

## Funeral Consumers Alliance of Texas

817 360-4727 jim\_bates@airmail.net 6524 Brookdale Dr, Watauga, TX 76148

July 28, 2016

Allison Hughes, Rules Coordinator  
TX Dept State Health Services  
Mail Code 2822  
PO Box 149347  
Austin, TX 78714-9347

Dear Ms. Hughes:

Speaking on behalf of the Funeral Consumers Alliance of Texas, we perceive statements in the proposal for changing rule TAC 25 1.132-1.137 that appear to be incorrect and incomplete. The FISCAL NOTE of the proposed rule change states that there will be no fiscal implications to state or local governments as a result of administering this rule change. The SMALL AND MICRO-BUSINESS IMPACT ANALYSIS AND ECONOMIC COSTS TO PERSONS says that a potential fiscal impact has been identified, but not quantified. These two, and other issues, are detailed below.

Also, at this writing, it is very disappointing that a stakeholders' meeting has not been called so that those affected by this proposed rule change could have a voice. As a consumer advocacy group, FCA of Texas deals with interment and cremation on a daily basis. We are experienced with fetal disposition, and have talked to many women who have asked for support and guidance during this very emotional time. Excluding women from the development of this proposed rule is ethically negligent. It is noted that the words "woman" or "women" are not written anywhere in the proposed rule. It can be inferred that the woman's stake in this issue has been excluded from a rule that directly affects her emotional, spiritual and financial security. **Please call at least one stakeholders meeting.**

---

The Funeral Consumers Alliance of Texas can help by sufficiently quantifying the impact on consumers for the Proposed Rule Changes to TAC 25 1.132-1.137.

The first impact is that the proposed rule change appears to forcibly increase the cost of abortion by requiring cremation or interment of all fetuses by state-licensed funeral establishments. Every funeral establishment has a basic charge for "professional services"; everything else is extra. An average basic services fee is \$2,000. Therefore, the annual

## Funeral Consumers Alliance of Texas

817 360-4727 jim\_bates@airmail.net 6524 Brookdale Dr, Watauga, TX 76148

number of women - 48,000 of the 54,000 total abortions -- whose abortions typically occur at 13 weeks, will then be forced to use the services of a funeral establishment and bring an additional \$96 million in revenue to the Texas funeral business. Someone pays for this, but we are unclear under the proposed rule who will pay for it. At this writing, we assume that health care facilities, clinics, etc. will not absorb or even include the disposition cost in the abortion charge, thus forcing the woman to pay. It appears that this cost will have a very large impact on small and micro-businesses by forcing a change in policies and procedures to comply with this new rule, and on the women themselves to pay for the required services.

If a woman cannot or will not pay, there is a significant impact, by current practice and law, that county government will pay for the disposition of the fetus. We need to consider also that it would be cruel to put a woman in jail for not paying for a deathcare service forced upon her by the state if local government or she will not pay the cost of services.

This rule change looks like it will force women into a narrower set of emotional and financial choices, with no added benefit to the woman. It is anticipated that social, psychological, financial and pastoral services will be immediately affected by the new rule; with little or no experience in how to support the woman during this newly regulated life event. The new rule appears to force the woman to reveal to family, friends and the community her very personal choice of abortion because it requires the woman to contract with a funeral establishment, or ask for family and friends' support with fetal disposition. **This is a forced invasion of privacy with no apparent regard for the woman.**

If this rule change passes as written now, the Funeral Consumers Alliance of Texas must prepare to support a newly created segment of consumers who will be required to shop and trade in the dizzying emotional dither of the deathcare business, or dispose of the fetus themselves as provided by current law.

Sincerely yours,



Jim Bates  
Funeral Consumers Alliance of Texas, Director  
National Home Funeral Alliance, Member