

Funeral Arrangements

- It is legal for a family member or designated agent to handle everything, without a funeral director. The executor (“personal representative”) may carry out written instructions of the deceased relating to the body, funeral, and burial arrangements (MGL c.190B § 3-701).
- If you will be using a funeral home, and visit in person, you must be given a General Price List (GPL). Prices must also be given over the telephone in accordance with the federal Funeral Rule (16 CFR 453).
- You must be shown a Casket and Outer Burial Container (Vault) Price List before selecting either one.
- You must be given a “Statement of Funeral Goods and Services Selected,” with the total cost, before any services are provided.
- Price surveys are done periodically by the Funeral Consumers Alliances of Eastern and Western Massachusetts. A different survey for Greater Boston is at www.checkbook.org/boston-area/funeral-homes/ratings.

Autopsy

- If the death was unexpected or the cause of death uncertain, the state will probably require an autopsy through the Office of the Chief Medical Examiner. Or if you have questions about the death, you may request and pay for a private autopsy.
- If a public viewing is planned, there will likely be extra charges to repair the body for embalming.

Organ, Tissue, and Body Donation

- If death occurs in the hospital, you are likely to be asked about organ donation. Only some deaths are eligible for major organ donation. If you plan a viewing, the cost for any extra body preparation will be paid by the organ procurement organization. Decline any such charge you might find on the GPL.
- After-death donation of eyes, skin, and long bones may be considered. Ask the hospital social worker or the funeral director about this.

- Whole body donation to a medical school is one way to lower costs. After study, the school will cremate the body and return the cremated remains to the family if requested. You should have back-up funeral plans in case for some reason the body cannot be accepted..
- There are also non-academic companies that accept whole bodies for research and education. Various body parts will likely be shipped around the country and possibly internationally. The state has no laws regulating these companies. Note that this is an entirely different category of body donation from the traditional cadaver donation to a medical school.

Embalming and Related Requirements

- There are no embalming requirements in Massachusetts.
- Massachusetts regulations state that a body that is not embalmed should have all orifices packed with cotton, and should be washed and wrapped in a sheet (239 CMR 3.10 § 7).
- Airlines prefer that a body be embalmed for travel, but an airtight container may make that optional.
- Many funeral homes require embalming for a public viewing. Embalming does not protect public health. It merely delays decomposition. Refrigeration is an alternative to embalming.

Caskets and Vaults

- Neither is required by state law for burial; however, many cemeteries require a vault or grave liner. A rigid combustible container is required for cremation.
- A casket will not prevent natural decomposition. You may build your own or buy from a casket retailer or a large general store. A funeral home’s least expensive coffin may be plain pine, cardboard, or cloth-covered particle board. You may use an alternative such as a shroud, basket, or other container. The funeral home must use a container you provide, at no extra cost.
- The purpose of a vault is to keep the ground from caving in. It facilitates cemetery maintenance. It has no preservative qualities regardless of how much you spend. Vault dealers sell to cemeteries, rarely to the public.

Burial

- Most cemeteries will require, at the time of burial, payment of an “opening and closing” fee. This is in addition to the cost of the plot.
- Some cemeteries have restrictions on the kind of monuments or plantings and adornment allowed.
- The Board of Health in each town, or its designated Burial Agent, regulates burial grounds, both private and public. Home burial can be legal, subject to approval.
- The local Board of Health should be consulted for disinterment.
- Burial at sea and other options are possible.

Cremation

- There is a 48-hour waiting period prior to cremation. A medical examiner’s authorization is required.
- The body must be viewed by a Mass. medical examiner prior to cremation (MGL c.38 § 14). Typically this is done at the crematory.
- A pacemaker must be removed for safety. Some other medical devices can also be removed and donated or sold.
- Some crematories let the family witness the cremation.
- The cremation process takes from one to three hours for an average adult. The staff will remove any metal and pulverize the bone fragments to small particles, similar to white or gray coarse sand. The remains weigh about 5-10 pounds.
- Cremated remains (“cremains”) may be kept at home, scattered, buried on private land with the landowner’s permission, interred in a cemetery or memorial garden, or placed in a niche. Other options are also possible.
- If scattering on public land or water, don’t ask, don’t tell. Massachusetts has no restrictions on the disposition of cremains. Be discreet. For scattering at sea, the Environmental Protection Agency (EPA) policy states that cremains must be scattered at least three miles out. That’s because the federal agency has no jurisdiction over the first three miles; the bordering state does.
- If flying with cremains, be sure they are in a non-metal container to pass through the scanner. It is best to leave

them in the box just as it came from the crematory, with the official documents attached.

- Cremains may be mailed or carried by hand to another destination. For mailing, ask the U.S. Postal Service for requirements.

Veterans and Their Dependents

- You will need a copy of the DD214 discharge papers to obtain benefits.
- The U.S. Department of Veterans Affairs (VA) provides markers for veterans no matter where they are interred. Markers can be upright or flat, and they come in bronze, marble, or granite: (800) 697-6947.
- The VA cemetery in Bourne has space for both casketed and cremated remains. There are also state-run veterans cemeteries in Agawam and Winchendon. Interment and marker are free of charge for the veteran, spouse, and certain dependents in the VA cemetery. In the state cemeteries, there's a \$300 charge for a non-veteran spouse or dependent.
- A free flag can be ordered through the U.S. Postal Service.
- More about veterans benefits can be found at www.funerals.org or the VA website.

Prepaying for a Funeral

- Setting aside assets for Medicaid eligibility is the one situation in which it makes sense to prepay for a funeral. There is no limit to the amount in an irrevocable pre-need account. Be sure to ask whether you will be getting an annual report of your prepaid funds, and let those who will be handling your affairs know that you have prepaid and where.
- If the contract guarantees the price, the interest is supposed to cover funeral inflation. But many investments do not appreciate as fast as prices climb. If the contract is clearly identified as "price guaranteed," you, or your heirs, have a right to insist there be no extra charges. Any substitutions should be of equal quality to that described in the contract.

- Prices for third-party items such as the crematory fee or obituary usually cannot be guaranteed.
- When a prepaid contract is in effect, arrangements may not be altered after death.
- Funeral homes are not allowed to deposit prepayment funds into their own accounts. Checks must be made out to a bank, insurance company, or other institution.

How to Afford the Costs

- Do not sign a contract for more than you or your estate can afford to pay.
- The least expensive option is to care for your own dead.
- As noted above, whole body donation (if accepted) eliminates many of the costs.
- If the deceased was indigent, a funeral director can apply to the Dept. of Transitional Assistance (DTA) for funds of up to \$1,100, provided that total expense does not exceed the cap of \$3,500.
- Social Security provides a \$255 death benefit for a surviving spouse. There is no similar benefit when that spouse dies. Dependent children are entitled to survivor benefits when a parent dies.
- Some individuals launch a GoFundMe or other online campaign to raise funds for funeral costs, but doing so may make them ineligible for state benefits, such as funeral expenses up to \$8K for innocent victims of violent crimes, or the DTA benefit for indigent people.
- Some families request donations to charities in lieu of flowers.

Complaints

- Valid reasons for complaints include dishonesty, misrepresentation, unprofessional conduct, negligence, breach of contract, and violation of state or federal laws.
- For help in filing a complaint, visit the Mass. Dept. of Professional Licensure (DPL) website, www.mass.gov/dpl. If you need further assistance, contact us or the national FCA (funerals.org).

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Your Funeral Consumer Rights in Massachusetts



Based on a Funeral Ethics Organization pamphlet written by Lisa Carlson, co-author of *Final Rights: Reclaiming the American Way of Death* (2011).

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Funeral Consumers Alliance of Western Massachusetts &
Funeral Consumers Alliance of Eastern Massachusetts
www.funeralsma.org