EXHIBIT 11 BUH
DATE 2-9-09
HB 386

STATE STATUTES ON THE RIGHT OF DISPOSITION

STATE	DECEDENT	AGENT	NEXT-OF-KIN
Alabama(1)			34-13-11
Alaska			No Statute
Arizona	36-831		
Arkansas	20-17-102		
California	7100.1(a)(Health)	7100(a)(1)(Health)	
Colorado	15-19-104	15-19-106	
Connecticut	45a-318	45a-318	
Delaware	12-2-264(a)(1)	12-2-264(a)(2)	
District of Columbia	3-413(a)	3-413(b)	
Florida	470.002(18)		
Georgia (2)		31-32-7(e)(5)	43-18-1(16)
Hawaii			No Statute
Idaho	54-1139	54-1142(a)-(c)	
Illinois	755 ILCS 65/40	755 ILCS 65/5	
Indiana		23-14-55-2 and 30-5-5-16	
Iowa		144c(5)	
Kansas		65-1734	
Kentucky (3)	367.97527		
Louisiana	8:655A		
Maine	22-2843-A-5	22-2843-A-2	
Maryland	5-509		
Massachusetts (4)	CMR 239-3.09		
Michigan			700.3206
Minnesota	149A.80.1	149A.80.2(1)	
Mississippi	73-11-58(1)		
Missouri		194.119.8	
Montana (5)			37-19-101
Nebraska	71-1339-1340	71-1339	
Nevada		451.024	
New Hampshire	290:17	290:17	
New Jersey		45:27-22	
New Mexico (6)	24-12A-1		
New York	4201.2(a)(i) Public Health Law	4201.2(c) Public Health Law	
North Carolina	130A-420	90-210.124	
North Dakota	23-06-03.4		
Ohio		2108.70	
Oklahoma	47-1151.A	47-1151.B	
Oregon	97-130(1)	97-130(3)	
Pennsylvania	20-305(A)		
Rhode Island	5-33.2-24	5-33.3-1	

STATE	DECEDENT	AGENT	NEXT-OF-KIN
South Carolina (7)	**32-8-315**	**32-8-320(1)**	
South Dakota	**34-26-1**		
Tennessee		**34-6-204(b)(3)**	
Texas	**711.002(g)**	**711.002(a)**	
Utah	**58-9-601**	**58-9-602**	
Vermont	**18 V.S.A. 5226**	**18 V.S.A. 9712**	
Virginia		**54.1-2825**	
Washington	**68.50.160**		
West Virginia (8)	**30-6-3**		
Wisconsin		**154.30(2)**	
Wyoming (9)	**No Statute**		
TOTALS (10)	35	31	6

1. Alabama: Alabama law does allow an individual to be cremated if the individual has authorized it in a preneed contract or written authorization form. However, the individual's spouse, children, parents and siblings can override those instructions.
2. Georgia: While Georgia permits a health care agent to direct the form of disposition, 43-18-1(16) does not list a health care agent in the priority list of who holds the right of disposition. Therefore, there appears to be an inherent conflict in the statutory scheme.
3. Kentucky: This statute only covers cremation. A decedent during his lifetime may authorize cremation of his or her remains. A surviving spouse or next-of-kin may challenge the authorization, but the court is only to overturn the wishes of the decedent in extraordinary circumstances.
4. Massachusetts: Massachusetts' right of disposition is found in a regulation of the Board, not in the statute.
5. Montana: Section 24.147.1504(c) of the regulations of the Montana Board allows the next-of-kin to change all aspects of a preneed contract except the means of disposition.
6. New Mexico: The statute only addresses authorization for cremation.
7. South Carolina: The statute only addresses authorization for cremation.
8. West Virginia: The statute appears to authorize the decedent to control the disposition, but it is not completely clear.
9. Wyoming: Although Wyoming has no statute, it reportedly has case law which establishes that the expressed wishes of the decedent are binding.
10. Of the 35 states with laws giving the decedent authority to make binding disposition arrangements and the 31 states allowing an appointed agent to make disposition arrangements, 20 states have both provisions.