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.

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"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,

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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.

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