

North American Cemetery Regulators Association
Dennis Britson
Iowa Securities Bureau
Regulated Industries Unit
340 Maple Street
Des Moines, IA 50319-0066

Phone (515) 281-4441
Facsimile (515) 281-6467
E-mail: dennis.britson@comm6.state.ia.us

065

August 4, 1999



Donald Clark, Secretary
Federal Trade Commission
Room H-159
600 Pennsylvania Ave., N.W.
Washington, DC 20580

Re: **16 CFR Part 453**

Dear Mr. Clark:

This letter is submitted in response to the Commission's Federal Register Notice (the "Notice") soliciting comments on the overall costs, benefits and the continuing need of the Funeral Rule. The Notice also requested comments on whether the rule should be modified to broaden its scope to include non-traditional providers of funeral goods or services; revise or clarify the prohibition on casket handling fees; or prohibit non-declinable funeral fees.

North American Cemetery Regulators Association

The North American Cemetery Regulators Association ("NCRA") appreciates the opportunity to comment on the Notice. The NCRA supports the Federal Trade Commission's (the "Commission") endeavors to enhance consumer protection by prohibiting certain misrepresentations, certain deceptive or unfair industry practices and by requiring itemized price information.

Overlap or Conflict with State or Local Laws or Regulations

In general, we are not aware of specific conflicts between the Funeral Rule and state laws and regulations, but there may be significant industry confusion about how to assure compliance with both federal and state requirements. Duplicative or conflicting regulation does not serve an effective purpose and some overlap exists. Overlap may become even more of an issue if the rule is expanded.

Executive Committee

President - Dennis Britson - Iowa
President Elect - Jerri Robinson - Kentucky
Vice President - Charles Handley - Arkansas
Secretary - Lucy McCann - Louisiana

Treasurer - Diana Evans - Florida
At Large - Shari Sohl - Nebraska
At Large - Randall Singer - Missouri
Librarian - Lucinda Potter - Oregon

It is our general observation that while most issues involved with funerals and burials tend to be local in nature, trends in the death care industry are spreading faster than ever before. As a result, we believe that local regulation will be the most effective and targeted. Furthermore, education coupled with enforcement are the key ingredients in regulating inappropriate industry practices. Thus, we believe that the rule should recognize state's rights but strongly encourage the adherence to uniform and consistent national and international regulatory efforts.

We recommend retention of the opt-out provision set forth in Section 453.9. Although we are not aware of a state application to date, this provision should help encourage stronger state regulation in these areas. The Commission should be allowed to determine that the Funeral Rule shall not be in effect in a particular state when an overall level of protection to consumers exists in that state which is equal to or greater than the protection provided by the Funeral Rule. We support the existence of minimum standards and guidelines in certain areas, but each state should be able to regulate the death care industry in the manner they deem necessary and appropriate.

General Comments

State regulators are mindful that consumer protection is the most important part of our mission. It is our priority. First, some general comments:

- Consumers should be given some explanation of the available choices and options and have the information necessary to make informed decisions.
- Consumers should be able to avoid purchasing merchandise and services that they don't want or need.
- Consumers should receive an itemization and description of funeral merchandise and services selected from all vendors selling merchandise or services to the public. The disclosure must include the price of each item of merchandise or service selected. This information should be available prior to any purchase commitment.
- Disclosure requirements will not address all types of misrepresentations and unfair or deceptive industry practices.
- Consumers may have limited access to competing vendors, especially in rural areas. The focus of the rule should be on making sure that consumers are able to determine and select the merchandise and services that they want. The success of disclosure requirements should not be judged by their ability to drive down the average price of a funeral or burial. Consumer complaints are a better standard for judging consumer awareness and satisfaction. Although our funeral and burial customs have and will continue to change over time, people are accustomed to buying certain types of funeral merchandise and services in keeping with local traditions and history. That may explain why pre-need arrangements have not tended to bring down the price of funerals. Pre-need arrangements allow a longer period of time to finance the cost of the funeral and burial.

- Price information is critical. At the same time, complete price information of all items offered for sale by a facility may not be all that helpful in facilitating price comparisons. Most consumers will go through a process of selecting specific items of merchandise and services that they desire, such as a 20-gauge casket. After a consumer determines the specific item of merchandise or service they want, the other price information is no longer immediately helpful and may only serve as a reminder of the choices presented by the facility.
- Today's consumers are more sophisticated than ever and understand that products and services come in different price ranges. Consumers must also understand that there are different types of merchandise and services available and that most of them are optional purchases. Consumers may not know the right questions to ask in order to decide which price range will provide the quality or type of item or service they desire.
- If the sale of products or services in the death care industries needs to be regulated, the identity of the seller is irrelevant. We support functional regulation focused on the product or service being regulated.

Meaningful disclosure should be the core method of protecting consumers. Inadequate knowledge, the general lack of sophistication regarding merchandise and services relating to funeral, cemetery and cremation merchandise and services, remains the key problem facing consumers, as these purchases occur infrequently during a person's lifetime and do not become routine or common. The Funeral Rule does not appear to have addressed or eliminated this lack of frequency or awareness about the fundamental elements of making funeral and cemetery arrangements.

We hope you will consider the possibility that creation of a disclosure brochure that vendors must provide to prospective consumers may be of greater benefit to cost-conscious consumers or consumers who want to do comparison shopping than a general price list. A brochure would help consumers better understand their choices and options. The NCRA does not have a brochure available for reference. A copy of a brochure distributed by the California Department of Consumer Affairs is attached for your information.

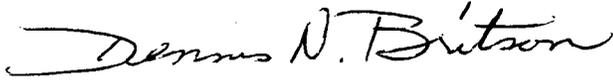
Conclusion

Rules and regulations must be revisited regularly to ensure that they reflect the changing marketplace. The death care industries have experienced dramatic changes in recent years. If any proposed revisions involve the cemetery industry, we are likely to have specific comments.

The association appreciates the opportunity to express its views on these matters, and we hope that you will find our comments helpful. Since the Notice requested that comments be submitted in electronic form, an email copy of this letter is also being sent.

The attachment is available at <http://www.dca.ca.gov/cemetery/>. If the NCRA can provide any further information or analysis, please contact us.

Sincerely,



Dennis N. Britson, President

DNB:jr

Attachment

cc: NCRA Membership

Iowa Securities Bureau

Iowa Department of Public Health

Lisa Carlson
Funeral & Memorial Societies of America, Inc.
P.O. Box 10
Hinesburg, VT 05461

Dakosta Mason
Consumer Issues Team Leader
AARP
601 E Street, N.W.
Washington, D.C. 20049

Robert M. Fells, General Counsel
International Cemetery and Funeral Association
1895 Preston White Drive, Suite 220
Reston, VA 20191-5434

Jeff Marolf
Association of Iowa Cemeteries
c/o Davenport Memorial
1022 East 39th Street
Davenport, Iowa 52807

Robert E. Harden, Executive Director
National Funeral Directors Association
13625 Bishop's Drive
Brookfield, WI 53005-6607

Carol Fleagle, Executive Director
Iowa Funeral Directors Association
2400 – 86th Street, Unit 22
Des Moines, IA 50322-4306

Michael Brannon, President
Monument Builders of North America
c/o Brannon Monument Company
1310 White Street
Dubuque, IA 52001

Jack M. Springer
Executive Director
Cremation Association of North America
401 N. Michigan Avenue
Chicago, IL 60611



Cemetery and Funeral Program



Home

Consumer Guide to Funeral & Cemetery Purchases

Complaints

California Laws

- ▶ Who Has the Right to Make Decisions
- ▶ Cemetery Law
- ▶ Funeral Law
- ▶ New Laws [PDF](#)

Forms

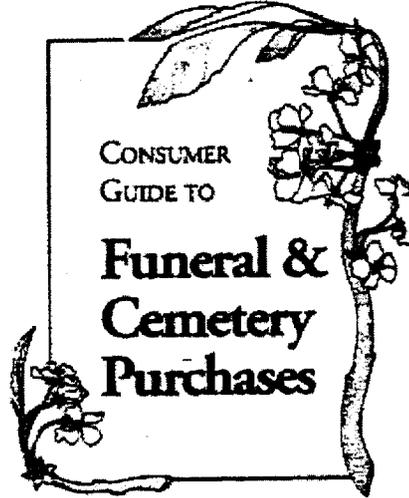
Licensing

- ▶ Information
- ▶ Applications

Referral Numbers

FTC Funeral Rule

The death of a loved one is undoubtedly the most traumatic experience any of us will ever encounter. The California Department of Consumer Affairs has developed the following guidelines to assist you in making the difficult decisions about funeral and cemetery arrangements for yourself or someone close to you. By asking the right questions, comparing prices and services, and making informed decisions, you can make arrangements that are meaningful to your family and control the costs for yourself and your survivors.



The Department licenses, regulates, and investigates complaints against California funeral establishments, funeral directors, crematories, and the nearly 200 private cemeteries in the state.

Legal Requirements

Disposition Arrangements

The California Health and Safety Code lists the persons who have the right to make decisions about disposition arrangements after an individual's death unless other written instructions are left: (1) an attorney-in-fact under a durable power of attorney for health care, (2) spouse, (3) adult children, (4) parents, and (5) other surviving competent adult kin. *Note: Exceptions may apply in certain situations.* You have the right to select a different person to make the decisions about your arrangements, if you wish. You may wish to consult with an attorney about including such instructions in your will or in another written document, such as a durable power of attorney for health care. Be sure to provide copies of your instructions to family members and keep your own copy in a handy place.

Prices

The law requires funeral establishments to quote prices over the telephone and to give you a general price list (GPL) and a casket price list (CPL) when you inquire in person about arrangements and

prices. If the funeral establishment sells outer burial containers, it must also provide you prices for those containers, either as part of the GPL or on a separate price list. For more information, see [Price List Requirements](#).

When you contract for services with a funeral establishment, the law requires the funeral establishment to give you an itemized statement of your final choices, including estimates of costs which are unknown at the time. The statement must also include charges for outside vendor services that are arranged by the funeral establishment and for which the funeral establishment will make cash advances, such as flowers, clergy honoraria, newspaper notices, music, etc. Make sure the statement includes *only* those items you have selected. If you have chosen a funeral package, make sure the statement describes all goods and services included in the package. Get a total dollar amount in writing **before** you sign the contract.

The law allows a funeral establishment to set a *nondeclinable fee* for professional services. This fee may cover such services as the funeral director's time spent (a) helping you plan the funeral, (b) making arrangements with a cemetery or crematory (or other funeral establishment if the body will be shipped out of the area), (c) obtaining the death certificate and other required permits, and (d) submitting the obituary, and "unallocated overhead," which includes taxes, insurance, advertising, and other business expenses. You must pay this fee, as well as the cost of the specific funeral goods and services you select.

It is illegal for a funeral establishment to charge a handling fee if you wish to use a family-built casket or purchase one elsewhere; however, the casket must meet the cemetery's standards. It is also illegal for funeral establishment staff to make false claims about the preservative qualities of a casket or to charge contagious disease fees or fees for protective clothing for staff.

Embalming

The law does not require embalming, unless disposition will not occur within 24 hours and the body will not be refrigerated. (See exception under [Home Death Care](#).) As a practical matter, however, you may wish to authorize embalming if there will be a delay before a public viewing period. (*NOTE: A coroner may require embalming in certain circumstances.*)

Cremation

The law does not require the purchase of a casket before cremation. (A combustible cremation container is required. See [Cremation](#).)

Burial

Vaults or grave liners are not required by law, but cemeteries may have their own policies requiring them, since they keep the ground from settling after burial and make mowing and maintenance easier. Typically, vaults completely surround the casket in concrete or other material. Grave liners cover only the top and sides. Neither is designed to prevent the eventual decomposition of human remains.

Home Death Care

The law does not prohibit consumers from preparing their own dead for disposition. If you choose to do this, you must file with the local registrar a properly completed *Certificate of Death*, signed by the attending physician or coroner, and obtain a *Permit for Disposition* before any disposition can occur. You must also provide a casket or suitable container and make arrangements directly with the cemetery or crematory.

(NOTE: With permission from the coroner, human remains may be kept at home until disposition without embalming or refrigeration; however, decomposition will proceed.)

Coroner Fees

California law permits coroners to charge for certain services. Fees vary by county.

Retail Casket Sellers

State law requires retail casket sellers, upon beginning any discussion of prices, to give customers a written price list of all caskets, alternative containers, and outer burial containers normally offered for sale. In addition, if customers ask for it in person or by telephone, the outlet must give them a written statement identifying caskets or containers by price, thickness of metal, type of wood, or other construction, and by interior and color. Price, thickness, construction, and color information must also be included on a tag conspicuously attached to each casket. Prior to a sale, the seller must provide the buyer an itemized statement of all costs involved.

Retail casket sellers may not legally arrange funerals or perform any other functions of a funeral establishment.

CAUTION: Retail casket sellers are not bound by the state laws or regulations that govern funeral directors, funeral establishments, and cemeteries, nor are they regulated by the federal government. Before doing business with them, check their complaint histories with your local district attorney and Better Business Bureau.

Deciding in Advance

For a loved one . . .

While making such decisions is difficult at any time, planning in advance for the death of a loved one can relieve you of that responsibility at the time of death, when you may be emotionally vulnerable. Take time now to discuss these matters and find out what your loved ones want.

For yourself . . .

Planning in advance for your *own* death can spare your loved ones the anguish of making difficult decisions while in a state of grief. Be sure to discuss your wishes with your family. You may also wish to consult an attorney on the best way to ensure that your wishes are followed.

You can make arrangements directly with a funeral establishment or through a memorial society. Memorial societies provide information about funerals and disposition but do not offer funeral services themselves and are not regulated by the state. To locate a funeral establishment or memorial society, ask friends and relatives for referrals, and check the telephone book yellow pages.

(NOTE: Many funeral entities that include the word "society" in their names are for-profit businesses. If a society's nonprofit status is important to you, you should confirm it prior to making arrangements.)

Check License Status

To be sure that the funeral director, funeral establishment, crematory, and *private* cemetery are licensed by the state and in good standing, call (800) 952-5210/TDD (800) 326-2297.

(NOTE: The state licenses and regulates private cemeteries, not those operated by religious or fraternal organizations; cities, counties, or cemetery districts; the military; Native American tribal organizations; or other groups. If you don't know who regulates the cemetery, ask the manager.)

Compare Prices and Services

First, visit and inspect several funeral establishments and compare services offered, restrictions, rules, and prices. Then, decide how much you want to spend. If you buy a casket at a retail outlet, be sure to ask if the outlet will deliver it or if you must pick it up. Also compare prices at several cemeteries and ask about their endowment care funds (*see Glossary of Terms*). **If a funeral establishment or cemetery is not being maintained to your**

satisfaction, take your business elsewhere.

Prearrangement

You may wish to decide about your arrangements in advance but not prepay for them. Keep in mind that over time prices may go up and businesses may close or change ownership. It's a good idea to review and revise your decisions every few years, and you should make sure your family is aware of your wishes. Put them in writing, give copies to your family members and your attorney, and keep a copy in a handy place. (Don't keep your only copy in a safe-deposit box. Your family may have to make arrangements before the box can be opened—for example, on a weekend or holiday.)

Prepayment Options

If you do decide to prepay for funeral and/or cemetery services, you have several options. *(NOTE: These are options, not recommendations. Be sure to carefully compare the advantages and disadvantages of each—and consider consulting an attorney—before making any decisions.)*

- **Preneed Trust Contracts** -- Decide on the funeral and cemetery services you want, sign contracts that fully describe those services, and pay a set amount into a trust administered by the funeral establishment or cemetery. There will usually be some costs that *cannot* be prepaid. Services such as opening and closing the grave are not usually part of the preneed contract and must be paid at time of need. *(NOTE: Be sure that your contract includes a cancellation clause, in case you change your mind later. Most cancellation clauses require you to pay a penalty, usually 10% of the total cost.)*

Suggestions:

- Ask for a **guaranteed price plan**. This protects you and your family from future price increases. (With a nonguaranteed price plan, your survivors may have to make up the difference in cost.) However, even with a guaranteed price plan, some items or services will probably have to be paid at the time of need.
- Make sure the funds in your preneed trust increase in value, and find out where the money is being invested and who the trustees are. You may receive an annual statement of earnings, which may be required to be reported as interest income on tax forms. Also, be sure that the plan includes provisions for your survivors to receive any funds that remain after the arrangements have been carried out.

- Find out if you have to pay the entire amount into the trust up front or if you can pay over time. Ask if there is a penalty for late payments.
 - Ask if your funeral arrangements can be transferred to another funeral establishment, or if the cemetery will buy the property back if you move out of the area.
 - To guarantee prices of cemetery goods, such as a vault or a marker, buy them and have the cemetery store them until they are needed. This is called "constructive delivery." There is no provision in law for constructive delivery of *funeral goods*.
- **Savings** - Earmark a portion of your savings for your funeral expenses, and ensure that your family members and attorney are informed and that provisions are made for your survivors to withdraw the funds at your death. You can change your mind at any time.
 - **POD Account** - Establish a Pay On Death or POD Account with your bank, designating the funeral establishment as the beneficiary of funds upon your death. Be sure to inform family members, the funeral establishment, your chosen executor, and your attorney of the provisions of the account. POD accounts may involve service fees, and interest earned is taxable. They may be canceled without penalty. (*NOTE: The funeral establishment is not required to pay any excess funds to your survivors.*)
 - **Life Insurance** - Buy life insurance equal to the value of the funeral and arrange for your beneficiary (a family member or friend) to handle the arrangements in accordance with your stated wishes. (*NOTE: If the costs exceed the amount of your policy, your survivors will have to make up the difference.*)
 - **Funeral Insurance** - Buy funeral insurance through the funeral establishment, which becomes your beneficiary. You preselect the casket, plot, etc., and the price may be guaranteed. If the price is guaranteed, the funeral establishment cannot charge your relatives more than the contract states, even if prices rise. *However, it can keep any funds remaining after the arrangements have been carried out.*

Burial

If you choose traditional burial, you will need to purchase a plot (unless you are eligible for burial at no cost in a national cemetery). Prices may vary widely between different cemeteries and between different locations in the same cemetery. There is also a fee for

opening and closing the grave, and you will probably be required to buy an outer burial container such as a grave liner or vault to help protect and stabilize the casket. In addition, there is usually a separate endowment care fee for maintenance and groundskeeping.

Burial in a mausoleum (entombment) involves purchase of a crypt, opening and closing fees, and charges for endowment care and other services.

Purchasing Items Elsewhere

If you purchase a casket or alternative container from a source other than the funeral establishment, the law prohibits the funeral establishment from charging a "casket handling" fee; however, your purchase must meet the standards set by the cemetery. Remember to shop wisely, since retail casket outlets are not bound by the same laws or regulations that govern funeral directors, funeral establishments, and cemeteries. If purchasing items in advance, insist that any monies surrendered be placed in a trust, and be sure to get a copy of the trust agreement.

If the cemetery requires outer burial containers to minimize ground settling, you may have to buy a grave liner or vault. You do not have to buy the outer container from the cemetery; however, a liner or vault purchased elsewhere must meet the size, shape, and material standards set by the cemetery.

You may purchase a marker or monument from another source, but it also must meet cemetery standards, and the cemetery **may not** charge a setting fee if the monument company sets it for you. Be sure to review the rules and policies of the cemetery *before* you purchase. This can help avoid misunderstandings and can assist you in making your decisions.

Multiple-Depth Graves

You may arrange to be buried in the same grave as your spouse or other family member, but only if you buy a multiple-depth grave. There are special fees for opening and closing a multiple-depth grave.

Cremation

California law requires written acknowledgment of the following disclosure when cremation is to take place:

The human body burns with the casket, container, or other material in the cremation chamber. Some bone fragments are not combustible at the incineration temperature and, as a result, remain in the cremation chamber. During the cremation, the contents of the

chamber may be moved to facilitate incineration. The chamber is composed of ceramic or other material which disintegrates slightly during each cremation, and the product of that disintegration is commingled with the cremated remains. Nearly all of the contents of the cremation chamber, consisting of the cremated remains, disintegrated chamber material, and small amounts of residue from previous cremations, are removed together and crushed, pulverized, or ground to facilitate inurnment or scattering. Some residue remains in the cracks and uneven places of the chamber. Periodically, the accumulation of this residue is removed and interred in a dedicated cemetery property, or scattered at sea.

If cremation is chosen, a **written authorization** must be signed before cremation can proceed. This must be done by the person(s) having the right to control the disposition of the body. This authorization, or a separate contract, indicates the location, manner, and time of disposition of the remains and includes an agreement to pay for the cremation, for disposition of the cremated remains, and for any other services desired. (If you wish to arrange and prepay for your own cremation, you can legally sign the *Authorization for Cremation* form yourself.) In addition, a burial/cremation permit (*Application and Permit for Disposition of Human Remains, VS 9*) must be issued by the county health department. The funeral establishment usually arranges to obtain this permit as part of its services. California law permits the person authorizing the cremation to be in attendance if he or she wishes, and some facilities may be able to accommodate more than one family member. Check with the crematory for its policies.

A casket is not required for cremation by California law, but a combustible cremation *container* is. The container must be one that can be closed and is leak-resistant. A cardboard box constructed for this purpose is acceptable. You do not have to buy the container from the funeral establishment or crematory, but it does have to meet the standards set by the crematory.

You should make a decision about removing all personal possessions of value, such as jewelry or mementos, before the body is taken to the crematory. Pacemakers, most prostheses, and mechanical or radioactive devices or implants must be removed by authorized funeral establishment staff prior to cremation, as they could injure crematory personnel or damage equipment.

By law, all cremations must be performed individually, *unless* a multiple cremation is authorized in writing *and* the cremation chamber is capable of multiple cremations. (*NOTE: Only a few crematories have this capability.*)

After the cremation has been completed and the cremation chamber has cooled, the remains are swept from the chamber, processed to a uniform size, and placed in a sturdy plastic bag sealed with an identification disk, tab, or label. The bag is then placed in an urn or other container you have selected.

Disposition of Cremated Remains

In California, you may choose any of the following methods of disposition of cremated remains:

- Placement of the urn in a niche columbarium or mausoleum - there may be additional charges for endowment care, opening or closing, recording, flower vase, nameplate, and urn.
- Burial of the urn in a plot in a cemetery - there may be additional charges for endowment care, opening or closing, recording, urn, outer burial container, flower vase, and marker.
- Retention of the urn at your residence - the funeral establishment or crematory will have you sign the *Permit for Disposition* showing that the remains were released to you and will file it with the local registrar. You may not remove the cremated remains from the urn, and you must arrange for their disposition upon your death.
- Storing of the urn in a house of worship or religious shrine if local zoning laws allow.
- Scattering in areas of the state where no local prohibition exists and with permission of the property owner or governing agency. The cremated remains must be removed from the container and dispersed into the soil, or buried, so they are not distinguishable to the public.
- Scattering of the remains in a cemetery scattering garden.
- Scattering at sea, at least 500 yards from shore (this also includes inland navigable waters, except for lakes and streams).

Cremated remains may not be transported without a permit from the county health department, and they may not be disposed of in refuse.

Scattering

Cremated remains may be scattered as described above by a licensed cemetery, cemetery broker, crematory, registered cremated remains disposer, funeral establishment staff member, or the family. **ALL** cremated remains must be removed from the container for scattering. Avoid inhalation of the dust from the cremated remains, since there may be health risks. The county health department must issue a *Permit for Disposition*, and boat/aircraft operators must notify the U.S. Environmental Protection Agency after scattering.

State law requires cremated remains disposers who scatter by air or boat to post copies of their current pilot or boating licenses and the addresses of their cremated remains storage areas at their places of business. The law also requires disposers to conduct scatterings within 60 days of receipt of the remains, unless the person with the right to control disposition is notified in writing of the reason for the delay.

Special Circumstances

Death Out of State

Burial - If death should occur away from the city where burial is to take place, you will need to have the body shipped using the coordinated services of a funeral establishment in each city. (The body must be embalmed prior to shipping; if embalming is not possible, the body must be shipped in an airtight casket or transportation container.)

Cremation - You can arrange for cremation to take place in the distant city and shipment of the cremated remains to you.

Death Out of the Country

If death should occur in a foreign country, the U.S. Consulate in that country can assist in making arrangements for the return of the body or for its local disposition. You will usually be able to obtain English translations of the death certificate and other documents through the nearest U.S. Embassy or Consulate.

Donation for Medical Purposes

If you wish to donate your body to a medical school for educational or research purposes, you will need to make arrangements with the school well in advance. It is a good idea to check with the school every few years, since procedures and needs may change. By law, the school is responsible for costs of final disposition.

Price List Requirements

A sample General Price List is included in the 1994 booklet *Complying with the Funeral Rule*, available from the Federal Trade Commission. In addition, you may wish to compare GPLs from several funeral establishments in your area. Although additional services may be included, at a *minimum*, the GPL must include the *price* of each of the following basic services provided by the funeral establishment, along with the *date* the prices are effective and a *description* of the services included:

- Forwarding remains to another funeral establishment—may include embalming, removal of remains, minimum service of staff, necessary authorizations, and local transportation.
- Receiving remains from another funeral establishment—may include minimum service of staff and transportation of remains to mortuary.
- Direct cremation—may include basic services of funeral director and staff, a proportionate share of overhead costs, removal of remains, necessary authorizations, and cremation.
- Immediate burial—may include basic services of funeral director and staff, a proportionate share of overhead costs, removal of remains, and local transportation to cemetery.
- Basic services of funeral director and staff, including overhead.
- Transfer of remains to funeral establishment—a flat fee may apply weekdays, nights, weekends, and holidays within a specific area, with mileage charges for transportation outside the area.
- Embalming—must include the following statement:
Except in certain special cases, embalming is not required by law. Embalming may be necessary, however, if you select certain funeral arrangements, such as a funeral with viewing. If you do not want embalming, you usually have the right to choose an arrangement that does not require you to pay for it, such as direct cremation or immediate burial.
- Other preparation of the body—services may be priced individually and may include dressing, cosmetizing, casketing, hair care, post-autopsy care, refrigeration, and reconstruction/restorative arts.
- Use of facilities and staff for viewing.
- Use of facilities and staff for funeral ceremony.
- Use of facilities and staff for memorial service.
- Use of equipment and staff for graveside service.
- Hearse.
- Limousine.
- The *range* of casket prices that appear on the Casket Price List, including the price range for adult, infant/child, and rental caskets, and for alternative containers.
- *Either* individual outer burial container prices *or* the range of outer burial container prices if the funeral establishment sells them.

Complaints

If you have a complaint about a funeral establishment, crematory, or state-regulated cemetery, first try to settle it with management. If you can't resolve the issue, call the Department of Consumer Affairs at (800) 952-5210 or TDD (800) 326-2297, and request a complaint form. (Or you can [download a complaint form](#).) Many complaints are quickly mediated between the consumer and the licensee; more serious complaints require a thorough investigation,

and the Department will take action against the license, if warranted. For complaints you are unable to resolve with cemeteries that are **not** under state jurisdiction, contact an official of the managing organization. Unresolved complaints about retail casket outlets should be directed to the local district attorney.

Glossary of Terms

Casket/Coffin—A box or chest for burying human remains.

Cemetery Property—A grave, crypt, or niche.

Cemetery Services—Opening and closing graves, crypts, or niches; setting grave liners and vaults; setting markers; and long-term maintenance of cemetery grounds and facilities.

Columbarium—A structure with niches (small spaces) for placement of cremated remains in urns or other approved containers. It may be outdoors or part of a mausoleum.

Cremation—Exposing human remains and the container encasing them to extreme heat and flame and processing the resulting bone fragments to a uniform size and consistency.

Crypt—A space in a mausoleum or other building to hold cremated or whole human remains.

Disposition—The placement of cremated or whole human remains in their final resting place. A *Permit for Disposition* must be filed with the local registrar before disposition can take place.

Endowment Care Fund—Moneys collected from cemetery property purchasers and placed in trust for the maintenance and upkeep of the cemetery. The state monitors the fund and establishes the minimum amount that must be collected; however, the cemetery is permitted to collect more than the minimum to build the fund. Only the *interest earned* by such funds may be used for the care, maintenance, and embellishment of the cemetery.

Entombment—Burial in a mausoleum.

Funeral Ceremony—A service commemorating the deceased with the body present.

Funeral Services—Services provided by a funeral director and staff, which may include consulting with the family on funeral planning; transportation, shelter, refrigeration, and embalming of remains; preparing and filing notices; obtaining authorizations and permits; and coordinating with the cemetery, crematory, or other third parties.

Funeral Society—See Memorial Society.

Grave—A space in the ground in a cemetery for the burial of human remains.

Grave Liner or Outer Container—A concrete cover that fits over a casket in a grave. Some liners cover tops and sides of the casket. Other liners (vaults) completely enclose the casket. Grave liners minimize ground settling.

Graveside Service—A service to commemorate the deceased held at the cemetery prior to burial.

Interment—Burial in the ground, inurnment, or entombment.

Inurnment—The placing of cremated remains in an urn.

Mausoleum—A building in which human remains are buried (entombed).

Memorial Service—A ceremony commemorating the deceased without the body present.

Memorial Society—An organization that provides information about funerals and disposition but is not part of the state-regulated funeral industry.

Niche—A space in a columbarium, mausoleum, or niche wall to hold an urn.

Urn—A container to hold cremated human remains. It can be placed in a columbarium or mausoleum, or it can be buried in the ground.

Vault—A grave liner that completely encloses a casket.

For More Information

The following organizations can provide additional information on this topic:

| | |
|---|---|
| <p><u>Cypress College Mortuary Science Department</u> 9200 Valley View Street Cypress, CA 90630-5897 (714) 484-7278</p> | <p><u>San Francisco College of Mortuary Science</u> 1598 Delores Street San Francisco, CA 94110 (415)824-1313</p> |
| <p><u>California and Hawaii Federation of Funeral & Memorial Societies</u> P.O. Box 92313 Pasadena, CA 91109-2313 (626) 683-3545</p> | <p><u>Funeral and Memorial Societies of America</u> P.O. Box 10 Hinesburg, VT 05461 (800) 765-0107</p> |
| <p>Funeral Service Consumer Assistance Program (FSCAP) P.O. Box 486 Elm Grove, WI 53122-0486 (800) 662-7666</p> | |
| <p><u>Federal Trade Commission</u> Office of Consumer & Business Education Washington, DC 20580 (202) 326-3650 (recording)</p> | <p>Local District Attorney or Consumer Affairs Office (See Government section of telephone book white pages)</p> |
| <p><u>Association of California Cremationists</u> P.O. Box 7137 Fullerton, CA 92634-7137 (714) 525-1505</p> | <p><u>California Funeral Directors Association</u> 347 Main Street Placerville, CA 95667 (800) 255-2332</p> |
| <p><u>California Mortuary Alliance</u> 1116 24th Street Sacramento, CA 95816 (916) 448-5551</p> | <p><u>Conference of Funeral Service Examining Boards</u> P.O. Box E Huntsville, AR 72740 (501) 738-1915</p> |
| <p><u>Cremation Association of North America</u> 401 N. Michigan Ave. Chicago, IL 60611 (312) 644-6610</p> | <p><u>Interment Association of California</u> 1116 24th Street Sacramento, CA 95816 (916) 441-4533</p> |
| <p><u>International Cemetery and Funeral Association</u> 1895 Preston White Drive, Suite 220 Reston, VA 20191 (800) 645-7700</p> | <p><u>National Funeral Directors Association</u> 13625 Bishop's Drive Brookfield, WI 53005 (800) 228-6332</p> |

The Consumer Guide to Funeral & Cemetery Purchases in
PDF Format

[Home](#) | [Consumer Guide](#) | [Complaints](#) | [Who Has the Right to Make Decisions](#)
[Cemetery Law](#) | [Funeral Law](#) | [New Laws](#) | [Forms](#) | [Licensing Information](#)
[Licensing Applications](#) | [Referral Numbers](#) | [FTC Funeral Rule](#)