

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

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for

House Bill 4483

By Delegates Amos, Browning, and Heckert

[Reported February 23, 2026, from the Committee on
Government Organization]

1 A BILL to amend and reenact §30-6-6, §30-6-7, §30-6-9, §30-6-14, §30-6-17, §30-6-18, and §30-
2 6-19 of the Code of West Virginia, 1931, as amended, relating to modernization of funeral
3 service licensure and administration; clarifying definitions and credentials; updating
4 apprenticeship standards; providing for the renewal of emeritus licenses; and providing for
5 rulemaking and transitional provisions.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. BOARD OF FUNERAL SERVICE EXAMINERS.

§30-6-6. Rule-making authority.

1 (a) The board shall propose rules for legislative approval in accordance with the provisions
2 of 29A-3-1 *et seq.* of this code to implement the provisions of this article including, but not limited
3 to, the following:

4 (1) The general practice of embalming, funeral directing and cremating, and operating a
5 funeral establishment and crematory: *Provided*, That the board cannot require that an applicant for
6 a license to operate a funeral establishment or crematory have either an embalmer's or funeral
7 director's license, or a certificate to operate a crematory.

8 (2) The examinations administered under this article;

9 (3) The issuing and renewing of licenses, certificates and courtesy cards, including
10 establishing a staggered biennial renewal schedule;

11 (4) The requirements for inactive licensees;

12 (5) The registration and regulation of apprentices;

13 (6) Establish a cremation procedure and crematory requirements;

14 (7) Establish inspection requirements for funeral establishments and crematories,
15 including an inspection of a new facility and annual inspections of existing facilities;

16 (8) Establish inspector and investigator requirements;

17 (9) Setting the fees charged under the provisions of this article;

18 (10) Setting the fines assessed under the provisions of this article;

19 (11) Implementing requirements for continuing education for licensees;

20 (12) Denying, suspending, revoking, reinstating or limiting the practice of a licensee or
21 certificate of qualification;

22 (13) The investigation and resolution of complaints against persons licensed, certified or
23 registered under this article;

24 (14) Establish advertising standards; and

25 (15) Establish a provisional licensee in charge authority for up to 90 days following a
26 licensee in charge vacancy or change of control, with conditions and notice to the board;

27 (16) Define criteria for an "embalmer-of-record" agreement for establishments that do not
28 embalm on-site; and

29 ~~(15)~~(17) Propose any other rules necessary to effectuate the provisions of this article.

30 (b) All rules in effect on the effective date of this article shall remain in effect until they are
31 withdrawn, revoked or amended.

§30-6-7. Fees; special revenue account; administrative fines.

1 (a) All fees and other moneys, except administrative fines, received by the board shall be
2 deposited in a separate special revenue fund in the State Treasury and be used for the
3 administration of this article. Except as may be provided in ~~section eleven, article one of this~~
4 ~~chapter~~ §30-1-10 of this code, the board shall retain the amounts in the special revenue account
5 from year to year. No compensation or expense incurred under this article is a charge against the
6 General Revenue Fund.

7 (b) Any amounts received as administrative fines imposed pursuant to this article shall be
8 deposited into the General Revenue Fund of the State Treasury.

§30-6-9. Funeral director license requirements.

1 (a) The board shall issue a license to practice funeral directing to an applicant who meets
2 the following requirements:

3 (1) Completed a bachelor's degree from an accredited institution; and

4 (2) Completed a ~~two-year apprenticeship~~ one-year apprenticeship under the supervision of
5 a licensee in charge or an active licensed funeral director; and

6 (3) Has paid all the appropriate fees.

7 (b) The ~~two-year~~ apprenticeship must consist of the following work and case experience,
8 documented in a board-approved competency log:

9 (1) Diligent attention to the work in the course, or regular and steady employment, and not
10 as a side issue to another employment;

11 (2) Conducting not less than 35 disposition arrangements for individuals;

12 (3) Conducting not less than 35 funeral and/or memorial services; and

13 (4) Passes with an average score of not less than 75 percent, the West Virginia Laws,
14 Rules, and Regulations Examination.

15 (c) A license to practice funeral directing issued by the board prior to July 1, 2002, shall for
16 all purposes be considered a license issued under this section: *Provided*, That a person holding a
17 license issued prior to July 1, 2022, must renew the license pursuant to the provisions of this
18 article.

§30-6-14. License and certificate renewal; conditions of renewal.

1 (a) The board shall biennially on July 1, and pursuant to a staggered schedule, renew a
2 license to practice embalming and funeral directing or a certificate to be a crematory operator to
3 every licensee or certificate holder desiring to continue in active practice or service.

4 (b) The board shall charge a fee for each renewal and a late fee for nonrenewal of a license
5 or certificate.

6 (c) The board shall require as a condition for the renewal of a license to practice
7 embalming and funeral directing or a certificate to be a crematory operator that each licensee
8 participate in continuing education. ~~*Provided*, That any licensed embalmer or funeral director~~
9 ~~sixty-five years or older with at least ten years experience as a licensed embalmer or licensed~~
10 ~~funeral director, is entitled to be issued, after payment of a fee, a license as an embalmer emeritus~~

11 ~~or funeral director emeritus and is exempt from all continuing education requirements. The~~
12 ~~emeritus license shall entitle the holder to all the rights and privileges of the license previously held~~
13 ~~by the licensee.~~

14 (d) A licensed embalmer, funeral director, or funeral service licensee 65 years of age or
15 older with at least 10 years of experience as a licensed embalmer, funeral director, or funeral
16 service licensee is entitled to be issued, after payment of a fee, a license as an embalmer
17 emeritus, funeral director emeritus, or funeral service licensee emeritus and is exempt from all
18 continuing education requirements. The emeritus license shall entitle the holder to all the rights
19 and privileges of the license previously held by the licensee. The board may not require renewal of
20 an emeritus license more frequently than once every four years.

21 ~~(d)~~(e) Any person licensed to practice embalming and funeral directing or certified to be a
22 crematory operator who does not desire to continue in active practice shall notify the board, in a
23 manner specified by the board, and pay a fee, and shall, during such period, be listed by the board
24 as being inactive. At such time a person desires to return to active practice, he or she must notify
25 the board, in a manner specified by the board, and complete all the continuing education
26 requirements.

§30-6-17.

Apprenticeship.

1 (a) After July 1, 2022, the board shall issue a registration to be an apprentice funeral
2 service licensee to an applicant who meets the following requirements:

3 (1) Is free of a felony conviction bearing a rational nexus to the profession pursuant to §30-
4 1-24 of this code;

5 (2) Is 18 years of age or over;

6 (3) Is a citizen of the United States or be eligible for employment in the United States;

7 (4) Has a high school diploma or its equivalent;

8 (5) The required 60 semester hours or 90 quarter hours of college or university credits and
9 mortuary school can be completed prior to, during, or after the apprenticeship; and

10 (6) Has paid the appropriate fees.

11 (b) Any person that commences an apprenticeship prior to January 1, 2003, may continue
12 to serve such apprenticeship and is not subject to the requirements set forth in this section, but is
13 subject to board approval.

14 (c) The board may set the requirements for an apprenticeship, including the manner in
15 which it shall be served and the length of time, which shall not be more than one year for a funeral
16 service licensee and shall not be more than ~~two years~~ one year for a funeral director.

17 (d) No licensed funeral director or licensed embalmer shall be permitted to register or have
18 registered more than five apprentices under his or her license at the same time.

19 (e) The board shall register an apprentice funeral director under §30-6-9 who is pursuing
20 the funeral director license only.

§30-6-18. Funeral establishment license requirements.

1 (a) Every funeral establishment in West Virginia shall be licensed prior to opening a funeral
2 establishment for business to the public. The board shall issue a license to operate a funeral
3 establishment to an applicant who meets the following requirements:

4 (1) The place of business has been approved by the board as having met all the
5 requirements and qualifications to be a funeral establishment as are required by this article;

6 (2) Notify the board, in writing, at least 30 days before the proposed opening date, so there
7 can be an inspection of the funeral establishment;

8 (3) Show proof that the funeral establishment passed the inspection;

9 (4) Show that the funeral establishment has employed a licensee in charge;

10 (5) Show that the licensee in charge ~~is a licensed funeral director~~ meets the requirements
11 of §30-6-19 of this code;

12 (6) Show that the licensee in charge will manage the funeral establishment and be
13 responsible for all business conducted and services performed therein;

14 (7) Pay all the appropriate fees; and

15 (8) Complete such other requirements as specified by the board.

16 (b) All funeral establishment licenses must be renewed biennially, by a staggered
17 schedule, upon or before July 1, and pay a renewal fee.

18 (c) Each funeral establishment license shall be valid for only one funeral establishment to
19 be located at a specific street address. There shall be a separate license issued and a separate
20 fee assessed to operate additional funeral establishments by the same applicant.

21 (d) A holder of a funeral establishment license that fails to pay fees for either the principal
22 establishment or additional establishments by July 1, of the renewal year is subject to a penalty, a
23 reinstatement fee for each establishment and the required renewal fee.

24 (e) The holder of a funeral establishment license who ceases to operate the funeral
25 establishment at the location specified in the application shall, within 20 days thereafter, surrender
26 the funeral establishment license to the board and the license shall be canceled by the board. In
27 the event of the death of an individual who was the holder of a funeral establishment license, it
28 shall be the duty of the holder's personal representative to surrender the funeral establishment
29 license within one hundred twenty days of qualifying as the personal representative.

30 (f) If a licensee in charge ceases to be employed by a funeral establishment, then the
31 holder of the funeral establishment license shall notify the board within 30 days of the cessation.
32 Within 30 days after such notification, the holder of a funeral establishment license shall execute a
33 new application for a funeral establishment license specifying the name of the new licensee in
34 charge. A funeral establishment is prohibited from operating more than ~~thirty~~ 60 days without a
35 licensee in charge: Provided, That a funeral establishment may operate with a provisional licensee
36 in charge for a 90-day period, as provided by §30-6-19(g) of this code.

37 (g) A licensee whose embalmer's or funeral director's license has been revoked or a holder
38 of a license to operate a funeral establishment whose license to operate has been revoked shall
39 not operate, either directly or indirectly, or hold any interest in any funeral establishment or
40 crematory: Provided, That a holder of a license to operate a funeral establishment whose license

41 to operate has been revoked is not prohibited from leasing any property owned by him or her for
42 use as a funeral establishment, so long as the property owner does not participate in the control or
43 profit of the funeral establishment except as lessor of the premises for a fixed rental not dependent
44 upon earnings.

45 (h) Failure to comply with any of these provisions shall be grounds for revocation of a
46 funeral establishment license.

47 (i) A license to operate a funeral establishment issued by the board prior to July 1, 2002,
48 shall for all purposes be considered a license issued under this section: *Provided*, That a funeral
49 establishment holding a license issued prior to July 1, 2002, must renew the license pursuant to
50 this section.

§30-6-19. Funeral establishment to be managed by a licensee in charge; license displayed.

1 (a) Every separate funeral establishment in this state offering the services set forth in this
2 article shall be operated under the supervision and management of a licensee in charge ~~who is~~
3 ~~licensed as a funeral director in this state~~ who shall hold an active:

4 (1) Funeral service licensee's license in the State of West Virginia;

5 ~~(2) Embalmers license in the State of West Virginia;~~

6 ~~(3)~~(2) Crematory operator certificate in the State of West Virginia; and

7 ~~(4)~~(3) Pre-Need license in the State of West Virginia if the establishment offers or sells pre-
8 need contracts.

9 (b) Each separate funeral establishment in this state offering the services set forth in this
10 article shall have its own license, which license shall be prominently displayed within the funeral
11 establishment.

12 (c) All funeral establishments shall display in all advertising the name of the licensee in
13 charge of the establishment.

14 (d) All funeral establishments shall prominently display within the funeral establishment the
15 license of the licensee in charge.

16 (e) A licensee in charge shall supervise each separate establishment.

17 (f) Effective July 1, 2022, the board shall allow up to two years to complete the
18 requirements under this section for the licensee in charge.

19 (g) Upon vacancy of the licensee in charge position, the board may grant provisional
20 authority for up to 90 days to an eligible licensee to serve as licensee in charge while credentials
21 are obtained or a new licensee in charge is designated.

NOTE: The purpose of this bill is to modernize funeral service licensure and administration; clarify definitions and credentials; update apprenticeship; and provide for rulemaking and transitional provisions.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.