

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

Senate Bill 595

BY SENATORS DEEDS, WOODRUM, AND HAMILTON

[Originating in the Committee on Military; reported

February 6, 2024]

1 A BILL to amend and reenact §30-6-3 and §30-6-8 of the Code of West Virginia, 1931, as
2 amended, relating to amending the embalmer licensing requirements to permit a certain
3 number of years of active military duty to substitute for college credit hours to qualify for
4 licensure.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. BOARD OF FUNERAL SERVICE EXAMINERS.

§30-6-3. Definitions.

1 As used in this article, the following words and terms have the following meanings, unless
2 the context clearly indicates otherwise:

3 "Active military duty" means full-time duty in the active military service of the United States
4 Army, Navy, Air Force, Coast Guard, Marine Corps, or Space Force; or full-time active military
5 service performed by a member of a reserve component or the National Guard.

6 "Alkaline hydrolysis" means the reduction of a dead human body to essential elements
7 through a water-based dissolution process using alkaline chemicals, heat, agitation, and pressure
8 to accelerate natural decomposition; the processing of hydrolyzed remains after removal from the
9 alkaline hydrolysis vessel; placement of the processed remains in a hydrolyzed remains
10 container; and release of the hydrolyzed remains to an appropriate party. Alkaline hydrolysis is a
11 form of final disposition.

12 "Apprentice" means a person who is preparing to become a licensed funeral director or a
13 funeral service licensee and is learning the practice of embalming, funeral directing, or cremation
14 under the direct supervision and personal instruction of a duly licensed funeral service licensee.

15 "Authorized representative" means a person legally authorized or entitled to order the
16 cremation or burial of the deceased, as established by rule. An authorized representative may
17 include in the following order of precedence:

18 (a) The deceased, who has expressed his or her wishes regarding the disposal of their
19 remains through a last will and testament, an advance directive, or preneed funeral contract, as
20 defined in §45-14-2 of this code;

21 (b) The surviving spouse of the deceased, unless a petition to dissolve the marriage was
22 pending at the time of decedent's death;

23 (c) An individual previously designated by the deceased as the person with the right to
24 control disposition of the deceased's remains in a writing signed and notarized by the deceased:
25 *Provided*, That no person may be designated to serve in such capacity for more than one
26 nonrelative at any one time;

27 (d) The deceased's next of kin;

28 (e) A court order;

29 (f) A public official who is charged with arranging the final disposition of an indigent
30 deceased; or

31 (g) A representative of an institution who is charged with arranging the final disposition of
32 a deceased who donated his or her body to science.

33 "Board" means the West Virginia Board of Funeral Service Examiners.

34 "Certificate" means a certification by the board to be a crematory operator.

35 "Courtesy card holder" means a person who only practices funeral directing periodically
36 in West Virginia and is a licensed embalmer and funeral director in a state which borders West
37 Virginia.

38 "Cremated remains" or "cremains" means all human remains, including foreign matter
39 cremated with the human, recovered after the completion of cremation.

40 "Cremation" means the mechanical or thermal process whereby a dead human body is
41 reduced to ashes and bone fragments and then further reduced by additional pulverization,
42 burning, or re-cremating when necessary.

43 "Crematory" means a licensed place of business where a deceased human body is
44 reduced to ashes and bone fragments.

45 "Crematory operator" means a person certified by the board to operate a crematory.

46 "Crematory operator in charge" means a certified crematory operator who accepts
47 responsibility for the operation of a crematory.

48 "Deceased" means a dead human being for which a death certificate is required.

49 "Embalmer" means a person licensed to practice embalming.

50 "Embalming" means the practice of introducing chemical substances, fluids, or gases used
51 for the purpose of preservation or disinfection into the vascular system or hollow organs of a dead
52 human body by arterial or hypodermic injection for the restoration of the physical appearance of
53 a deceased.

54 "Funeral" means a service, ceremony, or rites performed for the deceased with a body
55 present.

56 "Funeral directing" means the business of engaging in the following:

57 (a) The shelter, custody, or care of a deceased;

58 (b) The arranging or supervising of a funeral or memorial service for a deceased; and

59 (c) The maintenance of a funeral establishment for the preparation, care, or disposition of
60 a deceased.

61 "Funeral director" means a person licensed to practice funeral directing.

62 "Funeral establishment" means a licensed place of business devoted to the care,
63 preparation, and arrangements for the transporting, embalming, funeral, burial, or other
64 disposition of a deceased. A funeral establishment can include a licensed crematory.

65 "Funeral service licensee" means a person licensed after July 1, 2003, to practice
66 embalming and funeral directing.

67 "License" means a license, which is not transferable or assignable, to:

68 (a) Practice embalming and funeral directing; and,

69 (b) Operate a crematory or a funeral establishment.

70 "Licensee" means a person holding a license issued under the provisions of this article.

71 "Licensee in charge" means a licensed embalmer and funeral director who accepts
72 responsibility for the operation of a funeral establishment.

73 "Memorial service" means a service, ceremony, or rites performed for the deceased
74 without a body present.

75 "Mortuary" means a licensed place of business devoted solely to the shelter, care, and
76 embalming of the deceased.

77 "Person" means an individual, partnership, association, corporation, not-for-profit
78 organization, or any other organization.

79 "Registration" means a registration issued by the board to be an apprentice to learn the
80 practice of embalming, funeral directing, or cremation.

81 "State" means the State of West Virginia.

§30-6-8. Embalmer license requirements.

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

2 (a) Is free of a felony conviction bearing a rational nexus to the profession pursuant to
3 §30-1-24 of this code;

4 (b) Is 18 years of age or over;

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

6 (d) Has a high school diploma or its equivalent;

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

9 (1)(A) Has an associate degree from an accredited college or university; or

10 (2) Has successfully completed at least 60 semester hours or 90 quarter hours of
11 academic work in an accredited college or university toward a baccalaureate degree with a
12 declared major field of study; ~~and~~ or

13 (3) Has completed at least two years of honorable active military duty; and
14 ~~(3)~~ (4) Has graduated from a school of mortuary science, accredited by the American
15 Board of Funeral Service Education, Inc., which requires as a prerequisite to graduation, the
16 completion of a course of study of not less than 12 months; or

17 (B) Has a bachelor's degree in mortuary science from an accredited college or university;

18 (f) Has completed a one-year apprenticeship under the supervision of a licensed
19 embalmer and funeral director actively and lawfully engaged in the practice of embalming and
20 funeral directing in this state, which apprenticeship consisted of:

21 (1) Diligent attention to the work in the course of regular and steady employment and not
22 as a side issue to another employment; and

23 (2) The apprentice taking an active part in:

24 (A) The operation of embalming not less than 35 dead human bodies; and

25 (B) Conducting not less than 35 funeral services;

26 (g) Passes, with an average score of not less than 75 percent, the following examinations:

27 (1) The International Conference of Funeral Service Examining Boards examination at a
28 testing site provided by the national conference, which passage is a condition precedent to taking
29 the state law examination;

30 (2) The West Virginia Laws, Rules, and Regulations Examination, administered by the
31 International Conference of Funeral Service Examining Boards; and

32 (3) Any other examination required by the board; and

33 (h) Has paid all the appropriate fees.

34 A license to practice embalming issued by the board prior to July 1, 2012, shall for all
35 purposes be considered a license issued under this section: *Provided*, That a person holding a
36 license issued prior to July 1, 2012, must renew the license pursuant to the provisions of this
37 article.