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HOUSE BILL 841

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

DEBBIE A. RODELLA

AN ACT

RELATING TO PROFESSIONAL AND OCCUPATIONAL LICENSES; REQUIRING
THE BOARD OF THANATOPRACTICE TO ADOPT RULES AND REGULATIONS
REGARDING TRUTH IN ADVERTISING; AMENDING AND ENACTING SECTIONS
OF THE THANATOPRACTICE ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 61-32-1 NMSA 1978 (being Laws 1993,
Chapter 204, Section 1) is amended to read:

"61-32-1. SHORT TITLE. -- ~~[This act]~~ Chapter 61, Article 32
NMSA 1978 may be cited as the "Thanatopractice Act". "

Section 2. A new section of the Thanatopractice Act is
enacted to read:

"[NEW MATERIAL] TRUTH IN ADVERTISING-- RULES AND
REGULATIONS. --

A. To ensure truth in advertising in connection with

Underscored material = new
[bracketed material] = delete

Underscored material = new
[bracketed material] = delete

1 all services and merchandise offered for funerals, the board
2 shall adopt and promulgate rules and regulations consistent with
3 the requirements of Subsection B of this section.

4 B. The rules and regulations adopted pursuant to
5 Subsection A of this section shall:

6 (1) provide a list of uniform terms and
7 definitions for all services and merchandise offered or charged
8 in connection with funerals. The uniform terms and definitions
9 shall ensure that each funeral or commercial establishment
10 licensee that advertises or offers a "total package" or similar
11 advertised price for funeral services, merchandise, or both,
12 offers exactly the same type of funeral services, merchandise,
13 or both, as any other funeral or commercial establishment
14 licensee of the board, and that the price is not subject to
15 additional charges later that were not previously disclosed;

16 (2) adopt a uniform basic statement format for
17 all services and merchandise provided for a funeral. The rules
18 and regulations shall provide that the uniform basic statement
19 shall be used by all funeral or commercial establishment
20 licensees so that all persons making arrangements or paying for
21 a funeral service receive the same uniform basic statement using
22 uniform terms and definitions; and

23 (3) require that prices for services and
24 merchandise be fully and fairly disclosed and that those prices
25 be subject to the following conditions:

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(a) in January, each funeral or commercial establishment licensee shall publish a list of all his fees in one or more local newspapers of general circulation, as determined by the board;

(b) the fees published pursuant to Subparagraph (a) of this subsection shall be filed with the board; and

(c) no fees published and filed with the board shall be increased before the next year's fees are published and filed unless the fees sought to be increased are first published in one or more local newspapers of general circulation and are filed with the board prior to taking effect. "