

HOUSE BILL 2760

By Curtiss

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 when on active duty or by activated guard or reserve members, 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.

(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 control, if the DD Form 93 was executed at a later date than any document identified in subdivisions (1) through (6).

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