

STATE UNIVERSITY OF NEW YORK  
COLLEGE OF TECHNOLOGY  
CANTON, NEW YORK



**MASTER SYLLABUS**

**FSAD 401 – Funeral Service Law**

**CIP Code:**

**(12.0302) Funeral Direction/Services**

**Created by: David R. Penepent. PhD**

**Updated by: October 25, 2023**

**School of Science, Health and Criminal Justice  
FUNERAL SERVICES ADMINISTRATION  
Fall 2024**

A. TITLE: **Funeral Service Law**

B. COURSE NUMBER: FSAD 401

C. CREDIT HOURS: 3

**# Credit Hours: 3**

**# Lecture Hours 3 per Week**

**# Lab Hours 0 Week**

**Other 0 per Week**

**Course Length: 15 Weeks**

D. WRITING INTENSIVE COURSE: No

E. GER CATEGORY: None

F. SEMESTER(S) OFFERED: Fall and Spring

G. COURSE DESCRIPTION:

This course evaluates general business and mortuary laws that affect the funeral profession. The student will be concerned with the laws that pertain to solicitation of clients, rights of possession, cemeteries/crematories, interstate agreements, international shipping, funding vehicles, association rights, lobbying, local ordinances, and employer/employee relationships.

H. PRE-REQUISITES: BSAD 100 Introduction to Business,  
BSAD 201 Business Law I

CO-REQUISITES: None

I. STUDENT LEARNING OUTCOMES:  
**Upon completion of this course, the student will:**

<b>Student Learning Outcome [SLO]</b>	<b>Program Student Learning Outcomes [PSLO]</b>	<b>Institutional Student Learning Outcomes [ISLO]</b>
1. Identify the major components of mortuary law as it relates to the practice of funeral directing, liability, contracts (including pre-need contracts), and a funeral director's legal and ethical obligation to treat human remains with respect and dignity.	2.1.2 Identify standards of ethical conduct in funeral service practice.  2.1.3 Interpret how federal, state, and local laws apply to funeral service in order to ensure compliance.	4. Social Responsibility – Ethical Reasoning  5. Industry, Professional, Discipline-Specific Knowledge and Skills

J. APPLIED LEARNING COMPONENT: Yes\_\_\_\_\_ No X\_\_\_\_\_

If Yes, select one or more of the following categories:

Classroom/Lab\_\_\_\_\_

Internship\_\_\_\_\_

Clinical Practicum\_\_\_\_\_

Practicum\_\_\_\_\_

Service Learning\_\_\_\_\_

Community Service\_\_\_\_\_

Civic Engagement\_\_\_\_\_

Creative Works/Senior Project\_\_\_\_\_

Research\_\_\_\_\_

Entrepreneurship\_\_\_\_\_

(program, class, project)

K. TEXTS:

Cleveland, L. J. (2022). *Funeral service law in the United States: A guide for funeral service students*. Hudson Valley Professional Services.

Death Education Assessment Drill Simulator (DEAD), Anubis Publications Inc.

Fritch, J. B., & Altieri, J. C. (2021). *Fires of change: A comprehensive examination of Cremation*. Funeral Service Education Resource Center.

McCullough, R.L. (2020). *NYSFDA manual of New York State's funeral laws and regulations affecting funeral directing: A practical guide for funeral directors: Fourth Edition*. New York State Funeral Directors Association.

Penepent, D.R. (2024). *A complete guide to the arts section of the National Board Exam for funeral services: Revised edition*. Anubis Publication Inc.

L. REFERENCES:

Ritchie, J. N. & A., & Jayanti, S. F.-T. and A. (2023, February 3). *Complying with the funeral rule*. Federal Trade Commission.

<https://www.ftc.gov/business-guidance/resources/complying-funeral-rule>

Occupational Health & Safety Administration <https://www.osha.gov/>

OSHA Hazard Communication Standard, Formaldehyde Rule

M. EQUIPMENT: Microsoft Word or comparable software. Internet access is required.

N. GRADING METHOD:

Your final grade will be calculated based on the following grading scheme:

**NOTE: IN ALL FUNERAL SERVICE REQUIRED CORE COURSES A “C” OR HIGHER IS NEEDED TO PASS**

From %	To %	Letter grade
100	92.0	A
91.9	87.0	B+
86.9	83.0	B
82.9	79.0	C+
<b>78.9</b>	<b>76.0</b>	<b>C</b>
75.9	69.0	D+ <b>Required to retake the course</b>
68.9	60.0	D <b>Required to retake the course</b>
59.9	0	F <b>Required to retake the course</b>

O. SUGGESTED MEASUREMENT CRITERIA/METHODS:

Assignment Category	Grade Weight/ Point Distribution
Assignments	25%
Quizzes	25%
Midterm	20%
Final	30%
<b>Total</b>	<b>100%</b>

**Once enrolled in the Funeral Services Administration program, students must complete the course of study within six (6) years. FSAD courses that are (6) years or older must be retaken because the American Board of Funeral Service Education revises the course outlines every seven years.**

P. DETAILED COURSE OUTLINE:

I. Laws

- A. Common law
- B. Civil Law
- C. Torts and contracts

II. Sources of Law

- A. Statutes
- B. Ordinances
- C. Federal, State, Local governments

III. Judicial Process

- A. Federal courts
- B. State courts

IV. Contracts

A. Classification

- 1. Express
- 2. Implied
- 3. Formal
- 4. Simple
- 5. Valid
- 6. Voidable

B. Elements

- 1. Mutual agreement
- 2. Offer
- 3. Termination of offer
- 4. Acceptance
- 5. Misrepresentation
- 6. Fraud
- 7. Undue influence
- 8. Duress
- 9. Mistake

C. Competency

- 1. Competent person
- 2. Non-competent person
  - a. Insane
  - b. Minor
- 3. Intoxicated

V. Bailment's and Carriers

- A. Bailment's
- B. Carriers

VI. Negotiable Instruments

- A. Types
- B. Terminology
- C. Orders to Pay
- D. Negotiability
- E. Liabilities for Payments

VII. Agency and Employment

- A. Agency relationships
- B. Classification of agents
- C. Authority of agents
- D. Agents duty
- E. Termination of relationship

VIII. Business Organization

- A. Proprietorship
- B. Partnership
- C. Corporations

IX. Consideration

- A. Concept
- B. Valid
- C. Invalid

X. Legal-Illegal Objectives

- A. Criminal
- B. Survivors

XI. Written Contract

- A. Types
- B. Fraud
- C. Performance
- D. Discharge
- E. Breach of contract

XII. Assignment

- A. Assignor
- B. Assignee

XIII. Sales

- A. Commercial Code
- B. Contract Law
- C. Warranties
- D. Consumer Protection

XIV. Preneed solicitation laws

- A. Cold calls
- B. Advertising
- C. Displays at funeral home visible during services
- D. Referrals
- E. Agency for corporate consortia
- F. Legal database usage

XV. Prearrangement funding vehicles

- A. Irrevocable trusts
- B. Revocable trusts
- C. Medicaid requirements
- D. County law applicability
- E. Taxation by US government
- F. Interest deferment
- G. Burial insurance
- H. Whole life insurance
- I. Term insurance
- J. Portability

XVI. Cemetery law

- A. NYS cemetery statutes as promulgated in General Business Law Chapter
- B. Creation of a private family cemetery
- C. Nonprofit status
- D. Establishment of a mausoleum
- E. Liability of cemetery directors
- F. Disinterment

XVII. Crematory law

- A. NYS statutes governing construction and operation of crematory
- B. Ownership by funeral home
- C. Ownership by free standing corporation
- D. Retention of noncombustible prostheses
- E. Burial or other disposal of cremated remains

XVIII. At-need arrangement laws

- A. Right of disposition by relationship
- B. Necessary disclosures during arrangements with documentation
- C. Photography for identification purposes
- D. Photography for educational purposes
- E. Photography for family records at their request
- F. Responsibility to communicate viewing options or recommendations
- G. Merchantability of funeral goods
- H. Packaging allowed by FTC rule
- I. Special refunds or discounts
- J. Obituary information and privacy
- K. Autopsy requirements by situation or family choice
- L. Insurance policy assignment
- M. Government intervention conditions
- N. Conversion of pre-need to at-need contract

Q. LABORATORY OUTLINE: None