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HOUSE BILL NO. 278

Offered January 13, 2010

Prefiled January 11, 2010

A *BILL to amend and reenact §§ 54.1-2806 and 54.1-2825 of the Code of Virginia, relating to funerals and the disposition of human remains.*

Patrons—Albo and Ebbin

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2806 and 54.1-2825 of the Code of Virginia are amended and reenacted as follows:
§ 54.1-2806. Refusal, suspension or revocation of license.

The Board may refuse to admit a candidate to any examination, refuse to issue a license to any applicant and may suspend a license for a stated period or indefinitely, or revoke any license or censure or reprimand any licensee or place him on probation for such time as it may designate for any of the following causes:

1. Conviction of any felony or any crime involving moral turpitude;
2. Unprofessional conduct which is likely to defraud or to deceive the public or clients;
3. Misrepresentation or fraud in the conduct of the funeral service profession, or in obtaining or renewing a license;
4. False or misleading advertising or solicitation;
5. Solicitation at-need or any preneed solicitation using in-person communication by the licensee, his agents, assistants or employees; however, general advertising and preneed solicitation, other than in-person communication, shall be allowed;
6. Employment by the licensee of persons known as "cappers" or "steerers," or "solicitors," or other such persons to obtain the services of a holder of a license for the practice of funeral service;
7. Employment directly or indirectly of any agent, employee or other person, on part or full time, or on a commission, for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular funeral establishment;
8. Direct or indirect payment or offer of payment of a commission to others by the licensee, his agents, or employees for the purpose of securing business;
9. Use of alcohol or drugs to the extent that such use renders him unsafe to practice his licensed activity;
10. Aiding or abetting an unlicensed person to practice within the funeral service profession;
11. Using profane, indecent or obscene language within the immediate hearing of the family or relatives of a deceased, whose body has not yet been interred or otherwise disposed of;
12. Solicitation or acceptance by a licensee of any commission or bonus or rebate in consideration of recommending or causing a dead human body to be disposed of in any crematory, mausoleum or cemetery;
13. Violation of any statute, ordinance or regulation affecting the handling, custody, care or transportation of dead human bodies;
14. Refusing to surrender promptly the custody of a dead human body upon the express order of the person lawfully entitled to custody;
15. Knowingly making any false statement on a certificate of death;
16. Violation of any provisions of Chapter 7 (§ 32.1-249 et seq.) of Title 32.1;
17. Failure to comply with § 54.1-2812, and to keep on file an itemized statement of funeral expenses in accordance with Board regulations;
18. Knowingly disposing of parts of human remains, including viscera, that are received with the body by the funeral establishment, in a manner different from that used for final disposition of the body, unless the persons authorizing the method of final disposition give written permission that the body parts may be disposed of in a manner different from that used to dispose of the body;
19. Violating or failing to comply with Federal Trade Commission rules regulating funeral industry practices;
20. Violating or cooperating with others to violate any provision of this chapter or the regulations of the Board of Funeral Directors and Embalmers or the Board of Health;
21. Failure to comply with the reporting requirements as set forth in § 54.1-2817 for registered funeral service interns;
22. Failure to provide proper and adequate supervision and training instruction to registered funeral

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59 service interns as required by regulations of the Board;

60 23. Violating any statute or regulation of the Board regarding the confidentiality of information
61 pertaining to the deceased or the family of the deceased or permitting access to the body in a manner
62 that is contrary to the lawful instructions of the next-of-kin of the deceased;

63 24. Failure to include, as part of the general price list for funeral services, a disclosure statement
64 notifying the next of kin that certain funeral services may be provided off-premises by other funeral
65 service providers; ~~and~~

66 25. Disciplinary action against a license, certificate or registration issued by another state, the District
67 of Columbia or territory or possession of the United States.; *and*

68 26. *Failure to either embalm or store in refrigeration human remains within 24 hours of the receipt*
69 *of such remains.*

70 § 54.1-2825. Person to make arrangements for funeral and disposition of remains.

71 Any person may designate in a signed and notarized writing, which has been accepted in writing by
72 the person so designated, an individual who shall make arrangements *and be financially and otherwise*
73 *responsible* for his ~~burial or funeral~~ and the disposition of his remains, including cremation, upon his
74 death. *Such designee shall have priority over all persons otherwise entitled to make such arrangements,*
75 *providing such designee provides a copy of the signed and notarized writing to the funeral home within*
76 *24 hours of the funeral home receiving the remains.*