APPROVED

VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS BOARD MEETING MINUTES

The Virginia Board of Funeral Directors and Embalmers convened for a board meeting on Friday, May 9, 2014 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Training Room 1A, B, C, Henrico, Virginia.

BOARD MEMBERS PRESENT
Junius H. Williams, Jr., Citizen Member, President
Christopher P. Vincent, FSL, Vice-President
Blair H. Nelsen, FSL
Walter Ball, Citizen Member
Robert Oman, FSL
J. Paul Welch, FSL
Connie B. Steele, FSL
Louis R. Jones, FSL

BOARD MEMBERS ABSENT
Eric V. Wray, II, FSL, Secretary-Treasurer

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING
Lisa R. Hahn, Executive Director
Lynne Helmick, Deputy Executive Director
David Brown, D.C., Agency Director
Jaime Hoyle, Agency Deputy Director
Missy Currier, Board Operations Manager

BOARD COUNSEL
Erin Barrett, Assistant Attorney General

QUORUM
With 8 members present a quorum was established.

GUESTS PRESENT
Paul Harris, Regulatory Support Services, Inc.
Karen McPherson, Virginia Morticians Association (VMA)
Bo Keeney, IFHV
Julie Bezik, VFDA

CALL TO ORDER
Junius Williams, President, called the meeting of the Virginia Board of Funeral Directors and Embalmers to order at 10:35 a.m. Mr. Williams gave welcome to Dr. David Brown as the new Agency Director and Jaimie Hoyle as the newest Deputy Director of DHP.

ORDERING OF AGENDA

The agenda was accepted as written.

ACCEPTANCE OF MINUTES

Ms. Barrett pointed out that on page 6 of the January 14, 2014 board meeting minutes, that Randolph Lane appealed his case to the Virginia Court of Appeals not the Middlesex Circuit Court.

Upon a motion by Bob Oman and properly seconded by Chris Vincent, the Board voted to accept the following Meeting Minutes with the change requested by Ms. Barrett:

- Virtual Funeral Homes – Adhoc Committee Meeting – January 14, 2014
- Board Meeting – January 14, 2014
- Formal Hearing – January 14, 2014

The motion carried unanimously.

PUBLIC COMMENT PERIOD

There was no public comment.

AGENCY DIRECTORS REPORT – Dr. David Brown, D.C.

Dr. Brown expressed his pleasure to meet the members of the board and stated that as a former member of the Board of Medicine, he understands the commitment, hard work and dedication that involved. Dr. Brown commended Ms. Hahn for her diligent efforts to get the budget back in the black and explained that the past administration left a lot of unresolved regulations for the new administration to sort through.

Ms. Hahn thanked Dr. Brown for all his hard work, understanding and continued efforts toward getting the budget situation resolved.

EXECUTIVE DIRECTOR'S REPORT – Lisa R. Hahn

Expenditure and Revenue Summary

Ms. Hahn mentioned that the February budget figures were included in their agenda packages and subsequently directed their attention to the projector screen for the March financials:

FY14

FY14 beginning with the cash balance as of June 30, 2013 of $(172,121); revenue received YTD FY 14 was $476,890; less the direct and In-Direct expenditures of $482,702; leaving the cash balance as of March 31, 2014 of $ (177,933).

Discipline Statistics

Ms. Hahn provided statistics as of April 29, 2014; 25 open cases; 16 in the Enforcement Division at the Investigative stage; 3 cases in the Probable Cause stage, 4 cases at the APD level; 0 cases in the informal stage; and 2 cases were at the formal stage and were heard the day before the board meeting. Ms. Hahn added that 22 funeral board Orders are being monitored for compliance by Missy Currier.

Licensee Statistics

Ms. Hahn reported that as of April 29th there were; 1,469 Funeral Service Licensees, 162 Funeral Interns, 431 Funeral Establishments, 4 Embalmers, 50 Funeral Directors, 397 Funeral Service Supervisors, 60 Branch Establishments, 101 Crematories, 25 Continuing Education Providers, 71 Courtesy Card Holders and 46 Surface Transportation and Removal Services.

Virginia Performs

3rd Quarter 2014:

- Licensing Standard less than 30 days – 100%
- Clearance Rate-400% (rec'd 2 – closed 8)
- Pending Caseload older than 250 days- 8%
- % of cases closed within 250 days- 100%
- Customer Satisfaction (Goal is 95%) – 100% for FY2013

Presentations

- Lisa Hahn - VFDA Central District Meeting; May 13th
- Lynne Helmick –VMA Convention – Williamsburg; June 19th
- Lisa Hahn – VFDA Annual Convention – VA Beach; June 29th

Board Business

Ms. Hahn shared the following with the board;

- The Legislative/Regulatory meeting held prior to the board meeting and Chris Vincent will report details later in the meeting.
- CE Audits were being conducted by staff.

- Information has been posted on the funeral website reminding licensees to be sure that continuing education is related to the practice of funeral service.
- Ms. Hahn attended the International Conference of Funeral Service Examining Boards (ICFSEB) Annual meeting in Orlando, FL in February and presented on the Model Practice Act of which she is on the committee.
- Ms. Hahn will attend another meeting in late August to continue work with the committee on the Model Practice Act.
- During The Conference Ms. Hahn heard a good presentation on Alkaline Hydrolysis that she plans to share with the board in the near future.
- New Board Portal (SharePoint) – software which gives board members access to secure information. Each member must register and complete security training on line. Once members complete the security training, they will need to sign off on the security authorization form and return to office staff. This software will be used primarily by members on the IFC Committees. Ms. Hahn shared the directions to obtain Portal Access.

Calendar

- August 20th – new date that was re-scheduled for purposes of voting on regulations within timeline.

- October 7th

REPORT FROM BOARD COUNSEL – Erin Barrett, Assistant Attorney General

Ms. Barrett provided a litigation summary to the Board regarding Randolph Lane and Carlos Howard.

NEW BUSINESS

Report from Legislative/Regulatory Committee Meeting – Chris Vincent, Chair

Mr. Vincent began by thanking Ms. Hahn for being a committee member on the National Model Practice Act. He stated that the committee met to discuss Surface Transportation and Virtual Funeral Homes prior to the board meeting. He stated that the committee agreed that the board should be proactive in keeping ahead of the age of the internet. Mr. Vincent indicated the following committee decisions were made:

1) **Surface Transportation**
   a. Staff will come up with draft verbiage in the regulations
   b. Bob Oman will draft an article on the subject for a future newsletter
   c. A follow up meeting will be scheduled during the fall of 2014.

2) **Virtual Funeral Homes**
   a. The staff and the Committee will continue to monitor what other States are doing and will keep the board posted.

Legislative/Regulatory Reports – Lisa R. Hahn

Status of Regulatory Actions:

Ms. Hahn reported on the status of the following Regulatory Actions:

Chapter	Action / Stage Information
Regulations of the Board of Funeral Directors and Embalmers [18 VAC 65 - 20]	Fee increase [Action 3236] Proposed - *At Governor's Office for 3 days.*
Regulations of the Board of Funeral Directors and Embalmers [18 VAC 65 - 20]	Identification of human remains [Action 3340] Proposed - *At Secretary's Office for 304 days. Emergency Regulations expired on 9/30/13.*

Fee Increase Special Note: Ms. Hahn made a clarification to the announcement made during the January 14, 2014 board meeting regarding the regulations for a fee increase. She had stated that the fee increase was signed by the Secretary during the last administration for approval but was actually signed for non-approval. Therefore, the Governor's office sent the regulations back to the Secretary's office for a second review and they were just recently approved.

2014 General Assembly

Ms. Hahn reviewed the report of the 2014 Session of the General Assembly which was included in the agenda packages.

Senate Bills 77 & 304 (Attachment #1)

Ms. Hahn reviewed in detail Senate Bills 77 & 304 which became Law effective March 27, 2014. Please refer to the comprehensive bills attached to the minutes.

BOARD MEMBER REQUEST

Mr. Nelsen requested that the Legislative/Regulatory Committee consider solutions to eliminate the possibility for unlicensed owners to re-open under a new name following closure or suspension. Mr. Nelsen stated that there is nothing currently in the laws or regulations from preventing this from happening.

ADJOURNMENT:

Upon a motion by Chris Vincent and properly seconded by Blair Nelsen, the meeting adjourned at 11:30 a.m.

_____	_____
Junius H. Williams, Jr., President	Lisa R. Hahn, Executive Director
_____	_____
Date	Date

VIRGINIA ACTS OF ASSEMBLY -- 2014 SESSION

CHAPTER 355

An Act to amend and reenact § 54.1-2818.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 54.1-2807.02, relating to dead bodies; absence of next of kin.

[S 77]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2818.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 54.1-2807.02 as follows:

§ 54.1-2807.02. Absence of next of kin.

In the absence of a next of kin, a person designated to make arrangements for the decedent's burial or the disposition of his remains pursuant to § 54.1-2825, an agent named in an advance directive pursuant to § 54.1-2984, or any guardian appointed pursuant to Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2 who may exercise the powers conferred in the order of appointment or by § 64.2-2019, or upon the failure or refusal of such next of kin, designated person, agent, or guardian to accept responsibility for the disposition of the decedent, then any other person 18 years of age or older who is able to provide positive identification of the deceased and is willing to pay for the costs associated with the disposition of the decedent's remains shall be authorized to make arrangements for such disposition of the decedent's remains. If a funeral service establishment or funeral service licensee makes arrangements with a person other than a next of kin, designated person, agent, or guardian in accordance with this section, then the funeral service licensee or funeral service establishment shall be immune from civil liability unless such act, decision, or omission resulted from bad faith or malicious intent.

§ 54.1-2818.1. Prerequisites for cremation.

No dead human body shall be cremated without permission of the medical examiner as required by § 32.1-284 and visual identification of the deceased by the next-of-kin or his representative, who may be any person designated to make arrangements for the decedent's burial or the disposition of his remains pursuant to § 54.1-2825, an agent named in an advance directive pursuant to § 54.1-2984~~, or a sheriff, upon court order, if no next- of-kin, designated person, or agent is available~~, *or any guardian appointed pursuant to Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2 who may exercise the powers conferred in the order of appointment or by § 64.2-2019. If no next of kin, designated person, agent, or guardian is available or willing to make visual identification of the deceased, such identification shall be made by a member of the primary law-enforcement agency of the city or county in which the person or institution having initial custody of the body is located, pursuant to court order.* When visual identification is not feasible, other positive identification of the deceased may be used as a prerequisite for cremation. *Unless such act, decision, or omission resulted from bad faith or malicious intent, the funeral service establishment, funeral service licensee, crematory, cemetery, primary law-enforcement officer, or sheriff shall be immune from civil liability for any act, decision, or omission resulting from cremation. Nothing in this section shall prevent a law-enforcement agency other than the primary law-enforcement agency from performing the duties established by this section if so requested by the primary law-enforcement agency and agreed to by the other law-enforcement agency.*

VIRGINIA ACTS OF ASSEMBLY -- 2014 SESSION

CHAPTER 228

An Act to amend and reenact §§ 32.1-298, 32.1-299, 54.1-2807, and 54.1-2818.1 of the Code of Virginia; to amend the Code of Virginia by adding in Title 32.1 a chapter numbered 8.1, consisting of sections numbered 32.1-309.1 through 32.1-309.4; and to repeal §§ 32.1-284, 32.1-288, and 32.1-288.1 of the Code of Virginia, relating to disposition of dead bodies.

[S 304]

Approved March 7, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-298, 32.1-299, 54.1-2807, and 54.1-2818.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 32.1 a chapter numbered 8.1, consisting of sections numbered 32.1-309.1 through 32.1-309.4, as follows:

§ 32.1-298. Notification of Commissioner and delivery of bodies.

Any person having charge or control of any dead human body ~~which~~ *that* is unclaimed for disposition~~, which is required to be buried at the public expense,~~ or ~~which~~ *that* has been lawfully donated for scientific study shall notify the Commissioner whenever and as soon as any such body comes to his possession, charge, or control and shall, without fee or reward, permit the Commissioner or his agents to remove such body, to be used for the advancement of health science.

§ 32.1-299. Distribution of bodies.

A. The bodies received pursuant to §§ 32.1-298 ~~and 32.1-288~~ shall be distributed by the Commissioner to institutions and individuals as they may be needed for the purposes of scientific education and training in health and related subjects as follows:

1. First, to the medical schools in Virginia;

2. Second, equitably to the several colleges and schools of this Commonwealth authorized by law to teach health science and issue diplomas and such physicians and surgeons as the Commissioner may designate;

3. Third, to colleges and schools in other states and the District of Columbia authorized by law to teach health science and issue diplomas.

B. Before any institution or individual may receive any body pursuant to this section, such institution or individual shall have given a bond to the Commonwealth in the penalty of $1,000 with condition that any body received shall be used only for scientific education and training in health and related subjects. Evidence of such bond shall be filed with the Commissioner.

C. All expenses incurred in the distribution and delivery of bodies pursuant to this section shall be paid by those receiving the bodies in such amount as may be prescribed by the Commissioner.

D. The Commissioner is authorized to employ carriers to effect the distribution of dead human bodies pursuant to this section. Any carrier so employed shall obtain a receipt by name or, if the name be unknown, by a description for each body delivered by him and shall deposit such receipt with the Commissioner.

CHAPTER 8.1.

DISPOSITION OF DEAD HUMAN BODIES.

§ 32.1-309.1. Identification of decedent, next of kin; disposition of claimed dead body.

A. As used in this chapter, "next of kin" has the same meaning assigned to it in § 54.1-2800. In the absence of a next of kin, a person designated to make arrangements for the decedent's burial or the disposition of his remains pursuant to § 54.1-2825, an agent named in an advance directive pursuant to § 54.1-2984, or any guardian appointed pursuant to Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2 who may exercise the powers conferred in the order of appointment or by § 64.2-2019, or upon the failure or refusal of such next of kin, designated person, agent, or guardian to accept responsibility for the disposition of the decedent, then any other person 18 years of age or older who is able to provide positive identification of the deceased and is willing to pay for the costs associated with the disposition of the decedent's remains shall be authorized to make arrangements for such disposition of the decedent's remains. If a funeral service establishment or funeral service licensee makes arrangements with a person other than a next of kin, designated person, agent, or guardian in accordance with this section, then the funeral service licensee or funeral service establishment shall be immune from civil liability unless such act, decision, or omission resulted from bad faith or malicious intent.

B. Upon the death of any person, irrespective of the cause and manner of death, and irrespective of whether a medical examiner's investigation is required pursuant to § 32.1-283 or 32.1-285.1, the person or institution having initial custody of the dead body shall make good faith efforts to determine the identity of the decedent, if unknown, and to identify and notify the next of kin of the decedent regarding the decedent's death. If, upon notification of the death of the decedent, the next of kin of the decedent is

willing and able to claim the body, the body may be claimed by the next of kin for disposition, and the claimant shall bear the expenses of such disposition. If the next of kin of the decedent fails or refuses to claim the body within 10 days of receiving notice of the death of the decedent, the body shall be disposed of in accordance with § 32.1-309.2.

C. If the person or institution having initial custody of the dead body is unable to determine the identity of the decedent or to identify and notify the next of kin of the decedent regarding the decedent's death, the person or institution shall contact the primary law-enforcement agency for the locality, which shall make good faith efforts to determine the identity of the decedent and to identify and notify the next of kin of the decedent.

If the identity of the decedent is known to the primary law-enforcement agency or the primary law-enforcement agency is able to identify the decedent, the primary law-enforcement agency is able to identify and notify the next of kin of the decedent, and the next of kin of the decedent is willing and able to claim the body, the body may be claimed by the next of kin for disposition, and the claimant shall bear the expenses of such disposition.

If the identity of the decedent is known or the primary law-enforcement agency is able to determine the identity of the decedent but the primary law-enforcement agency is unable, despite good faith efforts, to identify and notify the decedent's next of kin within 10 days of the date of contact by the person or institution having initial custody of the dead body, or the primary law-enforcement agency is able to identify and notify the decedent's next of kin but the next of kin fails or refuses to claim the body within 10 days, the primary law-enforcement agency shall notify the person or institution having initial custody of the dead body, and the body shall be disposed of in accordance with § 32.1-309.2.

D. In cases in which a dead body is claimed by the decedent's next of kin but the next of kin is unable to pay the reasonable costs of disposition of the body and the costs are paid by the county or city in which the decedent resided or in which the death occurred in accordance with this section, and the decedent has an estate out of which burial expenses may be paid, in whole or in part, such assets shall be seized for such purpose.

E. No dead body that is the subject of an investigation pursuant to § 32.1-283 or autopsy pursuant to § 32.1-285 shall be transferred for purposes of disposition until such investigation or autopsy has been completed.

F. Any sheriff or primary law-enforcement officer, county, city, health care provider, funeral service establishment, funeral service licensee, or other person or institution that acts in accordance with the requirements of this chapter shall be immune from civil liability for any act, decision, or omission resulting from acceptance and disposition of the dead body in accordance with this section, unless such act, decision, or omission resulted from bad faith or malicious intent.

G. Nothing in this section shall prevent a law-enforcement agency other than the primary law-enforcement agency from performing the duties established by this section if so requested by the primary law-enforcement agency and agreed to by the other law-enforcement agency.

§ 32.1-309.2. Disposition of unclaimed dead body; how expenses paid.

A. In any case in which (i) the primary law-enforcement agency is unable to identify and notify the next of kin of the decedent within 10 days of the date of contact by the person or institution having initial custody of the dead body despite good faith efforts to do so or (ii) the next of kin of the decedent fails or refuses to claim the body within 10 days of receipt of notice of the decedent's death, the primary law-enforcement agency shall notify the attorney for the county or city in which the person or institution is located or, if there is no county or city attorney, the attorney for the Commonwealth, and such attorney shall without delay request an order authorizing the person or institution having initial custody of the dead body to transfer custody of the body to a funeral service establishment for final disposition. Upon entry of a final order for disposition of the dead body, the person or institution having initial custody of the body shall transfer custody of the body to a funeral service establishment, which shall take possession of the dead body for disposition in accordance with the provisions of such order. Except as provided in subsection B or C, the reasonable expenses of disposition of the body shall be borne (a) by the county or city in which the decedent resided at the time of death if the decedent was a resident of Virginia or (b) by the county or city where death occurred if the decedent was not a resident of Virginia or the location of the decedent's residence cannot reasonably be determined. However, no such expenses shall be paid by such county or city until allowed by an appropriate court in such county or city.

B. In the case of a person who has been received into the state corrections system and died prior to his release, whose body is unclaimed, the Department of Corrections shall accept the body for proper disposition and shall bear the reasonable expenses for cremation or other disposition of the body. In the case of a person who has been received into the state corrections system and died prior to his release and whose claimant is financially unable to pay reasonable expenses of disposition, the expenses shall be borne by the county or city where the claimant resides.

C. In the case of a person who has been committed to the custody of the Department of Behavioral Health and Developmental Services and died prior to his release, whose body is unclaimed, the Department of Behavioral Health and Developmental Services shall bear the reasonable expenses for

cremation or other disposition of the body. In the case of a person who has been committed to the custody of the Department of Behavioral Health and Developmental Services and died prior to his release and whose claimant is financially unable to pay reasonable expenses of disposition, the expenses shall be borne by the county or city where the claimant resides.

D. Any person or institution having initial custody of a dead body may enter into an agreement with a local funeral service establishment whereby the funeral service establishment shall take possession of the dead body for the purpose of storing the dead body during such time as the person or institution having initial custody of the body or the primary local law-enforcement agency is engaged in identifying the decedent, attempting to identify and contact the next of kin of the decedent, and making arrangements for the final disposition of the body in accordance with this section, provided that at all times during which the funeral service establishment is providing storage of the body, the person or institution having initial custody of the dead body shall continue to have legal custody of the body until such time as custody is transferred in accordance with this chapter.

E. In cases in which a decedent whose remains are disposed of in accordance with this section has an estate out of which burial expenses may be paid, in whole or in part, such assets shall be seized for such purpose.

F. No dead body that is the subject of an investigation pursuant to § 32.1-283 or autopsy pursuant to § 32.1-285 shall be transferred for purposes of disposition until such investigation or autopsy has been completed.

G. Any sheriff or primary law-enforcement officer, county, city, health care provider, funeral service establishment, or funeral service licensee; the Department of Corrections; or any other person or institution that acts in accordance with the requirements of this chapter shall be immune from civil liability for any act, decision, or omission resulting from acceptance and disposition of the dead body in accordance with this section, unless such act, decision, or omission resulted from bad faith or malicious intent.

H. Nothing in this section shall prevent a law-enforcement agency other than the primary law-enforcement agency from performing the duties established by this section if so requested by the primary law-enforcement agency and agreed to by the other law-enforcement agency.

§ 32.1-309.3. Cremations and burials at sea.

No dead human body whose death occurred in Virginia shall be cremated or buried at sea, irrespective of the cause and manner of death, unless a medical examiner determines that there is no further need for medicolegal inquiry into the death and so certifies upon a form supplied by the Chief Medical Examiner. For this service the medical examiner shall be entitled to a fee established by the Board, not to exceed the fee provided for in subsection D of § 32.1-283, to be paid by the applicant for the certificate.

§ 32.1-309.4. Determination of hazardous human remains.

The Commissioner, in consultation with the Governor, shall have the authority to determine if human remains are hazardous to the public health. If the Commissioner determines that such remains are hazardous, the Commonwealth, with direction from the Commissioner, shall be charged with the safe handling, identification, and disposition of the remains and shall erect a memorial, as appropriate, at any disposition site.

For the purposes of this section, "hazardous," with regard to human remains, means those remains contaminated with an infectious, radiologic, chemical, or other dangerous agent.

§ 54.1-2807. Other prohibited activities.

A. A person licensed for the practice of funeral service shall not (i) remove or embalm a body when he has information indicating the death was such that a medical examiner's investigation is required pursuant to § 32.1-283 or 32.1-285.1 or (ii) cremate or bury at sea a body until he has obtained permission of the medical examiner as required by § ~~32.1-284~~ *32.1-309.3.*

B. Except as provided in §§ ~~32.1-288~~ ~~and~~ 32.1-301 *and Chapter 8.1 (§ 32.1-309.1 et seq.) of Title 32.1*, funeral service establishments shall not accept a dead human body from any public officer except a medical examiner, or from any public or private facility or person having a professional relationship with the decedent without having first inquired about the desires of the next of kin and the persons liable for the funeral expenses of the decedent. The authority and directions of any next of kin shall govern the disposal of the body, subject to the provisions of § 54.1-2807.01 or 54.1-2825.

Any funeral service establishment violating this subsection shall not charge for any service delivered without the directions of the next of kin. However, in cases of accidental or violent death, the funeral service establishment may charge and be reimbursed for the removal of bodies and rendering necessary professional services until the next of kin or the persons liable for the funeral expenses have been notified.

C. No company, corporation or association engaged in the business of paying or providing for the payment of the expenses for the care of the remains of deceased certificate holders or members or engaged in providing life insurance when the contract might or could give rise to an obligation to care for the remains of the insured shall contract to pay or pay any benefits to any licensee of the Board or other individual in a manner which could restrict the freedom of choice of the representative or next of

kin of a decedent in procuring necessary and proper services and supplies for the care of the remains of the decedent.

D. No person licensed for the practice of funeral service or preneed funeral planning or any of his agents shall interfere with the freedom of choice of the general public in the choice of persons or establishments for the care of human remains or of preneed funeral planning or preneed funeral contracts.

E. This section shall not be construed to apply to the authority of any administrator, executor, trustee or other person having a fiduciary relationship with the decedent.

§ 54.1-2818.1. Prerequisites for cremation.

No dead human body shall be cremated without permission of the medical examiner as required by § ~~32.1-284~~ *32.1-309.3* and visual identification of the deceased by the next-of-kin or his representative, who may be any person designated to make arrangements for the decedent's burial or the disposition of his remains pursuant to § 54.1-2825, an agent named in an advance directive pursuant to § 54.1-2984, or ~~a sheriff, upon court order, if no next-of-kin, designated person or agent is available~~ *any guardian appointed pursuant to Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2 who may exercise the powers conferred in the order of appointment or by § 64.2-2019. If no next of kin, designated person, agent, or guardian is available or willing to make visual identification of the deceased, such identification shall be made by a member of the primary law-enforcement agency of the city or county in which the person or institution having initial custody of the body is located, pursuant to court order.* When visual identification is not feasible, other positive identification of the deceased may be used as a prerequisite for cremation. *Unless such act, decision, or omission resulted from bad faith or malicious intent, the funeral service establishment, funeral service licensee, crematory, cemetery, primary law-enforcement officer, sheriff, county, or city shall be immune from civil liability for any act, decision, or omission resulting from cremation. Nothing in this section shall prevent a law-enforcement agency other than the primary law-enforcement agency from performing the duties established by this section if so requested by the primary law-enforcement agency and agreed to by the other law-enforcement agency.*

2. That §§ 32.1-284, 32.1-288, and 32.1-288.1 of the Code of Virginia are repealed.

3. That an emergency exists and this act is in force from its passage.