

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 54.1-2800 of the Code of Virginia, relating to declinable preneed funeral*
 3 *guarantee fee; definition.*

4 [S 989]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 54.1-2800 of the Code of Virginia is amended and reenacted as follows:**8 **§ 54.1-2800. Definitions.**

9 As used in this chapter, unless the context requires a different meaning:

10 "Advertisement" means any information disseminated or placed before the public.

11 "At-need" means at the time of death or while death is imminent.

12 "Board" means the Board of Funeral Directors and Embalmers.

13 "Cremate" means to reduce a dead human body to ashes and bone fragments by the action of fire.

14 "Cremator" means a person or establishment that owns or operates a crematory or crematorium or
15 cremates dead human bodies.

16 "Crematory" or "crematorium" means a facility containing a furnace for cremation of dead human bodies.

17 "Declinable preneed funeral guarantee fee" means an optional and declinable fee agreed to by a preneed
18 funeral contract purchaser, if offered by a seller, for which the cost of the *preneed* supplies and services as
19 described in the preneed funeral contract shall be guaranteed. A declinable preneed funeral guarantee fee,
20 when offered by a seller (i) shall not exceed 25 percent of the *guaranteed preneed supplies and services*
21 *included in the* funeral contract price, (ii) shall be refundable if the purchaser terminates the contract within
22 30 days of execution, (iii) shall not be considered a finance fee, and (iv) shall be listed on the general price
23 list in accordance with § 54.1-2812.

24 "Embalmer" means any person engaged in the practice of embalming.

25 "Embalming" means the process of chemically treating the dead human body by arterial injection and
26 cavity treatment or, when necessary, hypodermic tissue injection to reduce the presence and growth of
27 microorganisms to temporarily retard organic decomposition.28 "Funeral directing" means the for-profit profession of directing or supervising funerals, preparing human
29 dead for burial by means other than embalming, or making arrangements for funeral services or the financing
30 of funeral services.

31 "Funeral director" means any person engaged in the practice of funeral directing.

32 "Funeral service establishment" means any main establishment, branch, or chapel that is permanently
33 affixed to the real estate and for which a certificate of occupancy has been issued by the local building
34 official where any part of the profession of funeral directing, the practice of funeral services, or the act of
35 embalming is performed.36 "Funeral service intern" means a person who is preparing to be licensed for the practice of funeral services
37 under the direct supervision of a practitioner licensed by the Board.

38 "Funeral service licensee" means a person who is licensed in the practice of funeral services.

39 "In-person communication" means face-to-face communication and telephonic communication.

40 "Next of kin" means any of the following persons, regardless of the relationship to the decedent: any
41 person designated to make arrangements for the disposition of the decedent's remains upon his death pursuant
42 to § 54.1-2825, the legal spouse, child aged 18 years or older, parent of a decedent aged 18 years or older,
43 custodial parent or noncustodial parent of a decedent younger than 18 years of age, siblings over 18 years of
44 age, guardian of minor child, guardian of minor siblings, maternal grandparents, paternal grandparents,
45 maternal siblings over 18 years of age and paternal siblings over 18 years of age, or any other relative in the
46 descending order of blood relationship.47 "Practice of funeral services" means engaging in the care and disposition of the human dead, the
48 preparation of the human dead for the funeral service, burial or cremation, the making of arrangements for the
49 funeral service or for the financing of the funeral service and the selling or making of financial arrangements
50 for the sale of funeral supplies to the public.

51 "Preneed" means at any time other than at-need.

52 "Preneed funeral contract" means any agreement where payment is made by the consumer prior to the
53 receipt of services or supplies contracted for, which evidences arrangements prior to death for (i) the
54 providing of funeral services or (ii) the sale of funeral supplies. "Preneed funeral contract" does not include
55 transportation protection agreements.

56 "Preneed funeral planning" means the making of arrangements prior to death for (i) the providing of

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57 funeral services or (ii) the sale of funeral supplies.

58 "Solicitation" means initiating contact with consumers with the intent of influencing their selection of a
59 funeral plan or funeral service provider.

60 "Transportation protection agreement" means an agreement that provides for the coordination and
61 arranging of all professional services related to transportation of human remains or cremated remains beyond
62 the distance stated in the preneed funeral contract.

63 **2. That the Board of Funeral Directors shall amend its regulations to ensure that declinable preneed**
64 **funeral guarantee fees are used solely to guarantee the cost of preneed supplies and services as**
65 **described in preneed funeral contracts.**