

Steps to Take For Effective Funeral Consumer Advocacy

1. Know the law
2. Put together a “cheat sheet” highlighting the main points of your state’s funeral laws that affect consumers. Include such things as:
 - How much preneed money has to be trusted
 - Consumers’ right to refund or transfer of preneed money
 - Is embalming required? If so, under what circumstances?
 - May families care for their own dead in your state?
 - What permits are required to be filed and where if families perform their own funerals?
3. Designate a Legislative Liaison in your group. Duties include:
 - Monitoring funeral-related legislation online and keeping board members up to date. Must be done at least once a month, but more frequently during the peak legislative season.
 - Informing the board what effect any bills would have on consumers
4. Designate a representative to attend funeral board meetings and take notes. This is NOT OPTIONAL or “something we do if we have time.” Make time.
5. Build a contact list complete with email addresses and fax numbers:
 - Newspaper reporters (consumer/business writers, senior citizen beat, etc.)
 - TV reporters (especially consumer watchdogs)
 - Your state/local AARP chapter
 - Your state/local hospice organization
 - Any senior citizen/consumer activist group
5. Build a list of your FCA members’ emails to send out action alerts and ask for them to send letters of opposition/support.
6. Designate someone to draft letters of opposition or support to any legislation. DON’T WAIT FOR AN IN-PERSON BOARD MEETING. These things move fast, and you sometimes have to approve items by email.
7. Email and FAX letters to sponsors and everyone on your contact list. Be sure to follow-up with phone calls; this can make a big difference.
8. Keep your Web site up to date with issues, action alerts, and contact information readers can use to get in touch with their lawmakers.

Tracking Legislation

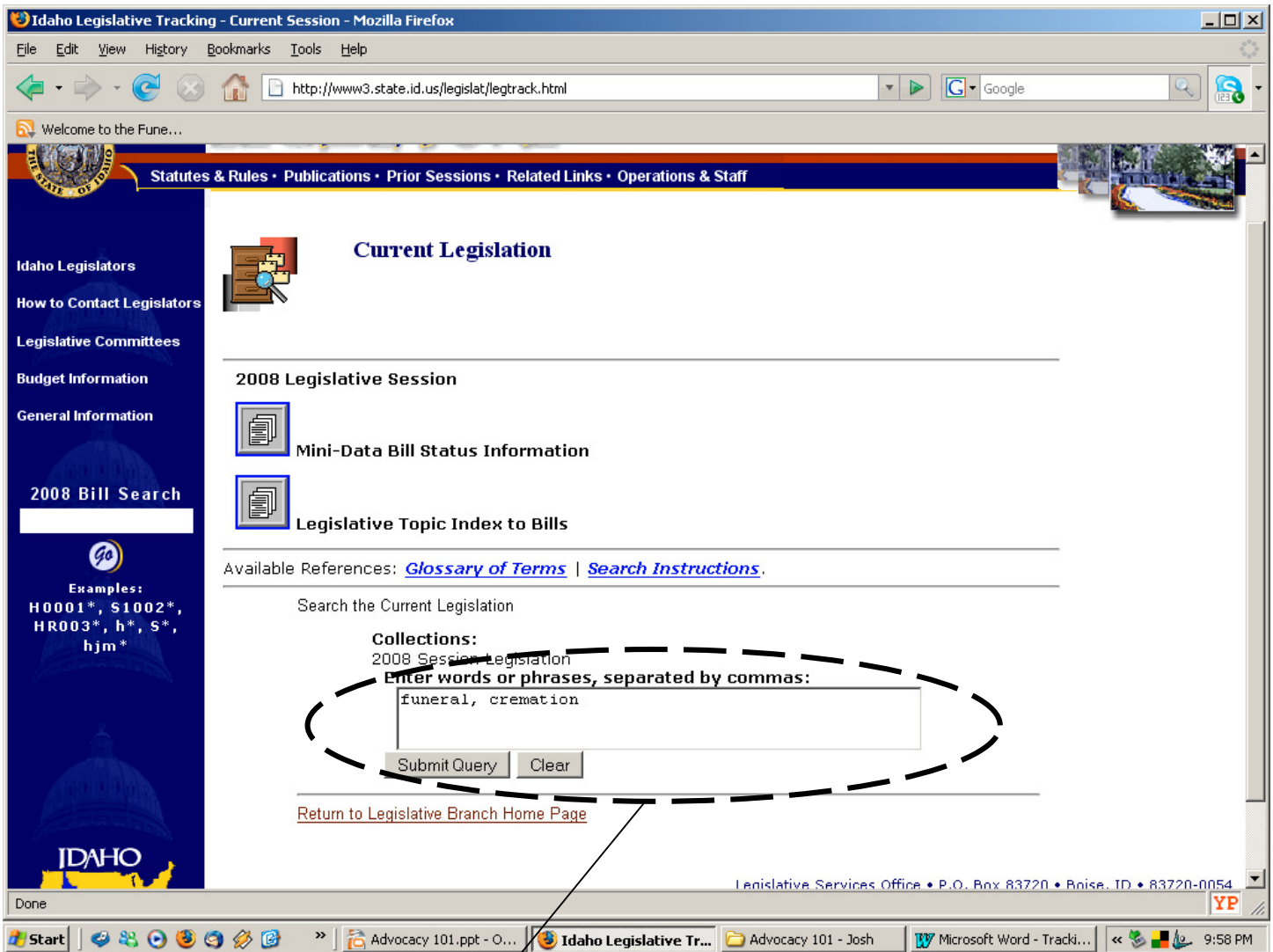
All state legislatures have their own Web sites now where you can track bills. Some are more user-friendly than others. Some allow you to search by keywords for bills, and others allow you to build a list of bills and get automatic email notifications when action is taken.

1. Find your state legislature's site. Go to Google and type in <Idaho Legislature>
2. Find the button for "bills" or "legislation."
3. Using keywords, search for funeral-related bills. Good ones to use include:
 - funeral
 - mortician
 - cemetery
 - preneed
 - cremation
 - crematory

Let's use the Idaho Legislature's web site as an example:

The screenshot shows the Idaho Legislature website in a Mozilla Firefox browser window. The address bar displays <http://www.legislature.idaho.gov/>. The page features a navigation menu with links for Home, Calendar, and Site Map. The main content area is divided into sections for 2008 Legislative Interim and 2008 Legislative Session. A search box labeled "2008 Bill Search" is located on the left side. A dashed arrow points from the search box to the "Legislation" link in the 2008 Legislative Session section. The search box contains the text "Examples: H0001*, S1002*, HR003*, h*, S*, hjm*" and a "Go" button. The 2008 Legislative Session section lists various links such as "Legislation", "Sine Die Report", "House and Senate Journals", "Committee Minutes", "Enacted Legislation", "Vetoed Legislation", "Code Sections Affected", "2008 Mini Directory", "2008 Legislative Directory", and "Session Dates".

Here's where you click to search for bills, amendments, and bill status.



Here's where you put in your search keywords. Note that not every search engine on each legislative site will be just like this. Sometimes they require you to follow a specific format when typing in your queries. Pay close attention to the instructions before you give up - when you don't get results, it's usually because you didn't read and follow the instructions.

Idaho Legislature Search Form - Mozilla Firefox

File Edit View History Bookmarks Tools Help

http://search.state.id.us/search97cgi/s97.cgi.exe?Action=Search&AdminImagePath=8ServerKe; Google

Welcome to the Fun...

Budget Information

General Information

2008 Bill Search

Examples:
H0001*, S1002*,
HR003*, h*, s*,
hjm*

0.65 [SENATE BILL NO. 1335 - Uniform Power of Attorney Act](#)
04-29-08, <http://www3.idaho.gov/oasis/S1335.html>
Summary: by JUDICIARY AND RULES UNIFORM POWER OF ATTORNEY ACT - Adds to existing law to enact the Uniform Power of Attorney Act. In this chapter: 11 (1) "Agent" means a person granted authority to act for a principal under 12 a power of attorney, whether denominat

0.64 [SENATE BILL NO. 1444 - Volunteer emergency responder/disabl](#)
04-29-08, <http://www3.idaho.gov/oasis/S1444.html>
Summary: by JUDICIARY AND RULES VOLUNTEER EMERGENCY RESPONDERS - Amends and adds to existing law relating to volunteer emergency responder disability benefits to define a term; to revise the designation of employees in public employment and their employers subject

0.62 [SENATE BILL NO. 1366 - Volunteer emergency respndr/disablty](#)
04-29-08, <http://www3.idaho.gov/oasis/S1366.html>
Summary: by COMMERCE AND HUMAN RESOURCES VOLUNTEER EMERGENCY RESPONDERS - Amends and adds to existing law relating to disability benefits for volunteer emergency responders to define terms; to revise the designation of employees in public employment; to revise the

0.48 [HOUSE BILL NO. 454 - Mortician, license requirements](#)
04-29-08, <http://www3.idaho.gov/oasis/H0454.html>
Summary: by BUSINESS MORTICIANS - Amends existing law to revise requirements for a mortician's license. 1 AN ACT 2 RELATING TO THE BOARD OF MORTICIANS; AMENDING SECTION 54-1109, IDAHO CODE, TO 3 REVISE REQUIREMENTS FOR A MORTICIAN'S LICENSE. REQUIREMENTS FOR MORTI

0.41 [HOUSE BILL NO. 530 - Property tax relief, income](#)
04-29-08, <http://www3.idaho.gov/oasis/H0530.html>
Summary: by REVENUE AND TAXATION PROPERTY TAXES - Amends existing law relating to circuit breaker property tax relief to provide how income is determined for certain married individuals living apart. 1 AN ACT 2 RELATING TO CIRCUIT BREAKER PROPERTY TAX RELIEF; AMEN

0.40 [SENATE BILL NO. 1447 - State employee/grp insurnce/revised](#)
04-29-08, <http://www3.idaho.gov/oasis/S1447.html>
Summary: by STATE AFFAIRS GROUP INSURANCE - Amends existing law relating to the Department of Administration and group insurance; to revise powers and duties of the director of the Department of Administration regarding group insurance; to provide for the creation

0.40 [SENATE BILL NO. 1252 - State employees, comp time](#)

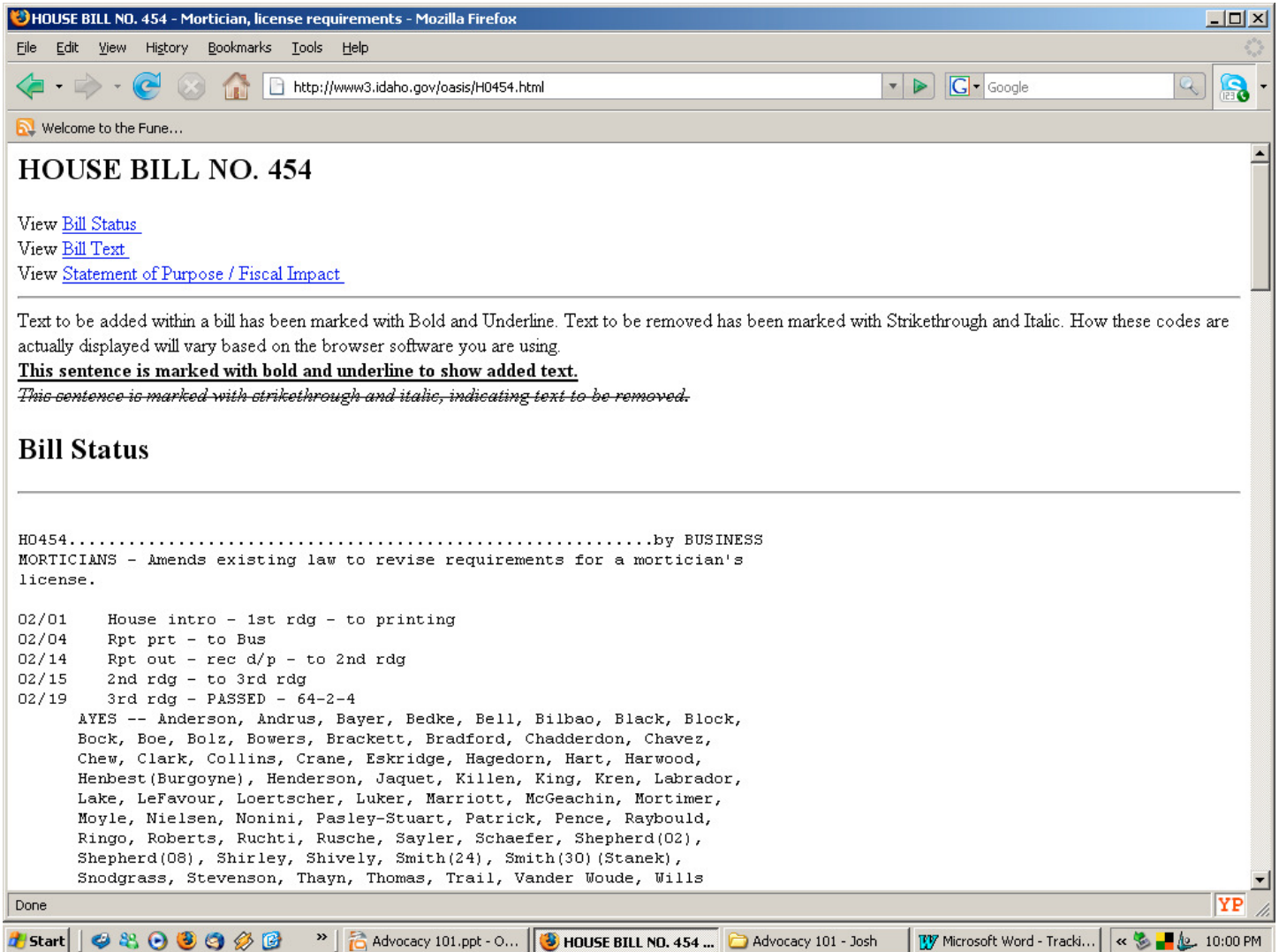
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Here's the list that comes up from our search. **House Bill 454, "Mortician, license requirements,"** looks interesting.

Here's what you see when you click on the bill. Notice that it tells you how to read it:

- **Text in bold and underline indicates new wording that the bill proposes to add to existing law**
- *Text in italics that is struckthrough indicates pieces of existing law the bill proposes to eliminate*
- Plain old text indicates existing law that won't be changed.



Want to see what this bill actually does? Wonder whether it's good or bad for consumers? Now you know how to find out - go look it up and have fun!



*A nonprofit organization protecting a consumer's right to choose a meaningful, dignified, affordable funeral
33 Patchen Road, South Burlington, VT 05403 ~ www.funerals.org ~ 800-765-0107 ~ fca@funerals.org*

January 31, 2007

(This letter to legislators was also sent to the press, which blew the whole story out in the open and helped defeat this terrible bill)

HB 323 — Bad for consumers, bad for business

As the director of the nation's only nonprofit watchdog group protecting consumers' rights to choose meaningful, dignified, and affordable funerals, I respectfully urge the Montana Legislature to abandon **HB 323**. As someone who has critiqued funeral bills nationwide, **HB 323** is one of the most anti-consumer, anti-free enterprise pieces of legislation I have ever seen. The bill will shut down low-cost competition in the funeral business to preserve a cartel of established funeral homes. This will strip Montanans of choice in funerals and cremations, and insulate the funeral market from meaningful competition. The bill also rides roughshod over the Constitutional and long-established Common Law rights of citizens to care for their dead as they see fit.

HB 323:

- Sets up a convoluted scheme to determine who has the right to make disposition arrangements and forces consumers to prepay a funeral home in exchange for the right to control their own future funerals. Twenty-nine other states have abandoned this model in favor of sensible rules.
- Conflicts with current regulations allowing consumers and their representatives to change prepaid funeral plans if circumstances change.
- Makes it illegal for families to care for their own dead at home, privately, and gives funeral businesses a legal right to the custody of a family's dead loved ones.
- Will put emerging low-cost funeral homes and free-standing crematoria out of business by making it illegal for them to remove dead bodies or perform other activities necessary to conduct their business and serve the public.
- Flatly contradicts citizens' First Amendment rights to free speech by making it illegal to communicate about **anything** to do with funeral or memorial services unless one holds a mortician's license.
- Would make it illegal for clergy or family members to organize or preside over funeral ceremonies or memorial services without a license.
- Gives the Montana Board of Funeral Service dominion over the private activities of citizens and clergy **far exceeding** the authority granted regulatory boards by Montana statute.

I suspect the sponsors of **HB 323** are unaware of the disastrous effects this bill would have. Undoubtedly, the funeral industry members who proposed it mislead legislators into believing it was necessary to protect the public. Nothing could be further from the truth. No provisions in HB 323 will serve any public protection purpose; the bill can't pass the most cursory rational-basis test. It is understandable that legislators unfamiliar with the funeral industry and the history of funeral law would turn to those who hold themselves out as experts: the industry itself. This gives lawmakers a distorted perspective, however, from a group with a vested interest in protecting its own interests.

As an expert in funeral law who has fought similar bills in Tennessee, Wisconsin, and Kentucky, I can demonstrate this type of legislation is a reaction by the entrenched funeral industry to stave off competition as fewer consumers are willing to spend \$10,000 to bury their dead. As the cremation rate has risen nationwide,

funeral homes that can't compete are trying to use the law as a cudgel against honest competition, and they're sacrificing the rights of citizens and consumers in the process.

Funeral Consumers Alliance has considerable experience working with legislators and honest industry members to draft legislation that adequately protects consumers and limits unnecessary liability for the funeral industry. We would be delighted to assist the Montana Legislature in doing so. Should **HB 323** move forward unamended, however, we are prepared to lobby publicly and loudly against this bill by alerting the media, AARP, and law firms that successfully litigate against such protectionist measures. **HB 323** is fundamentally unfair and will punish families and honest businesspeople while driving up the cost of dying in Montana.

Attached to this summary is a line-by-line analysis of the bill its effects on consumers, and its relation to existing Montana statutes and regulations. I have included suggestions on improving its provisions by drawing on language from other states. My commentary appears in [\[brackets in blue type\]](#).

I look forward to working with lawmakers interested in making Montana funeral law work for everyone.

Joshua Slocum
Executive Director
Funeral Consumers Alliance

and on behalf of the Five Valleys Memorial Society, a nonprofit, volunteer-run affiliate of the Funeral Consumers Alliance based in Missoula and representing XX members