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October 19, 2009

Arthur Coccodrilli, Chair
Pennsylvania Independent Regulatory
Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

Re: No. 16A-4815 Pre-need Funeral Arrangements

Dear Chairman Coccodrilli:

I have reviewed the regulations before IRRC for final consideration on October 22 regarding pre-need funeral arrangements. I am writing to request that these regulations be disapproved and sent back to the State Board of Funeral Directors in hopes they will reconsider depriving citizens of the Commonwealth of the opportunity to purchase guaranteed price pre-need funeral contracts. In perusing the comments offered on this regulation when it was first proposed it does not appear that consumers are complaining about having irrevocable pre-need contracts. I am of the "if it ain't broke don't fix it" school of thought and am hard pressed to identify any complaints by consumers harmed by not being able to transfer pre-need funeral contracts.

The advantage to consumers of being able to both pre-arrange and pre-pay for funeral goods and services are clear. Many families in Pennsylvania have been able to save considerable amounts of money by selecting and paying for both funeral goods and services well in advance of death. Additionally, families are relieved of the burden of having to deal with these issues at a time of loss and bereavement. If all such contracts are required to be revocable most funeral directors will find that it is not a wise business practice to continue to provide a pre-need contract with a guaranteed price when the contract may be revoked at any time and transferred to another funeral director. If the State Board of Funeral Directors believes that consumers want a revocable contract I suggest they provide an option that allows the consumer to decide whether they want a revocable contract or an irrevocable one.

I reviewed the comments which were submitted on this regulation when they were first proposed two years ago by a variety of interested parties, including the House Professional Licensure Committee and IRRC. It does not appear that the Funeral Board has adopted any of the numerous suggestions that were made by the commentators. I find the problems that may be encountered by those with disabilities to be particularly troubling. I also believe this regulation may be in violation of the Regulatory Review Act in that Section 13(c) of the Funeral Law clearly states that these funds should be placed in a trust account and may not be used for any purpose than that originally intended.

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As a consequence, I urge you and your fellow Commissioners to disapprove these regulations. They will deprive Pennsylvanians of the opportunity to make pre-need guaranteed price funeral arrangements in advance, and enjoy the financial and emotional advantages inherent in taking care of the final details of one's life while one is still able to do so.

Thank you for your consideration of this request. I also want to commend you for making access to these regulations and all of the related documentation so easily available to the public on the IRRC website. It has greatly simplified the process by making this information so accessible.

Sincerely,

A handwritten signature in black ink, appearing to read "Eugene DePasquale", with a long horizontal flourish extending to the right.

Eugene DePasquale
State Representative