WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1972

ENROLLED

HOUSE BILL No. 671

(By Mr. Quail)

PASSED March 10, 1972

In Effect 90 days 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 duties, shall take and subscribe to the oath of office prescribed by the secretary of state.

2. Said board shall select from its own members a president, a secretary and a treasurer. Each member shall be reimbursed for his traveling expenses, incident to his attendance upon the business of the board, and in addition thereto, the sum of fifty dollars per day for each day actually spent by such member upon the business
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.

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

All such expenses, per diem and compensation shall be
paid out of the receipts of the board, except such ex-
penses 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 condi-
tioned 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 meetings 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
which such school will be held for all licensed funeral directors and embalmers, and it shall be the duty of every licensed funeral director and embalmer to attend at least one such school in every three years.

The board or any of its member or any duly authorized employee of the board shall have the authority to enter at all reasonable hours for the purpose of inspecting the premises in which the business or profession of funeral directing is conducted or practiced or where embalming is practiced.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within Approved this the 27th day of March, 1972.

Governor
PRESENTED TO THE
GOVERNOR

Date 3/16/72

Time 2:10 p.m.