

Introduced by Senator Negrete McLeodFebruary 18, 2011

An act to amend Section 7685 of the Business and Professions Code, relating to funeral services.

LEGISLATIVE COUNSEL'S DIGEST

SB 658, as introduced, Negrete McLeod. Licenced funeral establishments: price list: Internet posting.

The Funeral Directors and Embalmers Act regulates licensed funeral establishments and requires that they be operated by a licensed funeral director who is required to provide written information regarding funeral services and prices to consumers, as specified. A violation of the act is a misdemeanor.

This bill would require that a licensed funeral establishment that maintains an Internet Web site also post that information on its Internet Web site, as specified.

Because this bill would establish a new crime, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7685 of the Business and Professions
2 Code is amended to read:

3 7685. (a) (1) Every funeral director shall provide to any
4 person, upon beginning discussion of prices or of the funeral goods
5 and services offered, a written or printed list containing, but not
6 necessarily limited to, the price for professional services offered,
7 which may include the funeral director's services, the preparation
8 of the body, the use of facilities, and the use of automotive
9 equipment. All services included in this price or prices shall be
10 enumerated.

11 ~~(b)~~

12 (2) The list shall also include a statement indicating that the
13 survivor of the deceased who is handling the funeral arrangements,
14 or the responsible party, is entitled to receive, prior to the drafting
15 of any contract, a copy of any preneed agreement that has been
16 signed and paid for, in full or in part, by or on behalf of the
17 deceased, and that is in the possession of the funeral establishment.

18 ~~(c)~~

19 (3) The funeral director shall also provide a statement on that
20 list that gives the price range for all caskets offered for sale. The
21 funeral director shall also provide a written statement or list that,
22 at a minimum, specifically identifies a particular casket or caskets
23 by price and by thickness of metal, or type of wood, or other
24 construction, interior and color, in addition to other casket
25 identification requirements under Title 16, Code of Federal
26 Regulations, Part 453 and any subsequent version of this regulation,
27 when a request for specific information on a casket or caskets is
28 made in person by any individual. Prices of caskets and other
29 identifying features such as thickness of metal, or type of wood,
30 or other construction, interior and color, in addition to other casket
31 identification requirements required to be given over the telephone
32 by Title 16, Code of Federal Regulations, Part 453 and any
33 subsequent version of this regulation, shall be provided over the
34 telephone, if requested.

35 (b) (1) *Each licensed funeral establishment that maintains an*
36 *Internet Web site shall post on its Internet Web site the information*
37 *specified in subdivision (a).*

1 (2) *Information posted pursuant to paragraph (1) shall be*
2 *accessible through a link, marked “prices for services,”*
3 *conspicuously located on the home page of the Internet Web site.*

4 SEC. 2. No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 the only costs that may be incurred by a local agency or school
7 district will be incurred because this act creates a new crime or
8 infraction, eliminates a crime or infraction, or changes the penalty
9 for a crime or infraction, within the meaning of Section 17556 of
10 the Government Code, or changes the definition of a crime within
11 the meaning of Section 6 of Article XIII B of the California
12 Constitution.

O