

**PUBLIC CHAPTER NO. 967****HOUSE BILL NO. 3293****By Representatives Fitzhugh, Matlock**

Substituted for: Senate Bill No. 3411

By Senators Crowe, Ketron, Ford

AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 5, Part 5, relative to cremation.

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

SECTION 1. Tennessee Code Annotated, Title 62, Chapter 5, Part 5, is amended by adding the following language as a new, appropriately designated section:

§ 62-5-5\_\_.

(a) Notwithstanding any other law to the contrary, when there is a dispute as to whether to cremate the decedent's body, the priority of the right to dispose of the decedent's body by way of cremation shall be as follows:

(1) Subject to subsection (b), an attorney in fact designated in a durable power of attorney who is acting pursuant to § 34-6-204,

(2) The decedent, in a signed writing that evidences the decedent's preference to be cremated;

(3) The spouse of the decedent;

(4) The adult children of the decedent;

(5) The parents of the decedent;

(6) The adult siblings of the decedent;

(7) The adult grandchildren of the decedent;

(8) The grandparents of the decedent; and

(9) An adult who exhibited special care and concern for the decedent.

(b) An attorney in fact shall only have priority over a decedent if the durable power of attorney in which the attorney in fact was designated

was executed by the decedent subsequent to the decedent's execution of the signed writing that evidences the decedent's preference to be cremated.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.

**PASSED: May 13, 2010**



KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES



RON RAMSEY  
SPEAKER OF THE SENATE

**APPROVED this 26th day of May 2010**



PHIL BREDEESEN, GOVERNOR