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**HOUSE BILL NO. 1079**

Offered January 13, 2010

Prefiled January 13, 2010

A *BILL to amend and reenact § 54.1-2312 of the Code of Virginia, relating to certain cemetery companies exempt from reporting requirements.*

Patron—Lewis

Referred to Committee on Health, Welfare and Institutions

**Be it enacted by the General Assembly of Virginia:**

**1. That § 54.1-2312 of the Code of Virginia is amended and reenacted as follows:**

**§ 54.1-2312. Exemptions.**

A. The provisions of this chapter shall not apply to cemeteries wholly owned and operated by the state or a county, city or town; a church; or a nonstock corporation not operated for profit if the corporation (i) does not compensate any officer or director except for reimbursement of reasonable expenses incurred in the performance of his official duties, (ii) does not sell or construct or directly or indirectly contract for the sale or construction of vaults or lawn, garden or mausoleum crypts, and (iii) uses proceeds from the sale of all graves and entombment rights for the sole purpose of defraying the direct expenses of maintaining the cemetery.

B. The provisions of this chapter shall not apply to any community cemetery not operated for profit if the cemetery (i) does not compensate any officer or director except for reimbursement of reasonable expenses incurred in the performance of his official duties, and uses the proceeds from the sale of the graves and mausoleum spaces for the sole purpose of defraying the direct expenses of maintaining its facilities or (ii) was chartered by the Commonwealth prior to 1857 A.D.

C. The provisions of this chapter regarding preneed burial contracts shall not apply to prearranged funeral plans entered into by licensees of the Board of Funeral Directors and Embalmers.

D. The provisions of the chapter shall not apply to any family cemetery provided that no graves or entombment rights therein are sold or offered for sale to the public.

*E. Any cemetery company that is operated for profit but which sells plots of land to individuals or groups of individuals to be used by the individual or individuals as a family burial plot for the interment of more than one member of a family shall be exempt from any requirement of the Board related to creation or maintenance of records of interments.*