

Funeral Arrangements

- There is no provision in Alaska for you to name an agent for body disposition if you want someone other than your next-of-kin to be in charge.
- It is legal for a family to handle everything without a funeral director. To find a home funeral guide, check:
<http://homefuneraldirectory.com/>
- If you will be using a funeral home, prices must be given over the telephone. You must be given a General Price List (GPL) if you visit in person and *before* discussing any services.
- You must be shown a Casket and Outer Burial Container Price List before choosing either.
- You must be given a Statement of Funeral Goods and Services Selected with the total cost before any services are provided.
- **Do not sign any contract for more than you can afford to pay.** There is \$2,500 tribal assistance for funerals. No other organization helps with funeral costs.

Autopsy

- If the death was unexpected or the cause of death uncertain, the state will probably require an autopsy.
- If you have questions about the death, you may request and pay for a private autopsy.
- If a viewing is planned, there will likely be extra charges to repair the body.
- Some coroners are also funeral directors, a conflict of interest. Be sure to pick the funeral home of your choice without pressure to use the coroner's funeral home.

Organ, Body, and Tissue Donation

- If the body has been on life support, you may be asked about organ donation. Only about 1% of the deaths are eligible for major organ donation. The organ procurement organiza-

tion (OPO) will pay for any extra body preparation needed if you plan a viewing. Decline any such charge you might face.

- After-death donation of eyes, skin, and long bones may be considered. Ask the hospital social worker or the funeral director about this.
- There is no medical school in Alaska, but one might consider Washington state for body donation. There are also non-academic companies that accept whole bodies for research and education. Various body parts will likely be shipped around the country and possibly internationally. The state has no laws regulating these companies. Note that this is an entirely different category of body donation from the traditional cadaver donation to a medical school.
- To find the nearest body donation option, the cost if any, and the reasons for body rejection check:

www.finalrights.org

Embalming and Other Requirements

- Embalming is not required in this state under any circumstance.
- While many airlines prefer to have a body embalmed, a sealed casket may make that optional.
- Many funeral homes have a policy that requires embalming for a public viewing. Embalming does not protect the public health. It merely delays decomposition.

Caskets and Vaults

- Neither is required by state law for burial. A rigid combustible container is required for cremation.
- A casket will not prevent natural decomposition.
- You may build your own or purchase from a casket retailer. Vault dealers rarely sell to the public.

- The purpose of a vault is to keep the ground from caving in. It facilitates maintenance for the cemetery. It has no preservative qualities regardless of how much you spend.

Burial

- There are no laws that specifically permit or prohibit burial on your own land. A good practice is 150 feet from a water supply and 25 feet from a power line with two or three feet of earth on top. You should draw a map of the land showing where the family cemetery is and have it recorded with the deed. Property used exclusively for cemetery purposes is not taxed.
- If you purchase a lot in a commercial, town, or religious cemetery, you will have the opening and closing costs in addition to the cost of the plot.
- Some cemeteries have restrictions on the kind of monuments or plantings and adornment that are permitted.
- A disinterment permit must be obtained from the local the Health Department.

Cremation

- A medical examiner's permit is required.
- A pacemaker must be removed.
- Some crematories will let the family witness the cremation.
- The cremation process takes about two-and-a-half hours for an average adult. The staff will remove any metal and pulverize the bone fragments to small particles, similar to white or gray coarse sand, about 5-10 pounds
- Cremated remains may be kept at home, scattered or buried on private land with the land-owner's permission, interred in a cemetery or memorial garden, or placed in a mausoleum niche.

- If scattering on public land or water, don't ask, don't tell. Park service people are concerned that some may want to create a little shrine at the site and would prefer not to know your plans. Be discreet. The Environmental Protection Agency (EPA) says they must be scattered three miles out to sea. That's because the federal agency has no jurisdiction over the first three miles; the bordering state does. Most states (except for California and South Dakota) have no restrictions on the disposition of cremated remains, and there are no "cremains police" even in those two states. Do as you wish.
- If flying with cremated remains, be sure they are in a non-metal container to pass through the scanner.
- Cremated remains may be sent only by U.S. Postal Service. Use Priority Mail Express and ask for delivery confirmation. FedEx and UPS will not knowingly accept cremated remains.
- All crematories must be affiliated with a funeral establishment.

Veterans and Their Dependants

- You will need a copy of the DD214 discharge papers for gaining benefits.
- There is a veterans cemetery in Fort Richardson and another in Sitka where interment and marker are free of charge for the veteran, spouse, and certain dependants.
- The U.S. Department of Veterans Affairs (VA) provides markers for veterans no matter where they are interred. Markers can be upright or flat, and they come in bronze, marble, and granite: (800) 697-6947.
- A free flag can be ordered through the U.S. Postal Service.
- A comprehensive list of veterans benefits can be found here:
<http://www.funerals.org/faq/60-veterans-funeral-and-burial-benefits>

Prepaying for a Funeral

- If the contract guarantees the price, the interest is supposed to cover funeral inflation. But many investments do not appreciate as fast as the prices climb. You have a right to insist on no extra charges if it is clearly identified in the contract as "price guaranteed." Any substitutions should be of equal **quality** to that described in the contract.
- Prices of third-party items such as the crematory fee or obituary usually cannot be guaranteed.
- Setting aside assets for Medicaid eligibility is the one time it makes sense to prepay for a funeral. The limit is \$10,000 in an irrevocable account. Be sure to ask if you will be getting an annual report of your prepaid funds and let those who will be handling your affairs know that you have prepaid.

- This is one of the few states that permits an extra charge for writing a preneed contract.

Social Security Death Benefit

- There is a \$255 death benefit for a surviving spouse. There is no similar benefit when that spouse dies.
- Dependent children are entitled to survivor benefits when a parent dies.

There is no state Board of Funeral Service or Cemetery Board. The Department of Commerce, Community and Economic Development licenses funeral directors, embalmers, and funeral homes.

Complaints

- Valid complaints include dishonesty, misrepresentation, unprofessional conduct, negligence, breach of contract, violation of state or federal laws. For how to file a complaint, see:
 - www.funerals.org/your-legal-rights/complaint
 - Contact the Commerce Department: www.commerce.state.ak.us/home.htm

Much of the information for this brochure was taken from *Final Rights: Reclaiming the American Way of Death* (Upper Access, 2011) www.finalrights.org

Additional information is available at www.funerals.org

Your Funeral Consumer Rights in Alaska

Prepaying the Funeral Home		
	Pros	Cons
Pay on Death Savings Account or Bank CD	<ul style="list-style-type: none"> ❖ You have total control of the funds. ❖ Can easily change plans or use for emergencies. ❖ Can make time payments easily. 	<ul style="list-style-type: none"> ❖ Asset for Medicaid purposes. ❖ You must declare interest on your tax return. ❖ Penalty to cash CD prior to death.
Qualified Funeral Trust	<ul style="list-style-type: none"> ❖ If irrevocable, it won't be an asset for Medicaid. ❖ The trust pays taxes on the interest. 	<ul style="list-style-type: none"> ❖ There is no guarantee fund to protect against embezzlement. ❖ Taxes paid on interest that wouldn't be taxed if you're low-income.
Master or Simple Trust	<ul style="list-style-type: none"> ❖ If irrevocable, it won't be an asset for Medicaid. ❖ You are supposed to receive an annual report of the interest earned which will serve as reassurance your funeral funds are safe. 	<ul style="list-style-type: none"> ❖ No guarantee fund to protect against embezzlement. ❖ You will have to declare the interest on your tax return. ❖ Can be converted to insurance without your permission. (See below.)
Funeral or Life Insurance	<ul style="list-style-type: none"> ❖ Easily portable. ❖ If the funeral home is the beneficiary, it won't be considered an asset for Medicaid eligibility. ❖ The insurance company pays the taxes. 	<ul style="list-style-type: none"> ❖ If you need to cancel, you may get back only about half of what you paid. ❖ If paying over time, you may pay twice the face value. ❖ There may be a 30-day delay in receiving funds for which the funeral home may charge an extra fee.

Funeral Ethics Organization
 87 Upper Access Rd.
 Hinesburg, VT 05461
<http://www.funeraethics.org>