Regular Session, 2010

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.

ENROLLED

ACT No. 373

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1	(b) and any Any services which may be used to care for and or prepare
2	deceased human remains for burial, cremation, or other final disposition.
3	(c) and to arrange, supervise or conduct The arranging, supervising, or
4	conducting of the funeral ceremony or the final disposition of deceased human
5	bodies, including, but not limited to, bodies.
6	(d) funeral Funeral merchandise.
7	* * *
8	(72) "Solicitation" means the act or practice of <u>any licensee</u> , or any agent,
9	employee, or person acting on his behalf, approaching someone with a person or a
10	group of persons to make a request or plea, or to urge someone toward a particular
11	cause as it may pertain to the care, custody, or disposition of a dead human body.
12	* * *
13	§846. Refusal to grant or renew licenses; revocation or suspension; grounds;
14	hearings
15	A. The board may refuse to grant, refuse to renew, or may suspend or
16	revoke, any license, or impose a sanction or fine in keeping with the penalty
17	provision of this Part, when the applicant or licensee is found guilty of any of the
18	following acts or omissions:
19	* * *
20	(2) Paying, giving or offering, directly or indirectly, orally or in writing, any
21	money, credit, discount, gratuity or other thing of value to a third party as an
22	inducement for the business of a prospective customer, provided that this prohibition
23	shall not be in any way construed as prohibiting to prohibit any of the following:
24	(a) the The execution or servicing by the parties thereto of any funeral service
25	contract of the type or preneed funeral contract recognized or required by any
26	provisions of R.S. Title Titles 22 and 37 of the Louisiana Revised Statutes of 1950.
27	(b) A licensee's providing promotional pricing that is disclosed on its general
28	price list, including the dollar amount or method of determining the dollar amount
29	of any discount, directly to a consumer.

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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

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1	members of groups, associations, organizations, or the general public, or to contact
2	persons responding to such communications or who initiate discussion of the funeral
3	goods and services being offered.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____