

## BACKGROUNDER: CREMATION IN BC

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### OVERVIEW

Consumers making end-of-life choices for their family members can be assured that there are laws in BC regulating funeral services, cemeteries and crematoria. Cremation is an increasingly-popular option for people making end-of-life arrangements. According to the Vital Statistics Agency, more than 82% of British Columbians chose cremation in 2011. In British Columbia, all cremation services and operators are governed under the [Business Practices and Consumer Protection Act](#), the [Cremation, Interment and Funeral Services Act](#) and the [Cremation, Interment and Funeral Services Regulation](#).

### THE CREMATORIA LAW IN BC

Consumer Protection BC inspects and enforces the laws and regulations specific to funeral services. The law protects consumers by:

- Requiring detailed contracts of funeral services to be provided;
- Requiring proper authorizations are in place prior to funeral services being delivered;
- Requiring the respectful handling of human remains; and
- Requiring businesses to meet prescribed facility requirements.

### 2014 - 2016: CREMATION, INTERMENT & FUNERAL SERVICES IN BC BY THE NUMBERS

*\*Please note that all statistics below are all-encompassing for BC's cremation, interment and funeral services sectors.*

#### **Licensed places, activities and occupations:**<sup>1</sup>

- 2014: 660 licensed funeral providers, funeral directors, embalmers, cemetery operators and crematorium operators.
- 2015: 575 licensed funeral providers, funeral directors, embalmers, cemetery operators and crematorium operators.
- 2016: 702 licensed funeral providers, funeral directors, embalmers, cemetery operators and crematorium operators.

#### **Consumer inquiries:**

- 2014: 281 inquiries about the funeral services sectors, representing 3% of all calls and emails (10,079). Topics of interest included general inquiries (33% of funeral sector-related inquiries), transfers to other internal departments (24%) and general information about the law (7%).
- 2015: 286 inquiries about the funeral service sectors, representing 3% of all calls and emails (8,777). Topics of interest included general inquiries (35% of all sector related inquiries), transfers to other internal departments (17%), and quality of service (7%).
- 2016: 368 inquiries about the funeral sector, representing 3% of all calls and emails (10,509). Topics of interest included general inquiries (85% of funeral sector-related inquiries), licence status (7%), and questions regarding pre-need contracts (5%).

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<sup>1</sup> Does not include non-commercial licensed cemeteries as licenses are renewed on a five-year basis, with the last renewal year being 2014. There are usually approximately 400 non-commercial cemeteries licensed with Consumer Protection BC.

### **Investigations:**

- 2014: For the 22 funeral sector files that concluded with an outcome, voluntary compliance was achieved 32% of the time (7 instances); topics of investigation included identification of affiliation of operator, funeral provider or memorial dealer, obligation of funeral providers for each location and control of disposition of human remains or cremated remains; and enforcement action was taken 68% of the time (15 instances).
- 2015: For the 19 funeral sector files that concluded with an outcome, voluntary compliance was achieved 53% of the time (10 instances); topics of investigation included licence required, preneed contracts, funeral director's obligations; and enforcement action was taken 47% of the time (9 instances).
- 2016: For the 20 funeral sector files that concluded with an outcome, voluntary compliance was achieved 50% of the time (10 instances); topics of investigation included errors relating to interment, land use restrictions, moving of remains, deceptive acts and practices, refunds on contract cancellation, contents of at-need contracts, price list of pre-need contracts and providing accurate information on funeral services; and enforcement action was taken 50% of the time (10 instances).

## **BUSINESS OBLIGATIONS AND CONSUMER RIGHTS**

By law, crematoria operators must:

- Not dispose of human remains without proper authorization;
- Not refuse to accept or handle any container to enclose human remains, whether or not the container has been provided by the funeral provider, as long as it meets the requirements of the *Public Health Act* and section 9 and 10 of the [Cremation, Interment and Funeral Services Regulation](#) (for example, not present a health hazard);
- Cremate, as soon as practicable, human remains that the operator is responsible for cremating, but not within 48 hours after death unless ordered to do so under the *Public Health Act*;
- Make prescribed bylaws;
- Maintain prescribed records; and
- Not charge for holding or storing cremated remains during the 60-day period following cremation.

By law, consumers are entitled:

- To make informed decisions. For example, to know whether a crematorium is licensed;
- That human remains be treated and handled in a respectful manner; and
- To scatter the cremated remains of their loved one on public or private property, if they have permission from the landowner or responsible government.

## **CONSUMER TIPS**

1. **Check licensing status.** By law, anyone offering cremation services in BC must be licensed. Visit Consumer Protection BC's website, [www.consumerprotectionbc.ca](http://www.consumerprotectionbc.ca) to research the licensing status.

2. **Be informed about spreading ashes.** By law, if your loved one has stated in a will that they'd like their ashes spread in a certain location, that wish must be honoured (subject to any applicable legislation and as long as the request is not unreasonable). Cremated remains can be scattered on private or public property, although permission must be granted by the landowner or the government body who oversees those lands.
3. **Find out what's included in the price.** Read your contract carefully (keep a signed copy, too) and find out what is included and what's extra. For example, is the cost of the urn to hold the ashes included? (Remember: by law, you have the right to supply your own container to hold the cremated remains of your loved one.)

### ENFORCEMENT ACTIONS

All recent enforcement actions can be found online, on Consumer Protection BC's website, [www.consumerprotectionbc.ca](http://www.consumerprotectionbc.ca), and under the [Recent Enforcement Actions page](#).

### FOR MORE INFORMATION

Visit [www.consumerprotectionbc.ca](http://www.consumerprotectionbc.ca) for more information for both consumers and regulated businesses. Additional statistical information may also be available in Consumer Protection BC's [annual reports](#). Consumer Protection BC also provides up-to-date information on [Facebook](#), [Twitter](#) and [the corporate blog](#).

Questions or complaints can be directed to Consumer Protection BC's Inquiry Centre at, toll free, 1-888-564-9963 or [info@consumerprotectionbc.ca](mailto:info@consumerprotectionbc.ca).