

To All Licensed Funeral Directors and Licensed Funeral Establishments:

In accordance with a settlement agreement filed in the United States District Court for the Middle District of Pennsylvania this agency is furnishing you with the following interpretation relating to the profession of funeral directing:

Since the enactment of the Funeral Director Law, the State Board of Funeral Directors, BPOA and BEI have interpreted the term “profession” as used in the Funeral Director Law, section 2(1), 63 P. S. § 479.2(1), to exclude:

(1) Individuals engaged in the performance of the ceremonies, customs, religious rites, or religion of any people, denomination, or sect, as constituting the practice or observance of religion in accordance with Section 3 of Article I of the Constitution of the Commonwealth of Pennsylvania and the First Amendment of the Constitution of the United States;

(2) Any religious denomination or sect, or any body composed of members of a denomination, when the acts of such religious denomination or sect constitute the practice or observance of religion under Section 3 of Article I of the Constitution of the Commonwealth of Pennsylvania and the First Amendment of the Constitution of the United States.

(3) Any committee of a church, meeting, mosque, synagogue, temple or other congregation of religious believers, in the handling, transporting, preparing and disposition of deceased human bodies in accordance with the practice or observance of religion under Section 3 of Article I of the Constitution of the Commonwealth of Pennsylvania and the First Amendment of the Constitution of the United States.

The exclusion of religious practices and observances enumerated above from the term “profession” does not extend to a person who performs any of the following acts, whether or not that person is a religious body, denomination or sect, a member of a religious body, denomination or sect, has been ordained as a member of the clergy of a religious body, denomination or sect, or commits such act in connection with a religious practice or observance:

(1) Advertises as a funeral director.

(2) Holds oneself out as a funeral director.

(3) Embalm or perform the scientific preparation of human remains.

(4) Engages in “trade” or “commerce” as those terms are defined in section 2 of the act of December 17, 1968, P.L. 1224, Act No. 387, 73 P. S. 201-2, also known as the Unfair Trade Practices and Consumer Protection Act, when such trade or commerce involves funeral services for profit or trade or commerce that involves funeral services and funeral merchandise incidental to such funeral services for profit.