



TEXAS FUNERAL SERVICE COMMISSION

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ID # 15337
mBJ

LARRY A. FARROW
Executive Director

RQ-345

March 17, 1992

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Opinion Committee

Opinions Committee
Texas Attorney General
P.O. Box 12548
Austin, Texas 78711

Dear General Morales:

The Texas Funeral Service Commission requests the Attorney General's opinion on the following question:

May the El Paso Medical Examiner charge funeral homes a fee for storage of bodies, as outlined in the attached letter dated October 1, 1991?

The Commission has several concerns regarding this fee. First, it is the county's duty and responsibility to operate a morgue, and the Commission knows of no provision allowing the county to assess a fee of this nature.

Second, the decedent's family and not the funeral home, is the party actually liable for this fee. Funeral homes are not in a position to challenge the fee because they rely on the county to a great extent in their business. If a family refused to pay it, the funeral home would bear the loss.

Third, funeral homes are under strict regulations promulgated by the Federal Trade Commission (16 CFR Part 453) and the Texas Funeral Service Commission (VTCS Art. 4582b) regarding items they are allowed to charge for. These regulations provide for only one non-declinable fee, that of the professional services of the funeral director/staff. Assessing this storage fee against the funeral home would create a defacto non-declinable fee not provided for in the regulations.

Very truly yours,

Larry A. Farrow
Executive Director

LAF/bc

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