WEST VIRGINIA CODE: §30-6-3

§30-6-3. Definitions.

As used in this article, the following words and terms have the following meanings, unless the context clearly indicates otherwise:

"Alkaline hydrolysis" means the reduction of a dead human body to essential elements through a water-based dissolution process using alkaline chemicals, heat, agitation, and pressure to accelerate natural decomposition; the processing of hydrolyzed remains after removal from the alkaline hydrolysis vessel; placement of the processed remains in a hydrolyzed remains container; and release of the hydrolyzed remains to an appropriate party. Alkaline hydrolysis is a form of final disposition.

"Apprentice" means a person who is preparing to become a licensed funeral director or a funeral service licensee and is learning the practice of embalming, funeral directing, or cremation under the direct supervision and personal instruction of a duly licensed funeral service licensee.

"Authorized representative" means a person legally authorized or entitled to order the cremation or burial of the deceased, as established by rule. An authorized representative may include in the following order of precedence:

- (a) The deceased, who has expressed his or her wishes regarding the disposal of their remains through a last will and testament, an advance directive, or preneed funeral contract, as defined in §45-14-2 of this code;
- (b) The surviving spouse of the deceased, unless a petition to dissolve the marriage was pending at the time of decedent's death;
- (c) An individual previously designated by the deceased as the person with the right to control disposition of the deceased's remains in a writing signed and notarized by the deceased: Provided, That no person may be designated to serve in such capacity for more than one nonrelative at any one time;
- (d) The deceased's next of kin;
- (e) A court order;
- (f) A public official who is charged with arranging the final disposition of an indigent deceased; or
- (g) A representative of an institution who is charged with arranging the final disposition of a deceased who donated his or her body to science.

- "Board" means the West Virginia Board of Funeral Service Examiners.
- "Certificate" means a certification by the board to be a crematory operator.
- "Courtesy card holder" means a person who only practices funeral directing periodically in West Virginia and is a licensed embalmer and funeral director in a state which borders West Virginia.
- "Cremated remains" or "cremains" means all human remains, including foreign matter cremated with the human, recovered after the completion of cremation.
- "Cremation" means the mechanical or thermal process whereby a dead human body is reduced to ashes and bone fragments and then further reduced by additional pulverization, burning, or re-cremating when necessary.
- "Crematory" means a licensed place of business where a deceased human body is reduced to ashes and bone fragments.
- "Crematory operator" means a person certified by the board to operate a crematory.
- "Crematory operator in charge" means a certified crematory operator who accepts responsibility for the operation of a crematory.
- "Deceased" means a dead human being for which a death certificate is required.
- "Embalmer" means a person licensed to practice embalming.
- "Embalming" means the practice of introducing chemical substances, fluids, or gases used for the purpose of preservation or disinfection into the vascular system or hollow organs of a dead human body by arterial or hypodermic injection for the restoration of the physical appearance of a deceased.
- "Funeral" means a service, ceremony, or rites performed for the deceased with a body present.
- "Funeral directing" means the business of engaging in the following:
- (a) The shelter, custody, or care of a deceased;
- (b) The arranging or supervising of a funeral or memorial service for a deceased; and
- (c) The maintenance of a funeral establishment for the preparation, care, or disposition of a deceased.
- "Funeral director" means a person licensed to practice funeral directing.
- "Funeral establishment" means a licensed place of business devoted to the care,

preparation, and arrangements for the transporting, embalming, funeral, burial, or other disposition of a deceased. A funeral establishment can include a licensed crematory.

"Funeral service licensee" means a person licensed after July 1, 2003, to practice embalming and funeral directing.

"License" means a license, which is not transferable or assignable, to:

- (a) Practice embalming and funeral directing; and,
- (b) Operate a crematory or a funeral establishment.

"Licensee" means a person holding a license issued under the provisions of this article.

"Licensee in charge" means a licensed embalmer and funeral director who accepts responsibility for the operation of a funeral establishment.

"Memorial service" means a service, ceremony, or rites performed for the deceased without a body present.

"Mortuary" means a licensed place of business devoted solely to the shelter, care, and embalming of the deceased.

"Person" means an individual, partnership, association, corporation, not-for-profit organization, or any other organization.

"Registration" means a registration issued by the board to be an apprentice to learn the practice of embalming, funeral directing, or cremation.

"State" means the State of West Virginia.