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HOUSE BILL NO. 1385

Offered February 3, 2010

A BILL to amend and reenact § 54.1-2312 of the Code of Virginia and to repeal § 57-39.1:1 of the Code of Virginia, relating to the Cemetery Board; exemptions from licensure; internment rights.

Patron—Alexander

Unanimous consent to introduce

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. The provisions of this chapter shall not apply to the resale of any grave or entombment right in a cemetery located in the Commonwealth provided the resale includes the complete transfer of all preneed burial contract rights associated with the grave or entombment right.

2. That § 57-39.1:1 of the Code of Virginia is repealed.

INTRODUCED

HB1385