

# VIRGINIA ACTS OF ASSEMBLY -- 2013 SESSION

## CHAPTER 108

*An Act to amend and reenact § 54.1-2810 of the Code of Virginia, relating to Board of Funeral Directors and Embalmers; licensure of funeral establishments; hardship waivers.*

[S 1142]

Approved March 6, 2013

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

**1. That § 54.1-2810 of the Code of Virginia is amended and reenacted as follows:**

**§ 54.1-2810. Licensure of funeral establishments.**

No person shall conduct, maintain, manage or operate a funeral establishment unless a license for each such establishment has been issued by the Board. No license to operate a funeral establishment shall be issued by the Board unless each such funeral establishment has in charge, full time, a person licensed for the practice of funeral service or a licensed funeral director. Applications for funeral establishment licenses shall be made on forms furnished by the Board and filed by the owner or the registered agent of the corporation with the Board.

Each funeral establishment license shall expire annually at a time prescribed by Board regulation. A license may be renewed within ~~thirty~~ 30 days of its expiration. Upon expiration of the license, the Board shall notify each licensee of the provisions of this section. Renewal of a license after the expiration of the ~~thirty-day~~ 30-day period shall be in the discretion of the Board.

Violations of any provisions of this chapter or any Board regulations by any person, or an officer, agent or employee with the knowledge or consent of any person operating a funeral establishment shall be considered sufficient cause for suspension or revocation of the funeral establishment license.

An operator of a funeral establishment shall not allow any person licensed for the practice of funeral service to operate out of his funeral establishment unless the licensee is the operator or an employee of the operator of a licensed funeral establishment.

If the manager of the funeral service establishment is unable, for any reason, to exercise adequate supervision, direction, management, and control of the funeral establishment, the owner shall designate any funeral service licensee to serve as a temporary manager and notify the Board in writing within ~~fourteen~~ 14 days. If such inability of the manager exceeds ~~ninety~~ 90 days or is expected to exceed ~~ninety~~ 90 days, a new manager shall be designated and registered with the Board. At the conclusion of the ~~ninety-day~~ 90-day period for designation of a new manager, a funeral service establishment which has failed to designate a new manager shall not operate as a funeral service establishment.

When licensing funeral establishments, the Board may grant a hardship waiver from the requirement for a full-time manager licensed for the practice of funeral service or licensed as a funeral director, allowing the operation of two funeral establishments having in charge one full-time person licensed for the practice of funeral service or one licensed funeral director who divides his time between the two funeral establishments. Prior to granting a hardship waiver, the Board shall find that (i) the two establishments have been in operation for at least three years; (ii) the combined average number of funeral calls at the two establishments, as submitted in monthly reports to the Division of Vital Records and Health Statistics of the Virginia Department of Health, over the previous three years is no more than ~~eighty-five~~ 85 per year; and (iii) the distance between the two establishments is ~~thirty-five~~ 50 miles or less.

Prior to granting a renewal of a license granted under a hardship waiver, the Board shall determine whether the requirements for license renewal under such waiver continue to exist.