

Department of Professional and Occupational Regulation (DPOR)

Cemetery Operators Public Participation Guidelines (PPG)

Statement of Basis, Purpose, Substance, Issues and Economic Impact

This statement is prepared and submitted in compliance with the Virginia Administrative Process Act, specifically § 9-6.14:7.1 of the *Code of Virginia*.

Basis:

Chapter 23.1 of Title 54.1 of the *Code of Virginia* creates the statutory authority for the regulation of Cemetery Operators, Perpetual Care Trust Funds and Preneed Burial Contracts and gives the Cemetery Board certain powers and duties as found in § 54.1-201 of the *Code of Virginia*. These statutes mandate the Cemetery Board to promulgate regulations.

Additionally, the Board is, mandated by Chapter 1.1:1 of Title 9 of the *Code of Virginia* to promulgate public participation guidelines. The basis for this authority is found under § 54.1-201.5 and § 54.1-2313.D & E of the *Code of Virginia*.

The imperative form of the verb (shall) is used in all Code of Virginia sections cited, making the rulemaking provisions mandatory rather than discretionary.

Purpose:

The purpose of these regulations are to assure that the public is provided adequate notice concerning each opportunity for participation in the development, promulgation, and review of regulations affecting the operation of licensed cemeteries in the Commonwealth of Virginia.

Substance:

These proposed Public Participation Guidelines are the result of the addition of the Cemetery Board and its authority to the Department of Professional and Occupational Regulation as mandated in Chapter 21.3 of Title 54.1 of the Code of Virginia (Chapter 721 of the 1998 Session of the General Assembly effective July 1, 1998). These regulations are original and, therefore, do not contain any changes or amendments to existing regulations.

Issues:

The primary advantage to the public is a mechanism implemented by the agency that assures timely notification of changes or amendments to regulations. No disadvantage to the public has been identified.

Economic Impact:

The anticipated impact of these regulations are indistinguishable from the impact of the regulatory program they serve. An analysis outlining the economic impact the regulation of cemetery operators will have is attached.