National Funeral Directors Association
Informs Educates Advocates

2011 POLICY

PETITION THE FTC TO MAKE CERTAIN CHANGES OR INTREPRETATIONS IN CURRENT FUNERAL RULE

NFDA Position

That NFDA renew its petition asking the FTC to clarify the vague and overly broad price list distribution requirements and to institute other operational modifications to the Funeral Rule that reflect current marketplace or business practices.

Background

In April 1999, the FTC commenced its second review of the Funeral Rule. NFDA filed detailed comments with the FTC on 30 different issues that the FTC had presented. While the primary thrust of NFDA's comments went to the issue of expanding the Funeral Rule to cover all sellers of funeral goods and services, it also addressed several operational items with the Rule. These included the troublesome compliance issues of price lists distribution requirements, the definitions of cash advances and immediate burial, modifications to the wording of certain mandatory disclosures, and other operational matters.

Discussion

Since holding a roundtable discussion on proposed changes to the Funeral Rule in October 1999, the FTC has taken no action to expand the rule to all sellers of funeral goods or services nor intends to address that issue in the near future.

With the closing of the Funeral Rule review in 2008 with no changes, the FTC has reasserted its current opposition to expanding coverage of the Rule However, NFDA should continue to request action on the other operational issues it raised in its Funeral Rule Review comments and as they arise separately from time to time during the year. These operational matters, especially the vague and overly broad price list distribution requirements in the Rule, continue to cause substantial compliance problems for funeral providers. NFDA is advocating that the FTC take action on these as well as other issues presented to them including, most recently, a request that the FTC allow funeral homes to recover their out-of-pocket expenses incurred in disposing of packaging materials from third-party caskets delivered to the funeral home._In that regard, in 2007, 2008, 2009 and 2010, NFDA was successful in obtaining several Opinion Letters from the FTC that have been helpful in clarifying some of these operational issues impacting our members. NFDA will continue to work with FTC on these types of issues to obtain specific determinations by them on particular issues.

NFDA Governance History:
2004: Committee Action 1/26/04; Policy Board Action 3/15/04
2005: Committee Action 1/18/05; Policy Board Action 3/7/05
2006: Committee Action 1/17/06; Policy Board Action 3/8/06
2007: Committee Action 1/16/07; Policy Board Action 3/26/07
2008: Committee Action 1/14/08; Policy Board Action 3/10/08
2009: Committee Action 1/29/09; Policy Board Action 3/30/09
2010: Committee Action 1/20/10; Policy Board Action 3/08/10
2011: Committee Action 1/27/11; Policy Board Action 3/09/11
Attest: NFDA Policy Board (original resolution) Date: March 15, 2004 File Code: RES077/Policybd