

THE THANA GRAM

Summer 2019

Official Publication of the Tennessee Funeral Directors Association, Inc.

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President's Message

Randy Nash • TFDA Board of Directors



Greetings Fellow Funeral Professionals,

I hope this finds you all doing well and enjoying the beautiful summer weather. We had an extremely enjoyable time in Sevierville at our 116th TFDA/TFSSC Convention. A big thank you goes out to the convention committee, the sales club, all the exhibitors, and last but not least all of the attendees. We had almost 500 registrants, over 90 firms represented, and right at 70 exhibitors.

Please be sure to patronize these exhibitors who attend our convention. Without them, none of what we do at convention would be possible. I would be remiss if I didn't take a moment to stop and thank the "Backbone" of the convention, Convention Chairman Greg Rush, TFDA Executive Director Bob Batson, TFDA Executive Assistant Dawn Elliott, and the TFDA/TFSSC Convention Committee. These people work hard all year, specifically the week of convention, to ensure an enjoyable time is had by all.

As a first generation funeral director, I don't have childhood memories of going to the convention, but I do have some great ones since I started attending in 2005. I hope that this is the start of convention memories for my children and for the other attendees who bring their families as well. Although our time at convention seems to fly by, it's the memories we make together that keeps people wanting to come back year after year.

As your TFDA President, it is my goal to ensure that we do the best job possible this year to serve you, the members of our great association, to the best of our ability. Our TFDA board is an awesome group of like-minded individuals who want to ensure that our members have the best tools possible for the families that they serve; I am very honored to be able to serve alongside them. If there is ever anything that I can do for you, please know that I am a quick phone call, text message or email away. Funeral service isn't what we do, it's who we are.

Yours in Service,
Randy Nash
2019/20 TFDA President

Our Mission:

To be the Tennessee Funeral Professional leadership advocate, through communication, education and legislation, thereby empowering the licensed funeral professional the ability to serve at the highest level.



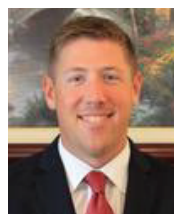
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2019 TFDA/TFSSC 116th Annual Convention

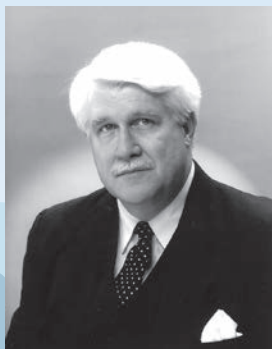
Sunday, June 2, 2019

Sevierville Convention Center



The 2019 TFDA/TFSSC 116th Annual Convention was held at the Sevierville Convention Center in Sevierville, TN, June 2 -3, 2019. This year's convention was very well supported with 67 exhibitors, along with 90 firms represented and right under 500 in attendance!

If you attended the convention, you had the opportunity to earn 5 continuing education credits Sunday and 4 ceu's on Monday.



SUNDAY began with **Mr. Todd Van Beck's** Interfaith Service. We all know how Todd captures an audience with his way of telling a story or delivering a message. We very much appreciate Todd for all he does for the association.



Next, we had the privilege of **Ms. Nectar L. Ramirez**, Director of Customer Training Batesville, seminar "Setting a New Standard: The Cremation Arrangement", approved for 2 continuing education credits. We would like to say thank you to Batesville Casket Company for their sponsoring of this informative seminar.



Mrs. Mary Russell, Professional Development Director for Matthews Aurora, provided the next seminar, "Decoding the Generations", approved for 2 continuing education credits. We would like to say thank you to Matthews Aurora Funeral Solutions for their sponsorship of this educational seminar.

Rosemary Harrison, Memorial Service Chairperson, did another extraordinary job this year with the service. Bass-Mollett Publishers, once again, sponsored the service with each family receiving a commemorative candle. Tukios sponsored the video of our loved ones that left us this past year. Thank you to both Bass-Mollett Publishers and Tukios for making this a special event in honoring our loved ones.



Bass-Mollett
The Director's Complete Funeral Resource

Sunday night was the Grand Opening of the Exhibits! We were very excited to have 67 exhibitors this year with several new ones! There were some changes in this new location. First of all, everyone that attended, had to agree that the food stations were delicious! Also, another big change was Bass-Mollett Publishers sponsored an Ice Cream Truck in the center of the exhibit hall! The ice cream truck offered a large variety of flavors and types, even in a cone! This was a huge success! Thank you Bass-Mollett!

Monday morning started off with the TFDA and TFSSC Business Meetings. The TFDA Business Meeting offered updates on all that the Board of Directors and the Government Affairs Committee has been working on this past year. One of the announcements was, TFDA now has a new endorsed company, LendingUSA.

The Government Affairs Committee announced something really exceptional for TFDA. (see the handout below)



A LETTER FROM THE TFDA GOVERNMENTAL AFFAIRS CHAIR



Members of TFDA:

Having the opportunity to be part of the TFDA Governmental Affairs Committee is something that I very much enjoy doing for our association and for our profession. Happily, I'm able to say that 2019 has been an incredibly successful legislative session for us. After pro-

posing language for several years that would allow TFDA and others to create pre-need trust accounts, this year the bill—because of hard work by our staff, committee members and partners—was passed and has become law. You'll hear a lot more about this bill but I believe allowing TFDA to create a pre-need trust will be a gamechanger for our members and our future members.

For the past several years we've continued to have strong leadership from the TFDA Board of Directors, and the Governmental Affairs Committee has worked hard to make sure our profession in Tennessee is protected from predatory practices and licensees are allowed to serve their communities.

This year the Governmental Affairs Committee continued the tradition of meeting at least once a month to discuss the issues and legislation that could impact our profession. The committee oversaw the actions of our lobbyists and with them, reviewed 36 pieces of legislation, proposed and passed 3 bills ourselves including the master trust bill and opposed several which were seen as harmful to our industry.

We have worked with multiple industry partners including the Tennessee Department of Commerce and Insurance, Tennessee Department of Health, Service Corporation of America, the Cemetery Association of Tennessee and the State Funeral Directors and Embalmers Board. Each of these relationships are important to the ongoing success of our profession.

From the members of the Governmental Affairs Committee to the members of TFDA, thank you for your support and thank you for being part of the profession we all committed to.

David Murphy

2019 Chair, TFDA Governmental Affairs Committee

PRE-NEED FUNERAL TRUSTS ADVANCES GENERAL ASSEMBLY TFDA Successful on Multi-Year Approach

In a long awaited victory, the Tennessee General Assembly has advanced a piece of legislation that has been an ongoing venture for the Tennessee Funeral Directors Association for the past several. SB602/HB785 sponsored by Sen. Ed Jackson (R-Jackson) and Rep. Gary Hicks (R-Rogersville) will authorize a trustee to establish a single trust fund for all pre-need funeral contracts issued by multiple sellers. The goal ultimately is to allow TFDA to create a statewide pre-need trust that will achieve a higher rate of return on pre-need trusts for its members.

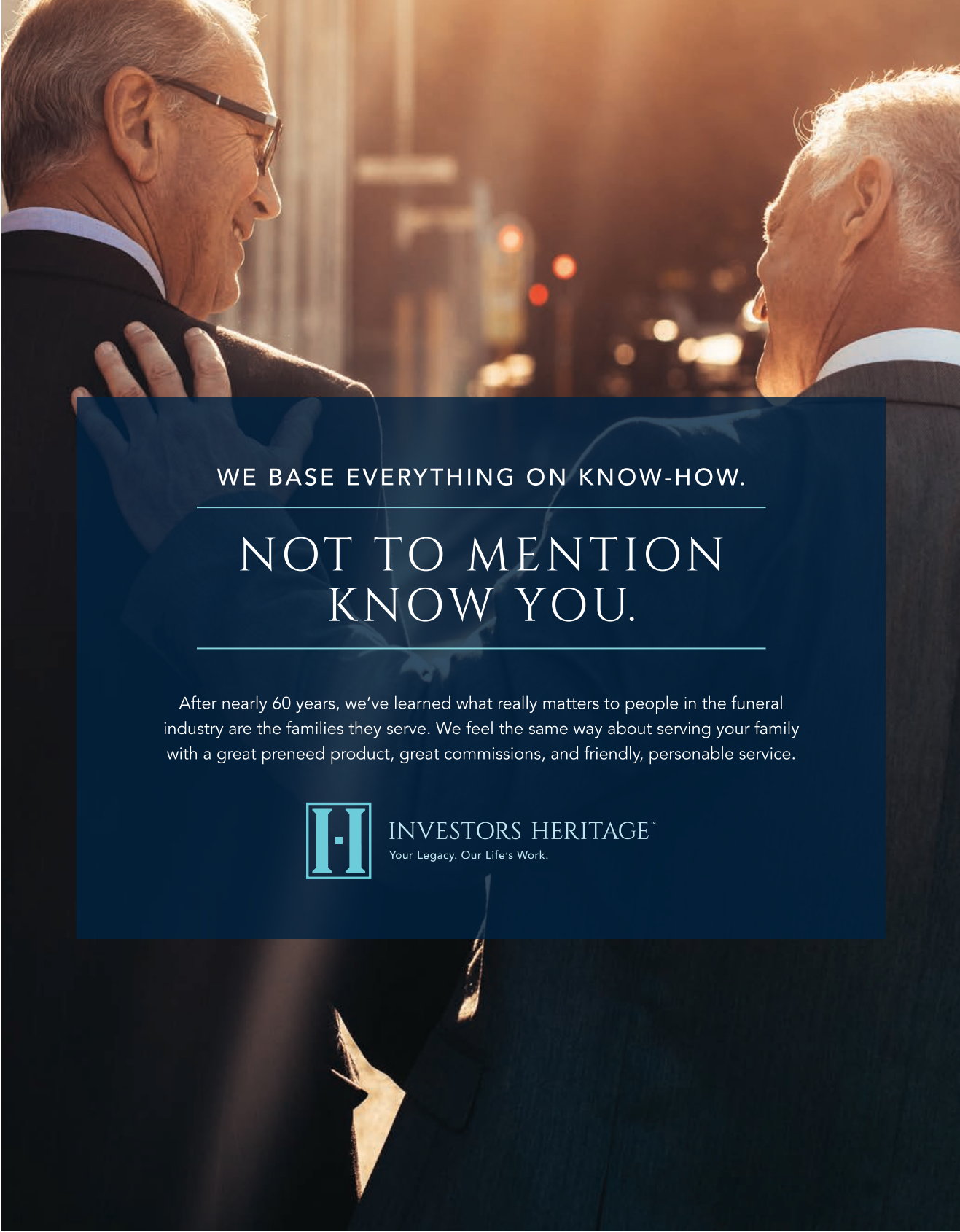
Representative Gary Hicks has been the sponsor of the legislation for the past several years and without his help, this legislation would have never been possible. Representative Hicks hosted meetings between the Department of Commerce and Insurance and TFDA in an effort to find common ground on the proposal's language.

With the help of the Department of Commerce & Insurance, a few provisions were added that ultimately led to the successful passage of the bill including: providing a semiannual report to the Department of Commerce & Insurance; Conforming to the Tennessee Uniform Prudent Investor Act of 2002; and, requiring a trustee to maintain insurance on behalf of each member of the managing board.

The legislation was signed into Public Chapter by Governor Lee on May 2, 2019 but will not go into effect until July 1, 2019.







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BILL ALLOWING TRANSFER OF PRE-PAID FUNERAL BENEFITS PASSES

Along with the establishment of pre-need funeral trusts, the General Assembly has passed a measure that will allow the beneficiary of a pre-need insurance policy to be changed or reassigned. **SB1173/HB650** was carried by Sen. Art Swann (R-Maryville) and Rep. Gary Hicks (R-Rogersville) and Rep. David Hawk (R-Greeneville) and was well-received by members of the legislature, passing almost unanimously in both chambers. It was enacted as Public Chapter on May 10, 2019.

Successful passage of the two pre-need funeral bills, dealing with both trusts and insurance products, facilitated important exposure and education for the funeral industry to the roughly 30 new members of the General Assembly entering this session. The new House of Representatives segmented committee structure allowed for deeper discussion throughout the legislative process, setting the stage for future conversations regarding the Association's policy initiatives.

LAWMAKERS ESTABLISH UNIFORM LICENSURE REQUIREMENTS

A simple but noteworthy change that happened this legislative session was the redefining of licensure requirements for embalmers. **SB856/HB48** by Sen. Rusty Crowe (R-Johnson City) and Rep. Clark Boyd (R-Lebanon) made two relatively small adjustments to the original licensing criteria. First, the bill will allow lawful permanent residents of the United States to apply for these licenses, rather than just U.S. citizens. Second, it changes the requirement for an applicant to have an Associate's of Science degree to just a standard Associate's degree.

Steve Spann, Governmental Affairs Committee member and President of John A. Gupton College brought the lack of uniformity in the law to the attention of the Governmental Affairs Committee. The bill passed easily and was enacted as Public Chapter on April 18, 2019.

Both components of the new law were already the practice of the Department of Commerce and Insurance but thanks to a TFDA member, the new law puts the state law in compliance with practice.

“RIGHT TO EARN” HELD OFF FOR ONE YEAR

Occupational Licensing Bill to Likely Resurface in 2020

A bill that would make various changes to the Right to Earn a Living Act has been taken off notice in general assembly pending significant modifications. As you may recall, multiple bills having the title “Right to Earn” have been proposed in the past few years. Several components of these bills could be viewed as infringing on the ability of the State Board of Funeral Directors and Embalmers to oversee the licensing authority of the industry.

This year **SB196/HB261** was sought to make revisions to the licensing authority and allow individuals to bring civil action on relevant authorities that failed to meet standards. Essentially, the legislation would allow people within Tennessee to sue the state for barriers to entry into certain professions. While the sponsor's intention was to target only a handful of licenses such as cosmetologists and barbers, the language of the bill included a much larger group of professionals—including funeral directors and embalmers.

Additionally, **SB1000/HB1124** was introduced with would allow individuals to contest the process of licensure, the Uniform Administrative Procedures Act (also called the UAPA). The bill would have given a legal path to persons who didn't agree with the process of licensing and undone multiple state agencies ability to have uniform procedures. This bill was opposed by numerous state entities in addition to the professional associations.

TFDA worked closely with the Tennessee Society of Landscape Architects, the Society of Professional Engineers, American Institute of Architects of Tennessee and others in an effort to make sure the removals of regulations don't endanger the public or implement a path that unscrupulous individuals can achieve a license without the proper education or training.

Both bills were deferred until 2020 but it's the expectation that continued assaults upon professional licensing will continue.

Brent McNeeley did a wonderful job speaking from his heart for the topic of his seminar, "When Funeral Directors Serve for One of Their Own". Brent talked about his



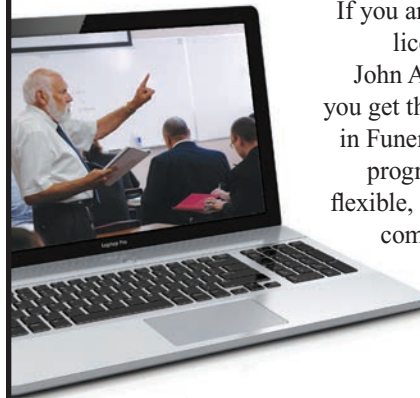
father, who recently died. How he understands the professional side of being a funeral director but how you deal with the situation as a son. Brent did an amazing job discussing the difficulties of his position but how to overcome and move forward because he is a funeral director.

We would like to say a special thank you to Sponsor:



Investors Heritage for their sponsoring the luncheon in the exhibit hall. The food was delicious and everyone enjoyed visiting with friends and family.

ON-LINE ASSOCIATE DEGREE IN FUNERAL SERVICE



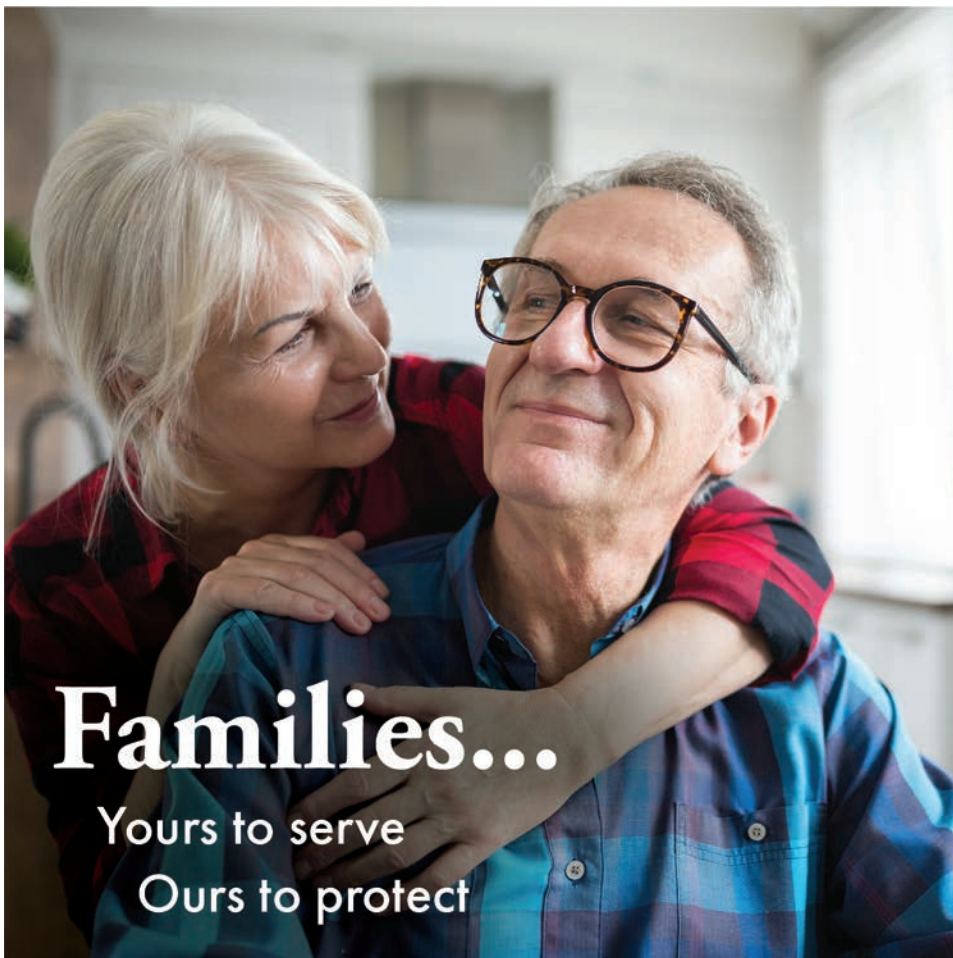
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CHAMPIONS OF TRUSTS



Representative Gary Hicks (R-Rogersville) carried and passed two bills on behalf of the TFDA this legislative session. With over 25 new House members, Hicks played an important role in educating freshman about the work of funeral directors in the state. Hicks serves on the House

Finance, Ways, & Means full and subcommittee, State committee, and Public Service & Employees subcommittee.



Senator Ed Jackson (R-Jackson), continued to show his support to the funeral directors by carrying and successfully passing the pre-need funeral trust bill— a long awaited win for the TFDA. Jackson serves on the Senate State & Local, Government Operations, and Health & Welfare committees.



Senator Rusty Crowe (R-Johnson City) has carried several bills on behalf of the funeral directors for years. In the past he has worked on the pre-need funeral trust legislation, but this year he assisted with the embalmer's licensure requirements bill. Crowe chairs the Senate Health & Welfare

committee but also serves on the Education and Government Operations committee.

The installation of the 2019 – 20 TFDA Board of Directors were announced. Randy Nash, TFDA President (2019 -20); Marc Sims, TFDA Vice President (2019 -20); Brent McNeeley, TFDA Secretary/Treasurer (2019-20); Rosemary Harrison was installed as the Director-Middle (2019 -22). Congratulations to these that have stepped up to guide your association through 2019 – 20.

With the new positions filled, we would like to say thank Justin Jeffers, TFDA President, 2018 -19 for all his sacrifices and contributions to make this association a success. We would also like to thank Dale Layne, Director-Middle (2016-19), for all his time and dedication.

As you all know, Years of Service Plaques are honored at the TFDA Business Meeting. We had such a wonderful group of people to honor this year. This year we honored 70 Years

of Service to, Mr. Jerry Griffey, Arthur Pickle and John B. Woodfin. Congratulations to our 50 Years of Service were honored to Mrs. Susie Sowell, Steve West, John Harper, and Tommy Howell. Congratulations to all of these people for their many years of service.

This year was a two day convention. So, Monday night we had a Monday Night Combined Event dinner. It was announced who won each item for the live and silent auction. There are so many to thank for making this event a huge success. See the complete list below of all the items auctioned:

ITEM	DONATED BY	WON	PAID
Bourbon and wine basket	Door Badge	Pam Stevens	\$150
Doony and Burke Titans Wallet	Tony & Becky Hysmith	Allie Ridgeway	\$50
Lodge Cast Iron Grill & Accessories	Dale Layne	Matt Kreidenweis	\$200
Camp Beulah Shirts & Caps	Dale Layne	Laura F. Cantrell	\$55
Tabletop Patio Heater	Affordable Cremation Co	Jeffers Cremation Co	\$200
Wine Assortment Basket	Dale Layne	Sharon Jeffers	\$210
Dooney & Bourke Purse	Tony & Becky Hysmith	Emily Layne	\$160
Video Streaming Package	Funeral Vision	Brad Ridgeway	\$400
Hello Summer Package	Williamson Memorial	Addison Jeffers	\$85
Instant Pot Package	PFA Tax & Accounting	Dawn Taylor	\$130
Smokey Mountain Basket	Danny Hurt/Wilbert Vaults	Bob Childress	\$75
Nashville Predators Basket	TN Donor Services	Mandi Marlin	\$375
Fishing Tub	Wilbert Vault	Emily Layne	\$250
The Dash Basket	The Dash	Carolyn Hobbs	\$50
Northfield Vineyard Wine Tub	Dale Layne	John Gamble	\$200
Wine Essentials Bag	The Kilpatrick Group	Mandi Marlin	\$115
Marble Urn	Feezell Funeral Supplies	Jack Farrar	\$55
Urn Vault	Feezell Funeral Supplies	Jack Farrar	\$45
Nashville Sounds Package	Williamson Memorial	Randy Miliken	\$100
			\$2,905
Live Auction	Mahogany Casket Pedestals	Bill Hightower	\$300
	32" HDTV	Jeff Shackelford	\$275
	5-in-1 Power Pack	Danny Hurt	\$150
	Custom Woven Blanket & Stand	Marc Sims	\$110
	Batesville Casket	Jack Farrar	\$675
	Bridgewater Casket	Daniel Ownby	\$700
	Cherry Register Stand	Brent McNeely	\$250
	Two (2) Hardwood Urns	Marc Sims	\$175
	Childs Chefs Baskets	Justin Jeffers	\$125
	Childs Summer Fun Basket	Justin Jeffers	\$150
	Rocker	Danny Hurt	\$225
	Bat	Mike Harding	\$125
	Matthews Aurora Casket	Jerry Smith	\$850
			\$4,110
Donations	Danny Hurt		\$250
	Jeff Shackelford		\$250
	Justin Jeffers		\$20
	John Gamble		\$250
	Dyersburg FH		\$300
			\$1,070
		GRAND TOTAL	\$8,085

Obituaries



Mrs. Rebekah Lemley was the sister of Abigail Lemley, manager of Springfield Memorial Gardens in Springfield, TN.

Ms. Rebekah Alaine Lemley, age 35, of Springfield passed away Sunday May 5, 2019 at Vanderbilt University Medical Center.

Ms. Lemley was born December 12, 1983 to Jimmy and Mary Lee Lemley.

She is preceded in death by

her grandparents Vera and Herschel Lemley and Harold “Denny” Summers, all of Springfield. Ms. Lemley was a Registered Nurse at Vanderbilt University Medical Center serving as the Burn Program Manager. In this role she improved patient care by managing quality data and providing outreach education to hospital and prehospital personnel in Tennessee and Kentucky. Over the course of her career she educated thousands of utility and health care workers about the care and effects of burns, pediatric burn considerations, and safety prevention techniques. In 2016 she was awarded Nurse of the Year for Quality and Risk Management by the March of Dimes and the Reader’s Choice Awards Best Nurse by the Robertson County Times.

Rebekah was a dedicated member of the Springfield First Church of the Nazarene, teaching Sunday School for 15 years, and serving on the church board. She was also an active runner that completed numerous races at Walt Disney World with her mother. Twice she completed the 4-day “Dopey” challenge, comprised of a 5k, 10k, ½ marathon, and full marathon.

Rebekah was called to serve others which she did through memberships in local community organizations. She was a 4-H Volunteer leader for 17 years after being an active club member for 9 years. She coached state winning Dairy Products Judging teams, chaperoned educational programs and trips, and supported the annual 4-H Congress Pageant. Rebekah was a volunteer at the Robertson County Fair for 21 years, serving as a department superintendent for Photography and the Pet Show. She was the President of the Cross Plains FCE club and was also elected as the

Secretary of the county-wide Family and Consumer Education clubs. The Tennessee 4-H program recognized the Lemley Family in 2004 as the Hale Master Family. In 2010 she was awarded 4-H Volunteer Leader of the Year and in 2018 was selected as 4-H Alumni of the Year.

For the last 19 years, she has been a member of the American Legion Auxiliary. She participated in 23 Girls State programs as a counselor or nurse for the Tennessee, Virginia, and South Carolina Departments. Through these programs, Rebekah empowered young women to participate in governmental processes and become leaders. At home, Rebekah served as the voting precinct officer for East Robertson 1-1.

Rebekah traced her family history in Robertson County back almost 200 years; it was through her ancestors’ service to their country that she was able to join several lineage-based organizations. She was a proud member of the National Society Daughters of the American Revolution, United Daughters of the Confederacy, and National Society United States Daughters of 1812. In 2018 Rebekah was named as the Tennessee Society Daughters of the American Revolution Outstanding Junior. She was also serving as Regent of the Charlotte Reeves Robertson DAR chapter in Springfield. Rebekah held numerous state offices and state and national chairmanships in these organizations. With each assignment, she called upon her strong faith to promote “God, Home, and Country”.

With all of her service, one program stood out amongst the others. For 11 years, Rebekah served as the director for Camp Hope, Vanderbilt University Medical Center’s camp that supports pediatric burn survivors ages 6-16. Over the years, she fostered the program and was able to double camp attendance. Through community partnerships, she has been able to fully fund each camp experience so that children can attend the event free of charge. During the week, the program worked to develop life skills, encourage healthy living, and promote a positive self-image. She once wrote, “I am a firm believer that your presence will make a child’s experience memorable, but your influence will impact their lives”.

Rebekah was a devoted sister, daughter, aunt and friend. She would often refer to people as “friend”. She enjoyed sewing, crafting, reading historical novels, and organizing events. Her kind spirit and servant’s heart made

her an important part of the community. Rebekah's greatest joy was her two nephews Wesley and Owen and her friend Jessa. She would say, they were the best thing that has ever happened to her family.

She is survived by her parents of Springfield; two sisters Marissa (Adam) Brown and Abigail (TJ) Tewmeyer; her nephews Wesley and Owen Brown; and grandmother Nereida Summers.

The family requests memorial contributions be made in care of Springfield Memorial Gardens and Funeral Home to Camp Hope or the Tennessee 4-H Foundation. <https://www.tn4hfoundation.org/rebekah-lemley-memorial-fund/>
<https://www.vanderbilthealth.com/giving/>

These arrangements were entrusted to Springfield Memorial Gardens, Funeral Home and Cremation Center 4005 Memorial Blvd Springfield, TN 37172: 615-384-5437



Mark Anglin was the co-owner of Anglin Funeral Home in Dover, TN.

It is with great sadness, that we announce the passing of **Mark Link Anglin**, age 58 of Dover, Tennessee. Mark peacefully went to be with our Lord Sunday, June 23, 2019 at his home. He was born June 2, 1961 in Paris, TN son of Herman and Margie Link Anglin.

Mark was a 1981 graduate of John A. Gupton College where he earned an Associate Degree in Mortuary Science. He was a second generation co-owner of Anglin Funeral Home, where he served his community for over 40 years. He is also co-owner and operator of Rose Ella Village and Centsable Storage.

Mark was a devoted husband and loving father. He was an avid golfer, playing weekly with the group, The Bandits. He was a founding member of the Stewart County Community Youth Council and the Spirit of One Youth Conference.

Most importantly, he was an active member of Dover First Church of the Nazarene, where he attended his entire life. For over 38 years he served in the music ministry and worked with the church youth, as both a Sunday School Teacher and NYI president. He also served 25 years on the leadership board as trustee and then as church secretary.

He is preceded in death by his mother, Margie Nell

Link Anglin and mother-in-law, Marcella Lane. Survivors include his beloved wife of 35 years, Lisa Lane Anglin, sons, Landon Anglin and Jaden Anglin, father, Herman Anglin and his wife Edith, brother, Wayne Anglin and his wife Hope, and his father-in-law, Vernon Lane.

2020 TFDA/TFSSC 117th Annual Convention May 31 – June 1, 2020

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Exciting theme
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... continued on the next page

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CONVENTION SIDE NOTES:

The Convention Committee tries to make your experience at the convention the best possible. Some attendees come to earn their continuing education credits and some attend for the social aspect. What you don't know or see is the Convention Committee Chairman, Greg Rush. He is the one with the walkie-talkie in hand, staying on top of every detail of every event. As they say, it takes a village, but Greg Rush is the leader of our village when it comes to the convention. Thank you Greg Rush for your time and dedication to making a successful convention!

As all of you know, no matter where the convention is, TFDA has to move the office to that location. Greg Rush came up with a great idea to ask Ellis Galyon and Randy Garner, Ambulance and Coach Sales, if we might use one of their vans to transport the office supplies.

They came up with an even better idea! Ambulance and Coach Sales were exhibiting 2 coaches and needed someone to drive one to Sevierville. The TFDA staff could load up brand new Cadillac Hearse and drive it up for them. It was very much appreciated. I have to admit, that was a first!

Congratulations!

Not sure all of you know, but Bob Batson, TFDA Executive Director, was a bit distracted during the convention. This is why:



Bob Batson, TFDA Executive Director and wife, Ruby Batson announce the birth of their newest granddaughter, Ada Grace Batson! She arrived 11:00 pm, Monday, June 3, weighing 6 lbs and 11 oz. Mother and father, Stephanie and

Adam Batson, (Bob and Ruby's youngest son) are excited about their first born!

Update on Pam South

If you attended the convention, you know that Pam South, had to be rushed to the hospital. Pam is Tony South's wife, manager of Martin Oak Ridge Funeral Home, Oak Ridge, TN. The doctor's found that Pam had several mini-strokes and was admitted to the hospital for several days.



As of 6/19/2019, Pam is home and recovering. Her balance is much better. Her speech is good. She is in rehab and the doctors say her short term memory will recover with time.

Please keep Pam South in your prayers for a full recovery.

HUGE THANK YOU TO THE INDEPENDENT FUNERAL GROUP, INC.

TFDA is grateful for the working relationship shared with The Independent Funeral Group (TIFG). For nearly thirty years TIFG has annually supported TFDA with especially generous financial donations. And, at the 2019 TFDA/TFSSC Annual Convention held in Sevierville, TN, there was no exception.

At this year's TFDA/TFSSC Convention, TIFG representatives Richard Jeffers, Jeffers Funeral and Cremation Service in Greeneville, TN, and Daniel Ownby, Weaver Funeral Home and Cremation Services in Bristol, TN, presented TFDA with a ten-thousand dollar contribution in support of the TFDA agenda. TFDA would like to once again express our gratitude to The Independent Funeral Group for their continued support and generosity.

Thank you Linda Yarbrough, Yarbrough Mortuary Services, Jackson, TN. She was our convention photographer.





Tennessee's Cellphone-Use and Texting-While-Driving Laws

Read about Tennessee's distracted driving laws and the costs of a violation.

Text Messaging

Tennessee law prohibits using a cellphone or wireless electronic device to send or read a text message while driving. However, there's an exception for drivers who are at least age years of age and use a hands-free device to send or receive a text message.

The laws of most states restrict not only texting while driving but also texting while temporarily stopped at signals and in traffic. However, Tennessee's law prohibits texting only while a driver's vehicle is actually in motion.

Penalties. A violation of Tennessee's texting-while-driving law is a class C misdemeanor. The maximum fine for the violation is \$60 (including court costs). A texting ticket will also add demerit points to the person's driving record. And first-time violators must complete a driver education course.

Exceptions. Tennessee's texting ban doesn't apply to law enforcement officers and other emergency personnel who send or receive text communications in the discharge of their duties. And there's also an exception for anyone who uses text communication to communicate with emergency personnel during an actual emergency.

Talking on a Cellphone in a School Zone

In Tennessee, it's illegal to talk on cellphone while driving through a school zone. However, there's an exception to this rule for drivers who are at least age years of age and use a hands-free device.

Penalties. A violation of Tennessee's cell-phone-while-driving law is a class C misdemeanor. The maximum fine for the violation is \$60 (including court costs). However, unlike with texting offenses, a violation for talking on a cellphone isn't considered a moving violation and won't result in points on the motorist's driving record.

Exceptions. The exceptions to Tennessee's cell-phone-while-driving ban are the same as those that apply to texting—emergency personnel and those communicating with emergency personnel in an emergency are exempt.

School Bus Drivers

Tennessee has strict distracted driving regulations that apply to school bus operators. Bus drivers within the state are prohibited—with few exceptions—from using any portable electronic device while operating a school bus with at least one child aboard. The restriction applies while the bus is in motion or stopped and children are loading or unloading. The law contains an expansive definition of "portable electronic device," which includes cellphones, tablets, laptops, video games, cameras, and many other portable electronics.

Penalties. Bus drivers who violate Tennessee's portable electronics ban can be charged with a class A misdemeanor. A conviction carries a minimum 30 days in jail and at least \$100 in fines. Thereafter, the driver will be permanently prohibited from operating a school bus within the state.

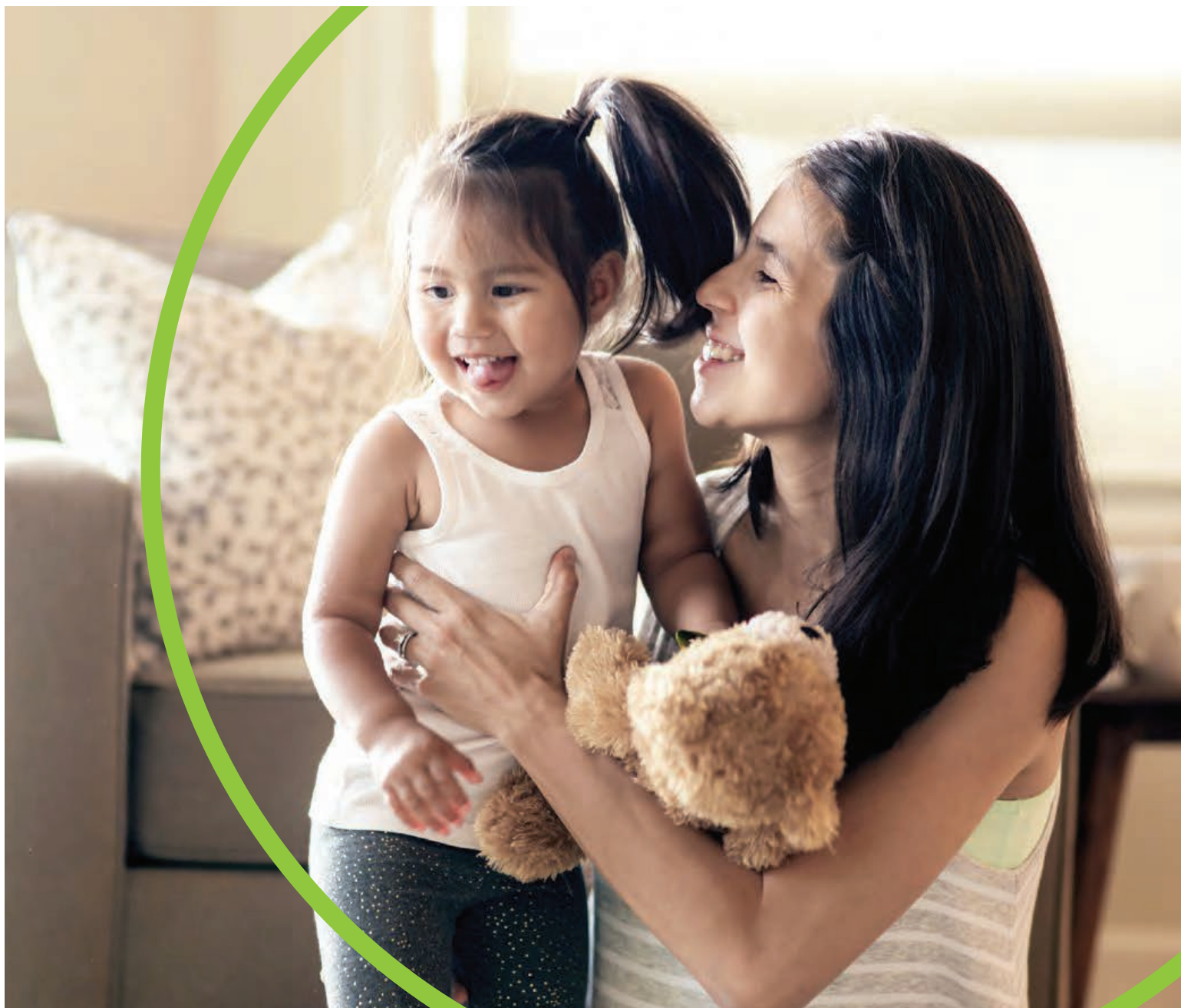
Exceptions. Tennessee's bus driver restrictions don't apply to 9-1-1 calls and two-way radio communications with dispatch or the school transportation department.



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NFDA BOARD OF DIRECTORS LEGAL REPORT**APRIL 1, 2019, MEETING**

1. \$12 MILLION VERDICT FOR LOST CREMATED REMAINS. Last month, an Alabama jury returned a verdict of \$12 million to the daughter of an Alabama woman whose cremated remains were lost by an SCI funeral home. The mother died in 2011 and the daughter did not ask about the cremated remains until 2015. The general manager of the funeral home reported back to the daughter in 2016 that the cremated remains could not be located and no record existed of their whereabouts. The daughter followed up with a lawsuit in 2017 which resulted in the \$12 million negligence and breach of conduct verdict.

Hopefully, the jury verdict will be reduced on appeal. Nevertheless, the verdict underscores three important points: (a) funeral homes and crematories must have a comprehensive tracking system that records exactly where remains and cremated remains are at all time; (b) funeral homes should dispose of unclaimed cremated remains when state law permit it; and (c) funeral homes that allow a case involving lost bodies or cremated remains to go before a jury face a real risk of a catastrophic verdict.

2. ARIZONA CREMATORY OPERATOR EXPOSED TO RADIATION. The Journal of American Medical Association recently published an article that reported of radiation contamination at an Arizona crematory. The crematory had cremated the remains of a 69 year old man with a pancreatic tumor that had been treated with an intravenous radioactive drug. A month after the cremation, an examination of the crematory found evidence of contamination on the equipment, including the retort, vacuum filter and other processing equipment. The report also found a trace amount of a different radioactive compound in the urine of the crematory operator.

The publication of the report has understandably caused concern for crematory operators around the country. However, in subsequent follow-up articles, different medical groups have emphasized that the risk is extremely low. Nevertheless, NFDA will be tracking developments in this area and has revised its sample cremation authorization form to emphasize required waiting periods for remains that have undergone radioactive treatments. Depending upon the particular radioactive treatment that was used, there may be prohibitions on cremating the body for up to 2 years from the date of treatment.

3. FTC UPDATE. I will be meeting with Patti Poss, the new FTC Funeral Rule Coordinator, and Lois Greisman, the FTC Associate Director of Marketing Practices, on Thursday, April 4, 2019. I hope to get an update on the proposed review of the Funeral Rule at that time.

4. DOL ISSUES NEW PROPOSED SALARY LEVEL TEST. Back in 2016, the Obama Department of Labor (DOL) issued a proposed regulation which would have increased the minimum salary that had to be paid to an employee classified under the white collar exemption from \$23,660 to \$47,476. There are 16 states where this proposed regulation would have cause a substantial impact on funeral director compensation because many funeral homes in those states

pay their licensees as exempt salaried employees. Had this regulation become effective, funeral directors and embalmers in those 16 states who were paid less than \$47,476 would have lost their professional exemption and would have to be paid as hourly employees.

At the end of 2016, a federal judge in Texas overturned the regulation and the Obama DOL appealed. When the Trump administration came into office, it halted the appeal by informing the court that it intended to issue a new salary test regulation. That it did in the first week of March when it proposed a \$35,308 salary level test that would take effect on January 1, 2020.

Attached to this Legal Report are the Annual Mean Salary listings issued by the Bureau of Labor Statistics for 2016 and 2017 for funeral directors in the 16 impacted states. As you can see, even in the state with the lowest mean salary (West Virginia), the annual 2017 mean salary is over \$12,000 more than the proposed salary level test of \$35,308. So, it appears that the new salary level should have a minimal impact on funeral homes.

5. HUMAN COMPOSTING BILL. As reported this month in *The Director*, the Senate in the State of Washington overwhelmingly passed SB 5001 which would allow a form of human composting as a lawful method of disposition of human remains in that state. The Bill would also recognize alkaline hydrolysis as a lawful means of disposition for human remains. That would make Washington the 19th state to legalize alkaline hydrolysis.

SB 5001 is now under consideration by the Washington House. There was a hearing on March 18, 2019 with no opposition testimony. It is expected that the House will pass the bill and send it on to the Governor for signature. The bill, which was amended in the Senate to refer to the composting process as “natural organic reduction”, would license alkaline hydrolysis facilities and natural organic reduction facilities.

6. FUNERAL DIRECTOR’S OATH. Following up on an initiative raised by Jack Mitchell last year, the American Board of Funeral Service Board recently reached out to NFDA and requested a copy of the Funeral Service Oath because it will be adding it to its ABFSE Ethics curriculum.

7. www.everhere.com. Tyler Weber, an officer with the Alberta Funeral Service Association, contacted NFDA with regard to a website by the name of Everhere.com. It “scrapes” obituaries from Canadian funeral home websites, alters them through the use of an algorithm to avoid copyright claims, and places them on its website as bait to draw in family and friends to advertise and sell flowers, memorials, and preneed insurance. Problems arise because sometimes Everhere.com will not pick up later changes in the obituaries or its algorithm will screw up details such as the time and place of services or family names. Mr. Weber, who states that Everhere.com is also active in Australia and New Zealand, is causing a lot of problems for Canadian funeral homes and families by posting incorrect information.

Although NFDA has not recorded any member complaints, I did run a test on my family funeral home in Cincinnati. As you can see from the attached actual obituary and the Everhere.com obituary, Everhere.com’s version leaves out some information such as the fact that the sisters were deceased and it added a fictional daughter “Cincinnati Rolio”. It also states that no services were planned, when actually, as noted on the real obituary, there was a private service. When Googling the obituary of Joseph A. Rolio, the Everhere.com obituary was fifth from the top and the top four listings were all being Legacy.com.

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