

CONSUMER FACT SHEET FOR FUNERAL PLANNING

Board of Registration in Embalming and Funeral Directing

([Board of Registration in Embalming and Funeral Directing / Mass.gov](http://www.mass.gov/division-of-occupational-licensure-check-a-license))

The Board of Registration in Embalming and Funeral Directing oversees the examination and licensing of the professionals and their apprentices who provide services for the deceased and their families, including embalming, funeral arrangements, facilitating access to cremation services, and family assistance. The Board also inspects the facilities of licensed embalmers and funeral directors to determine adherence to the health-related rules, standards of practice, and ensure compliance with regulations set forth by the Board and local health departments. In addition, the Board acts as a resource for consumers.

Consumer Resources for Planning a Funeral

Making funeral arrangements is often an emotionally challenging experience. With preparation, consumers can make choices that meet their needs and budget. This guide summarizes key funeral consumer rights protected by state and federal laws and other resources.

STATE: Before making funeral arrangements, check to ensure that you are dealing with a licensed funeral director in good standing. You may use the "check a license" search option at <https://www.mass.gov/division-of-occupational-licensure-check-a-license> to find the funeral director or establishment, or contact Board staff at 617-701-8628 or embalming.funeral@mass.gov to request information or order a list of current funeral directors or establishments.

FEDERAL: The Federal Trade Commission (FTC) has helpful guides about your rights to shop for and select only the services you need. Learn about the "Funeral Rule" (<https://www.consumer.ftc.gov/articles/0300-ftc-funeral-rule>) and "Shopping for Funeral Service" (<https://www.consumer.ftc.gov/articles/0070-shopping-funeral-services>).

Additional Resources

Funeral Consumer Alliances in Massachusetts — www.funeralsma.org —

Funeral Consumers Alliance - national — www.funerals.org

Massachusetts Funeral Directors Association — www.massfda.org

National Funeral Directors Association — www.nfda.org

Cremation Association of North America — www.cana.org

CONSUMER FACT SHEET FOR FUNERAL PLANNING

Massachusetts Cemetery Association— www.macemetery.org

All provide helpful advice and information about services, options, financing and pre-planning, including publications on many other issues. Below please find information on purchasing funeral arrangements and advance planning.

Purchasing Funeral Arrangements

- Preparing ahead of time can frequently help avoid undue stress and pressure. In addition, planning ahead may help survivors have knowledge of your intentions for final care. Consideration should be made to the services you may want and what your budget may be, so a funeral service professional can assist in meeting your needs. Since funeral establishments are private businesses, charges will vary.
- Funding: Consider what funds will be readily available to you. A funeral or estate-planning professional can help you identify additional funding sources. Some consumers have insurance and/or may be eligible for programs such as veterans' benefits, Social Security, the Department of Transitional Assistance, or payable-on-death bank accounts that could help cover costs.
- Before you decide on particular services or merchandise, make sure you receive an itemized price list from the funeral director. The Federal Trade Commission (FTC) Funeral Rule requires funeral homes to provide specific prices over the phone and a full "General Price List" (GPL) to consumers who visit in person. This will provide you with information regarding potential charges and a description of the services available. Online pricing is not currently required, but some funeral homes do provide select pricing on their websites.
- Embalming is not required by law except in specific circumstances. However, it may be required by the funeral home if you select certain funeral arrangements, such as a public viewing. Unless ordered by the public health department, the client can decline embalming in writing. (Massachusetts Regulations: 239 CMR 3.10 and 239 CMR 3.12) If you do not want to embalm, refrigeration may be an option, or you may choose direct cremation or immediate burial. It may be helpful to discuss this with your funeral professional to understand the alternatives.
- Although funeral homes sell caskets, the Federal Trade Commission rule requires funeral homes to accept those provided by outside sources without additional fees. State law also allows you to rent rather than buy a casket for

CONSUMER FACT SHEET FOR FUNERAL PLANNING

services followed by cremation. You may wish to inquire whether the funeral homes you are considering offer casket rental and, if so, what the cost would be. Crematoriums require a rigid container. An alternative container could be a cardboard casket or even a tray and shroud, if a wood or metal casket is not desired.

- Consumers should ensure that all non-funeral home costs are included in your price estimate. In Massachusetts, cemeteries and crematories are separate from funeral establishments. If burial, cremation, or entombment is chosen, you should inquire about what cemetery or crematory charges will be incurred.
- Once you have decided what you want, the funeral director will provide an itemized statement of the prices for the goods and services you agreed to buy. This itemized statement will identify the actual or estimated cost for each item and service to be provided, to the extent that that price is known at the time, including cash advances that the funeral establishment will pay in your name. Cash Advances may include obituary notices, cemetery charges, crematory fees, clergy fees, etc. The Statement of Goods and Services is a contract between you and the funeral establishment and must be signed by both you and the funeral director. If the Statement of Goods and Services is an estimate, it should state for how long the prices are valid. This statement must be provided to you when your funeral arrangements are finalized or if changes are made before the funeral service itself.
- It is important that you carefully read and understand the Statement of Goods and Services. If you have questions about what something means, a funeral director will explain any provision in the contract that may be unclear. If the explanation you get is unsatisfactory or you are still confused, it is advisable to seek advice from one of the many resources listed in this fact sheet prior to signing the contract.
- Additional Resources: For those next of kin or legal representatives who wish to handle the disposition and interment of a body without the benefit of a licensed funeral director, the Funeral Consumers Alliance of Eastern Massachusetts provides the following guidance for a home-based funerals: <https://fcaemass.org/resources/caring-for-your-own-dead/>. Any assistance you receive from a home funeral guide, home funeral educator or death midwife/doula must only be in the form of offering resource and direction rather than hands-on care from them.

CONSUMER FACT SHEET FOR FUNERAL PLANNING

Pre-Need Planning

- Increasingly consumers are planning ahead and making their own funeral arrangements, allowing time to determine preferences, services, and providers. In addition, other benefits include emotional and financial security and diminished survivor stress. Whatever your plan, make sure you have notified others (family/friend, lawyer, executor, etc.) of your intentions in advance. As life changes it is sensible to review and update these plans.
- There are many things to consider when prepaying a funeral such as what happens if you relocate to another area, the funeral home is sold to a new owner (or closed) or your funeral selections may change. Familiarize yourself with the regulations (239 CMR 4 (mass.gov)) or ask your licensed funeral director to explain the rules of the Board of Registration in Embalming and Funeral Directing which address these and other important issues.
- Understand the difference between a revocable or irrevocable agreement – see [239 CMR 4 \(mass.gov\)](http://239CMR4.mass.gov).
- When prepaying your check should always be written directly to the bank that serves as Trustee of the account or the insurance company issuing the policy and not to the funeral establishment.
- Cemeteries operate independently of funeral homes and funeral directors. Consequently, it is important for you to receive and review the cemetery's rules, regulations, agreements and any other documentation about any purchase of a burial plot, niche, merchandise and other services. Cemetery ownership varies and can be municipal, private, corporate or have a religious affiliation. If any issues or concerns arise about any cemetery or its policies or procedures, check with the local Board of Health where the cemetery is located.
- There can be certain advantages to prepaying, such as for individuals who may need public assistance later in life. Funds set aside in specific types of funeral trusts are generally not considered assets when the government determines eligibility. A licensed funeral director can provide more information about establishing an irrevocable agreement if qualifying for these benefits is a concern for your family. An attorney should be consulted about any estate plan or changes to an estate plan.
- When making pre-planned funeral arrangements, you must receive a copy of the "Buyer's Guide to Pre-Need Funeral Arrangements." The Commonwealth requires you to be given this guide when discussing pre-need arrangements with a funeral director. <https://www.mass.gov/doc/buyers-guide-to-pre-need-funeral-contracts-0/download>

CONSUMER FACT SHEET FOR FUNERAL PLANNING

If you wish to pre-pay for your funeral, the funeral director will provide you with the standardized contract approved by the Board of Registration in Embalming and Funeral Directing. This agreement must have three parts:

1. Standardized Pre-need Funeral Contract
<https://www.mass.gov/regulations/239-CMR-400-pre-need-funeral-contracts-and-arrangements>
2. Itemized Statement of Funeral Goods and Services (FTC compliant)
3. Trust Document with a Bank or Insurance Policy

When pre-paying for a funeral, consider these points to:

- Which items and services are cost protected, and which may change?
- If funded through a trust account, the name of the bank trustee, location, and contact information.
- If funded through an insurance policy, whether the funeral director or any agent received a commission and the name of the insurance company, location, contact information, and policy number.
- If supplemental funding is through a separately identified burial account, know the bank name, location, contact information, and account number.
- There is an allowed 10-day-period after the signing during which the consumer can cancel the contract. This is known as a "cooling-off period."
- If revocable, you may cancel at any time and receive a full refund.
- You should notify a family member and any legal representative of any arrangements.

Consumer Checklist for Making Funeral Arrangements

- Make a list of what you want: the type of funeral, consider cultural preferences, religious or secular, public or private, with or without a public or private viewing, open casket or closed, with or without a service. There are a variety of ways you can plan a meaningful service.
- Determine your budget: consider what funds will be available and how much you want to spend. Funeral directors offer a wide variety of options to meet financial needs and wishes.
- Know your rights.
- If you select a funeral home, visit the funeral director and discuss your wishes.

CONSUMER FACT SHEET FOR FUNERAL PLANNING

Consumers should look for the right licensed funeral professional with a strong reputation who understands their emotional needs and budget. It's important to give as much thought to this decision as one would when choosing a doctor, attorney, or other professional.

- Confirm that online providers have a licensed Massachusetts establishment and are authorized to practice here in the Commonwealth.
- Plan for the final disposition of the body or cremated remains of the deceased person.
- When contracting for funeral services, make sure everything is in writing and that you understand all costs.
- If handled in advance, inform key people of your plans.

Difficulties or Issues

If you have difficulties with a funeral director about any of these issues, contact the Division of Occupational Licensure's Office of Investigations at (617) 701-7406 or file a complaint at: <https://www.mass.gov/how-to/division-of-professional-licensure-complaint-form>

Cemeteries are not regulated by this board and consumers with concerns should contact the cemetery management, the local board of health and perhaps a consumer advocate. Consumers should keep good records to ensure their plan will be honored years down the road.

Contributors include Funeral Consumers Alliances of Massachusetts, Massachusetts Funeral Directors Association, and members and staff of the Massachusetts Board in Embalming and Funeral Directing.

Amendments adopted by the Board of Registration in Embalming and Funeral Directing
on May 17, 2022.