

### WEST VIRGINIA LEGISLATURE

**REGULAR SESSION, 1972** 

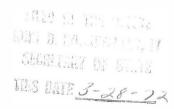
# ENROLLED

HOUSE BILL No. 1071

		1
(By Mr	Vius	)

PASSED March 10 1972

In Effect 90 day from Passage





#### **ENROLLED**

## House Bill No. 1071

(By Mr. Ours)

[Passed March 10, 1972; in effect ninety days from passage.]

AN ACT to amend and reenact section three, article six, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the membership of the West Virginia board of embalmers and funeral directors; salaries; board organization; powers and duties; instruction and inspection.

Be it enacted by the Legislature of West Virginia:

That section three, article six, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

#### ARTICLE 6. EMBALMERS AND FUNERAL DIRECTORS.

- §30-6-3. Oath of members of board; officers; salary and expenses; bond of treasurer; meetings; powers and duties; notice; rules and regulations; school of instruction; inspection.
  - 1 Members of said board, before entering upon their
  - 2 duties, shall take and subscribe to the oath of office
  - 3 prescribed by the secretary of state.
  - 4 Said board shall select from its own members a presi-
  - 5 dent, a secretary and a treasurer. Each member shall
  - 6 be reimbursed for his traveling expenses, incident to his
  - 7 attendance upon the business of the board, and in addi-
  - 8 tion thereto, the sum of fifty dollars per day for each
  - 9 day actually spent by such member upon the business

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of the board; except that the state health director shall receive only such compensation as he is entitled to receive for his services as state health director, together with actual and necessary traveling expenses while engaged upon the business or in attendance of the board, with such compensation and expenses to be payable from the funds of the state health department. The secretary shall receive an annual salary of not to exceed one thousand dollars, the amount and payment of which shall be fixed by said board, and in addition thereto shall receive traveling and other incidental expenses incurred in the performance of his duties.

22. The board may employ an executive secretary and such 23 clerks, inspectors and assistants as it shall deem neces-24 sary to discharge the duties imposed by the provisions of this article and the duly promulgated rules and regu-26 lations of the board and to effect its purposes, and the board shall determine the duties and fix the compensation of such executive secretary, clerks, inspectors and 29 assistants, subject to the general laws of the state. Any 30 inspector employed by the board shall have either a West 31 Virginia embalmer's license or a West Virginia funeral 32 director's license. Any inspection shall be conducted in 33 such a manner so as not to interfere with the conduct of business within the funeral establishment, and the inspector shall be absolutely prohibited from examining any books and records of the funeral establishment. 36

All such expenses, per diem and compensation shall be paid out of the receipts of the board, except such expenses and compensation as may be payable to the state health director, but such allowances shall at no time exceed the receipts of the board.

The treasurer of the board shall give bond to the State of West Virginia in such sum as the board shall direct with two or more sureties or a reliable surety company approved by the board, and such bond shall be conditioned for the faithful discharge of the duties of such officer. Such bond, with approval of the board endorsed thereon, shall be deposited with the treasurer of the state of West Virginia.

The board shall hold not less than two meetings during each calendar year, one during the month of April and one during the month of November for the purpose of examining applicants for licenses, such meeting or meet-ings to be held at such time and place as the board shall determine. The time and place of such meeting shall be announced by publication in three daily newspapers of general circulation in different locations in the state, and publication to be once a week for two consecutive weeks immediately preceding each such meeting.

The board may hold such other meetings as it may deem necessary and may transact any business at any such meeting. Three or more members shall comprise a quorum authorizing the board to transact such business as is prescribed under this article.

The board shall have power and it shall be its duty to make and enforce all necessary rules and regulations, not inconsistent with this article, for the examination and licensing of funeral directors, and the general practice of funeral directing; the examination and licensing of embalmers and the general practice of embalming and the registration and regulation of apprentices; the licensing of funeral establishments and the general operation of funeral establishments, except that no rules and regulations issued by the board shall require that an applicant for a license to operate a funeral establishment shall be required to have either an embalmer's or funeral director's license.

The board shall publish in its rules and regulations the subjects to be covered in the said examinations and the standards to be attained thereon. Changes in the rules and regulations shall be published and shall be given due publicity at least ninety days before becoming effective.

The board shall conduct annually a school of instructions to apprise funeral directors and embalmers of the most recent scientific knowledge and developments affecting their profession. Qualified lecturers and demonstrators may be employed by the board for this purpose. The board shall give notice of the time and place at

- 90 which such school will be held for all licensed funeral
- 91 directors and embalmers, and it shall be the duty of
- 92 every licensed funeral director and embalmer to attend
- 93 at least one such school in every three years.
- 94 The board or any of its member or any duly authorized
- 95 employee of the board shall have the authority to enter
- 96 at all reasonable hours for the purpose of inspecting the
- 97 premises in which the business or profession of funeral
- 98 directing is conducted or practiced or where embalming
- 99 is practiced.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Unsul It Beall
Chairman Senate Committee
Chairman House Committee
Originated in the House.
In effect ninety days from passage.
Howard W Careon
Clerk of the Senate
OlBlankenships
Clerk of the House of Delegates
E. Han M. Court
President of the Senate
Speaker House of Delegates
The within Approved this the 27th
day of March, 1972.  Auha. Survey.  Governor

PRESENTED TO THE GOVERNOR

Date 3/16/72 Time 2:10p.m.