

MYTHS OF OPPOSERS OF SB1424; MANAGER OF RECORD

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• The bill would ban non-embalmer funeral directors from functioning as the Manager of Record for Virginia funeral establishments. There is no public protection purpose served by this. **FALSE**

- **SB1424 absolutely provides the public protections. The science of embalming cannot be undervalued. There have been instances in which bodies have begun to purge and other incidents, which no family should have to see. Having a *Funeral Service Licensee* as a Manager of Record for each funeral service establishment that provides embalming as a service, whether on premises or off premises, who has been fully educated and trained in funeral directing and embalming should absolutely be required.**
- **SB1424 does NOT require those funeral service establishments that do not offer embalming services, whether on premises or off premises, will not be required to have a *Funeral Service Licensee* as a Manager of Record.**
- There is nothing that uniquely qualifies embalmers—as compared to non-embalmer funeral directors—to better oversee the business of a funeral home, to ensure compliance with state regulations, or to properly serve customers. **FALSE**
- **SB1424 requires a qualified Funeral Service Licensee to be a Manager of Record for a funeral service establishment that provides embalming as a service, whether on premises or off premises. They have been educated and trained in every aspect of overseeing the business and management of a funeral service establishment, including the regulated embalming preparation room, which includes appropriate inventorying of embalming and preparation materials, sanitization, storage in appropriate containers and in a manner that protects from any contamination - (especially important during this COVID-19 pandemic).**
- Embalming is not a legally required purchase in the Commonwealth of Virginia when alternatives such as refrigeration or rapid disposition of the body are available. There is no connection between expertise in embalming and the proper management of a funeral service establishment. As in all other businesses, supervising managers are able to contract for specialized services from third parties, or to hire employees with those skills directly; there is no rational reason to require the manager himself to be an embalmer.
- **It is true that embalming is not legally required to be done in Virginia. As expressed above, SB1424 requires a qualified Funeral Service Licensee to be a Manager of Record for a funeral service establishment that provides embalming as a service, whether on premises or off premises. They have been educated and trained in every aspect of overseeing the business and management of a funeral service establishment. It is a consumer protection bill, which ensures that highly skilled funeral professionals will have oversight of all aspects of the last act of care for the consumers' loved ones.**

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• Embalming is a declining practice chosen by fewer consumer families every year. The bill would prop up an obsolescent skill to protect the prestige of a class of funeral directors invested in outdated and increasingly irrelevant practices.

- **This is also true. The choice to embalm by a decedent's next of kin is declining. SB1424 ensures that while embalming is still chosen by the families of the decedent, oversight of that, and every aspect of the funeral service establishment will be done by the most qualified person.**
- **SB1424 allows for the natural decrease in embalming by establishing that a funeral service establishment that does not choose to offer embalming services – possibly due to the decline in the practice in the region in which they practice – will NOT have to be a *Funeral Service Licensee*, but rather a funeral director.**
- **Beginning January 14, 2021, Virginia offers three licenses for the funeral profession –**
 - 1. *Funeral Service Licensee*, which is a combined license for those educated and trained as a funeral director AND embalmer**
 - 2. Funeral director, which is for those educated and trained in funeral directing only**
 - 3. Embalmer, for those educated and trained as an embalmer only**

• This bill is an attempt to stifle competition from non-embalming funeral directors in order to protect the favored position of funeral directors who are also embalmers. The bill would stifle competition from innovative funeral establishments that can bring alternative choices and lower prices to grieving families. **FALSE**

- **In fact, SB1424 does the opposite of stifling competition from innovative funeral establishments. As mentioned by the letter writer previously, embalming continues to be a declining choice for families as they arrange for final disposition of their loved one. This allows funeral service establishments to naturally shift to alternative choices for families as the move away from embalming continues. SB1424 is a consumer protection bill, which ensures that highly skilled funeral professionals will have oversight of all aspects of the last act of care for the consumers' loved ones.**

• Like so many other occupational licensing restrictions, this bill uses the legislative process to codify the desires of a class of merchants to be protected from market competition. Naked protectionism should not be afforded the fig leaf of "consumer protection" that statutory endorsement confers. **FALSE**

- **SB1424 provides CONSUMERS the highest level of protections as they arrange for the last act of care for their loved ones.**