

ANNEX A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 13. STATE BOARD OF FUNERAL DIRECTORS

STATEMENTS OF POLICY

§ 13.501. Interpretation of § 13.183 (relating to food and beverages) – statement of policy.

(a) *Purpose.* The Board has received numerous inquiries regarding its position with regard to the interpretation and application of § 13.183 (relating to food and beverages), specifically inquirers question the prohibition against serving food to the public “in any part of a funeral establishment.” This statement of policy is intended to provide clarity to the regulated community of the Board’s current interpretation of § 13.183.

(b) *Background.* Section 13.183 provides that “[a] food may not be served to the public in any part of a funeral establishment.” The term funeral establishment is defined in section 2 of the act (63 P.S. § 479.2) as “every place . . . wherein a licensed funeral director conducts the professional practice of funeral directing, including the preparation, care and funeral services for the human dead.” Section 2 of the act also defines the term “funeral director” to include “any person engaged in the profession of a funeral director or in the care and disposition of the human dead, or in the practice of disinfecting and preparing by embalming the human dead for the funeral service, burial or cremation, or the supervising of the burial, transportation or disposal of deceased human bodies, or in the practice of funeral directing or embalming as presently known.... The term ‘funeral director’ shall also mean a person who makes arrangements for funeral service and who sells funeral merchandise

to the public incidental to such service or who makes financial arrangements for the rendering of such services and the sale of such merchandise.”

(c) Interpretation.. For purposes of § 13.183, food or beverages, other than water, may not be served in any part of the funeral establishment where the professional practice of funeral directing is conducted. This would include any area which is used in the care and disposition of the human dead, or in the practice of disinfecting and preparing by embalming the human dead. It would also include any room in which human remains or cremated remains are placed for viewing, visitation or services. The prohibition, therefore, would not prohibit the serving of food or beverages in a separate “hospitality room” or “lounge” or any other area where the practice of funeral directing does not occur.

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