

**OFFICE OF ATTORNEY GENERAL**  
**Kentucky Office of Regulatory Relief**  
**(Amended at ARRS Committee)**

**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(2)(a)2. prohibits the inclusion of a funeral planning declaration in a power of attorney. This administrative regulation establishes 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, which shall state 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 of Attorney. An agent granted authority to act for a principal under a power of attorney shall not sign a Funeral Planning Declaration Form, FPD-1, as a Declarant, unless 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>.

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