MASTER SYLLABUS

FSAD 401 – Funeral Service Law

CIP Code:

(12.0302) Funeral Direction/Services

Created by: David R. Penepent. PhD
Updated by: October 25, 2023
A. TITLE: Funeral Service Law

B. COURSE NUMBER: FSAD 401

C. CREDIT HOURS: 3

# Credit Hours: 3
# Lecture Hours 3 per Week
# Lab Hours 0 Week
Other 0 per Week

Course Length: 15 Weeks

D. WRITING INTENSIVE COURSE: No

E. GER CATEGORY: None

F. SEMESTER(S) OFFERED: Fall and Spring

G. COURSE DESCRIPTION:

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

H. PRE-REQUISITES: BSAD 100 Introduction to Business, BSAD 201 Business Law I
CO-REQUISITES: None

I. STUDENT LEARNING OUTCOMES:
Upon completion of this course, the student will:

<table>
<thead>
<tr>
<th>Student Learning Outcome [SLO]</th>
<th>Program Student Learning Outcomes [PSLO]</th>
<th>Institutional Student Learning Outcomes [ISLO]</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Identify the major components of mortuary law as it relates to the practice of funeral directing, liability, contracts (including pre-need contracts), and a funeral director’s legal and ethical obligation to treat human remains with respect and dignity.</td>
<td>2.1.2 Identify standards of ethical conduct in funeral service practice. 2.1.3 Interpret how federal, state, and local laws apply to funeral service in order to ensure compliance.</td>
<td>4. Social Responsibility – Ethical Reasoning 5. Industry, Professional, Discipline-Specific Knowledge and Skills</td>
</tr>
</tbody>
</table>
J. APPLIED LEARNING COMPONENT: Yes______ No___ X___

If Yes, select one or more of the following categories:

- Classroom/Lab___
- Internship___
- Clinical Practicum___
- Practicum___
- Service Learning___
- Community Service___
- Civic Engagement___
- Creative Works/Senior Project___
- Research___
- Entrepreneurship___

K. TEXTS:


Death Education Assessment Drill Simulator (DEAD), Anubis Publications Inc.


L. REFERENCES:


Occupational Health & Safety Administration https://www.osha.gov/

OSHA Hazard Communication Standard, Formaldehyde Rule

M. EQUIPMENT: Microsoft Word or comparable software. Internet access is required.
N. GRADING METHOD:

Your final grade will be calculated based on the following grading scheme:

**NOTE: IN ALL FUNERAL SERVICE REQUIRED CORE COURSES A “C” OR HIGHER IS NEEDED TO PASS**

<table>
<thead>
<tr>
<th>From %</th>
<th>To %</th>
<th>Letter grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>92.0</td>
<td>A</td>
</tr>
<tr>
<td>91.9</td>
<td>87.0</td>
<td>B+</td>
</tr>
<tr>
<td>86.9</td>
<td>83.0</td>
<td>B</td>
</tr>
<tr>
<td>82.9</td>
<td>79.0</td>
<td>C+</td>
</tr>
<tr>
<td><strong>78.9</strong></td>
<td><strong>76.0</strong></td>
<td>C</td>
</tr>
<tr>
<td>75.9</td>
<td>69.0</td>
<td>D+  Required to retake the course</td>
</tr>
<tr>
<td>68.9</td>
<td>60.0</td>
<td>D  Required to retake the course</td>
</tr>
<tr>
<td>59.9</td>
<td>0</td>
<td>F  Required to retake the course</td>
</tr>
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</table>

O. SUGGESTED MEASUREMENT CRITERIA/METHODS:

<table>
<thead>
<tr>
<th>Assignment Category</th>
<th>Grade Weight/ Point Distribution</th>
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</thead>
<tbody>
<tr>
<td>Assignments</td>
<td>25%</td>
</tr>
<tr>
<td>Quizzes</td>
<td>25%</td>
</tr>
<tr>
<td>Midterm</td>
<td>20%</td>
</tr>
<tr>
<td>Final</td>
<td>30%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

Once enrolled in the Funeral Services Administration program, students must complete the course of study within six (6) years. FSAD courses that are (6) years or older must be retaken because the American Board of Funeral Service Education revises the course outlines every seven years.
P. DETAILED COURSE 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: None