



National Funeral Directors Association
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2011 POLICY

STATE BASED PRICE DISCLOSURES

NFDA Position

In lieu of any federal regulations, support the adoption of state-based written price disclosures for all sellers of cemetery and/or crematory goods or services

BACKGROUND

When consumers consider contracting for cemetery, crematory and related merchandise or services, whether on a preneed or an at-need basis, important information that may influence purchasing decisions should be available. Chief among this data are truthful and accurate prices given in written form prior to a purchasing decision being made.

The Federal Trade Commission's (FTC) Funeral Rule requires funeral homes to provide written price disclosures to consumers of funeral goods and services. However, sellers of just death-care goods or services are not covered by the Funeral Rule and are not required to give this valuable information to consumers. Because the FTC has decided not to regulate all sellers of death care goods and services, it is necessary for the protection of the consumers that state laws fill the void caused by the FTC's reluctance to regulate these entities or individuals.

PRINCIPLES

1. Sellers of interment rights and other cemetery related merchandise or services, including cremation, shall provide a written price list of all such items offered for sale to a potential purchaser where the purpose of the discussion pertains to the sale of any of these items. Where a large number of items are offered for sale in a category, a range of prices may be used.
2. The potential purchaser should be allowed to retain a copy of the price list for future reference, which shall be combined with other required disclosures.
3. The price list shall be provided at any location where the meeting between the seller and potential purchaser occurs, not solely at the seller's place of business.
4. At a minimum, the price list shall contain the name, address, and telephone number of the seller, and contain the effective date of the prices.
5. Price information shall be provided over the telephone when requested by the caller.

6. Handling fees and tying arrangements which compel consumers to pay for unwanted goods or services in order to receive needed items shall be prohibited.

This issue could become a moot point if Congress passes legislation requiring the FTC to initiate a rule to regulate cemeteries, crematories and others sellers of funeral goods or services to the public. The rule would be similar to the Funeral Rule in that it would require written price disclosures, significant recordkeeping and other operational restrictions.

However, at this point in time, Representative Rush (D-ILL) is evaluating whether or not he will re-introduce a bill in the 112th Congress similar to the bill he introduced in the 111th Congress (H.R. 3655). If not, NFDA will seek to find another sponsor in both the House and Senate.

NFDA Governance History:

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 10, 2008 File Code: RES087/Policybd