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HOUSE BILL NO. 731

Offered January 22, 1996

A BILL to amend and reenact §§ 32.1-37.1 and 54.1-2807.1 of the Code of Virginia, relating to infectious diseases and the practice of funeral services.

Patrons—Hamilton and Diamonstein

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-37.1 and 54.1-2807.1 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-37.1. Report of diseases infecting dead human bodies; disclosure to family or next of kin required.

A. Upon transferring custody of any dead body to any person practicing funeral services or his agent, any hospital, nursing facility or nursing home, adult care residence, or correctional facility shall, at the time of transfer, notify the person practicing funeral services or his agent if the individual was known to have had immediately prior to death an infectious disease which may be transmitted through exposure to any bodily fluids.

B. Any person practicing funeral services or his agent who is notified that any dead body was known to have had immediately prior to death an infectious disease which may be transmitted through exposure to any bodily fluids, whose funeral establishment does not embalm or otherwise prepare bodies with infectious diseases, shall immediately notify the family or next of kin that the dead body will be transferred to another establishment for embalming and preparation in order that the family or next of kin may choose another funeral establishment in their discretion.

C. Any facility or members of its staff specified in this section shall not be liable for injury resulting from ordinary negligence in failing to identify, as herein prescribed, a dead body of a person known to have had an infectious disease immediately prior to death.

§ 54.1-2807.1. Confidentiality of information on infectious diseases; information not groups for refusal; disclosure of services to family or next of kin require.

All information received by any person practicing funeral services or his agent regarding the fact that any dead body which they have received harbors an infectious disease shall be confidential, and disclosure of such information shall be grounds for disciplinary action against the funeral service licensee pursuant to § 54.1-2806.

Notification that a dead body harbors an infectious disease will not constitute grounds for any funeral director's refusal to accept the body.

Whenever any family or next of kin notifies any person practicing funeral services or his agent regarding the fact that any dead body harbors an infectious disease, the person practicing funeral services or his agent shall have a duty to inform such family or next of kin of any limitations on the funeral home's. If the person practicing funeral services is unable to perform the embalming or other preparation of the dead body and must, therefore, transport the dead body to another funeral home for embalming and other preparation, he shall immediately disclose this fact at the initial contact with the family or next of kin in order that the family or next of kin may exercise their right to choose another funeral establishment. Failure to so inform the family or next of kin shall constitute a breach of professional ethics and may subject the person practicing funeral services to Board disciplinary actions.

INTRODUCED

HB731