

(4) [ , "seller"] "SELLER" means a person who agrees to provide services or merchandise, directly or indirectly, under a pre-need contract.

(5) "TRUSTEE" MEANS A PERSON THAT HAS RESPONSIBILITY FOR MAKING PRE-NEED ARRANGEMENTS IN A MANNER THAT ENTITLES THE BENEFICIARY TO BE ELIGIBLE FOR BENEFITS THAT RESTRICT ASSETS.

(b) (1) Only a licensed mortician, a licensed funeral director, or a holder of a surviving spouse license may offer or agree, directly or indirectly, to provide services or merchandise under a pre-need contract.

(2) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION, A LICENSED MORTICIAN OR A LICENSED FUNERAL DIRECTOR WHO IS EMPLOYED BY A FUNERAL ESTABLISHMENT MAY EXECUTE PRE-NEED CONTRACTS ON BEHALF OF THE FUNERAL ESTABLISHMENT WITH WHICH THE MORTICIAN OR FUNERAL DIRECTOR IS EMPLOYED.

(3) ANY FUNERAL ESTABLISHMENT ON WHOSE BEHALF PRE-NEED CONTRACTS ARE EXECUTED UNDER THIS SUBSECTION MUST COMPLY WITH THE REQUIREMENTS OF THIS SECTION.

(f) (2) The making of a pre-need contract by a licensed mortician, A LICENSED FUNERAL DIRECTOR, OR A HOLDER OF A SURVIVING SPOUSE LICENSE is not the practice of insurance business.

7-410.

(A) ANY INDIVIDUAL WHO IS 18 YEARS OF AGE OR OLDER MAY DECIDE THE DISPOSITION OF THE INDIVIDUAL'S OWN BODY AFTER THE INDIVIDUAL'S DEATH WITHOUT THE PRE-DEATH OR POST-DEATH CONSENT OF ANOTHER PERSON BY EXECUTING A DOCUMENT THAT EXPRESSES THE INDIVIDUAL'S WISHES OR BY ENTERING INTO A PRE-NEED CONTRACT.

(B) IN ORDER TO BE VALID, ANY DOCUMENT EXECUTED UNDER SUBSECTION (A) OF THIS SECTION MUST BE WRITTEN AND SIGNED BY THE INDIVIDUAL IN THE PRESENCE OF A WITNESS, WHO, IN TURN, SHALL SIGN THE DOCUMENT IN THE PRESENCE OF THE INDIVIDUAL.

(C) UNLESS A PERSON HAS KNOWLEDGE THAT CONTRARY DIRECTIONS HAVE BEEN GIVEN BY THE DECEDENT, IF A DECEDENT HAS NOT EXECUTED A DOCUMENT UNDER SUBSECTION (A) OF THIS SECTION, THE FOLLOWING PERSONS, IN THE ORDER OF PRIORITY STATED, HAVE THE RIGHT TO ARRANGE FOR THE FINAL DISPOSITION OF THE BODY OF THE DECEDENT UNDER THIS SECTION AND ARE LIABLE FOR THE REASONABLE COSTS OF PREPARATION, CARE, AND DISPOSITION OF THE DECEDENT:

- (1) THE SURVIVING SPOUSE OF THE DECEDENT;
- (2) AN ADULT CHILD OF THE DECEDENT;
- (3) A PARENT OF THE DECEDENT;
- (4) AN ADULT BROTHER OR SISTER OF THE DECEDENT;