People’s Memorial Association

Updating the Funeral Rule, 2020

~A guide to submitting comments to the Federal Trade Commission

for People’s Memorial Association, an FCA affiliate~

March, 2020

The Federal Trade Commission has asked for comments on improving the landmark “Funeral Rule”. This is our chance to persuade the federal government to bring this important regulation into the 20th century, making funeral home prices accessible online to anyone, at any time.   
  
FCA national has selected what we believe are the most important questions from the FTC’s lengthy questionnaire. These issues are the ones PMA works with every day as a community educator. Your “real person” experience is just what the FTC needs to hear.   
  
After these instructions, we’ve listed the top questions below, with some brief discussion about the kinds of experiences you can relate that will be persuasive. Our goal is to persuade the FTC not just to accept comments as it is doing now, but to actually open the Rule to amendments and changes. We are not there yet—that’s why your testimony is crucial.   
  
Please answer the questions in your own words, and use your real-world experience to illustrate the need. Tell the FTC about the family member who thought the $9,000 funeral bill she was facing couldn’t be avoided. Tell the FTC about how many hours it has taken PMA to persuade or cajole funeral homes into giving us a copy of their price list for our cost-comparison surveys. Let them know how burdensome it is to have to get in your car and physically visit funeral homes who refuse to e-mail or mail you a copy of their price list.   
  
Your submission doesn’t have to be long, just a clear statement of your real-world experience about funeral planning with an eye to controlling costs.

Instructions

“What is the deadline for submitting comments?”  
  
April 14, 2020

“What document should I use when I submit?”  
  
We suggest you copy and paste the questions below into a separate word processing document. When you are satisfied with your final version, submit that separate word processing document to the FTC at the online portal below.

We strongly advise you against submitting on paper through the US Mail. While this is technically permitted, experience shows your comments are more likely to be delayed, lost, and never make it to the FTC given the security measures through which paper mail is put in the nation’s capital. Don’t waste your good effort.  
  
“Where and how do I submit my comments?”  
  
The only permitted way to do this electronically is by visiting the following website and uploading your document by following the instructions you will find there:  
  
<https://www.federalregister.gov/documents/2020/02/14/2020-02803/funeral-industry-practices-rule#open-comment>

Thank you for your invaluable help. You, local volunteers, *are* the Funeral Consumers Alliance federation. Your voices can help make this a reality.

Questions

1. The Funeral Rule, currently, does not require funeral homes to post their General Price Lists on their websites. Funeral homes only have to hand a paper copy to any person if that person physically visits the funeral home. Should the Rule be amended to require that funeral homes who have websites post their GPLs prominently and conspicuously on the home page of that website?  
  
Common FCA volunteer experiences you might mention:  
  
        Local FCAs report that collecting price lists for cost-comparison surveys takes months. Volunteers have to individually contact funeral homes and hope they voluntarily email/mail a price list. Volunteers have to drive to funeral homes who refuse.

        FCA groups could gather the price lists needed for cost surveys in hours instead of weeks or months. These surveys are widely used by consumer members, hospices, and the media.

Your Answer:  
  
  
2. Should the Funeral Rule be amended to require that funeral homes include the actual cost of cremation within the advertised price for direct cremation? The current Rule does not require this. These fees are charged to funeral homes, and passed along to consumers, when the funeral home uses a third-party crematory. The average fee is an additional $350.  
  
Common FCA volunteer experiences you might mention:  
  
 *Local FCAs frequently contact FCA national for help figuring out how to represent the true price of cremation when funeral home price lists don’t include the cost of the third-party crematory fee within the funeral home’s price for direct cremation. In brief, an advertised $995 direct cremation becomes a “surprise” $1,345 direct cremation when it’s time to pay the bill.*

Your Answer:

3. Should the Funeral Rule be extended to cover cemeteries? The current Rule does not. Cemeteries are not required by the Funeral Rule to have General Price Lists, to distribute them, or to allow consumers to pick item by item. Should the Rule require cemeteries to be on the same playing field as funeral homes?   
  
Common FCA volunteer experiences you might mention:

*Local FCAs often do not complete, or have difficulty completing, cemetery price surveys. This is because the Funeral Rule does not apply to cemeteries; there are no GPLs to collect. Local FCAs report there is no comparable standardization in how cemeteries sell or describe their goods because the Rule does not cover cemeteries, making cost-comparisons unnecessarily difficult for consumers.   
  
           Both local FCAs and the FCA national get frequent consumer requests for cemetery cost-comparison surveys, requests that we cannot fulfill. Grieving families experience the cemetery transaction as part of the overall funeral and death transaction, and cannot understand why the FTC’s fair-play rules don’t govern cemeteries as well as funeral homes.*   
  
Your Answer:

Remember! Submit your comments *electronically and only through the following online government portal:*<https://www.federalregister.gov/documents/2020/02/14/2020-02803/funeral-industry-practices-rule#open-comment>