



REGULATORY SUPPORT SERVICES, Inc.

P.O. Box 3130 • Durham, NC 27715-3130 • (804) 784-7347 • Fax (804) 784-7349
www.regulatorysupportservices.com • mail@regulatorysupportservices.com

We were recently made aware of a letter dated January 2, 2018 sent to funeral homes from Funeral Consumers Alliance of the Virginia Blue Ridge. Some of our clients contacted us following receipt of the letter which requested a copy of the firm's current General Price List. Shown below is the letter's first paragraph with a quote attributed to the FTC publication, *Complying with the Funeral Rule*. We added bold font emphasis, so the quote is easy to identify.

“As a benefit to our members, Funeral Consumers Alliance of the Virginia Blue Ridge again is inquiring about funeral arrangements in our area. As you may know, *Complying with the Funeral Rule* states, **“You must give a GPL to all persons who inquire about funeral arrangements. This may include competitors, journalists, and representatives of businesses, religious societies, government agencies, or consumer groups.”** We request a copy of your CURRENT General Price List. Kindly send it in the enclosed stamped envelope by January 18, 2018.”

The quote contains only the **last two sentences** of a paragraph found on page 2 of the April 2015 edition of *Complying with the Funeral Rule*. Our concern is the omission of the complete paragraph that provides the full context of the FTC's interpretation and enforcement. The full paragraph appears below:

“You must give the General Price List to *anyone* who asks, in person, about funeral goods, funeral services, *or* the prices of such goods or services. You must give the GPL to such individuals to keep. The request for information does not have to come from a consumer or someone who wants to make funeral arrangements now or in the future. You must give a GPL to all persons who inquire about funeral arrangements. This may include competitors, journalists, and representatives of businesses, religious societies, government agencies, or consumer groups.”

To the uninformed, a plain reading of the letter can easily misinterpret that the Funeral Rule requires distribution of the GPL in answer to all inquiries. Clearly the FTC interprets and enforces the Funeral Rule's GPL distribution requirement for *in person* inquiries for information about funeral goods, funeral services or the prices thereof.

To further clarify this, we again look on page 3 of *Complying with the Funeral Rule*. (Bold font added for emphasis.)

“What About Phone or Mail Inquiries?”

You must give certain information to people who telephone (see page 17), but the Rule does not require you to send callers a General Price List. **Similarly, you do not have to send a GPL in response to mail inquiries about funeral goods and services. Of course, you certainly are free to send a GPL to someone who calls or writes for information if you wish to do so.** However, if a telephone or mail inquiry is followed up by a meeting at the funeral home or elsewhere, you must provide a GPL at that time. **Note:** Some states require funeral providers to mail a price list upon request. You should check to see what the requirements are in your state.”

Regarding the last line of the above paragraph, Virginia interprets and enforces the GPL distribution requirements in accordance with the Funeral Rule.

We are not suggesting that firms decline to send a GPL for inquiries delivered via telephone, mail, email or facsimile. As stated in the excerpt from *Complying with the Funeral Rule*, that is optional. We do however take exception to the letter's implication that providing a GPL is mandated regardless of how the inquiry is made.

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