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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1972



ENROLLED

HOUSE BILL No. 1071

(By Mr. Quis)



PASSED March 10 1972

In Effect 90 days from Passage



1071

FILED IN THE OFFICE
OF THE SECRETARY OF STATE
SECRETARY OF STATE
THIS DATE 3-28-72

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

10 of the board; except that the state health director shall
11 receive only such compensation as he is entitled to receive
12 for his services as state health director, together with
13 actual and necessary traveling expenses while engaged
14 upon the business or in attendance of the board, with
15 such compensation and expenses to be payable from
16 the funds of the state health department. The secretary
17 shall receive an annual salary of not to exceed one
18 thousand dollars, the amount and payment of which shall
19 be fixed by said board, and in addition thereto shall
20 receive traveling and other incidental expenses incurred
21 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
25 of this article and the duly promulgated rules and regu-
26 lations of the board and to effect its purposes, and the
27 board shall determine the duties and fix the compensa-
28 tion 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
34 business within the funeral establishment, and the in-
35 spector shall be absolutely prohibited from examining
36 any books and records of the funeral establishment.

37 All such expenses, per diem and compensation shall be
38 paid out of the receipts of the board, except such ex-
39 penses and compensation as may be payable to the state
40 health director, but such allowances shall at no time
41 exceed the receipts of the board.

42 The treasurer of the board shall give bond to the State
43 of West Virginia in such sum as the board shall direct
44 with two or more sureties or a reliable surety company
45 approved by the board, and such bond shall be condi-
46 tioned for the faithful discharge of the duties of such
47 officer. Such bond, with approval of the board endorsed
48 thereon, shall be deposited with the treasurer of the
49 state of West Virginia.

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

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

65 The board shall have power and it shall be its duty to
66 make and enforce all necessary rules and regulations,
67 not inconsistent with this article, for the examination
68 and licensing of funeral directors, and the general prac-
69 tice of funeral directing; the examination and licensing
70 of embalmers and the general practice of embalming
71 and the registration and regulation of apprentices; the
72 licensing of funeral establishments and the general opera-
73 tion of funeral establishments, except that no rules and
74 regulations issued by the board shall require that an
75 applicant for a license to operate a funeral establishment
76 shall be required to have either an embalmer's or funeral
77 director's license.

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

84 The board shall conduct annually a school of instruc-
85 tions to apprise funeral directors and embalmers of the
86 most recent scientific knowledge and developments affect-
87 ing their profession. Qualified lecturers and demon-
88 strators may be employed by the board for this purpose.
89 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.

Russell H. Beall

Chairman Senate Committee

Stephen J. Rutledge
Chairman House Committee

Originated in the House.

In effect ninety days from passage.

Howard W. Carson

Clerk of the Senate

C. A. Blankenship

Clerk of the House of Delegates

E. Hans McCourt

President of the Senate

Lewis N. McManis
Speaker House of Delegates

The within *approved* this the *27th*
March day of _____, 1972.

Arch A. Moore, Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/16/72

Time 2:10 p.m.