

OFFICE OF ATTORNEY GENERAL
Kentucky Office of Regulatory Relief
(Amendment)

40 KAR 12:100. Funeral planning declaration form.

RELATES TO: KRS 311.1917, 367.93101, 367.93103, 367.93105, 367.93107, 367.93109, 367.93111, 367.93113, 367.93115, 367.93117, 367.93121, 367.97501, 367.97514, 367.97524, 367.97527

STATUTORY AUTHORITY: KRS 15.180, 367.150(4), 367.93101(3)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation amendment complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.180 authorizes the Attorney General to promulgate administrative regulations that will facilitate performing the duties and exercising the authority vested in the Attorney General and the Department of Law. KRS 367.150(4) requires the Department of Law to recommend administrative regulations in the consumers' interest. KRS 367.93101(3) requires the Attorney General to promulgate administrative regulations to prescribe a funeral planning declaration form. KRS 367.93103 prohibits the inclusion of a funeral planning declaration in a power of attorney. This administrative regulation prescribes the funeral planning declaration form by which an individual may establish funeral arrangements and his or her preferences regarding the disposition of their human remains and clarifies how an agent with power of attorney may sign a declaration on behalf of a Declarant.

Section 1. Funeral Planning Declaration. An individual desiring to plan for his or her funeral or the disposition of his or her human remains after death shall complete a Funeral Planning Declaration Form, FPD-1, setting forth his or her preferences. Instructions for actions to be taken after the declarant's death, indicating by initials or marks beside each instruction selected by the declarant, from the following:

Section 2. Power or Attorney. An agent granted authority to act for a principal under a power of attorney cannot sign a Funeral Planning Declaration, Form FPD-1, as a Declarant, but must be directed by the Declarant to sign the Funeral Planning Declaration, Form FPD-1, in the presence of the Declarant and the two (2) required witnesses.

Section 3. Incorporation by Reference.

(1) "Funeral Planning Declaration", Form FPD-1, Oct. 2025, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Attorney General, Capital Complex East, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material is also available on the Attorney General's website, <https://ag.ky.gov/Pages/default.aspx>.

STEPHEN B. HUMPHRESS, Executive Director
RUSSELL COLEMAN, Attorney General

APPROVED BY AGENCY: October 14, 2025

FILED WITH LRC: October 15, 2025 at 8:30 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on December 23, 2025, at 10:00 a.m. Eastern Time at the Office of Administrative Hearings, Conference Room B, 105 Sea Hero Road, Suite 2, Conference Room B, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this Office in writing at least five (5) working days prior to the

hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on December 31, 2025. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Stephen B. Humphress, Executive Director, Kentucky Office of Regulatory Relief, Kentucky Office of Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, phone: 502-696-5481, fax: (502) 573-8317, email: steve.humphress@ky.gov.