

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 27

An Act to amend and reenact § 54.1-2312 of the Code of Virginia, relating to the Department of Professional and Occupational Regulation; cemeteries; exemptions.

[H 950]

Approved March 2, 2020

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. *For the purposes of this subsection, "church" includes a church that operates as a historic landmark.*

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. Subject to the requirements of § 54.1-2312.1, the provisions of this chapter shall not apply to the resale of any interment right in a cemetery in the Commonwealth.