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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 2000

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Committee Substitute for
SENATE BILL NO. 22

(By Senator Jackson, et al)

PASSED March 11, 2000
In Effect ninety days from Passage

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STATE HOUSE

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 22

(SENATORS JACKSON, HELMICK, ROSS,
BALL AND SHARPE, *original sponsors*)

[Passed March 11, 2000; 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 embalmers and funeral directors; requiring board members to take oath; allowing for selection of officers; providing for salary and expenses; requiring treasurer to post bond; authorizing board to establish duties and compensation of employees; allowing for meetings to be set as needed; establishing a quorum; establishing powers and duties of board; authorizing licensure; authorizing legislative rules; providing for continuing education; and authorizing continuing education through audio or video recordings.

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; school of instruction; inspection.

1 (a) 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 (b) Said board shall select from its own members a
5 president, a secretary and a treasurer. Each member shall
6 be reimbursed for his or her traveling expenses, incident to
7 his or her attendance upon the business of the board, and
8 in addition thereto, the sum of fifty dollars per day for
9 each day actually spent by the member upon the business
10 of the board. The secretary shall receive an annual salary
11 of not to exceed one thousand dollars, the amount and
12 payment of which shall be fixed by the board, and in
13 addition thereto shall receive traveling and other inciden-
14 tal expenses incurred in the performance of his or her
15 duties.

16 (c) The board may employ an executive director and such
17 clerks, inspectors and assistants as it shall consider
18 necessary to discharge the duties imposed by the provi-
19 sions of this article and duly promulgated rules of the
20 board and to effect its purposes, and the board shall
21 determine the duties and fix the compensation of the
22 executive director, clerks, inspectors and assistants,
23 subject to the general laws of the state. Any inspector
24 employed by the board shall have either a West Virginia

25 embalmer's license or a West Virginia funeral director's
26 license. Any inspection shall be conducted in a manner so
27 as not to interfere with the conduct of business within the
28 funeral establishment, and the inspector shall be abso-
29 lutely prohibited from examining any books and records
30 of the funeral establishment.

31 (d) All the expenses, per diem and compensation shall be
32 paid out of the receipts of the board, but the allowances
33 shall at no time exceed the receipts of the board.

34 (e) The treasurer of the board shall give bond to the state
35 of West Virginia in the sum as the board shall direct with
36 two or more sureties or a reliable surety company ap-
37 proved by the board and the bond shall be conditioned for
38 the faithful discharge of the duties of the officer. The
39 bond, with approval of the board endorsed thereon, shall
40 be deposited with the treasurer of the state of West
41 Virginia.

42 (f) The board shall hold not less than two meetings
43 during each calendar year for the purpose of examining
44 applicants for licenses, the meeting or meetings to be held
45 at a time and place as the board shall determine. The time
46 and place of the meeting shall be announced by publica-
47 tion in three daily newspapers of general circulation in
48 different locations in the state and publication to be once
49 a week for two consecutive weeks immediately preceding
50 each meeting.

51 (g) The board may hold such other meetings as it may
52 consider necessary and may transact any business at the
53 meetings. Four or more members shall comprise a quorum
54 authorizing the board to transact such business as is
55 prescribed under this article.

56 (h) The board shall have the power and it shall be its
57 duty to make and enforce all necessary rules, not inconsis-
58 tent with this article, for the examination and licensing of

59 funeral directors and the general practice of funeral
60 directing; the examination and licensing of embalmers and
61 the general practice of embalming and the registration and
62 regulation of apprentices; and the licensing and general
63 operation of funeral establishments, except that no rules
64 issued by the board shall require that an applicant for a
65 license to operate a funeral establishment shall be required
66 to have either an embalmer's or funeral director's license.

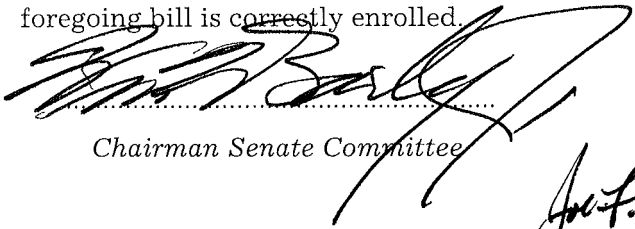
67 (i) On or before the first day of July, two thousand, the
68 board shall propose for legislative promulgation in
69 accordance with the provisions of article three, chapter
70 twenty-nine-a of this code rules necessary to effectuate the
71 purposed of this article including but not limited to the
72 subjects to be covered in the examinations and the stan-
73 dards to be attained for licensure; requirements for
74 continuing education, including authorizing continuing
75 education credits through audio or video recordings; and
76 a procedure for the investigation and resolution of com-
77 plaints against persons licensed under this article.

78 (j) The board may conduct annually a school of instruc-
79 tion to apprise funeral directors and embalmers of the
80 most recent scientific knowledge and developments
81 affecting their profession. Qualified lecturers and demon-
82 strators may be employed by the board for this purpose.
83 The board shall give notice of the time and place at which
84 the school will be held for all licensed funeral directors
85 and embalmers and it shall be the duty of every licensed
86 funeral director and embalmer to attend at least one such
87 school or other approved program every three years:
88 *Provided*, That the location of any school of continuing
89 education shall accommodate the geographic diversity of
90 the embalmers and funeral directors of this state. Compli-
91 ance with the requirements of continuing education is a
92 prerequisite for license renewal.

93 (k) Hours of continuing education may be obtained by
94 attending and participating in board-approved programs,
95 meetings, seminars or activities. It is the responsibility of
96 each licensee to finance his or her costs of continuing
97 education.

98 (l) The board, any of its members or any duly authorized
99 employee of the board shall have the authority to enter at
100 all reasonable hours for the purpose of inspecting the
101 premises in which the business or profession of funeral
102 directing is conducted or practiced or where embalming is
103 practiced.

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



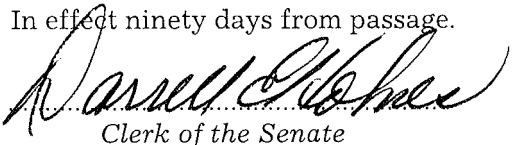
Chairman Senate Committee



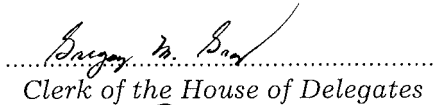
Chairman House Committee

Originating in the Senate.

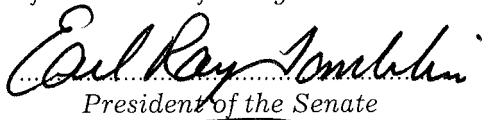
In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates

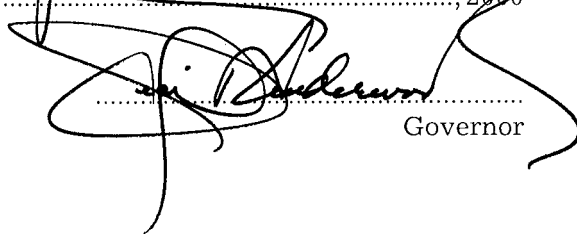


President of the Senate



Speaker House of Delegates

The within..... *approved* this the *3rd*
Day of *April*, 2008



Governor

PRESENTED TO THE

GOVERNOR,

Date 3/31/00

Time 2:35 pm