

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



ATTORNEY GENERAL
KARL A. RACINE

December 5, 2017

The Honorable Phil Mendelson
Chairman, Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, N.W., Suite 504
Washington, DC 20004

Dear Chairman Mendelson:

I am writing to transmit the *Funeral Services Consumer Protection Amendment Act of 2017* (“Bill”) for consideration an enactment by the Council of the District of Columbia.

The purpose of the Bill is to amend the *Funeral Services Regulatory Act of 1984*, effective May 22, 1984 (D.C. Law 5-84; D.C. Official Code § 3-401 et seq.) (2012 Repl.), to establish a “Funeral Bill of Rights;” to amend Chapter 39 of Title 28 of the District of Columbia Code to include certain violations of District regulations governing the practice of funeral directors as unlawful trade practices; to amend subsection 3013.2 of Chapter 17 of the District of Columbia Municipal Regulations to require that licensed funeral directors clearly and conspicuously post the “Funeral Bill of Rights” and that licensees distribute the Funeral Bill of Rights to consumers who are seeking to purchase funeral goods or services; and to amend section 3110 of Chapter 17 of the District of Columbia Municipal Regulations to require that licensed funeral services establishments retain records related to required disclosures to consumers for a period of 3 years.

These important updates will protect consumers at a time when they are often most vulnerable. The Office of the Attorney General looks forward to working with the Council, the Board of Funeral Directors, and other stakeholders to ensure the District has compassionate and fair procedures in place for funeral service providers and consumers.

If you have any questions, you may contact me or your staff may contact Deputy Attorney General James Pittman on (202) 724-6517.

Sincerely,

A handwritten signature in black ink, appearing to be 'Karl A. Racine', written over a horizontal line.

Karl A. Racine
Attorney General for the District of Columbia

Chairman Phil Mendelson
at the request of the Attorney General

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Phil Mendelson, at the request of the Attorney General, introduced the following bill, which was referred to the Committee on _____.

To amend the Funeral Services Regulatory Act of 1984 to establish a Funeral Bill of Rights; to amend Chapter 39 of Title 28 of the District of Columbia Code to include certain violations of District regulations governing the practice of funeral directors as unlawful trade practices; to amend subsection 3013.2 of Chapter 17 of the District of Columbia Municipal Regulations to require that licensed funeral directors clearly and conspicuously post the Funeral Bill of Rights and that licensees distribute the Funeral Bill of Rights to consumers who are seeking to purchase funeral goods or services; and to amend section 3110 of Chapter 17 of the District of Columbia Municipal Regulations to require that licensed funeral services establishments retain records related to required disclosures to consumers for a period of 3 years.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Funeral Services Consumer Protection Amendment Act of 2017”.

Sec. 2. The Funeral Services Regulatory Act of 1984, effective May 22, 1984 (D.C. Law 5-84; D.C. Official Code § 3-401 *et seq.*) is amended as follows:

(a) A new section 4a is added to read as follows:

“Sec. 4a. The Attorney General of the District of Columbia, or his designee, shall convene a working group, which shall include at least one member of the Board of Funeral Directors, to create a “Funeral Bill of Rights” designed to inform consumers of required pricing disclosures and other available consumer rights. The Funeral Bill of Rights shall be published in

1 the District of Columbia Register within 45 days of the effective date of the Funeral Services
2 Consumer Protection Amendment Act of 2017.”.

3 Sec. 3. Chapter 39 of Title 28 of the District of Columbia Official Code is amended as
4 follows:

5 (a) Section 28-3904 is amended as follows:

6 (1) Subsection (gg) is amended by striking the word “or” at the end.

7 (2) Subsection (hh) is amended by striking the period at the end and inserting the
8 phrase “; or” in its place.

9 (3) A new subsection (ii) is added to read as follows:

10 “(ii) violate any provision of section 3013 of Title 17 of the District Municipal
11 Regulations; or”.

12 (4) A new subsection (jj) is added to read as follows:

13 “(jj) violate any provision of 3117 of Title 17 of the District Municipal
14 Regulations.”.

15 Sec. 4. Paragraph (l) of subsection 3013.2 of Chapter 17 of the District of Columbia
16 Municipal Regulations is amended as follows:

17 (a) The lead-in language of subparagraph (8) is amended to read as follows:

18 “Charging in excess of the amount advanced, paid, or owed to third parties on behalf of
19 the customer, failing to provide to the customer any receipts for amounts advanced, paid, or
20 owed to third parties on behalf of the customer, or failing to pass along to the customer any
21 discount, rebate, or other benefit received from third parties for any items of service or
22 merchandise described as cash advances, including, but not limited to, the following:”

23 (b) Subparagraph (24) is amended by striking the word “or” at the end.

1 Subparagraph (25) is amended by striking the period at the end and inserting the phrase “;
2 or” in its place.

3 (c) New subparagraphs (26) –(29) are added to read as follows:

4 “(26) Failing to clearly and conspicuously post a General Price List, Casket Price List,
5 or an Outer Burial Container Price List, which meets the requirements of the Funeral Industry
6 Practices Rules of the Federal Trade Commission (16 Code of Federal Regulations (C.F.R.) §
7 453 *et seq*, as amended), on any websites maintained by the applicant or licensee;

8 “(27) Failing to provide to any customer a General Price List, Casket Price List, or an
9 Outer Burial Container Price List that meets the requirements of the Funeral Industry Practices
10 Rules of the Federal Trade Commission (16 Code of Federal Regulations (C.F.R.) § 453 *et seq*,
11 as amended);”

12 “(28) Failing to clearly and conspicuously post “the Funeral Bill of Rights”, as specified
13 in the Funeral Services Consumer Protection Amendment Act of 2017 (D.C. Official Code § 3-
14 403a), on any websites maintained by the applicant or licensee; or”

15 “(29) “Failing to provide to any customer “the Funeral Bill of Rights”, as specified in the
16 Funeral Services Consumer Protection Amendment Act of 2017 (D.C. Official Code § 3-403a),
17 during an initial meeting to discuss or make arrangements for the purchase of funeral goods or
18 services.”.

19 Sec. 5. Section 3110 of Chapter 17 of the District of Columbia Municipal Regulations is
20 amended as follows:

21 (a) A new subsection (9) is added to read as follows:

22 “3110.9 A funeral services establishment shall keep and retain records
23 documenting any required disclosures to consumers, including disclosure of its General Price

1 List, Casket Price List, an Outer Burial Container Price List, and “the Funeral Bill of Rights”
2 signed by the consumer, as specified in the Funeral Services Consumer Protection Amendment
3 Act of 2017 (D.C. Official Code § 3-403a), for at least three (3) years after the completion or
4 termination of a funeral contract.”.

5 Sec. 6. The Council adopts the fiscal impact statement in the committee report as the
6 fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975,
7 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code §1-301.47a) .

8 Sec. 7. This act shall take effect following approval by the Mayor (or in the event of veto
9 by the Mayor, action by the Council to override the veto), a 30-day period of Congressional
10 review as provided in section 602 (c) (1) of the District of Columbia Home Rule Act, approved
11 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c) (1)), and publication in the
12 District of Columbia Register.

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