WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 2000

ENROLLED
Committee Substitute for
SENATE BILL NO. 22

(By Senator  Jackson, et al.)

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.

(a) Members of said board, before entering upon their duties, shall take and subscribe to the oath of office prescribed by the secretary of state.

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

(c) The board may employ an executive director and such clerks, inspectors and assistants as it shall consider necessary to discharge the duties imposed by the provisions of this article and duly promulgated rules of the board and to effect its purposes, and the board shall determine the duties and fix the compensation of the executive director, 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 a manner so as not to interfere with the conduct of business within the funeral establishment, and the inspector shall be absolutely prohibited from examining any books and records of the funeral establishment.

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

(e) The treasurer of the board shall give bond to the state of West Virginia in the sum as the board shall direct with two or more sureties or a reliable surety company approved by the board and the bond shall be conditioned for the faithful discharge of the duties of the officer. The bond, with approval of the board endorsed thereon, shall be deposited with the treasurer of the state of West Virginia.

(f) The board shall hold not less than two meetings during each calendar year for the purpose of examining applicants for licenses, the meeting or meetings to be held at a time and place as the board shall determine. The time and place of the 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 meeting.

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

(h) The board shall have the power and it shall be its duty to make and enforce all necessary rules, 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; and the licensing and general
operation of funeral establishments, except that no rules
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.

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

(j) The board may conduct annually a school of instruc-
tion to apprise funeral directors and embalmers of the
most recent scientific knowledge and developments
affecting their profession. Qualified lecturers and demon-
strators may be employed by the board for this purpose.
The board shall give notice of the time and place at which
the 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 or other approved program every three years:
Provided, That the location of any school of continuing
education shall accommodate the geographic diversity of
the embalmers and funeral directors of this state. Compli-
ance with the requirements of continuing education is a
prerequisite for license renewal.
(k) Hours of continuing education may be obtained by attending and participating in board-approved programs, meetings, seminars or activities. It is the responsibility of each licensee to finance his or her costs of continuing education.

(l) The board, any of its members 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

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, 2000.

Governor