



# ***Funeral Consumers Alliance of Maryland and Environs***

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*Protecting a consumer's right to a meaningful, dignified, and affordable funeral.*

## **SB 835 - Unfavorable**

**Senate Finance Committee**  
Of the Maryland General Assembly

February 27, 2014

Submitted by Brian E. Ditzler, Vice President  
**Funeral Consumers Alliance of Maryland & Environs**

Chairman Middleton and Members of the Committee:

Thank you for the opportunity to provide testimony from the Funeral Consumers Alliance of Maryland and Environs (FCAME) in opposition to Senate Bill 835 that would exempt from regulation a cemetery that has been in continuous existence and operation for at least 150 years.

FCAME is the volunteer-run, regional chapter of the Funeral Consumers Alliance (FCA), the oldest and largest non-profit watchdog organization protecting the rights (and wallets) of grieving consumers. We are dedicated to helping consumers be more informed about death care options, and protecting the public from fraud and abuse in cremation, funeral and burial transactions. FCA and its chapters take no money from the death care industry or government, and act as a voice for consumer interests.

FCAME opposes this bill because no one is above the law - not virtuous people of an advanced age, nor business establishments that have been in continuous existence and operation for an extended period.

As a society, we rely on laws to protect us, and laws need to apply equally to everyone. Laws and business regulation are supposed to provide a level playing field in the business world, because giving some entities special treatment would put others at a competitive disadvantage. Regulation also is necessary to ensure the public welfare is protected.

In addition to providing burial plots and related products and services, cemeteries have to manage perpetual care funds as well as pre-need funds provided by consumers that may total many millions of dollars. If cemeteries were exempt from regulation, there would be no oversight to ensure those funds are managed in a responsible, specified manner so as to be fully available for use when needed.

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Attempting to establish 150 years or more of continuous existence and operation as some kind of benchmark deserving of special treatment ignores the fact that owners and employees of such an entity continue to change as times passes. While previous owners and employees have operated a business in a manner that allowed it to continue for 150 years, that's no guarantee that every future owner and employee will be totally virtuous and the business should be exempt from regulatory oversight that is intended to protect the public welfare.

To expand on that point, the law does not say that establishments subject to regulation and inspection that have never had any violations can be exempt from future regulation. Rather, it assumes continual oversight of all establishments is warranted to protect the public. Why then should an establishment be exempt from regulation just because it's had a number of years in continuous existence and operation?

Vintage wines may be deserving of special respect because they have been in existence for many years and may taste wonderful. But one never knows which ones have aged well and which ones have turned into vinegar. Age is not a reliable factor in determining quality.

In summary, the Funeral Consumers Alliance of Maryland & Environs strongly opposes SB 835 and asks this committee to give it an unfavorable report.