

**STATE UNIVERSITY OF NEW YORK
COLLEGE OF TECHNOLOGY
CANTON, NEW YORK**



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:

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

K. TEXTS:

Klicker, R. (2007). *Funeral Directing and Funeral Service Management*. Thanos Institute: Buffalo, New York.

McCullough, R.L. (2012). *NYSFDA manual of New York State's funeral laws and regulations affecting funeral directing: A practical guide for funeral directors*. Albany, New York: New York State Funeral Directors Association.

IVY Software <http://www.ivysoftware.com/>

L. REFERENCES:

NYS DOH Rules and Regulations

Federal Trade Commission Website <https://www.ftc.gov/>

Occupational Health & Safety Administration <https://www.osha.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-Illegal 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