure, the scene of the event shall not be disturbed until authorized by the Chief Medical Examiner or his authorized representative. Upon receipt of notification of a death as provided herein, the Chief Medical Examiner or his authorized representative shall view and take charge of the body without delay.

(c) In conducting his investigation, the Chief Medical Examiner or his authorized representative shall have access to any objects, writings or other articles of property in the custody of any law enforcement official which in the Chief Medical Examiner's opinion may be useful in establishing the cause or manner of death. Upon the Chief Medical Examiner's request, a law enforcement official having custody of such articles shall deliver them to the Chief Medical Examiner, along with copies of any reports of the analysis of such articles by such law enforcement official. The Chief Medical Examiner shall analyze such articles and return them to the official from whom they were obtained. When such articles are no longer required to be kept for the purposes of justice, the law enforcement official who has custody of them shall deliver them to the person or persons entitled to their custody. If such articles are not claimed by such person or persons entitled thereto within one year after the date of death, such articles may be disposed of by the law enforcement official as provided in section 54-36.

(d) Any person who wilfully fails to comply with any provision of this section shall be fined not more than five hundred dollars or imprisoned not more than one year, or both.

Sec. 19a-408. (Formerly Sec. 19-532). Disposition of body after proceedings. After the termination of all proceedings for which the body is required by the Chief Medical Examiner, the Deputy Chief Medical Examiner, an associate medical examiner or an authorized assistant medical examiner, the body shall be delivered to a person or persons entitled by law to receive the same; but, if there are no such persons who will take charge of and dispose of the body, then to the proper authorities of the town in which the body is lying, whose duty it shall be to dispose of it. Whenever the deceased person has not left property sufficient to defray

the expenses of disposition of the body, the same shall be paid by such town.
(1969, P.A. 699, S. 9; P.A. 79-47, S. 11.)

Sec. 19a-409. (Formerly Sec. 19-533). Issuance of death certificate. The Office of the Chief Medical Examiner shall complete its investigation where reasonably possible within thirty days. Upon completion of the investigation, the Chief Medical Examiner, Deputy Chief Medical Examiner, an associate medical examiner, an authorized assistant medical examiner or a pathologist designated by the Chief Medical Examiner shall file a death certificate, or a certificate supplementing that already filed, with the registrar of vital statistics for the town in which the death occurred, if known, or, if not known, for the town in which the body was found. If the deceased is unidentified, fingerprints of both hands and a photograph of the body, provided mortification has not proceeded so far or the nature of the cause of death was not such as to make identification impossible, shall be sent by said office to such registrar of vital statistics and copies shall be sent to the Department of Public Health and to the Division of State Police within the Department of Public Safety.

Sec. 19a-410. (Formerly Sec. 19-534). Laboratories. The Office of the Chief Medical Examiner shall maintain a laboratory or laboratories suitably equipped with medical, scientific and other facilities for performance of the duties imposed by this chapter. Laboratories may be maintained in collaboration with The University of Connecticut or any other medical school or hospital and any other agencies in the state which have facilities that can be used in performing the duties of the office. The manner of compliance with this section shall be in the discretion of the commission.

Chapter 319s Financial Assistance

Sec. 17b-84. (Formerly Sec. 17-82i). Funeral allowance. Burial or cremation expense. Upon the death of any beneficiary, under the state supplement or the temporary family assistance program the commissioner shall order the payment of a sum not to exceed one thousand dollars for the fiscal year ending June 30, 1987, one thousand one hundred dollars for the fiscal year ending June 30, 1988, and one thousand two hundred dollars for the fiscal year ending June 30, 1989, and subsequent fiscal years, as an allowance toward the funeral and burial expenses of such deceased. The payment for funeral and burial expenses shall be reduced by the amount in any revocable or irrevocable funeral fund, prepaid funeral contract or the face value of any life insurance policy owned by the recipient. Contributions may be made by any person for the cost of the funeral and burial expenses of the deceased over and above the sum established under this section without thereby diminishing the state's obligation.

Sec. 17b-85. (Formerly Sec. 17-82j). Notice by beneficiary of receipt of property, transfer or encumbrance of property or change in information previously furnished. If any person receiving an award for the care of any dependent child or children, or any person legally liable for the support of such child or children, or any other person being supported wholly or in part under the provisions of the state supplement program, medical assistance program, temporary family assistance program, state-administered general assistance program or food stamps program or any beneficiary under said sections or any legally liable relative of such beneficiary, receives property, wages, income or resources of any kind, such person or beneficiary, within ten days after obtaining knowledge of or receiving such property, wages, income or resources, shall notify the commissioner thereof, orally or in writing, unless good cause is established for failure to provide such notice, as determined by the commissioner. No such person or beneficiary shall sell, assign, transfer, encumber or otherwise dispose of any property without the consent of the commissioner. The provisions of section 17b-137 shall be applicable with respect to any person applying for or receiving an award under said sections. Any change in the information which has been furnished on an application form or a redetermination of eligibility form shall also be reported to the commissioner, orally or in writing, within ten days of the occurrence of such

change, unless good cause is established for failure to provide such notice, as determined by the commissioner.

Sec. 17b-95. (Formerly Sec. 17-83g). State's claim on death of beneficiary or parent of beneficiary. Upon the death of a parent of a child who has, at any time, been a beneficiary under the program of aid to families with dependent children, the temporary family assistance program or the state-administered general assistance program, or upon the death of any person who has at any time been a beneficiary of aid under the state supplement program, medical assistance program, aid to families with dependent children program, temporary family assistance program or state-administered general assistance program, except as provided in subsection (b) of section 17b-93, the state shall have a claim against such parent's or person's estate for all amounts paid on behalf of each such child or for the support of either parent or such child or such person under the state supplement program, medical assistance program, aid to families with dependent children program, temporary family assistance program or state-administered general assistance program for which the state has not been reimbursed, to the extent that the amount which the surviving spouse, parent or dependent children of the decedent would otherwise take from such estate is not needed for their support. In the case of any person dying after October 1, 1959, the claim for medical payments, even though such payments were made prior thereto, shall be restricted to medical disbursements actually made for care of such deceased beneficiary. Such claims shall have priority over all unsecured claims against such estate, except (1) expenses of last sickness not to exceed three hundred seventy-five dollars, (2) funeral and burial expenses in accordance with section 17b-84, and (3) administrative expenses, including probate fees and taxes, and including fiduciary fees not exceeding the following commissions on the value of the whole estates accounted for by such fiduciaries: On the first two thousand dollars or portion thereof, five per cent; on the next eight thousand dollars or portion thereof, four per cent; on the excess over ten thousand dollars, three per cent. Upon petition by any fiduciary, the Probate Court, after a hearing thereon, may authorize compensation in excess of the above schedule for extraordinary services. Notice of any such petition and hearing shall be given to the Commissioner of Administrative Services in Hartford at least ten days in advance of such hearing. The allowable funeral and burial payment herein shall be reduced by the amount of any prepaid funeral arrangement. Any amount paid from the estate under this section to any person which exceeds the limits provided herein shall be repaid to the estate by such person, and such amount may be recovered in a civil action with interest at six per cent from the date of demand.

Sec. 17b-131. (Formerly Sec. 17-286). Funeral and burial. Reductions. When a person in any town, or sent from such town to any licensed institution or state humane institution, dies or is found dead therein and does not leave sufficient estate or has no legally liable relative able to pay the cost of a proper funeral and burial, the selectmen, or the public official charged with the administration of general assistance in such town, shall give to such person a proper funeral and burial, and such selectmen or public official may pay a sum not exceeding twelve hundred dollars as an allowance toward the funeral expenses of such deceased, said sum to be paid, upon submission of a proper bill, to the funeral director, cemetery or crematory, as the case may be. On and after October 1, 1991, such payment for funeral and burial expenses shall be reduced by (1) the amount in any revocable or irrevocable funeral fund, (2) any prepaid funeral contract, (3) the face value of any life insurance policy owned by the decedent, and (4) contributions in excess of two thousand eight hundred dollars toward such funeral and burial expenses from all other sources including friends, relatives and all other persons, organizations, veterans and other benefit programs and other agencies. For the purpose of reimbursement from the state, such funeral and burial expense shall be considered a general assistance expenditure within the meaning of section 17b-134. Any person burying or causing to be buried any such person in violation of the provisions of this section shall be fined not less than twenty-five dollars. This section shall not affect the provisions of section 19a-270.

Chapter 946 Offenses Against Public Policy

Sec. 53-331. Use of arsenic in embalming. Any person who injects into the body of any deceased person, for the purpose of embalming the same, any fluid or substance containing arsenic in any form shall be fined not less than one hundred nor more than five hundred dollars.

Sec. 53-332. Burials; proximity to dwelling. No person shall bury the body of any deceased person within a distance of three hundred and fifty feet from any dwelling house unless a public highway intervenes between such place of burial and such dwelling house, or unless such body is encased in a lined vault, except in a cemetery established on or before November 1, 1911, or in a plot of land adjacent to such cemetery which has been made a part thereof with the approval in writing of the Commissioner of Public Health. Such approval shall contain a detailed description of the land so annexed and shall be recorded in the land records of the town in which such cemetery is situated. The provisions of this section shall not apply to any cemetery which, when established, was more than three hundred and fifty feet from any dwelling house. Any person who violates any provision of this section shall be fined not more than fifty dollars or imprisoned not more than thirty days or both.

Sec. 53-333a. Depth of burial. No corpse shall be buried in such manner that the top of the outside container within which such corpse is placed is less than two and one-half feet below the surface of the ground, except that, if such container is made of steel, bronze, concrete or other impermeable material, the top of such container shall be not less than one and one-half feet below the surface. Any person who violates the provisions of this section shall be fined not more than one hundred dollars or imprisoned not more than thirty days or both.

Sec. 53-334. Unlawful disinterment. Any person who opens the grave or tomb where any corpse has been deposited, or removes any corpse from its place of sepulture, without the consent of the husband or wife or the near relatives of the deceased, or receives, conceals or secretes any corpse so removed, or assists in any surgical or anatomical experiments or demonstrations therewith or dissection thereof, knowing it to have been so removed, except as provided in section 19a-413, shall be fined not more than two thousand dollars and imprisoned not more than five years.

Chapter 319v Medical Assistance

Sec. 17b-230. (Formerly Sec. 17-300). Claim of state on death of institution patient. Upon the death of a patient or of a person who has, at any time, been a patient in a state humane institution, the state shall have a claim against his estate for reimbursement for institutional support according to the provisions of sections 17b-223, 17b-224 and 17b-229 to the extent that the amount which the surviving spouse, parent or dependent children of the decedent would otherwise take from such estate is not needed for their support. Such claims shall have priority over all unsecured claims against such estate, except (1) expenses of last sickness not to exceed three hundred seventy-five dollars, (2) funeral and burial expenses in accordance with section 17b-84, (3) such unpaid fees and expenses of the conservator of such patient, if any, as are authorized by law and (4) administrative expenses, including probate fees and taxes, and including fiduciary fees not exceeding the following commissions on the value of the whole estates accounted for by such fiduciaries: On the first two thousand dollars or portion thereof, five per cent; on the next eight thousand dollars or portion thereof, four per cent; on the excess over ten thousand dollars, three per cent. Upon petition by any fiduciary, the Probate Court, after hearing thereon, may authorize compensation in excess of the above schedule for extraordinary services. Notice of any such petition and hearing shall be given to the Commissioner of Administrative Services in Hartford at least ten days in advance of such hearing. The allowable funeral and burial payment herein shall be reduced by the amount of any prepaid funeral arrangement. Any amount paid from the estate under this section to any person which exceeds the limits provided herein shall be repaid to the estate by such person, and such

amount may be recovered in a civil action with interest at six per cent from the date of demand.

Chapter 57 **Administrative Services**

Sec. 4a-16. (Formerly Sec. 4-68h). Disposition of estates of public assistance beneficiaries, state institution patients, inmates and certain children. When any person supported or cared for by the state under a program of public assistance or in an institution maintained by the Department of Public Health, Department of Mental Retardation, Department of Mental Health and Addiction Services, or when an inmate of the Department of Correction, or when any child committed to the Commissioner of Social Services or Commissioner of Children and Families dies leaving only personal estate, including personal assets owing and due the estate after death, not exceeding twenty thousand dollars in value, the Commissioner of Administrative Services or the commissioner's authorized representative shall, upon filing with the probate court having jurisdiction of such estate a certificate that the total estate is under twenty thousand dollars and the claim of the state, together with the expense of last illness not exceeding three hundred seventy-five dollars and funeral and burial expenses in accordance with section 17b-84, equals or exceeds the amount of such estate, be issued a certificate by said court that the commissioner is the legal representative of such estate only for the following purpose. The commissioner shall have authority to claim such estate, the commissioner's receipt for the same to be a valid discharge of the liability of any person turning over the same, and to settle the same by payment of the expense of last illness not exceeding three hundred seventy-five dollars, expense of funeral and burial in accordance with section 17b-84 and the remainder as partial or full reimbursement of the claim of the state for care or assistance rendered to the decedent. The commissioner shall file with said probate court a statement of the settlement of such estate as herein provided.

Chapter 506 **Veterans**

Sec. 27-118. Burial expenses. When any veteran dies, not having sufficient estate to pay the necessary expenses of his last sickness and burial, as determined by the commissioner after consultation with the probate court for the district in which the veteran resided, the state shall pay the sum of one hundred fifty dollars toward such funeral expenses, and the burial shall be in some cemetery or plot not used exclusively for the burial of the pauper dead, and the same amount shall be paid if the body is cremated, but no amount shall be paid for the expenses for burial or cremation unless claim therefor is made within one year from the date of death; provided, in cases of death occurring abroad, such claim may be made within one year after the remains of such veteran have been interred in this country. No provision of this section shall prevent the payment of the sum above named for the burial of any person, otherwise entitled to the same, on account of such burial being made outside the limits of this state. Upon satisfactory proof by the person who has paid or provided for the funeral or burial expense to the commissioner of the identity of the deceased, the time and place of his death and burial and the approval thereof by the commissioner, said sum of one hundred fifty dollars shall be paid by the Comptroller to the person who has paid the funeral or burial expense or, upon assignment by such person, to the funeral director who has provided the funeral. Whenever the Comptroller has lawfully paid any sum toward the expenses of the burial of any deceased veteran and it afterwards appears that the deceased left any estate, the Comptroller may present a claim in behalf of the state against the estate of such deceased veteran for the sum so paid, and the claim shall be a preferred claim against such estate and shall be paid to the Treasurer of the state. The commissioner, upon the advice of the Attorney General, may make application for administration upon the estate of any such deceased veteran if no other person authorized by law makes such application within sixty

days after such payment has been made by the Comptroller.

Sec. 27-119. Veterans' headstones, services to be provided by state. When the grave of any person who, in time of war, served in the military or naval forces of the English colonies in America, prior to 1776, or the grave of any veteran, which is located in this state, is unmarked by a suitable headstone, or is marked by a bronze marker erected by this state, the Commissioner of Veterans' Affairs shall, upon application made not later than two years after the death of such veteran or two years from the interment of the remains of such veteran from abroad, provide payment for the costs of erecting headstones provided by the federal government and shall furnish transportation costs, where none are provided, for said headstones from the nearest destination point to which the federal government will deliver such headstones, to the gravesite, provided such payment is requested not later than one year from the date of the approval of such application. The expense of transportation and the erection or installation of such headstone to an amount not exceeding an amount prescribed by the commissioner, shall be paid by the Comptroller.

Sec. 27-119a. Markers for graves of colonial and Revolutionary War veterans. The commissioner shall, upon application made by the chief executive authority of the town, city or borough wherein the deceased is buried, cause a metal marker and flag holder to be placed on the grave of any person who, in time of war, served in the military or naval forces of the English colonies in America, prior to 1776, or who served in the military or naval forces of the United States in the Revolutionary War, which grave is not so marked.

Sec. 27-120. Memorials for veterans buried abroad or missing. If any person who, in time of war, served in the military or naval forces of the English colonies in America, prior to 1776, or of the state of Connecticut or in the armed forces of the United States, and was credited to said colonies, state or the United States, died during such service of disease or wounds, or was killed in action, died in prison or was lost at sea, and whose body was never brought home for interment, or who was reported missing in action and has not been heard from, the commissioner shall, upon proper application, with satisfactory proof, made by the chief executive authority of the municipality of which the deceased was a resident, as to his identity and honorable service, cause to be erected in any cemetery or public place in such municipality, at a cost to the state of not more than fifty dollars, a marker or soldier's headstone, having inscribed thereon the name of such person, the organization to which he belonged, and the place of his death or burial or when he was reported as missing in action or lost at sea.

Sec. 27-121. Municipal memorials for deceased and missing veterans. If the chief executive authority of any municipality which had as residents several veterans who were killed or lost as described in section 27-120, and to whose memory markers or headstones have not already been erected, prefers a memorial stone or plaque with the names of all such veterans inscribed thereon, erected in a public place or cemetery in such municipality, the commissioner shall cause such a suitable memorial to be erected in such municipality, which memorial shall be of such design and material and of such cost as the commissioner determines. If any municipality, organization or person contributes toward the erection of such memorial, the location of the same shall be determined by the commissioner and a committee of two persons appointed by the municipality, organization or individuals making such contribution. Any such memorial may include the names of any veterans who died or were killed in action as described in said section 27-120 and whose bodies have been brought home for interment whenever the municipality wherein such memorial is to be erected, or any organization or person, agrees with the commissioner to share proportionately the cost of erecting such memorial.

Chapter 960

Information, Procedure and Bail

Sec. 54-51. Reward for information as to theft of motor vehicle, livestock or poultry. Any person who gives information leading to the arrest and conviction of any person for theft of any motor vehicle, mule, ass, cattle,

horse or poultry shall receive a reward of such sum, not exceeding one hundred dollars, as the court in which such conviction is had or as the presiding judge of such court may determine, which shall be paid by the Comptroller upon certification by the clerk of such court of the amount so determined.

Chapter 961 Trial and Proceedings After Conviction

Sec. 54-102. Burial or disposal of body of executed criminal. The warden or his deputy shall cause the body of any executed criminal to be decently and quietly buried in any place in the United States that may be designated by the relatives or friends of the executed person, provided a request for such burial has been made to the warden or deputy on or before the day of execution. The amount of the expenses of the funeral and burial to be paid by the state shall not exceed one hundred and fifty dollars, which shall be paid out of any funds on hand appropriated for the maintenance and support of the Connecticut Correctional Institution, Somers. If the expenses of the funeral and burial at the place designated by such relatives or friends exceed one hundred and fifty dollars, such relatives or friends shall pay to the warden the amount required in excess of said sum before the warden causes the body of such criminal to be removed and buried at the place designated. If the body is not claimed by any relatives or friends on or before the day of execution, the warden or deputy shall dispose of it as provided by law for the unclaimed bodies of criminals who die in the Connecticut Correctional Institution, Somers. The warden shall endorse upon the death warrant a record of his execution thereof and shall return such warrant to the clerk of the superior court for the judicial district where the trial and conviction was had.

Chapter 474 Pollution

Sec. 25-41. Cemetery not to be within one-half mile of reservoir. No cemetery or place of sepulture shall be located or established within one-half mile of any reservoir from which the inhabitants of a town, city or borough are supplied with water, nor shall such reservoir be located or established within one-half mile of a cemetery or place of sepulture unless the superior court for the judicial district wherein such cemetery or place of sepulture or reservoir is located, upon application and notice, finds that such cemetery or place of sepulture or such reservoir so proposed to be located is of public convenience and necessity and will not be detrimental to the public health.

The Public Health Code

19a-36-A2. List of reportable diseases and laboratory findings

The commissioner shall issue a list of reportable diseases and laboratory findings within sixty days of the effective date of these regulations, on the next January 1, and annually thereafter. The list shall show it is the current list and shall specify its effective date. This list shall also include but not be limited to the reporting category of each disease, procedures for the reporting, and minimum investigation and control measures for each disease. Listed diseases are declared reportable diseases as of the effective date of approval by the commissioner.

- (a) The commissioner in consultation with the state epidemiologist will annually review the existing list and develop recommendations for deletions or additions to the list.
- (b) The state epidemiologist or other commissioner designee shall convene and chair an advisory committee to review the recommendations for any changes to the list prior to preparing the final list for that year. This committee shall make recommendations to the commissioner regarding the contents of the list.
- (c) The commissioner shall review the advisory committee's recommendations and make final deletions or additions to the list to take effect January 1 of the next year. He will furnish copies of the list before January 1 to the following:

- (1) physicians licensed by the department;
- (2) directors of clinical laboratories licensed, registered or approved by the department;
- (3) local directors of health in Connecticut;
- (4) health care facilities licensed under Chapter 368v of the Connecticut General Statutes.

19a-36-A36. Funeral directors to report deaths of reportable communicable diseases

Within twelve hours after being called to take charge of a human body dead of a communicable disease listed pursuant to section 19a-36-A2, the funeral director shall report the case to the local director of health and the body shall be prepared for burial in accordance with section 19a-36-A39.

19a-36-A37. Funerals of persons dead of reportable communicable diseases

Funerals of persons dead of any communicable disease listed pursuant to section 19a-36-A2 shall be conducted in such a manner that the family and public shall have no opportunity to come into contact with the body.

19a-36-A38. Definitions

The intent and meaning of certain words and phrases as used in sections 19a-36-A39, 19a-36-A40, 19a-36-A41 and 19a-36-A42 are as follows:

- (a) Washed. A dead human body shall be considered as washed when the entire surface of the body has been bathed with a disinfecting solution.
- (b) Embalmed. A body shall be considered embalmed when it has had injected into the circulatory system embalming fluid in an amount not less than five per cent of the body weight and when such cavities have been injected as may be necessary to properly preserve the body and render it sanitary.
- (c) Wrapped. A body shall be considered as wrapped when it has been bandaged with five thicknesses of cloth saturated with a disinfecting solution, provided, when a body has been embalmed, the face, arms and hands need not be so bandaged.
- (d) Embalming fluid. For the purposes mentioned in section 19a-36-A40 an embalming fluid shall be a fluid containing not less than four per cent formaldehyde gas by weight.
- (e) Disinfecting solution. A disinfecting solution shall be an aqueous solution containing not less than five per cent of phenol by weight, a 1-500 solution of bichloride of mercury or such other solution as shall be equivalent to five per cent phenol in germicidal action when tested in the presence of organic matter by a method and in a laboratory that has met the approval of the state department of health for that purpose, provided such other solution shall have been approved in writing by the commissioner of health. The active ingredients shall be named on the label of any package or container in which a disinfecting solution is offered for sale.

19a-36-A39. Preparation for burial of persons dead of reportable communicable diseases

Human bodies dead of any communicable disease listed pursuant to section 19a-36-A2 shall be prepared for burial by being washed with a disinfecting solution or embalmed or wrapped.

19a-36-A40. Transportation of dead bodies

- (a) Dead human bodies to be transported by common carrier shall be embalmed or wrapped and then enclosed in a casket, and outside box or, in lieu of such double container, be enclosed in an impervious container acceptable to the commissioner of health.

- (b) Dead human bodies to be removed from the place of death to another location for preparation shall be temporarily prepared by enclosing in an impervious container. The licensed embalmer having charge of such a body may sign the certificate required in section 7-62 of the general statutes, but in so doing, such licensed embalmer obligates himself to further prepare the body as required by section 19a-36-A39 as soon as practicable after arrival at his regular place of business.
- (c) The impervious containers mentioned in subsections (a) and (b) of this section shall be cleansed and washed with a disinfecting solution after each use.

19a-36-A41. Disinterment permits

Embalmed bodies which have been placed in receiving vaults shall not be regarded the same as disinterred bodies until after the expiration of thirty days. All bodies remaining in a receiving vault over thirty days shall be treated the same as disinterred bodies. The above shall not apply during winter months to embalmed bodies which are to be buried in any cemetery in Connecticut before the first of June following the date in which they are placed in such receiving vault, but permits may be granted for removal and burial the same as if burial were made immediately after death.

19a-36-A42. Care in handling bodies dead of a communicable disease

Any licensed embalmer who has in charge the preparation of a body dead of a communicable disease shall take the necessary precautions to prevent the spread of infection, and such licensed embalmer shall instruct the owner of the building or the family in which the death occurs, or both, that it is unlawful to remove any infectious material, clothing, instrument or thing until thoroughly disinfected by combustion, by boiling for at least ten minutes or by thorough saturation or immersion in a disinfecting solution for at least two hours.

19a-36-A43. Sanitation of buildings, equipment and instruments

All buildings occupied or used and all equipment and instruments used or owned by funeral directors or licensed embalmers shall be kept in a sanitary condition acceptable to the state department of health.

19a-36-A44. Inspection of buildings, equipment and instruments

The state department of health may, at any time, make an inspection of the buildings occupied or used or the equipment or instruments owned or used by funeral directors or licensed embalmers in the discharge of their business. When such buildings, equipment or instruments are found to be in such an insanitary condition as to be detrimental to the public health, and when it also is found that such buildings, equipment or instruments are owned or used by a licensed embalmer, such fact shall be reported to the state board of examiners of embalmers and funeral directors with the recommendation that the license be not renewed to the licensed embalmer who owns or operates such insanitary place of business.

19-49-1. Removal and transit permits

- (a) Transit permits, as required by section 7-69 of the general statutes, shall be secured in duplicate, one copy being designated as a transit permit to be attached to the coffin or casket. Information for transit

permits, other than what is contained in the death certificate, shall be supplied to the registrar in writing on forms furnished by the state department of health.

- (b) Whenever death occurs at a hospital or state institution from actinomycosis, amebiasis, botulism, chickenpox, conjunctivitis (infectious), dysentery (bacillary), favus, German measles, gonorrhea, hookworm infection, influenza (grippe), malaria, measles, mumps, pneumonia (broncho), pneumonia (lobar), syphilis, rabies, tetanus, trachoma, trichinosis, tuberculosis (pulmonary), tuberculosis (other forms), whooping cough or yellow fever, and the body is to be removed to another town for preparation and burial, the body shall be temporarily prepared by being wrapped in two or more thick nesses of cloth. The licensed embalmer having charge of such body shall wrap the body and may sign the last certificate required in section 7-62 of the general statutes, provided in so doing such licensed embalmer shall obligate himself to further prepare the body as required by section 19-13-A43 as soon as practicable after arrival at his regular place of business.

United States Code of Federal Regulations
Part 453
Funeral Industry Practices

Part 453.1 Definitions.

- (a) Alternative container. An "alternative container" is an unfinished wood box or other non-metal receptacle or enclosure, without ornamentation or a fixed interior lining, which is designed for the encasement of human remains and which is made of fiberboard, pressed- wood, composition materials (with or without an outside covering) or like materials.
- (b) Cash advance item. A "cash advance item" is any item of service or merchandise described to a purchaser as a "cash advance," "accommodation," "cash disbursement," or similar term. A cash advance item is also any item obtained from a third party and paid for by the funeral provider on the purchaser's behalf. Cash advance items may include, but are not limited to: cemetery or crematory services; pallbearers; public transportation; clergy honoraria; flowers; musicians or singers; nurses; obituary notices; gratuities and death certificates.
- (c) Casket. A "casket" is a rigid container which is designed for the encasement of human remains and which is usually constructed of wood, metal, fiberglass, plastic, or like material, and ornamented and lined with fabric.
- (d) Commission. "Commission" refers to the Federal Trade Commission.
- (e) Cremation. "Cremation" is a heating process which incinerates human remains.
- (f) Crematory. A "crematory" is any person, partnership or corporation that performs cremation and sells funeral goods.
- (g) Direct cremation. A "direct cremation" is a disposition of human remains by cremation, without formal viewing, visitation, or ceremony with the body present.
- (h) Funeral goods. "Funeral goods" are the goods which are sold or offered for sale directly to the public for use in connection with funeral services.

- (i) Funeral provider. A "funeral provider" is any person, partnership or corporation that sells or offers to sell funeral goods and funeral services to the public.
- (j) Funeral services. "Funeral services" are any services which may be used to: (1) Care for and prepare deceased human bodies for burial, cremation or other final disposition; and (2) arrange, supervise or conduct the funeral ceremony or the final disposition of deceased human bodies.
- (k) Immediate burial. An "immediate burial" is a disposition of human remains by burial, without formal viewing, visitation, or ceremony with the body present, except for a graveside service.
- (l) Memorial service. A "memorial service" is a ceremony commemorating the deceased without the body present.
- (m) Funeral ceremony. A "funeral ceremony" is a service commemorating the deceased with the body present.
- (n) Outer burial container. An "outer burial container" is any container which is designed for placement in the grave around the casket including, but not limited to, containers commonly known as burial vaults, grave boxes, and grave liners.
- (o) Person. A "person" is any individual, partnership, corporation, association, government or governmental subdivision or agency, or other entity.
- (p) Services of funeral director and staff. The "services of funeral director and staff" are the basic services, not to be included in prices of other categories in Sec. 453.2(b)(4), that are furnished by a funeral provider in arranging any funeral, such as conducting the arrangements conference, planning the funeral, obtaining necessary permits, and placing obituary notices.

Sec. 453.2 Price disclosures.

- (a) Unfair or deceptive acts or practices. In selling or offering to sell funeral goods or funeral services to the public, it is an unfair or deceptive act or practice for a funeral provider to fail to furnish accurate price information disclosing the cost to the purchaser for each of the specific funeral goods and funeral services used in connection with the disposition of deceased human bodies, including at least the price of embalming, transportation of remains, use of facilities, caskets, outer burial containers, immediate burials, or direct cremations, to persons inquiring about the purchase of funerals. Any funeral provider who complies with the preventive requirements in paragraph (b) of this section is not engaged in the unfair or deceptive acts or practices defined here. (b) Preventive requirements. To prevent these unfair or deceptive acts or practices, as well as the unfair or deceptive acts or practices defined in Sec. 453.4(b)(1), funeral providers must: (1) Telephone price disclosure. Tell persons who ask by telephone about the funeral provider's offerings or prices any accurate information from the price lists described in paragraphs (b)(2) through (4) of this section and any other readily available information that reasonably answers the question. (2) Casket price list. (i) Give a printed or typewritten price list to people who inquire in person about the offerings or prices of caskets or alternative containers. The funeral provider must offer the list upon beginning discussion of, but in any event before showing caskets. The list must contain at least the retail prices of all caskets and alternative containers offered which do not require special ordering, enough information to identify each, and the effective date for the price list. In lieu of a written list, other formats, such as notebooks, brochures, or charts may be used if they contain the same information as would the printed or typewritten list, and display it in a clear and conspicuous manner. Provided, however, that funeral providers do not have to make a casket price list available if the funeral

providers place on the general price list, specified in paragraph (b)(4) of this section, the information required by this paragraph. (ii) Place on the list, however produced, the name of the funeral provider's place of business and a caption describing the list as a "casket price list." (3) Outer burial container price list. (i) Give a printed or typewritten price list to persons who inquire in person about outer burial container offerings or prices. The funeral provider must offer the list upon beginning discussion of, but in any event before showing the containers. The list must contain at least the retail prices of all outer burial containers offered which do not require special ordering, enough information to identify each container, and the effective date for the prices listed. In lieu of a written list, the funeral provider may use other formats, such as notebooks, brochures, or charts, if they contain the same information as the printed or typewritten list, and display it in a clear and conspicuous manner. Provided, however, that funeral providers do not have to make an outer burial container price list available if the funeral providers place on the general price list, specified in paragraph (b)(4) of this section, the information required by this paragraph. (ii) Place on the list, however produced, the name of the funeral provider's place of business and a caption describing the list as an "outer burial container price list." (4) General price list. (i)(A) Give a printed or typewritten price list for retention to persons who inquire in person about the funeral goods, funeral services or prices of funeral goods or services offered by the funeral provider. The funeral provider must give the list upon beginning discussion of any of the following: (1) The prices of funeral goods or funeral services; (2) The overall type of funeral service or disposition; or (3) Specific funeral goods or funeral services offered by the funeral provider. (B) The requirement in paragraph (b)(4)(i)(A) of this section applies whether the discussion takes place in the funeral home or elsewhere. Provided, however, that when the deceased is removed for transportation to the funeral home, an in-person request at [[Page 451]] that time for authorization to embalm, required by Sec. 453.5(a)(2), does not, by itself, trigger the requirement to offer the general price list if the provider in seeking prior embalming approval discloses that embalming is not required by law except in certain special cases, if any. Any other discussion during that time about prices or the selection of funeral goods or services triggers the requirement under paragraph (b)(4)(i)(A) of this section to give consumers a general price list. (C) The list required in paragraph (b)(4)(i)(A) of this section must contain at least the following information: (1) The name, address, and telephone number of the funeral provider's place of business; (2) A caption describing the list as a "general price list"; and (3) The effective date for the price list; (ii) Include on the price list, in any order, the retail prices (expressed either as the flat fee, or as the price per hour, mile or other unit of computation) and the other information specified below for at least each of the following items, if offered for sale: (A) Forwarding of remains to another funeral home, together with a list of the services provided for any quoted price; (B) Receiving remains from another funeral home, together with a list of the services provided for any quoted price; (C) The price range for the direct cremations offered by the funeral provider, together with: (1) A separate price for a direct cremation where the purchaser provides the container; (2) Separate prices for each direct cremation offered including an alternative container; and (3) A description of the services and container (where applicable), included in each price; (D) The price range for the immediate burials offered by the funeral provider, together with: (1) A separate price for an immediate burial where the purchaser provides the casket; (2) Separate prices for each immediate burial offered including a casket or alternative container; and (3) A description of the services and container (where applicable) included in that price; (E) Transfer of remains to funeral home; (F) Embalming; (G) Other preparation of the body; (H) Use of facilities and staff for viewing; (I) Use of facilities and staff for funeral ceremony; (J) Use of facilities and staff for memorial service; (K) Use of equipment and staff for graveside service; (L) Hearse; and (M) Limousine. (iii) Include on the price list, in any order, the following information: (A) Either of the following: (1) The price range for the caskets offered by the funeral provider, together with the statement: "A complete price list will be provided at the funeral home."; or (2) The prices of individual caskets, disclosed in the manner specified by paragraph (b)(2)(i) of this section; and (B) Either of the following: (1) The price range for the outer burial containers offered by the funeral provider, together with the statement: "A complete price list will be provided at the funeral home."; or (2) The prices of individual outer burial containers, disclosed in the manner specified by paragraph (b)(3)(i) of this section; and (C) Either of the following: (1) The price for the basic services of funeral director and staff, together with a list of the principal basic services provided for any quoted

price and, if the charge cannot be declined by the purchaser, the statement: "This fee for our basic services will be added to the total cost of the funeral arrangements you select. (This fee is already included in our charges for direct cremations, immediate burials, and forwarding or receiving remains.)". If the charge cannot be declined by the purchaser, the quoted price shall include all charges for the recovery of unallocated funeral provider overhead, and funeral providers may include in the required disclosure the phrase "and overhead" after the word "services"; or [[Page 452]] (2) The following statement: "Please note that a fee of (specify dollar amount) for the use of our basic services is included in the price of our caskets. This same fee shall be added to the total cost of your funeral arrangements if you provide the casket. Our services include (specify)." The fee shall include all charges for the recovery of unallocated funeral provider overhead, and funeral providers may include in the required disclosure the phrase "and overhead" after the word "services." The statement must be placed on the general price list together with the casket price range, required by paragraph (b)(4)(iii)(A)(1) of this section, or together with the prices of individual caskets, required by (b)(4)(iii)(A)(2) of this section. (iv) The services fee permitted by Sec. 453.2(b)(4)(iii)(C)(1) or (C)(2) is the only funeral provider fee for services, facilities or unallocated overhead permitted by this part to be non-declinable, unless otherwise required by law. (5) Statement of funeral goods and services selected. (i) Give an itemized written statement for retention to each person who arranges a funeral or other disposition of human remains, at the conclusion of the discussion of arrangements. The statement must list at least the following information: (A) The funeral goods and funeral services selected by that person and the prices to be paid for each of them; (B) Specifically itemized cash advance items. (These prices must be given to the extent then known or reasonably ascertainable. If the prices are not known or reasonably ascertainable, a good faith estimate shall be given and a written statement of the actual charges shall be provided before the final bill is paid.); and (C) The total cost of the goods and services selected. (ii) The information required by this paragraph (b)(5) may be included on any contract, statement, or other document which the funeral provider would otherwise provide at the conclusion of discussion of arrangements. (6) Other pricing methods. Funeral providers may give persons any other price information, in any other format, in addition to that required by Sec. 453.2(b)(2), (3), and (4) so long as the statement required by Sec. 453.2(b)(5) is given when required by the rule.

Sec. 453.3 Misrepresentations.

(a) Embalming provisions. (1) Deceptive acts or practices. In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for a funeral provider to: (i) Represent that state or local law requires that a deceased person be embalmed when such is not the case; (ii) Fail to disclose that embalming is not required by law except in certain special cases, if any. (2) Preventive requirements. To prevent these deceptive acts or practices, as well as the unfair or deceptive acts or practices defined in Sec. Sec. 453.4(b)(1) and 453.5(2), funeral providers must: (i) Not represent that a deceased person is required to be embalmed for: (A) Direct cremation; (B) Immediate burial; or (C) A closed casket funeral without viewing or visitation when refrigeration is available and when state or local law does not require embalming; and (ii) Place the following disclosure on the general price list, required by Sec. 453.2(b)(4), in immediate conjunction with the price shown for embalming: "Except in certain special cases, embalming is not required by law. Embalming may be necessary, however, if you select certain funeral arrangements, such as a funeral with viewing. If you do not want embalming, you usually have the right to choose an arrangement that does not require you to pay for it, such as direct cremation or immediate burial." The phrase "except in certain special cases" need not be included in this disclosure if state or local law in the area(s) where the provider does business does not require embalming under any circumstances. (b) Casket for cremation provisions--(1) Deceptive acts or practices. In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for a funeral provider to: (i) Represent that state or local law requires a casket for direct cremations; (ii) Represent that a casket is required for direct cremations. [[Page 453]] (2) Preventive requirements. To prevent these deceptive acts or practices, as well as the unfair or deceptive acts or practices defined in Sec. 453.4(a)(1), funeral providers must place the following disclosure in immediate conjunction with the price range shown for

direct cremations: ``If you want to arrange a direct cremation, you can use an alternative container. Alternative containers encase the body and can be made of materials like fiberboard or composition materials (with or without an outside covering). The containers we provide are (specify containers).'' This disclosure only has to be placed on the general price list if the funeral provider arranges direct cremations. (c) Outer burial container provisions--(1) Deceptive acts or practices. In selling or offering to sell funeral goods and funeral services to the public, it is a deceptive act or practice for a funeral provider to: (i) Represent that state or local laws or regulations, or particular cemeteries, require outer burial containers when such is not the case; (ii) Fail to disclose to persons arranging funerals that state law does not require the purchase of an outer burial container. (2) Preventive requirement. To prevent these deceptive acts or practices, funeral providers must place the following disclosure on the outer burial container price list, required by Sec. 453.2(b)(3)(i), or, if the prices of outer burial containers are listed on the general price list, required by Sec. 453.2(b)(4), in immediate conjunction with those prices: ``In most areas of the country, state or local law does not require that you buy a container to surround the casket in the grave. However, many cemeteries require that you have such a container so that the grave will not sink in. Either a grave liner or a burial vault will satisfy these requirements.'' The phrase ``in most areas of the country'' need not be included in this disclosure if state or local law in the area(s) where the provider does business does not require a container to surround the casket in the grave. (d) General provisions on legal and cemetery requirements--(1) Deceptive acts or practices. In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for funeral providers to represent that federal, state, or local laws, or particular cemeteries or crematories, require the purchase of any funeral goods or funeral services when such is not the case. (2) Preventive requirements. To prevent these deceptive acts or practices, as well as the deceptive acts or practices identified in Sec. Sec. 453.3(a)(1), 453.3(b)(1), and 453.3(c)(1), funeral providers must identify and briefly describe in writing on the statement of funeral goods and services selected (required by Sec. 453.2(b)(5)) any legal, cemetery, or crematory requirement which the funeral provider represents to persons as compelling the purchase of funeral goods or funeral services for the funeral which that person is arranging. (e) Provisions on preservative and protective value claims. In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for a funeral provider to: (1) Represent that funeral goods or funeral services will delay the natural decomposition of human remains for a long-term or indefinite time; (2) Represent that funeral goods have protective features or will protect the body from gravesite substances, when such is not the case. (f) Cash advance provisions--(1) Deceptive acts or practices. In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for a funeral provider to: (i) Represent that the price charged for a cash advance item is the same as the cost to the funeral provider for the item when such is not the case; (ii) Fail to disclose to persons arranging funerals that the price being charged for a cash advance item is not the same as the cost to the funeral provider for the item when such is the case. (2) Preventive requirements. To prevent these deceptive acts or practices, funeral providers must place the following sentence in the itemized statement of funeral goods and services selected, in immediate conjunction with the list of itemized cash advance items required by Sec. 453.2(b)(5)(i)(B): ``We charge you for our services in obtaining: (specify cash advance items),'' if the funeral provider makes a charge upon, or receives and retains a rebate, commission or trade or volume discount upon a cash advance item.

Sec. 453.4 Required purchase of funeral goods or funeral services.

(a) Casket for cremation provisions--(1) Unfair or deceptive acts or practices. In selling or offering to sell funeral goods or funeral services to the public, it is an unfair or deceptive act or practice for a funeral provider, or a crematory, to require that a casket be purchased for direct cremation. (2) Preventive requirement. To prevent this unfair or deceptive act or practice, funeral providers must make an alternative container available for direct cremations, if they arrange direct cremations. (b) Other required purchases of funeral goods or funeral services-- (1) Unfair or deceptive acts or practices. In selling or offering to sell funeral goods or funeral services, it is an unfair or deceptive act or practice for a funeral provider to: (i) Condition the furnishing of any

funeral good or funeral service to a person arranging a funeral upon the purchase of any other funeral good or funeral service, except as required by law or as otherwise permitted by this part; (ii) Charge any fee as a condition to furnishing any funeral goods or funeral services to a person arranging a funeral, other than the fees for: (1) Services of funeral director and staff, permitted by Sec. 453.2(b)(4)(iii)(C); (2) other funeral services and funeral goods selected by the purchaser; and (3) other funeral goods or services required to be purchased, as explained on the itemized statement in accordance with Sec. 453.3(d)(2). (2) Preventive requirements. (i) To prevent these unfair or deceptive acts or practices, funeral providers must: (A) Place the following disclosure in the general price list, immediately above the prices required by Sec. 453.2(b)(4) (ii) and (iii): "The goods and services shown below are those we can provide to our customers. You may choose only the items you desire. If legal or other requirements mean you must buy any items you did not specifically ask for, we will explain the reason in writing on the statement we provide describing the funeral goods and services you selected." Provided, however, that if the charge for "services of funeral director and staff" cannot be declined by the purchaser, the statement shall include the sentence: "However, any funeral arrangements you select will include a charge for our basic services" between the second and third sentences of the statement specified above herein. The statement may include the phrase "and overhead" after the word "services" if the fee includes a charge for the recovery of unallocated funeral provider overhead; (B) Place the following disclosure in the statement of funeral goods and services selected, required by Sec. 453.2(b)(5)(i): "Charges are only for those items that you selected or that are required. If we are required by law or by a cemetery or crematory to use any items, we will explain the reasons in writing below." (ii) A funeral provider shall not violate this section by failing to comply with a request for a combination of goods or services which would be impossible, impractical, or excessively burdensome to provide.

Sec. 453.5 Services provided without prior approval.

(a) Unfair or deceptive acts or practices. In selling or offering to sell funeral goods or funeral services to the public, it is an unfair or deceptive act or practice for any provider to embalm a deceased human body for a fee unless: (1) State or local law or regulation requires embalming in the particular circumstances regardless of any funeral choice which the family might make; or (2) Prior approval for embalming (expressly so described) has been obtained from a family member or other authorized person; or (3) The funeral provider is unable to contact a family member or other authorized person after exercising due diligence, has no reason to believe the family does not want embalming performed, and obtains subsequent approval for embalming already performed (expressly so described). In seeking approval, the funeral provider [[Page 455]] must disclose that a fee will be charged if the family selects a funeral which requires embalming, such as a funeral with viewing, and that no fee will be charged if the family selects a service which does not require embalming, such as direct cremation or immediate burial. (b) Preventive requirement. To prevent these unfair or deceptive acts or practices, funeral providers must include on the itemized statement of funeral goods and services selected, required by Sec. 453.2(b)(5), the statement: "If you selected a funeral that may require embalming, such as a funeral with viewing, you may have to pay for embalming. You do not have to pay for embalming you did not approve if you selected arrangements such as a direct cremation or immediate burial. If we charged for embalming, we will explain why below."

Sec. 453.6 Retention of documents.

To prevent the unfair or deceptive acts or practices specified in Sec. Sec. 453.2 and 453.3 of this rule, funeral providers must retain and make available for inspection by Commission officials true and accurate copies of the price lists specified in Sec. Sec. 453.2(b) (2) through (4), as applicable, for at least one year after the date of their last distribution to customers, and a copy of each statement of funeral goods and services selected, as required by Sec. 453.2(b)(5), for at least one year from the date of the arrangements conference.

Sec. 453.7 Comprehension of disclosures.

To prevent the unfair or deceptive acts or practices specified in Sec. Sec. 453.2 through 453.5, funeral providers must make all disclosures required by those sections in a clear and conspicuous manner. Providers shall not include in the casket, outer burial container, and general price lists, required by Sec. Sec. 453.2(b)(2)- (4), any statement or information that alters or contradicts the information required by this part to be included in those lists.

Sec. 453.8 Declaration of intent.

(a) Except as otherwise provided in Sec. 453.2(a), it is a violation of this rule to engage in any unfair or deceptive acts or practices specified in this rule, or to fail to comply with any of the preventive requirements specified in this rule; (b) The provisions of this rule are separate and severable from one another. If any provision is determined to be invalid, it is the Commission's intention that the remaining provisions shall continue in effect. (c) This rule shall not apply to the business of insurance or to acts in the conduct thereof.

Sec. 453.9 State exemptions.

If, upon application to the Commission by an appropriate state agency, the Commission determines that: (a) There is a state requirement in effect which applies to any transaction to which this rule applies; and (b) That state requirement affords an overall level of protection to consumers which is as great as, or greater than, the protection afforded by this rule; then the Commission's rule will not be in effect in that state to the extent specified by the Commission in its determination, for as long as the State administers and enforces effectively the state requirement.

Reportable Diseases

Category 1: Reportable immediately by telephone on the day of recognition or strong suspicion of disease. On weekdays, reports are made to the DPH and local health departments; in the evening and on weekends, to the DPH. A Confidential Disease Report (PD-23) or more disease-specific report form should be mailed to both the DPH and local health departments within 12 hours.

<ul style="list-style-type: none"> Chickenpox <ul style="list-style-type: none"> • admission to hospital, any age • adults > 18 years, any clinical setting Cholera Diphtheria Measles Meningococcal disease Outbreaks: <ul style="list-style-type: none"> Foodborne outbreaks (involving ≥ 2 persons) Institutional outbreaks Unusual disease or illness (1) 	<ul style="list-style-type: none"> Pertussis Poliomyelitis Rabies (human and animal) Rubella (including congenital) (<i>list continued in next column</i>) SARS-CoV disease * <i>Staphylococcus aureus</i> disease, reduced or resistant <ul style="list-style-type: none"> susceptibility to vancomycin (2) Tuberculosis Yellow fever
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Diseases which are possible indicators of Bioterrorism

<ul style="list-style-type: none"> Anthrax Botulism <ul style="list-style-type: none"> Brucellosis Outbreaks of unusual disease or illness (1) Plague Q fever 	<ul style="list-style-type: none"> Ricin Poisoning Smallpox Staphylococcal enterotoxin B <ul style="list-style-type: none"> pulmonary poisoning Tularemia Venezuelan equine encephalitis Viral hemorrhagic fever
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Category 2: Reportable by mail within 12 hours of recognition or strong suspicion to both the DPH and local health departments.

<ul style="list-style-type: none"> Acquired immunodeficiency syndrome (2,3) Babesiosis Campylobacteriosis Carbon monoxide poisoning (4) Chancroid Chlamydia (<i>C. trachomatis</i>) (all sites) Chickenpox Chickenpox-related death Creutzfeldt-Jacob disease, < 55 years of age Cryptosporidiosis Cyclosporiasis Ehrlichiosis Encephalitis <i>Escherichia coli</i> O157:H7 gastroenteritis Gonorrhea Group A streptococcal disease, invasive (5) 	<ul style="list-style-type: none"> Group B streptococcal disease, invasive (5) <i>Haemophilus influenzae</i> disease, invasive, all serotypes (5) Hansen's disease (Leprosy) Hemolytic-uremic syndrome Hepatitis A, C, Delta, Non-A/Non-B Hepatitis B <ul style="list-style-type: none"> • acute infection • HBsAg positive pregnant woman HIV-1 exposure in infant born 1/1/2001 or later (2,6) HIV-1 infection in: (2) <ul style="list-style-type: none"> • person with active tuberculosis disease • person with latent tuberculosis infection (history or tuberculin skin test ≥ 5 mm induration by Mantoux technique) <ul style="list-style-type: none"> • child < 13 years of age • person ≥ 13 years of age not included above (7) Lead Toxicity (blood lead ≥ 20 μg/dL) Legionellosis
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- 1 Individual cases of "significant unusual illness" are also reportable.**
- 2 Report only to the State.**
- 3 CDC case definition.**
- 4 Includes person being treated in hyperbaric chambers for suspect CO poisoning.**
- 5 Invasive disease: confirmed by isolation from blood, CSF, pericardial fluid, pleural fluid, peritoneal fluid, joint fluid, bone, other normally sterile sites, and intraoperative swab from a normally sterile site or normally sterile tissue obtained during surgery.**
- 6 Exposure" includes infant born to known HIV-infected mother.**
- 7 Persons with HIV infection and active tuberculosis or latent tuberculosis infection (history of tuberculin skin test = 5 mm induration by Mantoux technique), or children (<13 years of age) should be reported using full name and street address. Persons =13 years of age, should be reported by full name and street address or by state-specified unique identifier (UI). To make the UI, the first 3 letters of the patient's last name, date of birth, gender and race need to be reported.**
- 8 Community-acquired: infection present on admission to hospital and person has no previous hospitalizations or regular contact with the health-care setting.**

How to report: The PD-23 is the general disease reporting form and should be used if other specialized forms are not available. Specialized reporting forms from the following programs are available: HIV/AIDS Surveillance (860-509-7900), Sexually Transmitted Disease Program (860-509-7920), the Pulmonary Diseases Program (860-509-7722), or the Occupational Health Surveillance Program (860-509-7744). Forms may be obtained by writing the Department of Public Health, Epidemiology Program, 410 Capitol Ave., MS#11EPI, P.O. Box 340308, Hartford, CT 06134-0308 (860-509-7994); or by calling the individual program.

Telephone reports of Category 1 disease should be made to the local director of health for the town in which the patient resides and to the Epidemiology Program (860-509-7994). Tuberculosis cases should be directly reported to the Pulmonary Diseases Program (860-509-7722). For the name, address, or telephone number of the local Director of Health for a specific town contact the Office of Local Health Administration (860-509-7660). **For public health emergencies, an epidemiologist can be reached nights and weekends through the DPH emergency number (860-509-8000).**