

1 **Senate Bill No. 531**

2 (By Senator Stollings)

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4 [Introduced February 10, 2014; referred to the Committee on
5 Government Organization; and then to the Committee on the
6 Judiciary.]
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11 A BILL to amend and reenact §30-6-8, §30-6-10 and §30-6-17 of the
12 Code of West Virginia, 1931, as amended, all relating to
13 funeral service and embalming licenses; modifying educational
14 requirements; prohibiting a funeral director who is currently
15 on probation or other disciplinary action from supervising an
16 apprentice during the period of disciplinary action; and
17 extending certain time frames.

18 *Be it enacted by the Legislature of West Virginia:*

19 That §30-6-8, §30-6-10 and §30-6-17 of the Code of West
20 Virginia, 1931, as amended, be amended and reenacted, all to read
21 as follows:

22 **ARTICLE 6. BOARD OF FUNERAL SERVICE EXAMINERS.**

23 **§30-6-8. Embalmer license requirements.**

1 (a) The board shall issue a license to practice embalming to
2 an applicant who:

3 (1) Is of good moral character;

4 (2) Is eighteen years of age or over;

5 (3) Is a citizen of the United States or is eligible for
6 employment in the United States;

7 (4) Has a high school diploma or its equivalent;

8 (5) Has completed one of the following education requirements,
9 as evidenced by a transcript submitted to the board for evaluation:

10 (A) (I) Has ~~an associate~~ a bachelor's degree from an
11 accredited college or university; ~~or~~ and

12 ~~(ii) Has successfully completed at least sixty semester hours~~
13 ~~or ninety quarter hours of academic work in an accredited college~~
14 ~~or university toward a baccalaureate degree with a declared major~~
15 ~~field of study; and~~

16 ~~(iii) Has graduated from a school of mortuary science,~~
17 ~~accredited by the American Board of Funeral Service Education, Inc,~~
18 ~~which requires as a prerequisite to graduation the completion of a~~
19 ~~course of study of not less than twelve months; or~~

20 (ii) Has graduated from a school of mortuary science
21 accredited by the American Board of Funeral Service Education,
22 Inc., which requires as a prerequisite to graduation the completion
23 of a course of study of not less than twelve months; or

24 (B) Has a bachelor degree in mortuary science from an

1 accredited college or university;

2 (6) Has completed a one-year apprenticeship, under the
3 supervision of a licensed embalmer and funeral director actively
4 and lawfully engaged in the practice of embalming and funeral
5 directing in this state, which apprenticeship consisted of:

6 (A) Diligent attention to the work in the course of regular
7 and steady employment and not as a side issue to another
8 employment; and

9 (B) The apprentice taking an active part in:

10 (I) The operation of embalming not less than thirty-five dead
11 human bodies; and

12 (ii) Conducting not less than thirty-five funeral services;

13 (7) Passes, with an average score of not less than
14 seventy-five percent, the following examinations:

15 (A) The National Conference of Funeral Services examination at
16 a testing site provided by the national conference, which passage
17 is a condition precedent to taking the state law examination;

18 (B) The state law examination administered by the board, which
19 examination must be offered at least twice each year; and

20 (C) Any other examination required by the board; and

21 (8) Has paid all the appropriate fees.

22 (b) A license to practice embalming issued by the board prior
23 to July 1, ~~2012, shall~~ 2014, is for all purposes ~~be considered~~ a
24 license issued under this section: *Provided*, That a person holding

1 a license issued prior to July 1, ~~2012,~~ 2014, must renew the
2 license pursuant to the provisions of this article.

3 **§30-6-10. Funeral service license requirements.**

4 (a) Commencing July 1, ~~2003,~~ 2014, the board shall issue a
5 license to practice embalming and funeral directing, which license
6 shall be known as a funeral service license, to an applicant who
7 meets the following requirements:

8 (1) Is of good moral character;

9 (2) Is eighteen years of age or over;

10 (3) Is a citizen of the United States or is eligible for
11 employment in the United States;

12 (4) Holds a high school diploma or its equivalent;

13 (5) Has completed ~~one of~~ the education requirements for an
14 embalmer's license, set out in subdivision (5), subsection (a),
15 section eight of this article; and

16 (6) Has paid all the appropriate fees.

17 (b) A license to practice embalming and funeral directing
18 issued by the board prior to July 1, ~~2003,~~ 2014, shall for all
19 purposes be considered a license issued under this section.

20 (c) A person holding a license to practice embalming and
21 funeral directing issued prior to July 1, ~~2003,~~ 2014, must after
22 July 1, ~~2003,~~ 2014, renew his or her license pursuant to the
23 provisions of this section.

24 (d) After July 1, ~~2003,~~ 2014, wherever the terms "license to

1 practice embalming and funeral directing" or "embalming and funeral
2 directing license" are used in the code, the term "funeral service
3 license" ~~shall apply~~ applies.

4 **§30-6-17. Apprenticeship.**

5 (a) After January 1, ~~2003,~~ 2014, the board shall issue a
6 registration to be an apprentice funeral director or apprentice
7 embalmer to an applicant who meets the following requirements:

8 (1) Is of good moral character and temperate habits;

9 (2) Is eighteen years of age or over;

10 (3) A citizen of the United States or be eligible for
11 employment in the United States;

12 (4) Has a high school diploma or its equivalent;

13 (5) Has completed ~~one of~~ the education requirements for an
14 embalmer's license, as set out in subdivision (5), subsection (a),
15 section eight of this article;

16 (6) Is not attending school and will not be attending school
17 during the apprenticeship period; and

18 (7) Has paid the appropriate fees.

19 (b) Any person that commences an apprenticeship prior to
20 January 1, ~~2003,~~ 2015, may continue to serve such apprenticeship
21 and is not subject to the requirements set forth in this section,
22 but is subject to board approval.

23 (c) The board may set the requirements for an apprenticeship,
24 including the manner in which it shall be served and the length of

1 time, which shall not be more than one year.

2 (d) ~~No~~ A licensed funeral director or licensed embalmer ~~shall~~
3 ~~be~~ is not permitted to register or have registered more than five
4 apprentices under his or her license at the same time. A funeral
5 director is not permitted to supervise an apprentice during the
6 period his or her license is on probation or while under other
7 disciplinary action.

NOTE: The purpose of this bill is to promote the professionalism of funeral directors by requiring either an undergraduate bachelor's degree and one year of mortuary college or a bachelor's degree in funeral science as educational requirements. The bill also allows all apprentice applicants prior to July 1, 2015 to complete their apprenticeship program under the current educational requirements. It also prohibits a funeral director who is currently on probation or other disciplinary action from supervising an apprentice during the period of disciplinary action.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.