

APPROVED

BOARD OF FUNERAL DIRECTORS AND EMBALMERS MINUTES OF THE TASK FORCE ON CREMATION LAWS AND REGULATIONS

Thursday, March 13, 2007

Department of Health Professions
6603 West Broad Street, 5th Floor
Richmond, Virginia 23230
Conference Room 1

CALL TO ORDER

A meeting of the Virginia Board of Funeral Directors and Embalmers Task Force on Cremation Laws and Regulations was called to order at 8:26 a.m.

PRESIDING

Willard D. Tharp, Chair

MEMBERS PRESENT:

Billie Watson Hughes
Mike Leonard
Randy Minter
Barry Murphy
Blair Nelsen

TASK FORCE MEMBERS:

Mike Doherty, Virginia Cemetery Association
Sherri Douglas, Regulatory Support Services, Inc.
Mike Nicodemus, Holloman and Brown Funeral Homes
Jimmy Stewart, Virginia Cemetery Association
Bruce Keeney, Independent Funeral Homes of Virginia
Bo Keeney, Independent Funeral Homes of Virginia

STAFF PRESENT:

Elizabeth Young, Executive Director
Elaine Yeatts, Senior Policy Analyst
Jeanette Meade, Administrative Assistant

QUORUM:

With 12 task force members present, a quorum was established.

ORDERING OF THE AGENDA:

The agenda was accepted as written.

PUBLIC COMMENT:

Correspondence from the Virginia Cemetery Association was reviewed. Mike Doherty, spoke on behalf of the organization that suggested changing one board member seat to solely be for a crematory operator. Also, letter suggests adding language to any draft providing immunity from civil liability for funeral service establishments. Bruce Keeney spoke on behalf of the correspondence from the Independent Funeral Homes of Virginia. The organization opposes the codification of the cremation amendments and suggests placing them in regulations.

REVIEW OF MINUTES

Mr. Leonard made a motion to approve the minutes as amended. With a properly seconded motion by Mr. Nicodemus, the minutes were approved.

DRAFT PROPOSAL

Ms. Yeatts suggested that the Task Force seek an Attorney General Opinion regarding the Board's authority to promulgate crematory regulations as outlined in 54.1-2818.1 of the Code of Virginia. Mr. Nelsen suggested that the standards for operating crematories be the same for public and registered entities.

The Task Force recommended placing the proposed amendments in regulation and placing the following issues for statutory change: authorizing agent, next of kin, and prerequisites for cremation.

The following are the Task Force recommendations for regulatory change related to cremation:

- Permit from DEQ
- Who is in charge- manager of record or crematory operator?

The Task Force asked Ms. Young to seek an AG opinion on whether the Board currently has statutory authority to develop the registration of a crematory operator.

- Authorization to cremate (who grants it and how does one obtains it): 54.1-2800 & 54.1-2825
- Compliance with OSHA
- Standard documents to be utilized
- Storage facilities
- Safety issues
- Disposal of cremains
- Identification of the body
- Release of the cremains

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- Human and pet remains cannot be cremated together
- Multiple cremains
- Limitation of liability in the Code
- CANA Model law

Mr. Nelsen made the motion that the Task Force recommends to the full board adopt a Notice of Intended Regulatory Action to amend the regulations to incorporate the proposed amendments.

Ms. Yeatts suggested that the Board may need to address the next of kin in 54.1-2800.

ADJOURNMENT:

With no further business, the Task Force adjourned at 9:40 p.m.

Willard D. Tharp, Chair

Elizabeth Young, Executive Director

Date

Date