

# Partners In Care Alliance Society's (PICA's)

## STATE FUNERAL & CEMETERY CURRENT REGULATION SURVEY

Date: \_\_\_\_\_

State: \_\_\_\_\_

Please remember that while there are experts in each market, the detail of regulations in each state are often to the public, largely unknown. PICA's two goals are education and advocacy, wherever these laws are no longer adequate. The following topics in this survey form focus on what most of us caregivers consider the most important ethical issues our regulations currently face. Please provide your answers to the questions in the space provided:

### Survey of your current State Regulations:

- 1. Direct (telephone or door-to-door) solicitation?** Is direct solicitation of the public by funeral homes and cemeteries allowed in your state? (This practice has been banned in a growing number of regions, now considered a deceptive trade practice by many 'end-of-life-care' professionals). Yes \_\_\_ No \_\_\_
- 2. Disclosure of ownership?** Does your state require funeral chains to disclose publicly which funeral homes and or cemeteries they own? Yes \_\_\_ No \_\_\_
- 3. Licensing of before-need (or Pre-need) sales staff?** Do people who sell funerals in advance of when they are needed in your state require any kind of official training or licensing? Yes \_\_\_ No \_\_\_
- 4. Pre-paid funeral funds?** If someone pre-pays a funeral home for a funeral, what percentage of these funds does your state require be placed in trust at a bank, in the client family's name? \_\_\_\_\_%
- 5. Refundability?** We propose that all pre-need funeral sales be 80% trusted, and 80% (plus accrued interest), refundable. Do your Board agree? Yes \_\_\_ No \_\_\_
- 6. Adequate Facilities?** Does your Board agree all licensed funeral service providers should be required to invest in having their own adequate facilities (1)? Yes \_\_\_ No \_\_\_
- 7. Combination funeral homes in cemeteries?** Is there a ban, or at least a moratorium on combinations (2) in your state? Yes \_\_\_ No \_\_\_
- 8. Cemetery Plot reuse rights?** Has land reuse (3) of existing plots been allowed yet anywhere in your state? Yes \_\_\_ No \_\_\_
- 9. Combination Exclusive Access?** Any chapel located in a cemetery is part of the cemetery and that it is anticompetitive to limit or restrict access to the chapel from the cemetery's funeral home competitors. Do your Board agree? Yes \_\_\_ No \_\_\_
- 10. Green Burial?** Do any cemeteries in your state yet offer 'green burial' options? Yes \_\_\_ No \_\_\_

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1) Some states allow people with little or no operating facilities to get a funeral license, providing they can show they can rent storage facilities for a deceased should it become necessary. This allows operators with no overhead at all to tie up badly needed hospital storage facilities for often up to a week, getting all of the documents filed. Is it fair for these 'discounters' to compete with legitimate licensed businesses by sticking the local healthcare system with the bills for their overhead –

2) When a family commits to a cemetery there is an emotional bond. Usually, they feel they have to continue to use that cemetery to keep the family together. There is no longer a choice in their minds. When a family no longer has a choice of businesses, we call that a monopoly. Placing a funeral home inside a cemetery simply enlarges the monopoly. Laws banning the "tied-selling" of funeral and cemetery or memorial products, are already in place, though not always enforced.

3) Today whenever anyone goes to visit their ancestral homeland abroad, chances are they'll visit their ancestors cemetery (the third most popular destination for tourists visiting Europe today). Yet to our knowledge only the City of New Orleans in the US, the Archdiocese of Quebec and Mountain View Cemetery in Vancouver allow land reuse in Canada. PICA founders believe this ban on land reuse is in essence just legalized extortion, and coincidentally, completely unsustainable: if our Creator let us live long enough, the entire continent would become a graveyard. Every cemetery in North America must be required to amend their bylaws to allow at least some land reuse wherever whenever the owner decides they want it.

4) Another problem with combinations is that owners who build funeral homes with chapels, in their cemeteries may withhold chapel access from Independent competitors. When Independents try to arrange a service in the cemetery chapel they are told by owners that because the chapels belong to the funeral home and not the cemetery, the chapel is not accessible to other competing funeral homes.

