

**PRINCE GEORGE'S COUNTY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: 5/9/95

Reference No.: CB-10-1995

Proposer: MacKinnon

Draft No.: 2

Sponsors: MacKinnon

Item Title: To require cemetery associations and funeral directors to retain a copy of disclosure statements for cemetery and funeral services

Drafter: Ralph E. Grutzmacher
Legislative Officer

Resource Personnel: JoAnne Brown

LEGISLATIVE HISTORY:

Date Presented: 3/7/95

Executive Action: 5/22/95 S

Committee Referral:(1) 3/7/95 HEHS

Effective Date: 7/7/95

Committee Action:(1) 3/29/95 FAV (A)

Date Introduced: 4/18/95

Pub. Hearing Date: (1) 5/9/95 1:30 PM

Council Action: (1) 5/9/95 Enacted

Council Votes: MC: A, B: A, D: A, E: A, G: A, M: A, R: A, S: A, W: A

Pass/Fail: P

Remarks: _____

HEALTH, EDUCATION & HUMAN SERVICES COM.

DATE: 3/29/95

Committee Vote: Favorable with amendments 5-0 (In favor: Russell, Bailey, Estepp, Scott and Wilson)

This legislation is intended to protect cemetery service providers and consumers. This provides a paper trail and written documentation of what the consumer received and was told by the service provider. With little to no regulation of cemetery service providers there is the potential of consumers being pressured at a very vulnerable time, when they have lost a loved one, to purchase services which they may or may not need. There is a State Board of Morticians that licenses morticians. There is no regulatory board for cemetery service providers. This part of the industry seems to be regulated by what the market will bear.

The FTC oversees the industry. But their regulation only applies to providers of funeral goods and services (funeral homes and directors). This does not apply to cemetery providers. The FTC does not usually deal with individual complaints, but tracks these in order to monitor the industry and to research and prepare legislation. The FTC does not require a disclosure form of cemetery service providers.

The Committee voted 5-0 to amend Sec. 2-146(c) to require that a copy of the signed disclosure form be given to the consumer and included in this information be the phone number and address for the Office of Business and Regulatory Affairs (formerly Citizens and Consumer Affairs) for regulatory concerns.

Audits and Investigations finds that there should be no negative fiscal impact to the county as a result of the adoption of CB-10.

The Committee considered but did not clarify who pays for the cost of the preparation, and dissemination of the forms to the cemetery service providers.

The Legislative Officer has found CB-10-1995 to be in proper legislative form.

The Office of Law has found it to be in proper legal form.

The Office of Business and Regulatory Affairs (formerly Citizen and Consumer Affairs) is in support of the Bill. While concern was raised as to the amount of regulatory oversight which could be maintained, the agency will work with Federal and State agencies to enforce this legislation.

**BACKGROUND INFORMATION/FISCAL IMPACT
(Includes reason for proposal, as well as any unique statutory requirements)**

The proposed legislation requires funeral directors and cemetery associations to retain one copy of the Federal Trade Commission disclosure statement for each person who purchased services.

CODE INDEX TOPICS:

Consumer Protection Commission

Unlawful practices 2-146