

**FOR IMMEDIATE ACTION BY**

**VFDA MEMBERS AND EMPLOYEES**

**Engagement by the VFDA membership and their employees on VFDA legislation *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.**

**2021 General Assembly Session**

1. **Establishing Order of Descendants; Control of Disposition of Decedent (VFDA commonly calls this the Next-of-Kin legislation)**

General information to understand:

* During the 2019 General Assembly session, this legislation was patroned by Senator Creigh Deeds and Delegate Mark Sickles.
* They have each agreed to patron the bill again for the 2021 General Assembly session.
* The original language has been streamlined with the help of the Virginia Bar Association.
* The legislation clearly 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 a decedent;
	+ How and when that right can be transferred; and
	+ What is considered acceptable contact of next-of-kin.
* It does not preclude ***anyone*** from paying a funeral home for the services provided, whether or not the person is next-of-kin.
* The legislation also defines “disposition” and “next-of-kin.”
* The legislation provides protections to funeral service establishments and crematories that follow the established guidance set forth in the bill.
1. Manager of Record for Funeral Service Establishments

General Information to understand:

* Senator John Cosgrove has agreed to be our patron.
* Legislation, which passed during the 2020 regular session, required the Board of Funeral Directors and Embalmers to promulgate regulations to re-establish funeral director-only and embalmer-only licenses.
	+ The Board did not address protections to families and funeral service establishments regarding the management of funeral service facilities that offer embalming.
	+ The Manager of Record legislation proposed for the 2021 legislative session seeks to cure those concerns.
* During the expedited regulatory process, BFDE staff informed RAP members that the legislation did not *specifically* 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, at the first RAP meeting, it was stated that they would be looking at whether there were, “…any clarifying edits needed in the current regulations to address all three license types.”
	+ Manager of Record concerns remain for VFDA and IFHVA memberships as well as VMA, 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, or a fee charged on the funeral service establishment’s price sheet even if the embalming does not take place at the funeral home.
1. 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.

**PLEASE NOTE**: It is likely that there will be other legislation introduced upon which VFDA and its members will have to act - either in support of, or opposition to.

It will therefore be necessary for VFDA members and their employees to read their emails from VFDA and act on them as requested very quickly.

The next few pages will be sample emails and call messaging for VFDA members and their employees to use in reaching out to legislators. Please phone if you have any questions, but they have been crafted for quick cut and paste, with space for your own personal information.

Please understand that you may have to reach out to legislators more than one time in what is sure to be another hectic, chaotic legislative session.

Thank you,

Marty White Lacy Whittaker Jay McIntyre, Chair

President Executive Director Legislative Committee

Your Advocacy Team: Angie Bezik; Cindy DiFranco; and Julia Hammond