



Office of Commissioner
Rebecca Kelly Slaughter

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

**CONCURRING STATEMENT OF COMMISSIONER REBECCA KELLY
SLAUGHTER**

Regarding the Request for Comment on the Funeral Rule
Commission File No. P034410
February 4, 2020

I am grateful that the Commission is seeking public comment on the FTC's Funeral Rule, 16 C.F.R. pt. 453, which we last reviewed a dozen years ago. At that time, the Commission decided to leave the Rule unchanged. *See* Fed. Trade Comm'n, *Regulatory Review of the Trade Industry Regulation on Funeral Industry Practices*, 73 Fed. Reg. 13740, 13741 (Mar. 14, 2008). Accordingly, the Rule has not been updated in more than twenty-six years. *See* Fed. Trade Comm'n, *Funeral Industry Practices Trade Regulation Rule*, 59 Fed. Reg. 1592 (Jan. 11, 1994). I worry that the Rule is now showing its age, and I look forward to hearing from commenters about what a Funeral Rule for the twenty-first century should look like.

The Funeral Rule is one that tends to go unnoticed by most consumers in their daily lives. Few consumers shop for funeral services before the need for them arises exigently. But that is precisely why funeral consumers are uniquely vulnerable—grieving their lost loved one, beset by scores of unanticipated tasks, and operating under enormous time pressure, consumers must make financial decisions that are often on the order of buying a new compact car. Because of these vulnerabilities, the funeral industry has had patterns of unfair and deceptive practices, effectively denying consumers the information they needed to give their lost loved one a tailored and proper goodbye without breaking the bank or paying for unwanted services. The Funeral Rule has taken important steps to curb these practices by providing much-needed protections to consumers.

The past twenty-six years have seen momentous changes in technology, such as the rise of the internet and price-comparison tools, and in culture, such as the dramatic rise in consumers who choose cremation. Many funeral homes today even offer live-streaming of services for loved ones who are unable to attend in person. My fervent hope is that the Commission, with the help of commenters, will endeavor to update the Rule so that it continues to fulfill its purpose of protecting uniquely vulnerable consumers in their time of greatest need. I particularly look forward to comments that highlight any gaps in existing protections and how we might best close them.