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January 22, 2010

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Ms. Kim Kaufman, Executive Director,
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

INDEPENDENT REGULATORY
REVIEW COMMISSION

Re: Proposed regulation on pre-need activities of unlicensed employees.

Dear Ms. Kaufman:

The repeated attempts of the State Board of Funeral Directors (SBFD) to achieve passage of a legal provision to prohibit pre-need activities of unlicensed employees represent a transparent move to create a monopoly for funeral directors on funeral merchandise.

These efforts are not only unfair but potentially cost boosting to consumers and should be rejected. I applaud the Independent Regulatory Review Commission's October, 2009 suggestion that the SBFD revise the proposed regulation to permit unlicensed individuals to sell funeral merchandise but not funeral services.

The SBFD is rejecting this valid suggestion and again is advancing the same old tired argument that has already been discounted by the Commission in their wisdom.

The SBFD's actions are a blatant attempt to monopolize the selling of funeral merchandise in pre-need sales by including the phrase "incidental to funeral services." If this phrase is accepted, then the SBFD will claim "funeral merchandise is incidental to any pre-need sale" and therefore can only be sold by licensed funeral directors.

No amount of semantically hocus-pocus by the SBFD should obscure the flaws in the proposed pre-need regulation.

The proposed regulation also stands in direct conflict with the Pennsylvania "Future Interment Law" permitting individuals, retail establishments or companies to sell funeral merchandise to consumers.

In addition, the proposed regulation deprives consumers of their right to freely select the source in purchasing funeral merchandise. The proposal would restrain competition and potentially raise the cost of pre-need funerals to the detriment of consumers by limiting the ability to shop for the "best" merchandise prices available.

Thank you for considering my comments.

Sincerely,

Thomas R. Tirney, Ph.D.
Chairman, Arlington Heritage Group

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From: trt100@aol.com
Sent: Monday, January 18, 2010 10:38 AM
To: IRRC
Subject: comments on 16A-4816 Pre-Need regulations
Attachments: IRRC letter Jan. 2010_.doc

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INDEPENDENT REGULATORY
REVIEW COMMISSION

Dear Ms. Kaufman

Attached is a letter with my comments and thinking on the re-submission of 16A-4816 Pre-Needs sales by the State Board of Funeral Directors.

I have also sent this letter via mail.

I thank you and the Commission for your time and effort in insuring that the Board does not create a monopoly on the sale of funeral merchandise in Pre-Need sales.

Thomas R. Tirney, Ph.D.