

**HB 2088 STAFF MEASURE SUMMARY**

**House Committee On Business and Labor**

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**Prepared By:** Jan Nordlund, LPRO Analyst

**Meeting Dates:** 1/23

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**WHAT THE MEASURE DOES:**

Authorizes Department of Consumer and Business Services to suspend or restrict operations of an endowment care cemetery or take other necessary action when cemetery violates requirements. Requires Department to promptly hold hearing regarding such action. Allows Department, district attorney, or local government to petition the circuit courts to appoint receiver for cemetery. Directs Department to adopt rules, in collaboration with State Mortuary and Cemetery Board, regarding minimum standards of care of endowment care cemeteries and public access to endowment care cemeteries. Establishes prohibited actions of person connected with endowment care cemetery. Becomes operative January 1, 2020. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

Owners of a cemetery may establish an irrevocable trust fund to care, maintain, and enhance the cemetery. Such a cemetery is defined as an endowment care cemetery. A specified percentage of gross sales of specified products and services must be deposited by the endowment care cemetery with the trustee or custodian of its fund. Every fiscal year, the endowment care cemetery must file a statement and submit a fee to the Department of Consumer Business and Services. An entity must be certified with the Department in order to engage in prearrangement sales or preconstruction sales, administer such sales, or provide merchandise or services to fulfill such sales. A person who sells these goods and services must be registered with the State Mortuary and Cemetery Board or hold a current funeral service practitioner license, embalmer license, funeral service practitioner trainee registration or embalmer trainee registration.