

PUBLIC CHAPTER NO. 702

HOUSE BILL NO. 2760

By Representatives Curtiss, Pitts, Naifeh, Williams, Johnnie Turner, Ferguson, Fitzhugh, Yokley, Bass, Stewart, McDonald, Lollar, Armstrong, Curtis Johnson, Ty Cobb, Bone, Fincher, Shaw, Litz, Lynn, Richardson, Camper, Hackworth, Coleman, Hardaway and Mr. Speaker Williams

Substituted for: Senate Bill No. 2871

By Senators Barnes, Overbey, Herron, Marrero

AN ACT to amend Tennessee Code Annotated, Title 34, Chapter 6 and Title 68, Chapter 4, relative to disposition of remains of persons in the military.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 4, Part 1, is amended by adding the following language as a new, appropriately designated section:

68-4-1____.

(a) As used in this section, "DD Form 93" means the form used by the department of defense as a record of emergency data required to be completed by military personnel, a portion of which is used by military personnel to designate the person authorized to direct disposition of their remains (PADD) in the event of death when military personnel are in a duty status as defined in 10 U. S. C. § 1481.

(b) If a member of the military has executed any of the following documents:

(1) A durable power of attorney for health care executed pursuant to title 34, chapter 6, part 2;

(2) An advance directive executed pursuant to title 68, chapter 11, part 18;

(3) A donor card or other directive executed pursuant the uniform anatomical gift act, codified in title 68, chapter 30, part 1;

(4) A living will, executed pursuant to title 32, chapter 11, part 1;

(5) A will executed pursuant to title 32 or validly executed pursuant to any other law; or

(6) Any other document properly executed pursuant to law relating to the disposition of the person's remains; and

such member of the military has also executed a DD Form 93, then notwithstanding the provisions of law identified in subdivisions (1) through (6) or documents executed thereunder, if there is a conflict between the person designated in any document identified in subdivisions (1) through (6) and the PADD in the DD Form 93, the PADD designated in the DD Form 93 shall be the person to make the decisions concerning the disposition of the remains of the member of the military executing the DD Form 93 when a member of the military is in a duty status defined in 10 U. S. C. § 1481.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: March 17, 2010


KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES


RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 31st day of March 2010


PHIL BREDESEN, GOVERNOR