

### Information regarding prepaid funeral contracts\*

Prepaid funeral contracts are governed by Chapter 154 of the Texas Finance Code and are under the jurisdiction of the **Texas Department of Banking**. Texas law requires that sellers of prepaid funeral contracts have a permit issued by the Texas Department of Banking or be acting as an agent for a licensed permit holder. A permit holder may either sell trust-funded or insurance-funded prepaid funeral contracts. Under a trust-funded contract, purchaser funds are placed with a financial institution and with an insurance-funded contract, purchaser funds are used to purchase an insurance policy.

Prepaid funeral contracts offer you the opportunity to fully consider your needs and wishes and control the cost and nature of your funeral services to be provided at a future date. Prepaid funeral contracts vary in terms, funding options, and coverage and should, like any other purchase involving a substantial amount of money, be reviewed carefully before execution.

With a prepaid funeral contract, you are entitled to receive all guaranteed items selected on the contract at no additional charge, if the terms of the contract have been met. There may be additional charges for items that are not part of the prepaid contract or those cash advance items purchased as nonguaranteed items. These may include such things as opening and closing of the grave and death certificates. You should discuss with the permit holder the funeral services and merchandise that are not covered by your prepaid funeral contract.

Effective January 2010, permit holders are required to provide an informational brochure discussing prepaid funeral benefits contracts to all potential purchasers. Please refer to this brochure for more detailed information related to prepaid funeral contracts.

If you have additional questions regarding prepaid funerals, please contact:

**Texas Department of Banking  
Special Audit Division  
2601 North Lamar Blvd.  
Austin, Texas 78705-4294  
(512) 475-1290  
(877) 276-5554 (toll free)  
(512) 475-1288 fax**

**Website: [www.banking.state.tx.us](http://www.banking.state.tx.us)**  
or

**The informational website for prepaid funeral benefits contracts:  
[www.prepaidfunerals.state.tx.us](http://www.prepaidfunerals.state.tx.us)**

If you have additional questions regarding an insurance policy to be issued in connection with a prepaid funeral contract, please contact:

**Texas Department of Insurance  
Consumer Help Line  
P.O. Box 149104  
Austin, Texas, 78714-9104  
(512) 463-6515  
(800) 252-3439**

You may secure additional information regarding **mortuary laws in the State of Texas** by requesting a complete copy of the **Texas Occupations Code, Chapter 651**, and the **Commission Rules**, by contacting the **Texas Funeral Service Commission** at **P. O. Box 12217, Capitol Station, Austin, Texas, 78711, (512) 936-2474 or 1-888-667-4881, fax (512) 479-5064. Website: [www.tfsc.state.tx.us](http://www.tfsc.state.tx.us)**

#### Who to contact if you have a complaint against a funeral director or a funeral establishment

First, discuss your problem with the funeral director and/or management of the funeral establishment. If you believe you were not treated fairly the funeral director should be given the opportunity to rectify your complaint. If this is not acceptable, you may provide the facts in writing to:

- ◆ **Texas Funeral Service Commission.** This is the licensing and regulatory agency for all funeral establishments, crematory establishments, certain cemeteries, funeral directors, and embalmers in the State of Texas. Complaints should specify the exact nature and circumstances of the complaint. You will be notified of the receipt of your complaint. Allegations are reviewed for a violation of Chapter 651, Texas Occupations Code. If there is not a violation of the Code, you will be notified in writing. Once a complaint is opened for investigation the complainant is notified every three (3) months until the complaint is resolved. Send complaints to the **Texas Funeral Service Commission, P. O. Box 12217, Capitol Station, Austin, Texas 78711.** Enclose copies of all documents you may have received from the funeral establishment.
- ◆ **Attorney General of Texas, Consumer Protection Division, P.O. Box 12548, Austin, Texas 78711, (512) 463-2070.**
- ◆ **The local Better Business Bureau.**
- ◆ **The local Funeral Consumers Alliance**
- ◆ **The Federal Trade Commission, Dallas Regional Office, 1999 Bryan Street, Suite 2150, Dallas, Texas 75201, toll free 1-877-382-4357.**

\*Information provided courtesy of the **Texas Department of Banking** and the **Texas Department of Insurance**.

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# FACTS ABOUT FUNERALS



*Consumer Brochure  
Provided by  
TEXAS FUNERAL SERVICE  
COMMISSION*



#### Legal requirements when a death occurs

1. Contact local law enforcement official if the death was unattended.
2. A determination of death must be made by a coroner, Justice of the Peace, or attending physician.
3. When a death occurs out of state or country it is recommended a funeral director in your local area be contacted who will know the requirements that must be met if a body is to be shipped to another location.
4. There are legal limitations regarding solicitation by a funeral director at or near the time of death. Solicitation means any direct or indirect contact with the family, next of kin, or one who has custody of a person who is deceased or near death for the purpose of securing the right to provide funeral services or merchandise for the deceased or person near death.

#### What to do when a death occurs

1. Contact relatives.
2. Locate deceased's letter of direction, prepaid funeral contract, insurance policy and/or will.

#### Prior to filing a death certificate, you will need the following information:

- ◆ Full name of deceased
- ◆ Occupation
- ◆ Date of birth
- ◆ Place of birth
- ◆ Social security number
- ◆ Residence address
- ◆ Spouse's name (maiden name)
- ◆ Father's name, mother's maiden name
- ◆ Place of burial or disposition
- ◆ Discharge papers, if veteran

#### Steps to take prior to death to ease the burden of funeral planning

1. A spouse, next of kin or legal representative generally can make arrangements for disposition of the deceased.
2. Decide if you want your family to care for the disposition of your body, or to contact licensed funeral professionals for some or all of the goods and services.
3. Put your wishes in writing, and advise your family how to complete your final disposition.

#### Available methods of disposition

Human remains can be buried, entombed, cremated, or donated for scientific study.

#### The family may take care of all aspects of disposition from death to interment, inurnment, entombment or transporting out of state

A Report of Death and a death certificate are legally required. Generally, local ordinances or deed restrictions prohibit private burials within city limits. Check with local zoning authorities for applicable laws.

#### A body cannot be cremated immediately following death without a waiver

Texas law prohibits cremating any dead human body within 48 hours after death. *The County Medical Examiner or a Justice of the Peace may waive this time requirement.*

#### Cremated remains may be disposed of or kept in a number of ways:

- ◆ Scattered on the private property of a consenting land owner
- ◆ Interred in a cemetery
- ◆ Placed in a niche in a columbarium
- ◆ Kept by the family in their home
- ◆ Scattered upon public lands or waterways

#### How to donate remains

Donation of human bodies to medical facilities can be made either directly to the facility, through a funeral establishment or by contacting the:

**University of Texas Medical Branch  
Willed-Body Program  
301 University Blvd.  
Route 0933  
Galveston, Texas 77555-0933  
(409) 772-1293**

There is a set fee for donations, which is paid by the Anatomical Board. However, this may not cover the cost of any additional services selected that are provided by the funeral home.

Tissue donation can be made for the purposes of transplantation, research, or medical technology advancement. We recommend selecting a tissue procurement organization accredited by the American Association of Tissue Banks.

#### You can change your mind about donating your body or your organs

Prior to death, a person can revoke his or her donation by destroying or canceling the instructions or by alternate instructions to the next of kin or the person designated in the written instructions.

#### Embalming and its purpose

Embalming is the use of chemicals, internally and externally, to disinfect and slow body decomposition.

Texas law does not require embalming. Most common carriers will require a body to be embalmed prior to shipping. The laws of the destination country or state will apply. Because of the rapid deterioration of a body after death, Texas law requires that bodies held for over 24 hours or in transit must be embalmed, refrigerated, or encased in a leak and odor proof container.

#### How to select a funeral director

If you need a funeral director, the reference of a relative or friend who has been served satisfactorily is one way to make a decision. The best way to know in advance whom you would select is to visit the funeral home, examine the facilities and ask about prices. Consider all alternatives and consult several different firms/organizations to compare costs. Be prepared to ask questions concerning all aspects of the funeral arrangements.

#### How to learn about funeral costs

Funeral establishments are required to give current retail price information by telephone. By law, any consumer entering an establishment and making inquiries must be presented a general price list, which the customer may keep, itemizing the costs of funeral services and the merchandise for sale from a funeral director. These retail prices, appearing on a printed or typewritten list must specify at least the charges for the following items, provided they are available for purchase through the establishment:

1. Forwarding or receiving remains, to or from another funeral home and a list of services provided for the stated price
2. The price range for direct cremation
3. The price range for immediate burial
4. Embalming
5. Other preparation of the body
6. Use of facilities and staff for viewing, funeral ceremony, memorial service, and/or graveside service

7. Hearses
8. Limousines
9. Caskets
10. Outer burial containers, such as vaults, grave liners, and boxes. Such outer enclosures are not required by law, but may be required by the cemetery

#### Additionally, the general price list must include the following:

1. Name, address and phone number of the establishment.
2. The effective date of the price list.
3. Notice stating: "You may choose only the items you desire. If you are charged for items that you did not specifically request, we will explain the reason for the charges on the written memorandum. Please note that there may be charges for items such as cemetery fees, flowers and newspaper notices."

After completing all funeral arrangements, you **must** be given a written funeral purchase agreement, signed by the funeral director who assisted you, which lists the items you selected from the general price list and the cost of each item.

The price of each casket must be stated and varies depending on the type. Caskets are not required by law, however, there may be cemetery or mausoleum restrictions regarding caskets and outer burial containers or vaults.

#### Cremation

The law requires a cremation container, which is rigid for easy handling and made of combustible materials to be used for all cremations. Embalming and a casket are not required for cremation.

Caskets are constructed from various materials including steel, copper, bronze, and wood. There is no direct relationship between the features of the casket and the preservation of the body.

#### Requirements regarding advertising by funeral directors

Consumer protection statutes require all advertising to be factual and clear in content. Any misrepresentations should be reported to the **Texas Funeral Service Commission, the Office of the Attorney General, Consumer Protection Division**, or your local **Better Business Bureau**.