



2021 Legislative Agenda

The 2020 General Assembly Session(s) have seemed like a never-ending story. The 2020 regular session ended a week later than anticipated in a “long session” on the day that the Governor announced the COVID-19 pandemic emergency.

In the chaotic months that followed VFDA Executive Director, Lacy Whittaker, worked at breakneck speed to bring you up-to-date information on the changes that were occurring in policy and practicality across the state. She had “Zoom Fatigue” before it was even a phrase. She chased down PPE and body bags for members. She sat on literally over 36 hours of Department of Labor and Industry/VOSH and related meetings to keep you up to date on the safety measures required to by businesses in the Commonwealth of Virginia. Multiple Mass Fatality Taskforce calls had Lacy’s participation as well as efforts to be sure that legislation that passed and created opportunities for VFDA engagement included membership. All that and more in addition to the daily efforts of serving a state-wide association and working to provide the best situation for the Annual VFDA Convention possible.

August 18, 2020 the General Assembly began a “special session” in which the budget would be addressed due to COVID-19 impacts, as well as criminal and social justice reforms. This covered a broad spectrum of legislation. The “special session” eclipsed the long, regular session (+1 week) and the House and the Senate finished work on conference reports and the budget nine weeks later on October 16, with just over a month left for legislation to be submitted for drafting as “prefiled legislation” for the regular 2021 General Assembly session. As of October 16, only five pieces of legislation have been prefiled and placed on the system.

Your VFDA Executive and Legislative Committees have approved two pieces of legislation for which patrons will be sought and lobbying activities will be

expended. Engagement by the membership on these issues is paramount to successful promotion of the proposed legislation.

[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. 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.

[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.

[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.