



Economic Impact Analysis Virginia Department of Planning and Budget

**18 VAC 65-20 – Regulations of the Board of Funeral Directors and Embalmers
Department of Health Professions
June 20, 2013**

Summary of the Proposed Amendments to Regulation

To comply with the second enactment of Chapter 377 of the 2010 Acts of the Assembly, the Board of Funeral Directors and Embalmers (Board) proposes to amend its regulations by 1) adding references to the specific Code of Virginia section that sets legislative rules for identification of decedents before they are cremated, 2) adding language that specifies decedents may be identified by viewing unique identifiers or markings on the decedent and 3) clarifying that crematories must consult with law enforcement, a medical examiner or medical personnel before identifying a body when visual identification is not possible.

Result of Analysis

Benefits likely outweigh costs for these proposed regulatory changes.

Estimated Economic Impact

Current regulations note that crematories must take certain actions in accordance with the Code of Virginia. The Board now proposes to add the specific Code references (§54.1-2818.1, §54.1-2825 and §54.1-2984) to which regulated entities can refer in the Code. The Board also proposes to specify that decedents may be identified by unique identifiers or markings and that crematories must identify decedents for whom visual identification is not possible in consultation with law enforcement, a medical examiner or medical personnel.

Adding Code references and clarifying that positive identification (with fingerprints, DNA, dental records, etc.) must be made in consultation with official entities who would ascertain who the decedent is will benefit readers of these regulations and owners of crematories

by making the regulations more understandable. No entity is likely to incur costs on account of these changes.

Adding language to these regulations that allows visual identification of a decedent's unique identifiers or markers (scars, birth marks, tattoos, etc.) will benefit family members or friends who have to identify their deceased loved ones. These individuals will have the option of only viewing the identifying markers on the deceased, or even pictures of the identifying markers, which may make identification a less traumatic experience. Again, no entity is likely to incur costs on account of this change.

Businesses and Entities Affected

The Department of Health Professions reports that there are 97 crematories registered in the Commonwealth.

Localities Particularly Affected

No localities will be particularly affected by these proposed regulations.

Projected Impact on Employment

This proposed regulatory action is unlikely to have any effect on employment in the Commonwealth.

Effects on the Use and Value of Private Property

These proposed regulatory changes are unlikely to affect the use or value of private property in the Commonwealth.

Small Businesses: Costs and Other Effects

No small business is likely to incur any additional expense on account of these regulatory changes.

Small Businesses: Alternative Method that Minimizes Adverse Impact

No small business is likely to incur any additional expense on account of these regulatory changes.

Real Estate Development Costs

This regulatory action will likely have no effect on real estate development costs in the Commonwealth.

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.04 of the Administrative Process Act and Executive Order Number 14 (10). Section 2.2-4007.04 requires that such economic impact analyses include, but need not be limited to, a determination of the public benefit, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has an adverse effect on small businesses, Section 2.2-4007.04 requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.