

Regular Session, 2010

# ACT No. 373

HOUSE BILL NO. 451

BY REPRESENTATIVE RITCHIE

1 AN ACT

2 To amend and reenact R.S. 37:831(11), (40), and (72) and 846(A)(introductory paragraph),  
3 (2), and (3), relative to solicitation by funeral homes; to define "capper", "steerer",  
4 or "runner"; to define "funeral goods and services"; to define "solicitation"; to  
5 authorize the imposition of sanctions or fines; to prohibit solicitation by funeral  
6 home directors; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 37:831(11), (40), and (72) and 846(A)(introductory paragraph), (2),  
9 and (3) are hereby amended and reenacted to read as follows:

10 §831. Definitions

11 For purposes of this Chapter and implementation thereof, the following terms  
12 shall have the meaning as defined herein, unless the context clearly indicates  
13 otherwise:

14 \* \* \*

15 (11) "Capper", ~~or "steerer", "or runner"~~ means any business agent or other  
16 a person who, for monetary benefits or other considerations, procures or attempts to  
17 deceive, delude, procure business at the direction of, request of, or in cooperation  
18 with a licensee by means of deceit, trick, cheat, swindle, defraud, or mislead fraud,  
19 or misleading statements.

20 \* \* \*

21 (40) "Funeral goods and services" means any one or more of the following  
22 goods or services:

23 (a) ~~goods~~ Goods which are sold or offered for sale directly to the public for  
24 use in connection with funeral services.



1                   (c) A licensee's providing discounted or free funeral goods and services for  
2                   infants or a member of an indigent family.

3                   (3)(a) ~~Solicitation of business, either in person or through agents commonly~~  
4                   ~~known as "cappers" or "steerers,"~~ which is intimidating, overreaching, fraudulent,  
5                   or misleading, that uses undue influence, or that takes advantage of a person's lack  
6                   of knowledge or emotional vulnerability, or engaging in any of the following:

7                   (i) At-need solicitation of sales of funeral goods and services or funeral or  
8                   disposition arrangements.

9                   (ii) Soliciting, accepting, or paying consideration for recommending a  
10                  provider of funeral goods and services or disposition arrangements or using the  
11                  services of cappers, steerers, or runners.

12                  (iii) Contacting persons receiving care in hospitals, rest homes, nursing  
13                  homes, hospices, or similar institutions for the purpose of soliciting preneed funeral  
14                  contracts or the sale of funeral goods and services or making funeral or disposition  
15                  arrangements without first having been specifically requested by that person.

16                  (iv) Contacting a person suffering ill health or the relatives, caregivers,  
17                  acquaintances, health care providers, or persons having the right to control the  
18                  disposition of the remains of an individual whose death is impending or whose death  
19                  has recently occurred for the purposes of soliciting preneed funeral contracts or the  
20                  sale of funeral goods and services or making funeral or disposition arrangements for  
21                  that individual without first having been specifically requested by that person  
22                  seeking information about funeral goods or services.

23                  (b) This Paragraph shall not apply to communications between persons  
24                  related by blood, adoption, or marriage.

25                  (c) Nothing in this Section shall be construed to restrict the rights of a person  
26                  to advertise or use direct mail or other communications in a manner directed to

