

436.035. 1. At any time before the final disposition of the [dead body] **beneficiary**, or before funeral services, facilities, or merchandise described in a preneed contract are provided by the provider designated in the preneed contract, the purchaser may cancel the contract without cause by delivering written notice thereof to the seller and the provider. Within fifteen days after its receipt of such notice, the seller shall pay to the purchaser **an** [net] amount equal to [all] **ninety percent of all** payments made into trust under the contract. Upon delivery of the purchaser's receipt for such payment to the trustee, the trustee shall distribute to the seller from the trust an amount equal to [all deposits made into the trust for the contract] **the amount refunded to the purchaser by the seller**. **At the same time the seller makes payment to the purchaser, the seller shall notify the provider in writing of the payment made to the purchaser, including the date and the amount of the payment made. Insurance agents shall comply with all applicable provisions law governing the sale of any insurance.**

2. Notwithstanding the provisions of subsection 1 of this section, if a purchaser **or beneficiary** is eligible, becomes eligible, or desires to become eligible, to receive public assistance under chapter 208, RSMo, or any other applicable state or federal law, the purchaser may irrevocably waive and renounce his right to cancel the contract pursuant to the provisions of subsection 1 of this section, which waiver and renunciation shall be made in writing and delivered to the contract seller; but the purchaser may designate and redesignate the provider in the irrevocable agreement or plan [where applicable by the terms of the contract]. **If a purchaser or beneficiary is eligible, becomes eligible, or desires to become eligible to receive public assistance under chapter 208, RSMo, or any other applicable state or federal law, a copy of the preneed funeral contract**

shall be provided to the appropriate qualifying state or federal agency, if requested by a state or federal agency. Notwithstanding, at any time before the final disposition of the beneficiary or before the funeral services, facilities, or merchandise described in the preneed contract are provided by the provider designated in the preneed contract, the purchaser may designate and redesignate the provider without cause by delivering written notice thereof to the provider and the seller. Within fifteen days after its receipt of such notice, the seller shall notify the newly designated provider of the purchaser's request and request written consent to the designation. Written consent from the newly designated provider shall be attached to the preneed contract to reflect such change. A purchaser may only redesignate a provider if the proposed provider has a contractual relationship with the seller as required by 436.011.1. Nothing in this section shall be construed to restrict, amend or limit a purchaser's right to cancel a contract as provided in sections 436.005 to 436.072.

3. Notwithstanding the provisions of subsection 1 of this section, any purchaser or beneficiary, within thirty days of receipt of the executed contract, may cancel the contract without cause by delivering written notice thereof to the seller and the provider, and receive a full refund of all payments made on the contract. Notice of this provision and the appropriate addresses for notice of cancellation shall be so designated on the face of the contract. Notwithstanding, at any time before the final disposition of the beneficiary or before the funeral services, facilities, or merchandise described in the preneed contract are provided by the provider designated in the preneed contract, the purchaser may designate and redesignate the provider without cause by

delivering written notice thereof to the provider and the seller. Within fifteen days after its receipt of such notice, the seller shall notify the newly designated provider of the purchaser's request and request written consent to the designation. Written consent from the newly designated provider shall be attached to the preneed contract to reflect such change. A purchaser may only redesignate a provider if the proposed provider has a contractual relationship with the seller as required by 436.011.1. Nothing in this section shall be construed to restrict, amend or limit a purchaser's right to cancel a contract as provided in sections 436.005 to 436.072.

4. No preneed contract or funds may be transferred to a seller other than the seller or provider identified in the original contract without prior written notification to and consent from the purchaser. Upon transfer, the seller acquiring the preneed funds shall not be entitled to deduct any amounts authorized by section 436.027.1 from the funds transferred.