Maryland Consumers Guide to

# Cemeteries, Funeral Homes and Monument Dealers

This brochure is intended to assist you in making decisions in connection with the purchases of burial goods and services made from a cemetery, funeral home or monument dealer and to advise you of your rights and protections under Maryland law. It applies to sales contacts made at the time of need ("at need") or when you are deciding whether to plan arrangements for yourself or others ("pre-need").

# Consumer Rights

## ...At Cemeteries and Monuments Dealers

**In Maryland, buyers and prospective buyers are guaranteed certain rights when shopping for or purchasing burial space, goods and services.**

You are entitled to:

- Receive and keep as a buyer or prospective buyer, a current general price list which includes specific prices for:
  - Ground opening and closing;
  - Extra depth interment;
  - Interment of cremated remains; and
  - Mausoleum entombment
- Receive and keep a current list of price ranges for burial spaces or burial goods.
- See a balanced presentation of various cost options for those burial goods offered for sale.
- Know whether the cemetery offers perpetual care and/or has a care fund for memorials.
- Know that less care cannot be given to a burial space if memorials are purchased from someone other than the cemetery.
- Know that interest or finance charges are usually only allowed for pre-need burial contracts that provide for goods or services to be delivered or performed before death. However, interest may be charged on any remaining balance on a pre-need burial contract if it is sold to a lending institution. Interest may also be charged for the purchase of burial spaces or mausoleum spaces.

Have disclosed to you in writing before signing the contract:

- The itemized cost for each service to be performed.
- A statement of cemetery's policy on use of independent retail monument companies.
- A copy of an authorized document indicating the specific location of any plot purchased.
- Receive a copy of a signed contract, which includes the date, the name of the buyer, seller and each individual other than the buyer to whom pre-need goods or services are to be furnished, a description of pre-need goods or services to be provided, and the amount of the buyer's financial obligation.
- Have disclosed, orally and in writing, at or before the time of sale, all goods and services that are reasonably expected to be required that are not included in the pre-need burial contract
- If a pre-need sales contract was signed in your home or anywhere else other than the place of business of the seller, you may cancel the contract by written noti fication received by the seller within 3 business days.
- Cancel a pre-need contract if goods and services have not been delivered or performed and the buyer moves more than 75 miles from the cemetery. This cancellation does *not* apply to burial spaces in the ground or in a mausoleum.
- Cancel the sale of *casket* at any time prior to needing the casket for a deceased.

# Consumer Rights

## ...At Funeral Homes

**In Maryland, buyers and prospective buyers are guaranteed certain rights when shopping for or purchasing funeral goods and services.**

You are entitled to:

- See the license of the individual and the funeral establishment you are making arrangements with. Make sure the licenses are current.
- Receive, over the telephone, from a funeral provider, information concerning prices, goods and services or any other offering that is readily available.
- Receive from the funeral provider a current general price list which contains the charge for each funeral item and service offered, if you inquire in person about funeral arrangements.
- Know that the funeral provider must disclose, in writing, information about cash advance sales, outer burial container prices, and casket prices.
- Receive a copy of a signed contract which lists each good and service you have selected and the total cost.
- Receive a list of all goods and services reasonably expected to be required at the time of need which are not included in a pre-need arrangement.
- Receive information regarding embalming. In Maryland, the law does not require that embalming be done. However, embalming may be required by the funeral home if extended viewing is requested. In some cases, when transporting a body out-of-state or out of the counrty, the transportation carrier or receiving country may require embalming. You may not be charged for unauthorized embalming.
- Receive, upon request, information regarding cremation. In Maryland, you are not required to buy a casket if you choose to be cremated. However, a type of suitable container may be required.
- Know that a licensed funeral provider may not refuse, or charge a fee, to handle a casket you purchase elsewhere.
- Receive a written statement of any changes made to the original contract.
- Cancel a pre-need contract. When you make a funera service arrangment in advance, it is called a pre-need arrangement. You may cancel or transfer a pre-need arrangement at any time. You will receive a full refund of the money you have paid plus any interest earned. If the arrangement is in an irrevocable trust, then all the money in the trust will be transferred when you have made new arrangements with a new funeral home.

# Helpful Consumer

## Tips for Both Cemetery and Funeral Home Purchases

Pre-arranged funeral and burial planning may be helpful, but don't feel rushed to purchase. Compare merchandise and services and their prices with other sellers.

If you are told that something is required by law, regulation or rule, ask to see the law, regulation or rule in writing.

Anything promised should be obtained in writing on the company's stationery and signed by someone with authority. Insist that any promise made to you by the seller be in writing.

If you decide to enter into a contract, find out about refundability and cancellation rights and get it in writing.

The law guarantees this be done by the seller. Before making a final purchase, make sure you feel comfortable about your decision. Consult with others such as your family, financial adviser and attorney for their views.

Do not purchase anything you can't really financially afford.

You may cancel the purchase of a *casket* at any time before it is actually needed for use, and receive a full refund with accumulated interest.

For further information, or to register a complaint, contact the Board of Morticians (if about a funeral home), or the Office of Cemetery Oversight (if about a cemetery or monument dealer).

## ...At Cemeteries and Monument Dealers

### What Is A Pre-Need Burial Purchase?

A *pre-need* contract is for a purchase made prior to death and may include burial goods and services such as opening/closing of graves, caskets, vaults and memorialization (upright monuments or flush markers). A contract is entered into with a cemetery or burial goods business, such as a retail monument dealer or retail casket company.

### What is perpetual care?

Perpetual Care is the maintenance of the cemetery and its grounds and buildings, including mausoleums but not memorials. Any cemetery that states or implies that it offers perpetual care is required to set aside funds with a trustee which can only be used for maintenance, administration, supervision or embellishment of the cemetery, its grounds, roads, paths and repair and renewal of buildings and the property of the cemetery.

### Office of Cemetery Oversight

The State Office of Cemetery Oversight was established in Title 5 of the Business Regulation Article of the Maryland Annotated Code by the Maryland Legislature in 1997. The purpose of the Office is to provide high standards of performance in the industry, enhance healthy economic competition, promote consumer confidence in pre-planning arrangements, provide a responsive complaint process for consumers and operate a fair and effective regulatory enforcement system.

Each commercial for profit or commercial non-profit cemetery and burial goods business, such as a retail monument dealer, is required to obtain a permit with the Office before doing any business in Maryland. An individual who sells goods and services at a cemetery or monument dealer is required to be registered by the Office. All commercial or non-profit cemeteries must be licensed, while only religious cemeteries, government owned and operated cemeteries and veterans' cemeteries and their employees are exempt.

## ...At Funeral Homes

### Other Information

Cemetery costs are not included in the funeral costs. They are separate and you should discuss them with the cemetery you select.

You may make funeral arrangements "at need", which means the purchase of funeral services and merchandise is made after the death of an individual.

Only a licensed mortician, funeral director or the surviving spouse of a licensed funeral home owner may meet with you to make any funeral arrangements. You may ask to see their license. Be sure that it is current.

### Board of Morticians

The Maryland State Board of Morticians was established by the Maryland Legislature in 1902. The mission of the Board of Morticians is to uphold Title 7 of the Health Occupations Article of the Maryland Annotated Code by Developing policies and procedures which protect consumers in the State of Maryland.

The Board licenses morticians, funeral directors, apprentices, surviving spouses of licensed funeral home owners, funeral establishments, courtesy card holders and corporate charters. It enforces standards for the profession, investigates complaints and takes disciplinary action when necessary.

### Consumers May Contact the Board to:

- Find out important information concerning licensees
- File a complaint
- Obtain a copy of the law and regulations
- Discuss any matter concerning funeral service

## For more information or to register a complaint

### *Cemeteries/Monument Dealers*

Office of Cemetery Oversight
Department of Labor, Licensing and Regulation
500 N. Calvert Street
Baltimore, Maryland 21202-3652
Phone: 410-230-6229
Fax: 410-333-6314

### *Funeral Homes*

Maryland State Board of Morticians
Department of Health and Mental Hygiene
4201 Patterson Avenue
Baltimore, Maryland 21215-4792
Phone: 410-764-4792
Fax: 410-358-6571

MARYLAND

Martin O'Malley
Governor

Anthony Brown
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Thomas E. Perez
Secretary

Department of Labor, Licensing & Regulation

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Secretary

Department of Health & Mental Hygiene

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