

Public Health Committee JOINT FAVORABLE REPORT

Bill No.: HB-5180

AN ACT CONCERNING THE PROVISION OF CATERED FOOD AND

Title: BEVERAGES IN FUNERAL HOMES.

Vote Date: 3/4/2020

Vote Action: Joint Favorable Substitute

PH Date: 2/26/2020

File No.:

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SPONSORS OF BILL:

The Public Health Committee.

REASONS FOR BILL:

HB-5180 enables funeral directors to serve non-alcoholic beverages and catered food to persons attending funeral services. The food may not be prepared or served in the same room as the deceased. Current law allows funeral directors to serve packaged food and non-alcoholic beverages to those making funeral arrangements. This bill would expand the law to allow for unpackaged catered food to be served during funeral services. The bill allows but does not require that funeral homes participate. HB-5180 also prohibits a funeral service business from operating as a food establishment or catering service.

RESPONSE FROM ADMINISTRATION/AGENCY:

Renée D. Coleman-Mitchell, Commissioner, Connecticut Department of Public Health:
Commissioner Coleman Mitchell recommends that the committee amend HB-5180 to require funeral homes have the necessary facilities to provide food service before being permitted to do so. She also recommends that HB-5180 prohibit food from being served in any room with the deceased.

NATURE AND SOURCES OF SUPPORT:

Jeff Currey, Representative for the 11th District, Connecticut General Assembly:
Representative Currey stated "the current law prohibiting the option to serve food and drink in funeral homes is not sustainable for the changing industry, and it's also unsympathetic to grieving families." HB-5180 takes other hosting obligations off the shoulders of grieving families and allows them to receive nourishment on days with long calling hours. Families are

also requesting more and more "celebrations of life" of which food is a vital social and cultural component. Passing HB-5044 would allow funeral homes to provide expanded services to their clientele.

Laura Devlin, Representative for the 134th District, Connecticut General Assembly:

Representative Devlin asks the committee to clarify the language of the bill to allow grieving families to bring food and beverages into certain areas of funeral homes. She recounts her brother-in-law's passing and the long hours her family spent at funeral services without food, contending that this treatment is bordering on cruel.

Arthur Erickson, Owner of Beecher & Bennett Funeral Service, President of the Selected Independent Funeral Homes Association:

Mr. Erickson's testimony highlights the challenges not being able to serve food creates in the funeral industry. He reports not even being able to offer coffee to grieving families, which to him seems like "a simple gesture of kindness." Connecticut is the only state that does not offer this service. Mr. Erickson confesses that he wants to pass his funeral home onto his sons but is worried about it remaining viable in the changing industry.

Mark T. Kalinowski, Funeral Director, CT-2606: Mr. Kalinowski argues that laws like HB-5180 allow businesses to grow and provide increased revenue to the state. This legislation is necessary to keep up with the times. Those who are opposed use current laws to avoid change and to keep a level playing field. He believes this law is long past due.

Lionel J. Lessard, Jr., Funeral Director, Embalmer and General Manager, D'Esopo Funeral Chapels:

Mr. Lessard's testimony highlights the changing funeral industry, with client's requesting more "celebrations of life." Mr. Lessard also points out that it is becoming more common to travel several hours for funeral services, and therefore the family hosting the funeral and their guests are going many hours without nourishment. HB-5180 would allow Mr. Lessard to better serve his clients and the community.

Sean Stevens, Funeral Director and Funeral Home Owner and Manager, Lette-Stevens Family Funeral Homes and Crematory:

Mr. Stevens supports HB-5180 because it would bring Connecticut up to the standards of surrounding states and usher Connecticut's funeral industry into the 21st century. He receives requests for food at funeral services from clients on a weekly basis and feels archaen telling them that Connecticut does not permit this practice. Finally, Mr. Stevens argues that more and more funeral services are taking place exclusively at the funeral home. This bill would allow families to avoid traveling for food at this difficult time and permit funeral homes to better serve their needs.

NATURE AND SOURCES OF OPPOSITION:

James Abriola, General Manager and Licensed Funeral Director and Embalmer, Abriola Parkview Funeral Home:

Mr. Abriola testifies in opposition to HB-5180 because he believes funeral directors are not trained in food service and preparation and that their facilities cannot accommodate such a service. He contends that funeral service and food service should remain separate.

Daniel P. Jowdy, Owner, Jowdy-Kane Funeral Home of Danbury and the Kane Funeral Home of Ridgefield:

Mr. Jowdy does not support HB-5180 for several reasons. He argues

that 90% of Connecticut funeral homes surveyed in the past 5 years oppose legislation like this. "Catered" as it appears in the bill is ambiguous in its meaning. If this bill is enacted, funeral homes would require health inspections, which can pose an added burden on municipalities. Without regulation, the addition of food to these settings may create conditions that are unsafe and impose added liabilities on funeral homes. Food in funeral homes can also exacerbate a rodent issue, putting the deceased at risk. Finally, many funeral homes are not equipped to accommodate food service. Though offering food service is not required by HB-5180, it can create an unfair playing field amongst funeral homes. Mr. Jowdy also argues that adequate notice of HB-5180 has not been given to the funeral industry.

Mike Magner, Magner Funeral Home, Inc.: Mr. Magner testified that while he would be in favor of families bringing certain beverages or snacks as needed, he does not want to bring catered food into his funeral home. Though he acknowledges HB-5180 makes sense for some funeral homes, he does not want to police people bringing coffee and small amounts of food into his funeral home. He does not want to act as a restaurant owner.

Cindi Pistey, Funeral Director, Pistey Funeral Home: Ms. Pistey is opposed to HB-5180 because food service in funeral homes is not a desire expressed by her clientele. She believes this bill would place an undue burden on funeral homes to train their employees in food service and to keep up with health codes in spaces that were not designed to serve food. While she acknowledges that the law does not require funeral homes to participate, it causes those that do not to lose their competitive advantage. She feels that there are other establishments surrounding her funeral home better suited for this purpose. In conclusion, HB-5180 would create an added cost for funeral homes that would ultimately be passed down to their clientele.

Brendan Joseph Sullivan, Funeral Director: Mr. Sullivan is strongly opposed to HB-5180 because it could harm local restaurants and create an unfair competition between funeral homes that can provide this service and those that cannot. He also states that while alcohol may not be served by funeral directors per the language in HB-5180, it does not state that families cannot bring alcohol in themselves. Finally, HB-5180 could raise the average cost of funerals and create health concerns.

John Stanley Zaleski, Funeral Director, Wakelee Memorial Funeral Home, LLC: Mr. Zaleski believes that HB-5180 is being sought by a "multi-national funeral conglomerate" with profit-driven motivations. He believes that Connecticut's long-term practice of not serving food at funeral services does not hinder a funeral home's ability to provide top quality customer service to their clients. His funeral home cannot accommodate serving food and therefore, he believes his funeral home and others like it will be unfairly disadvantaged by those who can. He believes that refining legislation on other practices within the funeral industry, like the death registry, would be a better use of the state's time.

Reported by: Hannah Lauer

Date: 03/11/2020