COURSE OUTLINE

FSAD 401 – FUNERAL SERVICE LAW

Revised by: David R. Penepent

SCHOOL OF SCIENCE, HEALTH & CRIMINAL JUSTICE
Funeral Services Administration Program

Revised 4/30/2015
**FSAD 401 – FUNERAL SERVICE LAW**

A. **TITLE:** FUNERAL SERVICE LAW

B. **COURSE NUMBER:** FSAD 401

C. **CREDIT HOURS:** 3 CREDIT HOURS

D. **WRITING INTENSIVE COURSE:** N/A

E. **COURSE LENGTH:** 15 WEEKS

F. **SEMESTER(S) OFFERED:** Fall Semester

G. **HOURS OF LECTURE, LABORATORY, RECITATION, TUTORIAL, ACTIVITY:**
   3 HOURS LECTURE PER WEEK

H. **CATALOG DESCRIPTION:**
   This course deals with the general business laws and specific laws that affect the funeral profession. The student will be concerned with the laws that pertain to solicitation of clients, rights of possession, cemeteries, interstate agreements, international shipping, funding vehicles, association rights, lobbying, local ordinances, and employer/employee relationships.

I. **PRE-REQUISITES:** FSAD MAJORS ONLY, or with permission from the FSAD Director.

J. **GOALS (STUDENT LEARNING OUTCOMES):**
   By the end of this course, the student will:

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<tr>
<th>Course Objectives</th>
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<tr>
<td>1. Recognize and understand the American system of jurisprudence</td>
<td>4. Prof Competence</td>
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<td>2. Distinguish between a tort, crime and breach of contract</td>
<td>4. Professional Comp</td>
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<td>3. Recognize the requirements of a valid and enforceable contract, and the remedies where a breach of contract occurs.</td>
<td>4. Professional Comp</td>
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<td>4. Recognize the characteristics of the basic forms and negotiable instruments in a business organization</td>
<td>4. Professional Comp</td>
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<td>5. Identify legal issues relating to proper conduct and behavior when caring for the dead.</td>
<td>4. Professional Comp</td>
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<td>6. Describe proper funding method for securing prearrangement funds entrusted to a funeral home.</td>
<td>4. Professional Comp</td>
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<td>7. Describe the legal rules that governing funeral homes, crematories and cemeteries.</td>
<td>1. Communication 4. Professional Comp</td>
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<td>8. Compare and contrast the disclosure requirements on the General Price List in accordance FTC and NYS Health Department regulations</td>
<td>4. Professional Comp 1. Communication</td>
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<td>10. Describe the labor laws concerning employer – employee relationships including wage and hour concerns, liability, benefits, retirement, and termination for cause.</td>
<td>4. Professional Comp</td>
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K. TEXTS:


L. REFERENCES:

NYS DOH Rules and Regulations

Federal Trade Commission Website [https://www.ftc.gov/](https://www.ftc.gov/)


M. EQUIPMENT: Computer with Window 7 or greater

N. GRADING METHOD: A - F

O. MEASUREMENT CRITERIA/METHODS: Tests, quizzes, class assignments. A grade of “C” or better must be obtained in this course.

P. DETAILED TOPICAL OUTLINE:

I. Laws
   A. Common law
   B. Civil Law
   C. Torts and contracts

II. Sources of Law
   A. Statutes
   B. Ordinances
   C. Federal, State, Local governments

III. Judicial Process
   A. Federal courts
   B. State courts

IV. Contracts
   A. Classification
      1. Express
      2. Implied
      3. Formal
      4. Simple
      5. Valid
      6. Voidable
   B. Elements
      1. Mutual agreement
      2. Offer
      3. Termination of offer
      4. Acceptance
      5. Misrepresentation
      6. Fraud
      7. Undue influence
      8. Duress
      9. Mistake
C. Competency
   1. Competent person
   2. Non-competent person
      a. Insane
      b. Minor
   3. Intoxicated

V. Bailment’s and Carriers
   A. Bailment’s
   B. Carriers

VI. Negotiable Instruments
   A. Types
   B. Terminology
   C. Orders to Pay
   D. Negotiability
   E. Liabilities for Payments

VII. Agency and Employment
   A. Agency relationships
   B. Classification of agents
   C. Authority of agents
   D. Agents duty
   E. Termination of relationship

VIII. Business Organization
   A. Proprietorship
   B. Partnership
   C. Corporations

IX. Consideration
   A. Concept
   B. Valid
   C. Invalid

X. Legal-Illlegal Objectives
   A. Criminal
   B. Survivors

XI. Written Contract
   A. Types
   B. Fraud
   C. Performance
   D. Discharge
   E. Breach of contract

XII. Assignment
   A. Assignor
   B. Assignee

XIII. Sales
   A. Commercial Code
   B. Contract Law
   C. Warranties
   D. Consumer Protection

XIV. Preneed solicitation laws
   A. Cold calls
   B. Advertising
   C. Displays at funeral home visible during services
   D. Referrals
   E. Agency for corporate consortia
   F. Legal database usage
XV. Prearrangement funding vehicles
   A. Irrevocable trusts
   B. Revocable trusts
   C. Medicaid requirements
   D. County law applicability
   E. Taxation by US government
   F. Interest deferment
   G. Burial insurance
   H. Whole life insurance
   I. Term insurance
   J. Portability

XVI. Cemetery law
   A. NYS cemetery statutes as promulgated in General Business Law Chapter
   B. Creation of a private family cemetery
   C. Nonprofit status
   D. Establishment of a mausoleum
   E. Liability of cemetery directors
   F. Disinterment

XVII. Crematory law
   A. NYS statues governing construction and operation of crematory
   B. Ownership by funeral home
   C. Ownership by free standing corporation
   D. Retention of noncombustible prostheses
   E. Burial or other disposal of cremated remains

XVIII. At-need arrangement laws
   A. Right of disposition by relationship
   B. Necessary disclosures during arrangements with documentation
   C. Photography for identification purposes
   D. Photography for educational purposes
   E. Photography for family records at their request
   F. Responsibility to communicate viewing options or recommendations
   G. Merchantability of funeral goods
   H. Packaging allowed by FTC rule
   I. Special refunds or discounts
   J. Obituary information and privacy
   K. Autopsy requirements by situation or family choice
   L. Insurance policy assignment
   M. Government intervention conditions
   N. Conversion of pre-need to at-need contract

Q. LABORATORY OUTLINE: N/A