



October VFDA Newsletter

2021 Legislative Agenda and Updates

Your VFDA Executive and Legislative Committees have approved two pieces of legislation that will be proactively lobbied during the 2021 General Assembly session for which patrons will be sought and lobbying activities will be expended. Due to the continuing effects of COVID-19, the current information provided to the lobbying community is that direct contact will be severely limited. The Senate will continue to hold some committee meetings and the floor session at the Science Museum as they did for the nine-week Special Session. From all reports to date, the House will continue to hold their committees and floor sessions remotely from their districts.

Engagement by the VFDA membership on these issues is critical to successful promotion of the proposed legislation. This will include outreach to legislators, engagement with your VFDA Executive Director and advocacy team, and reading emails to keep abreast of what is occurring during the legislative session.

1. [Establishing Order of Descendants; Control of Disposition of Decedent](#)

The first piece of legislation should not be new to membership. We have commonly called it “Next-of-Kin” legislation. It was patroned during the 2019 legislation by Senator Creigh Deeds and Delegate Mark Sickles. They have each been asked to patron the bill again. It has been streamlined with the help of the Virginia Bar Association. The legislation establishes the order in which the next-of-kin controls the decision-making process about the decedent’s disposition, similar to the course of descendants within the Code of Virginia Title 64.2-200, Wills, Trusts, and Fiduciaries.

The order established within the “Next-of-Kin” legislation clarifies who has the right to determine the disposition of the a decedent; how and when that right can be transferred; and what acceptable contact of next-of-kin includes. It does not preclude anyone from paying the funeral home for the services, whether or not the person is next-of-kin. The legislation also defines “disposition” and “next-of-kin,” as well as providing immunity for funeral service establishments and crematories that have followed the established guidance.

We will need your stories of how family dispute has created challenges for families and funeral homes alike when trying to provide services and final disposition. Please send them to Lacy not later than November 15, 2020.

2. [Manager of Record for Funeral Service Establishments](#)

The second piece of proposed legislation is in response to legislation, which passed during the 2020 regular session requiring the Board of Funeral Directors and Embalmers to promulgate regulations to re-establish funeral director-only and embalmer-only licenses. During the expedited regulatory process, BFDE staff informed RAP members that the legislation did not provide leeway to change anything regarding the status or requirements of a manager of record of a funeral service establishment and blocked addressing the concern. However, it remains a concern for membership and legislation has been proposed establishing what level of credentialing a manager of record for a funeral service establishment must have based upon whether embalming services are provided.

We have asked Senator Jeremy McPike to patron the legislation. He spent time on a call with Lacy, Jay and Angie to hear why it was important for funeral service establishments that offer embalming services to have a funeral service licensee as a Manager of Record. He was receptive and will hopefully agree to patron.

3. [Known Other-Sourced Legislation](#)

There is a piece of legislation that Delegate Martha Mugler has decided to patron that would establish unequivocally that in the case of a declared emergency due to communicable disease, funeral service(s) licensees will be considered essential workers and will be afforded priority as such during a declared emergency with regard to receipt of PPE.

The VFDA has agreed to support the legislation.