

(6) If the buyer exercises the option described in paragraph (4) of this subsection, the buyer, a relative of the buyer, or legal representative of the buyer shall retain the right to appoint, as trustee of the irrevocable trust, a trustee other than the one originally designated in the contract.

(7) If a contract is voided under paragraph (3) of this subsection and the option to establish an irrevocable trust has been exercised under paragraph (4) of this subsection, the buyer, a relative of the buyer, or a legal representative of the buyer shall retain the right to appoint, as trustee of the irrevocable trust, a trustee other than the one originally designated in the contract.

(f) (1) A pre-need contract is not subject to the Retail Installment Sales Act.

(2) The making of a pre-need contract by a licensed mortician is not the practice of insurance business.

[7-405.] 7-406.

A licensee [who performs a cremation shall keep a record of each cremation authorization on the form required by the Board] SHALL MAINTAIN A COMPLETE FILE OF A CREMATION THAT INCLUDES THE SIGNATURE OF THE NEXT OF KIN, PERSON IDENTIFYING THE BODY, OR PERSON RESPONSIBLE FOR DISPOSITION, TIME OF DEATH, AND THE DATE AND TIME OF CREMATION.

[7-406.] 7-407.

(a) A licensed funeral director shall provide to the surviving spouse or immediate family members of the deceased or authorized representative a notice which advises that certain individuals may be entitled to continuation of group health insurance benefits under Article 48A, § 490G of the Code.

(b) The notices required to be provided in subsection (a) of this section shall be supplied to the licensed funeral director by the Insurance Commissioner.

(c) A licensed funeral director who fails to provide notice under subsection (a) of this section shall not be liable to any person for benefits which would have otherwise been payable under Article 48A, § 490 of the Code or other damages resulting from the failure to provide notice.

[7-407.] 7-408.

(a) In this section, "mortician rehabilitation committee" means a committee that:

- (1) Is defined in subsection (b) of this section; and
- (2) Performs any of the functions listed in subsection (d) of this section.

(b) For purposes of this section, a mortician rehabilitation committee is a committee of the Board or a committee of any association representing morticians that:

- (1) Is recognized by the Board; and
- (2) Includes but is not limited to morticians.