



Office of Commissioner  
Rebecca Kelly Slaughter

UNITED STATES OF AMERICA  
**Federal Trade Commission**  
WASHINGTON, D.C. 20580

**STATEMENT OF COMMISSIONER REBECCA KELLY SLAUGHTER**

*Advance Notice of Proposed Rulemaking  
Regarding Funeral Industry Practices Rule*

October 20, 2022

Funerals are not only emotionally overwhelming, they are also financially overwhelming. The average cost of a funeral in 2022 is \$7,360 and has risen over 6.6% over the past five years.<sup>1</sup> These costs don't include end-of-life care or the thousands of additional dollars required for a cemetery plot and headstone. Not only is this a staggering amount of money for most consumers to cover—it is a purchase that they have to make under incredible stress. Grieving, rushed, distracted and unprepared, consumers seeking funeral services are in little position to negotiate.

The FTC Funeral Industry Practices Rule requires that funeral providers share written pricing information when consumers inquire in person. The Rule also requires that providers provide accurate price information to consumers who call them. But in its current form, the Funeral Rule does not require funeral providers to publish pricing information online. This framework can make planning and price comparison challenging under any circumstance, but I can't imagine how hard this was for the hundreds of thousands of consumers who had to navigate making funeral arrangements during the height of the pandemic.

In early 2020, the Commission initiated a routine review of the Rule, which generated 785 comments. I've reviewed many submissions in which consumers described how difficult it was to make funeral arrangement for loved ones who lived far away or how ill-equipped they were to negotiate or make choices at the height of their grief.<sup>2</sup> I want to share an excerpt from one commenter's powerful description of his excruciating experience trying to make arrangements for his young son without online pricing information:

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<sup>1</sup> 17 Mind-Boggling Funeral Cost Statistics in 2022 & Beyond, Kelly Maxwell, Seniors Mutual, <https://seniorsmutual.com/funeral-cost-breakdown/>.

<sup>2</sup> See, e.g., FTC-2020-0014-0406 Comment Submitted by John J. Wilson (“[M]y mother who lived alone in a retirement home in Phoenix, Arizona passed away and since I live in Austin, Texas, this required me to make funeral arrangements in a distant city that I was not familiar with. Without the funeral price list online this made my task much more difficult. In fact, I feel I was at the mercy of the funeral provider. Without having knowledge of their prices in advance, I felt that they could charge me whatever amount they desired and I was defenseless. They had me over a barrel, so to speak. I'm sure I paid much more than necessary for my mother's funeral arrangements. If I had had their price list before visiting the funeral provider, I would have been in a much better bargaining position, but unfortunately this was not the case.”); FTC-2020-0014-0637 Comment Submitted by Elizabeth Menkin (“When my mother died, it was impossible to collect price lists for any cost-comparison survey at the time that we needed to make arrangements. I had to individually contact funeral homes and hope they would voluntarily email/mail a price list. I would have had to drive to funeral homes who refused. This is a terribly burdensome task to impose on a grieving family.”).

*In many, if not most cases, death comes suddenly and is unexpected. This leaves the loved ones of the deceased little time to prepare for the viewing and burial.*

*This was true for my family with the death of our 4-year-old son. While we had been provided a terminal cancer diagnosis for many months for my oldest son, I could not bring myself to begin planning for his funeral. I had limited time to spend with him outside of work, I did not think it made sense to invest any of it shopping for funeral services.*

*When the end came for him, and it was sudden, we were forced to decide between two funeral homes in our town. We chose the largest one because we expected a large crowd to attend. I had no idea what to expect when I arrived to discuss arrangements, so you can imagine my surprise when I learned the cost involved. Online pricing would have allowed me to prepare in advance and to prepare to negotiate what was by far the largest purchase I've ever made without any advance notice. I could have spent nights reviewing the cost without feeling guilty about leaving my son and the limited time we had together.*

*I had a crushing level of grief when I walked into that funeral home and I had absolutely no way to negotiate when they handed me their proposed price. How is that fair? They already had possession of my son's body, so it was not like I could walk out and begin shopping.*

*To place this in context, I believe my first car, that I purchased in 1998, cost less than his burial and I knew exactly what that would cost because I had the Internet available to me. I could arrange for financing from the bank before I ever bought the car so I knew how much it would cost each month and when I would make the final payment. I felt completely prepared to purchase my car and I was very comfortable when I walked into the dealership to finalize the purchase. . .*

*There is no logical reason not to allow for online pricing except to suppress consumer awareness. . . Government's job is to protect their citizens and this is one instance when we need protecting because emotionally compromised consumers are being taken advantage and we have no way of preventing it.<sup>3</sup>*

I want to thank this father and all the commenters to the 2020 rule review who shared their views and experiences and I whole-heartedly support the FTC's publication of the Advanced Notice of Proposed Rulemaking asking specific questions about whether and how to modernize the Funeral Rule to better protect consumers trying to make a huge purchase under the worst circumstances. I encourage all consumers and other stakeholders to weigh in on the questions posed by the ANPR.

Finally, I want to echo the Chair and thank BCP, in particular the Division of Marketing Practices for their thoughtful work on this ANPR and the accompanying report, "Shopping for Funeral Services Online." Melissa Dickey, Rebecca Plett, Patti Poss, Margaret Patterson, Kelly Ortiz, Robert Cancellaro, Kenny Wright, Dotan Weinman, Lois Greisman—such important work, thank you.

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<sup>3</sup> FTC-2020-0014-0685 Comment Submitted by Adam Drapczuk III.