

**Note:** New York City businesses must comply with all relevant federal, state, and City laws and rules. All laws and rules of the City of New York, including the Consumer Protection Law and Rules, are available through the Public Access Portal, which businesses can access by visiting [www.nyc.gov/consumers](http://www.nyc.gov/consumers). For convenience, sections of relevant New York State Law and/or New York City Law and Rules are included as a handout in this packet. The New York City Law and Rules are current as of March 2010.

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**NEW YORK CITY ADMINISTRATIVE CODE**  
**TITLE 20: CONSUMER AFFAIRS**  
**CHAPTER 5: UNFAIR TRADE PRACTICES**  
**SUBCHAPTER 7: INFORMATION WITH RESPECT TO FUNERAL COSTS**

§ 20–730 **Definitions.** a. "Alternative container" means a non-metal receptacle or enclosure customarily not ornamented and designed for holding or transporting human remains.

b. "Cash advances" or "accommodations" means amounts advanced on the customer's behalf for various services and merchandise, including, but not limited to: cemetery or crematory charges, clergy honorarium, flowers, newspaper death notices, pall bearers, music, transportation charges, out-of-town funeral director's charges, hairdressers, bridge and road tolls, telephone and telegraph charges, gratuities.

c. "Casket" includes a coffin and means a rigid container designed for the encasement of human remains and customarily ornamented and lined with fabric.

d. "Customer" means any person, association or other entity who purchases or otherwise makes arrangements for the purchase of funeral services or merchandise, without intention of resale.

e. "Defacement" means any deliberate effort to make merchandise appear unattractive to customers including, but not limited to, displaying broken, soiled or defective merchandise.

f. "Funeral merchandise" means articles and supplies sold or offered for sale directly to the public, or used by funeral directors, incident to: (1) the care and preparation of deceased human bodies for burial, cremation or other final disposition; (2) the arrangement, supervision or conducting of the funeral ceremony.

g. "Funeral services" means services performed incident to: (1) the care and preparation of deceased human bodies for burial, cremation, or other final disposition; (2) the arrangement, supervision or conducting of the funeral ceremony and the final disposition of the deceased including, but not limited to, transporting the remains, securing necessary permits, embalming, arranging for death notices, and other funeral-related items.

h. "Funeral service establishment" means the premises used or held out as being used to care for and prepare for burial of the body of a deceased person or maintained as the office from which business is transacted by a funeral director or undertaker.

i. "Immediate cremation" means a disposition of human remains which includes the reduction of the remains by a heating process and which does not involve formal viewing or a prior funeral ceremony with the body present.

j. "Memorial society" means an unincorporated association or not-for-profit corporation which assists members in obtaining and making arrangements for funerals, cremations or other methods of disposition.

k. "Offered for sale" means making available for purchase or suggesting availability of merchandise or services for purchase by use of any advertising or promotional materials, including brochures, handbills, or calendars, or by the displaying of merchandise, or verbal or written expressions, direct or indirect, of a willingness to furnish services or merchandise to the public for a retail price.

l. "Outer interment receptacle" means any container or enclosure which is placed in the grave around the casket to protect the casket or to prevent the collapse of the grave including, but not limited to, receptacles commonly known as burial vaults, grave boxes, or grave liners.

m. "Provider of funeral services" means any person, partnership or corporation, or any employee or agent thereof, engaged in the business of selling or offering for sale, directly to the public, funeral services or funeral merchandise; of preparing deceased human bodies for burial, cremation or other final disposition; or of conducting or arranging funerals.

§ 20–731 **Casket and outer interment receptacle information.** a. Any provider of funeral services who offers a casket for sale, or an outer interment receptacle for sale in a selection room, shall prominently display the actual retail price on each casket or outer interment receptacle, in at least one-half inch numbers, as well as composition and model number of such casket or outer interment receptacle.

b. Any provider of funeral services who offers a casket or an outer interment receptacle for sale by means other than a selection room shall present to a customer for his or her selection a photograph or other pictorial representation of each model of casket or other interment receptacle so offered, with the price, composition and model number prominently displayed.

§ 20–732 **Statement to be furnished by provider of funeral services.** Any provider of funeral services shall prominently display on the funeral services establishment premises and make readily available to any customer or prospective customer a printed presentation sheet. The presentation sheet shall contain an itemized list of all funeral merchandise and services available at the establishment, a statement that the prices therefor are available upon request, and appropriate disclosures regarding legal requirements for procurement of funeral merchandise and services, the form and contents of which shall be prescribed by the commissioner. The presentation sheet shall be made current annually.

§ 20–733 **Prohibited practices.** It shall be unlawful for any provider of funeral services:

a. to embalm without orally informing the customer that embalming is not required by law or to furnish other services or merchandise including embalming, without having first obtained from the customer explicit written or oral authorization;

b. to obtain custody of a deceased human body without having first received from the customer explicit written or oral authorization;

c. to fail to promptly release a body or give information regarding the care or whereabouts of a body upon request of a customer; d. to misrepresent cremation needs including requiring a customer who expresses an interest in immediate cremation of deceased human remains to purchase a casket, or claiming expressly or impliedly that a casket is required by law, or failing to make available to such customer an alternative container;

e. to misrepresent the law, public health necessity or religious requirements including the legal and health necessities for embalming, a casket, or an outer interment receptacle;

f. to make false preservative value claims, including claiming that decomposition or decay of a deceased human body can be prevented by the use or purchase of embalming, a casket, a burial vault or other outer interment receptacle;

g. to charge in excess of the amount advanced, paid or owed to third parties on behalf of customers, or not passing along to the customer any discount, rebate or other benefit received from third parties for any items of service or merchandise described as "cash advances", "cash disbursements", "accommodations", or words of similar import.

§ 20–734 **Merchandise and service selection.** It shall be unlawful for any provider of funeral services:

a. to fail to display the three least expensive caskets offered for sale in the same general manner as other caskets are displayed, provided that if fewer than twelve caskets are displayed, only the least expensive casket must be so displayed; or

b. to interfere with the customer's selection of merchandise or services offered for sale including: (1) representing in any manner that any funeral merchandise or service is offered for sale when such is not a bona fide offer to sell said product or services, (2) falsely discouraging any purchase by disparagement, by suggestion that any merchandise or service is not readily available or by defacement, (3) disparaging concern for price by suggestion that a customer's concern for price or desire to save money on merchandise or services is improper, inappropriate or indicative of a lack of respect or affection for the deceased, (4) contradicting, mitigating or detracting from the printed disclosures required by section 20-732 of this subchapter, or (5) making any claim that is false, misleading or unsubstantiated in a material respect regarding any merchandise or services.

§ 20–735 **Interference with the market.** It shall be unlawful for any provider of funeral services to directly or indirectly prohibit, hinder or restrict, or attempt to prohibit, hinder or restrict:

- a. the offering or advertising of the availability of low-cost funerals, immediate cremation or other forms of disposition, or arrangement for funeral services in advance of need by any provider of funeral services, memorial society, or other person, partnership, association or corporation;
- b. any contract or arrangement between a memorial society and any provider of funeral services;
- c. the disclosure of accurate price information in any manner regarding funeral merchandise or services by any provider of funeral services.

§ 20–736 **Price information over telephone.** Any provider of funeral services shall, upon request, provide over the telephone, information regarding the range of prices and shall affirmatively disclose the availability of a presentation sheet at the establishment.

§ 20–737 **Regulations.** The commissioner shall promulgate rules and regulations reasonably necessary to effectuate the purposes of this subchapter.

§ 20–738 **Penalties.** Violation of any provision of this subchapter shall be punishable by a civil penalty of not less than one hundred nor more than one thousand dollars for each violation.

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**RULES OF THE CITY OF NEW YORK**  
**TITLE 6: DEPARTMENT OF CONSUMER AFFAIRS**  
**CHAPTER 5: UNFAIR TRADE PRACTICES**  
**SUBCHAPTER G: INFORMATION WITH RESPECT TO FUNERAL COSTS**

**§5-161 Casket and Outer Interment Receptacle Information.**

The retail price, which is required to be prominently displayed on caskets and outer interment receptacles pursuant to §20-731 of the Administrative Code, must be clearly visible regardless of whether such casket or receptacle is open or closed.

**§5-162 General Price List to be Furnished by Provider of Funeral Services.**

(a) *Size of print.* The presentation sheet required to be furnished by providers of funeral services pursuant to §20-732 of the New York City Administrative Code shall be printed clearly and conspicuously.

(b) *Form and content.* (1) Except as specifically provided otherwise in this subchapter, the presentation sheet required pursuant to §20-732 of the New York City Administrative Code shall conform to and shall contain the information required to be included in the General Price List as prescribed by the New York State Sanitary Code (10 NYCRR §79.4) and the Federal Trade Commission Funeral Industry Trade Practices Rule (16 CFR Part 453), as such may be amended from time to time, and shall be known hereinafter as the "General Price List."

(2) The following disclosures shall be placed on the General Price List in addition to and immediately after such disclosures that are required to be placed immediately above the price information required pursuant to State and federal law or regulations promulgated pursuant thereto specifying the form and content of the General Price List:

(i) Your authorization is required for a funeral home to obtain custody of a body, and a body must be released promptly upon your request.

(ii) The provider of funeral services is required to give price information in person and over the telephone.

(iii) A provider of funeral services is prohibited from representing that the deterioration of human remains can be prevented for more than a limited time by embalming, caskets, vaults or outer interment receptacles.

(3) The following statement shall be inserted in the General Price List in a box immediately after the listing of prices for caskets or the listing of the price range for caskets:

"The Federal Trade Commission prohibits the provider of funeral services from imposing any additional fee or surcharge to consumers who obtain a casket elsewhere."

(c) *Availability and display.* (1) The provider of funeral services shall immediately offer a General Price List to any person who inquires about funeral services at the funeral service establishment.

(2) Copies of the General Price List shall be clearly visible and easily accessible in all areas of the funeral service establishment where sales or potential sales of funeral services are discussed and in the area within the funeral service establishment that is in the immediate vicinity of the main public entrance to such establishment.

#### **§5-163 Display of Merchandise.**

(a) Caskets must be displayed in the same general manner as required by §20-734 of the New York City Administrative Code, both in printed material supplied by a provider of funeral services and in all exhibits shown to customers and prospective customers. Standards for the same general manner of display include, but are not limited to, lighting, visibility, accessibility, and overall condition of caskets, as well as to any representations made about them.

(b) For purposes of §20-734(b)(2) of the New York City Administrative Code, defacement shall include, but not be limited to, the failure to provide the same care and maintenance for all merchandise which results in some merchandise becoming soiled or damaged.

#### **§5-164 Price Information Over Telephone.**

(a) When a telephone caller makes an inquiry regarding the cost of funerals, the provider of funeral services shall, during the course of that telephone conversation, give the caller a price range including:

(1) the cost of all items that such provider requires must be purchased as part of all arrangements for burial or cremation, depending upon which alternative the caller inquires about; and

(2) the average cost of a funeral or the cost of a customarily provided funeral.

The caller shall be informed of which items of service are included in all prices given.

(b) When a telephone caller makes a specific inquiry regarding a category of item or service which is contained in the General Price List, the caller shall, during the course of the telephone conversation, be given the price and description of the most expensive and the least expensive item or service in that category.

Example: A caller inquiring about caskets may be told by the provider of funeral services: "We have caskets ranging in price from \$(price) for a (description, model, brand) to \$(price) for a (description, model, brand)."

If there is no variation in price for an item or service, then the provider of funeral services must give the caller a specific price.

(c) A provider of funeral services need not provide to a telephone caller price information for items and services on the General Price List under the heading of "CASH ADVANCES."

#### **§5-165 Display of Ownership Information.**

(a) Every provider of funeral services shall display all of the following ownership information on a sign that is either located immediately outside the main entrance to its funeral services establishment or that is located immediately inside the main entrance to its funeral services establishment. If such sign is located immediately inside the main entrance to such funeral establishment, it must be clearly visible to someone standing inside such entrance and shall not be placed on the back of the door to such main entrance or in any other location where it would be hidden from view.

(1) The name of every licensed funeral director who holds at least a ten percent ownership interest in the corporation, limited liability company, partnership, limited liability partnership, association, organization, or other business entity which operates such funeral services establishment.

(2) The names of any and all corporations, limited liability companies, partnerships, limited liability partnerships, associations, organizations, or other business entities which directly or indirectly hold an ownership interest of ten percent or more in the corporation, limited liability company, partnership, limited liability partnership, association, organization, or other business entity which operates such funeral services establishment.

(3) The lettering on such sign shall be at least one inch high.

(b) When an ownership interest of ten percent or more in a funeral services establishment is held, either directly or indirectly, by one or more corporations, limited liability companies, partnerships, limited liability partnerships, associations, organizations, or other business entities, the name, complete headquarters address and telephone number of each such corporation, limited liability company, partnership, limited liability partnership, association, organization, or other business entity shall also be listed on all advertising material used by such funeral services establishment and on the "General Price List."

#### **§5-166 Sale of Monuments.**

(a) As used in this section:

(1) "Monument" means any memorial, headstone, footstone, plaque, ledger stone or other marker that is designed or intended to be erected or installed in or on any cemetery, grave, mausoleum or other appropriate place of burial or memorialization.

(2) "Foundation" means a poured concrete or other permanent base intended to support the monument and installed at the gravesite in the appropriate location.

(b) Whenever a provider of funeral services sells or offers for sale a monument as part of or in connection with any funeral arrangements, such provider shall:

(1) Make available to customers a price list of all monuments offered for sale as part of or in connection with funeral arrangements. Such price list shall be captioned at the top of the page as a "MONUMENT PRICE LIST" in capital bold face letters. Such price list shall only contain price information about monuments.

(2) The following statement shall be clearly and conspicuously included in at least 10 point type on the Monument Price List inside a box set immediately below the caption for such price list:

"The purchase of a monument is not required as part of your funeral arrangements. The cost and arrangements for the purchase of a monument must be accounted for and set out in a document that is separate from the one under which you agree to the other funeral arrangements you make."

(c) In addition to the disclosures about a monument sale that are required to be included in the written statement required to be furnished showing the price of the funeral and including an itemized list of funeral services and funeral merchandise to be supplied at the listed prices, such sale shall also be evidenced by a separate written contract which shall be signed by all the parties to the contract. Such contract shall be captioned at the top of the page as a "MONUMENT CONTRACT" in capital bold face letters, a full and completed copy shall be furnished to the consumer by the funeral service provider at the time of the purchase of such monument, and such contracts shall be retained by the funeral service provider for at least three years from the date of the sale. Such contract shall include the following information:

(1) the name, address and telephone number of the funeral service provider and of the purchaser;

(2) the full name of the individual to be memorialized and, if known, the date of such individual's death;

(3) a full description of the monument, including the material to be provided, the dimensions of the finished monument, a sketch or drawing of the proposed monument, the wording of any inscription on such monument, including the approximate layout thereof, and the method of engraving of such inscription;

(4) the approximate date when the monument is expected to be completed;

(5) the name of the cemetery in which the monument is to be placed, together with the location of the plot or grave, if known; and

(6) a full disclosure of the following: the price of the monument; applicable sales tax, if any; the charge made by the cemetery for the foundation; any charges for additional work, provided that such additional work is clearly described in the contract and such charges are itemized; the total price as contracted; and the schedule for payment, if any.