



**New York State Attorney General Letitia James**

# **Funeral Arrangements in New York State**

## *Frequently Asked Questions*

Planning a funeral can be stressful and is done in a time of grief and sorrow. To make sure that you have all the information you need during this difficult time, this guidance seeks to provide you with answers to frequently asked questions and resources. Remember that as the person paying for the arrangements, you are the customer and have rights.

Choose a funeral home with which you feel comfortable. You can ask friends or co-workers or your clergy person for their recommendations if you don't have a preference. You and the funeral director will have an arrangement conference. This could be done at the funeral home, at your home, or remotely, such as over the telephone. You have the right to be provided with a "General Price List" that identifies the prices charged for various goods and services available. Although funeral homes are permitted to set their own prices, it is a violation of law to charge you more than the prices listed on the funeral home's General Price List. When you have made your selections, you will be given an Itemized Statement of Services and Merchandise, which, for most funeral arrangements, will include contractual language which legally obligates you to pay the cost of the funeral once the contract is signed. If the arrangements have been made by telephone or other remote means, you will also be given a copy of the General Price List when you receive an Itemized Statement of Services and Merchandise.

## ***What cost information should I receive before signing a contract?***

Contact several funeral homes to compare prices. It's also important to choose a home with a good reputation within the community. Prior to making any selections the law requires the funeral director to give you:

- A **General Price List** with the current prices (or range of prices) for any merchandise, services, and facilities offered by the funeral home. While funeral homes are permitted to set these prices, they must be adhered to and you cannot be charged more than the list prices. By law, this list must be given to you at the beginning of the arrangement conference. If you are making funeral arrangements remotely, such as via telephone, you should ask for the price list to be provided to you by email or otherwise, and you should review it before signing a contract. You do not need to complete funeral arrangements to receive this list.
- A **Pre-Need Itemization Statement of Services and Merchandise** that lists the items of merchandise, services, and facilities you have chosen, and the price of each. You can leave the details of some items open until you have made a final decision, or until you have chosen someone to make these decisions for you. Also included will be an estimate of the cash advance fees to be paid on your behalf to third parties. The Itemized Statement will serve as your contract once signed.
- A **Pre-Need Agreement** that outlines all the terms as well as your rights as the purchaser. It must also state how the principal and interest will be applied to the cost of your funeral services and merchandise at the time they are provided. You should carefully review each of these documents before finalizing your funeral arrangements.

## ***What will the funeral arrangements cost?***

The costs of funeral arrangements vary greatly, depending on the funeral home and on the type of service and merchandise you choose. For example, if the service you select involves viewing the remains, the funeral home may require embalming and preparation of the body, which can be expensive. Also, there is a tremendous range in the price of caskets, depending on style, type of wood, lining, etc. The least expensive type of funeral service is direct burial or direct cremation. You can call several funeral homes and compare prices. (Funeral homes are required to give price information over the telephone.)

## ***Can the funeral home change arrangements without my permission?***

No. The funeral director must obtain your approval before making any substitutions or changes.

## ***Can the funeral home charge storage and refrigeration fees?***

Yes. Funeral Homes can charge custodial care fees for days that the body is being held and no other services are being provided. However, this fee must be disclosed and identified as a daily, weekly or one-time fee.

## ***Is embalming required by New York State law?***

No. In fact, a funeral director must obtain specific approval to embalm from the customer. A funeral home may, however, require embalming if certain services, such as a viewing with an open casket, are chosen. Embalming fees must be clearly stated on both the firm's General Price List and on the Itemized Statement of Services and Merchandise. The funeral home may not refuse to embalm or otherwise handle the body, regardless of the cause of death of the deceased. The home also may not charge extra for preparing or handling the body of a person who has died of an infectious disease.

## ***Who and how many can attend visitation and funeral services under the PAUSE NY Executive Order?***

The immediate family may gather at the funeral home for a private viewing/ceremony and graveside services. The number of immediate family should be kept to as few as possible while maintaining social distancing (6 feet apart).

## ***What if I can't sign funeral service-related agreements in person - are electronic signatures permitted?***

Yes, under an executive order issued on March 26th documents related to funeral arrangements may be signed electronically. This executive order applies to all funeral related documents except for the cremation authorization form, which requires a physical signature. However, cremation authorization forms may be witnessed remotely.

## ***It is illegal for funeral homes to engage in the following practices:***

- pressuring the customer to select certain services or merchandise;
- charging an additional fee for filing the death certificate or getting it medically certified;
- charging a “handling fee” for paying third parties on your behalf;
- charging a fee for handling a casket provided by the customer;
- charging for any service or merchandise not selected by the customer;
- charging prices in excess of those listed in the General Price List;
- charging interest on an outstanding balance unless this charge is disclosed at the time the funeral arrangements were initially made and is stated in the Itemized Statement;
- having persons other than a licensed funeral director make funeral arrangements, prepare the body, or supervise the burial; and
- misrepresenting laws and regulations relating to funeral directing.

## ***Remember:***

- You do not have to accept services or merchandise you don't want.
- You must be informed of all charges in advance.
- Always get a receipt!

## ***How do I complain about a funeral home?***

You can file a complaint about a funeral home with the Department of Health:

[https://health.ny.gov/professionals/funeral\\_director/complaints.htm](https://health.ny.gov/professionals/funeral_director/complaints.htm)

or with the New York State Attorney General's Office:

<https://ag.ny.gov/consumer-frauds/Filing-a-Consumer-Complaint>

## ***How do I complain about a cemetery or crematory?***

You can file a complaint with the NYS Department of Cemeteries:

<https://www.dos.ny.gov/forms/cemeteries/1483.pdf>

Note that if the cemetery is owned by a religious organization or is municipally- owned, it may not be subject to Division of Cemeteries regulation. If, after the funeral, you have a serious problem with how the arrangements were handled, you can file a complaint by filling out the complaint form on the NYS Department of Health website: <https://apps.health.ny.gov/surveyd8/funeral#no-back>.

For more information on your rights, consult the NYS Department of Health

*Consumer Guide to Arranging a Funeral*: <https://www.health.ny.gov/publications/0704.pdf>