THE

The Association of Independent Funeral Homes of Virginia

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I hope everyone is having a fabulous summer!

First off, thank you for trusting me with this title. I do not take the faith you have put in me lightly. I will do my best to make time for anyone who would like a few moments of my time.

I would like to have an open door policy with all firms in our group. I am happy to listen to any regulation or legislative problems that you would like to discuss. That is a huge advantage to membership in IFHV: the openness to collaborate ideas. We as a group have been divided over items in the past, but it's great knowing I have friends and colleagues that can agree or disagree and have mutual respect for each other.

There are a couple of dates to keep in mind. One date is our spring continuing education with an expected date of March 31, 2023. If you know of a friend who will need continuing education hours, invite them to come along whether they are a member or not. The other is our annual convention coming in fall of 2023. There will be more to come on that in the following newsletters.

Johnny S. Muncey, IFHV President Horne Funeral Home, Christiansburg, VA

NEW CONSUMER GUIDANCE ON THE FTC FUNERAL RULE ISSUES FOR CONSUMERS

Shopping for Funeral Services by Phone or Online



The Federal Trade Commission has issued new consumer guidance to assist consumers with shopping for funeral services by phone or online. They are hopeful that the guidance will be particularly helpful for consumers who have to make quick decisions about how to handle funeral arrangements for a loved one. It's important that each funeral director is aware of this information as well. The Virginia Board of Funeral Directors and Embalmers in receipt of the below correspondence and resource information from the Federal Trade Commission (FTC). This information has been posted on the Board's website and was sent out to all funeral licensees via e-mail blast in the coming days.

When a loved one dies, family members and friends often need to make decisions about a funeral quickly and under emotional stress. If your loved one dies in another state, or

you can't meet in person for any reason, you may need to plan a funeral by phone or online. Here are some steps to help you make arrangements at a distance.

► Learn About Funeral Homes in the Area

- Find local funeral homes that offer the type of service you want, whether that's a simple cremation, a traditional funeral, or something else.
- Search for information online. Many funeral homes have websites with information about their services and pictures of their facilities. Some include price information and let you make arrangements online.
- See what people say about their experiences with a funeral home. Search online for a business' name, plus words like "complaint" or "review."
- Make a list of several funeral homes to contact. You may find similar services and items for a lower price if you comparison shop.

► Call Funeral Homes and Ask for Information

- Funeral homes must answer questions over the phone about what they offer and their prices.
- When you ask a funeral home about a service for example, direct cremation ask what's included in the price.
- Ask if there will be other costs, like for transportation, death certificates, or obituaries.
- They should let you take your time. It's ok to ask them to slow down, explain, or repeat something.
- Ask a funeral home to send you an email or text with information about prices, services, and merchandise. Funeral homes aren't required to send the information, but many will be happy to.
- If you don't want to go in person, tell a funeral home you want to make plans without visiting. If a funeral home won't send you information about prices, services, and merchandise, find a different business. Shopping for Funeral Services by Phone or Online 2

► Before You Accept the Arrangements, Ask for a Written Statement

A funeral home must give you an itemized list of the services and merchandise you choose and the price for each item. Ask the funeral home to send the statement by email or text. Check it and make sure the funeral home agrees to any changes or corrections before you agree to use the funeral home's services.

► Get More Information

Learn more about funeral costs and shopping for funeral services at ftc.gov/funerals.

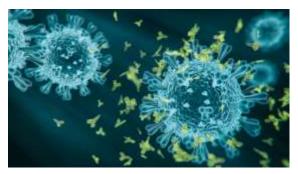
- You can buy a casket, cremation container, or urn online or somewhere else — to use at a funeral home. The funeral home can't charge a fee for using your item.
- You might have to pay fees because of state or local laws.
 A funeral home must list required items and their cost on the written statement it gives you.
- Some funeral homes offer discounted package funerals, but you
 don't have to buy a package that includes items you don't want.
 Ask about itemized prices. The funeral home must let you buy
 only the services you want and need.

► Report Problems

If a funeral home won't answer your questions or give you required information, look somewhere else. And, please tell the FTC at ReportFraud.ftc.gov and contact your state attorney general (consumerresources.org/file-a-complaint/). Most states have a licensing board that regulates the funeral industry. Contact your state board or local Better Business Bureau (bbb.org) for information or help resolving a problem with a funeral home.

Data Shows COVID-19 Impact on Funeral Service is Significant

Data Shows COVID-19 Impact on Funeral Service is Significant | Connecting Directors



Brookfield, Wis.— The long-lasting repercussions of the COVID-19 are only just now being fully understood as data from the last two years becomes more widely accessible. Data from the *2022 Cremation and Burial Report*, released by the <u>National Funeral Directors Association</u> (NFDA), shows that one of the most notably impacted is the funeral service profession.

COVID-19-related fatalities in the U.S. increased the total number of deaths by 543,000 in 2021; the pandemic is expected to cause an additional 289,000 deaths in 2022. The most significant impacts of the pandemic on funeral homes and services can be seen in the following areas:

- Technology's Pivotal Role in Memorial Services: A significant spike in demand was seen when 74.4% of funeral homes reported that the number of families they served increased, especially in large metropolitan areas. While some funeral homes already offered livestreaming services, since the onset of the pandemic, more than half of NFDA-member funeral homes began doing so to help families safely gather while adhering to restrictions on public gatherings. Funeral homes are predicted to continue to expand this and other offerings such as virtual funerals and an increased array of options to meet the needs of families with diverse cultural and faith traditions in the future.
- Increase in Online Arrangements: 40% of NFDA funeral homes now offer online cremation arrangements; 28.2% plan to offer the ability to make cremation arrangements online within the next five years. NFDA's 2022 Consumer Awareness & Preferences Report noted that while many more consumers are venturing online to plan a funeral or memorial service, more than half (53.7%) noted that even though they had a good experience, they still needed the assistance of a funeral director. Nearly 10% indicated they did not get the personalized service they would have received had they worked with a funeral director and just over 1% said planning online was impersonal and not a good experience for their family.
- Crematory Ownership Up: With the annual number of cremations in the U.S. expected to rise from 1.91 million in 2022 to 2.26 million by 2030, and to 2.94 million by 2040, there has, in turn, been growth in the number of funeral homes operating their own crematories. Approximately 39% of funeral homes in the country now operate their own crematories and another 12% plan to open their own within the next five years. The highest concentration of crematories in the U.S. are in the Southeast, Great Lakes, and MidAtlantic regions where there tends to be a higher population density and a higher percentage of people 65 or older.
- **Labor Shortage:** The employment rate for funeral service workers is expected to grow by 4% from 2020 to 2030, thus many firms anticipate hiring eligible workers to be a future challenge.

As cremation becomes more socially accepted among the public, another factor contributing to it outnumbering traditional burials in the U.S. is the rise in the number of Americans who do not identify with a religion. Other factors at play include lower costs associated with cremation services, changing consumer preferences, weakening prohibitions, and environmental concerns.

In 2021, NFDA member funeral homes reported 41% of consumers chose a direct cremation, 35% chose a cremation with memorial service, and 24% chose a casketed adult funeral with viewing and cremation. NFDA projects the cremation rate in all 50 U.S. states and Washington, D.C. will exceed 50% by 2035.

"Even though it's been a couple years since the onset of the pandemic, we are just now seeing the data that reflects the true impact and influence it has had on the way people memorialize and grieve their loved ones," said NFDA President Randy Anderson, CFSP, COO. "As funeral directors, we are always here to assist and guide families in our communities to create an experience that they prefer, whether it's blending familiar rituals with contemporary preferences, like cremation, or planning a tradition funeral and memorial service, to help them grieve and heal in the best way possible for them."

Throughout the pandemic years, funeral directors proved their ability time and time again to swiftly adapt as they worked tirelessly to serve their communities by finding new ways to help families meaningfully pay tribute to their loved ones. Whether families are looking to organize a traditional religious funeral or a more customized memorial, it can be difficult to know where to start. Answering questions at all stages of planning, Remembering A Life (www.RememberingALife.com), NFDA's family outreach and education website, offers guidance on where to begin the planning process, the kinds of decisions that families can make and the numerous options available to make a tribute both personal and meaningful. The site is designed to help people curious about their own affairs or those seeking answers following the death of a loved one.

REMINDER

§ 54.1-2808.1. Disposition of cremains.



Except as otherwise provided in § 54.1-2808.2, a funeral director may dispose of the cremains of an individual by interment, entombment, inurnment, or by scattering of the cremains, if after 120 days from the date of cremation, the contracting agent has not claimed the cremains or instructed the funeral director as to final disposition. The funeral director shall keep a permanent record of all cremains which identifies the method and site of final disposition. The costs and all reasonable expenses incurred in disposing of the cremains shall be borne by the contracting agent. Upon the disposition of the cremains, the funeral director shall not be liable for the cremains or for the method of final disposition. Except as otherwise provided in § 54.1-2808.2, any funeral

director in possession of unclaimed cremains prior to July 1, 1993, may dispose of such cremains in accordance with the provisions of this section. However, no funeral director shall, without written permission of the contracting agent, dispose of cremains in a manner or a location in which the cremains of the deceased are commingled, except in the scattering of cremains at sea, by air, or in an area used exclusively for such purpose, or place, temporarily, the cremains of persons in the same container or urn.

Virginia Military Funeral Honors for Unclaimed Veterans' Cremains

Honor · Dignity · Respect · Remembrance



"Any nation that does not honor its heroes will not long endure."

President Abraham Lincoln

Illions of American service men and women fought for us in two World Wars, Korea, Vietnam, the Persian Gulf, the current conflicts in Iraq and Afghanistan, and many others. Yet, today, the remains of some of these heroes sit unclaimed and forgotten on the shelves of funeral homes, hospitals, prisons, crematories, and other facilities.

The Virginia Military Funeral Honors for Unclaimed Veterans' Cremains Program seeks to remember these lost heroes and give them the honorable interment they deserve.

We simply ask that funeral homes and other facilities provide us with the names of their unclaimed cremains, along with the service number, social security number, date of birth, and any other information you have about the person. We'll do the rest.

We will research each name to determine if the individual is a veteran and eligible for interment in a veterans cemetery. For eligible veterans, we will work with you to arrange transfer of the cremains to one of the three state veterans cemeteries in Virginia. Upon transfer, we will conduct a service with appropriate military honors and inter the veteran's cremains.

If you need assistance in putting together the list of your unclaimed cremains, we'll be happy to send a volunteer to your facility to help.

Please join the partners in the Virginia Military Funeral Honors for Unclaimed Veterans' Cremains Program and help us give our forgotten veterans the honor, dignity, respect, and remembrance they deserve.

Partners

- Virginia Department of Veterans Services - Joint Leadership Council of Veterans

Ioin us

We invite all funeral homes, hospitals, prisons, crematories, and other facilities holding unclaimed cremains to join the Virginia Military Funeral Honors for Unclaimed Veterans' Cremains Program.

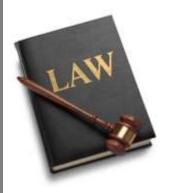
To provide a list of unclaimed cremains at your facility or to request assistance or information, contact:

Virginia Department of Veterans Services Albert G. Horton, Jr. Memorial Veterans Cemetery 5210 Milners Road. Suffolk, VA 23434 (757) 255 - 7217

Recognition

Participating organizations will receive a certificate recognizing their participation in the Virginia Military Funeral Honors for Unclaimed Veterans' Cremains Program. Participating organizations will also be recognized on the program's website once it is established. And, as support for this program grows, we expect positive media coverage recognizing the commitment made by all program participants.

NEW LAWS NOW IN EFFECT AS OF JULY 1, 2022



HB 99 - Head - Funeral service licensees, funeral directors, etc.; continuing education completion every 3 years. Provides that approved continuing education courses for funeral service licensees, funeral directors, and embalmers shall include either one hour of compliance with laws and regulations governing the profession or one hour of preneed funeral arrangements per year. Current law requires at least one hour of compliance with laws and regulations governing the profession and at least one hour of preneed funeral arrangements per year. The bill also contains technical changes. HB 286 - Adams, D.M. - Nurse practitioners; authorized to declare death and determine cause

of death. Authorizes autonomous nurse practitioners, defined in the bill, to declare death and determine cause of death; allows nurse practitioners who are not autonomous nurse practitioners to pronounce the death of a patient in certain circumstances; and eliminates the requirement for a valid Do Not Resuscitate Order for the deceased patient for declaration of death by a registered nurse, physician assistant, or nurse practitioner who is not an autonomous nurse practitioner.

HB 1001 - Runion - Death certificates; State Registrar to amend certificates after receiving corrected information Requires the State Registrar, upon receipt of an affidavit and supporting evidence testifying to corrected information on a death certificate within 45 days of the death of a decedent, to amend such death certificate to reflect the new information and evidence. The bill also requires the State Registrar, upon receipt of an affidavit and supporting evidence testifying to corrected demographic information on a death certificate after 45 days of the filing of a death certificate, to amend such death certificate to reflect the new information and evidence.

HB 1269 - Head - **Preneed funeral contracts**; removes requirement relating to life insurance or annuity contract. Removes the requirement that if a life insurance or annuity contract is used to fund a preneed funeral contract, the life insurance or annuity contract must provide either that the face value thereof shall be adjusted annually by a factor equal to the annualized Consumer Price Index as published by the Bureau of Labor Statistics of the United States Department of Labor, or a benefit payable at death under such contract that will equal or exceed the sum of all premiums paid for such contract plus interest or dividends, which for the first 15 years shall be compounded annually at a rate of at least five percent. The bill also removes the requirement that interest or dividends continue to be paid after 15 years.

SB 679 - Spruill - Preneed funeral contracts; life insurance or annuity contracts. Prohibits the Board of Funeral Directors and Embalmers from requiring life insurance or annuity contracts used to fund a preneed funeral contract to provide that (i) the face value thereof shall be adjusted annually by a factor equal to the annualized Consumer Price Index as published by the Bureau of Labor Statistics of the U.S. Department of Labor or (ii) a benefit payable at death under such contract will equal or exceed the sum of all premiums paid for such contract plus interest or dividends.

The Inflation Reduction Act Includes Wide-Ranging Tax Provisions

The Inflation Reduction Act Includes Wide-Ranging Tax Provisions (becpas.com)

The U.S. Senate and House of Representatives have passed the Inflation Reduction Act (IRA). President Biden is expected to sign the bill into law shortly. The IRA includes significant provisions related to climate change, health care, and, of course, taxes. The IRA also addresses the federal budget deficit. According to the Congressional Budget Office (CBO), the IRA is projected to reduce the deficit by around \$90 billion over the next 10 years.

Although the IRA falls far short of Biden's originally proposed \$2 trillion Build Back Better Act, the \$430 billion package nonetheless is a sprawling piece of legislation bound to affect most Americans over time. Here's an overview of some of what the bill includes.

Significant tax provisions -

For starters, how is the federal government going to pay for all of it? Not surprisingly, new taxes are part of the equation (along with savings from, for example, lower drug prices). But the bill is designed to not raise taxes on small businesses or taxpayers earning less than \$400,000 per year. Rather, wealthier targets are in the crosshairs.

The first target is U.S. corporations (other than S corporations) that have more than \$1 billion in annual earnings over the previous three years. While the current corporate tax rate is 21%, it's been well documented that many such companies pay little to no federal income tax, due in part to deductions and credits. The IRA imposes a corporate alternative minimum tax of 15% of financial statement income (also known as book income, as opposed to tax income) reduced by, among other things, depreciation and net operating losses. The new minimum tax is effective for tax years beginning after December 31, 2022.

As a result of last-minute negotiations, private equity firms and hedge funds are exempt from the minimum tax. They could have been covered by a provision that generally includes subsidiaries when determining annual earnings. The tradeoff is that the IRA now will extend the excess business loss limitation for certain businesses for two years.

Although the initial bill language also closed the so-called "carried interest" loophole that permits these interests to be taxed as long-term capital gains rather than ordinary income, the loophole ultimately survived. Democrats agreed to remove the provision closing it to secure the vote of Sen. Kyrsten Sinema (D-AZ) — but they added another tax to make up for the lost revenue. The IRA will now impose a 1% excise tax on the fair market value when corporations buy back their stock.

In a statement, Sinema said she would work with Sen. Mark Warner (D-VA) on separate legislation to enact carried interest tax reform. To do so outside of the budget reconciliation process, however, would require 60 votes in the Senate in addition to a majority of the House. With midterm elections in the fall, and control of both houses of Congress hanging in the balance, imminent action on that front seems unlikely.

The IRA also provides about \$80 billion over 10 years to fund the IRS and improve its "tax enforcement activities" and technology. Notably, the IRS budget has been dramatically slashed in recent years, dropping by 20% in 2020, compared to 2010. The CBO estimates that the infusion of funds will allow the IRS to collect \$203 billion over the next decade from corporations and wealthy individuals.

Climate and energy provisions

The IRA dedicates about \$370 billion to combating climate change and boosting domestic energy production. It aims to reduce the country's carbon emissions by 40% by 2030.

The legislation includes new, extended and increased tax credits intended to incentivize both businesses and individuals to boost their use of renewable energy. For example, the bill provides tax credits to private companies and public utilities to produce renewable energy or manufacture parts used in renewable projects, such as wind turbines and solar panels. Clean energy producers that pay a prevailing wage also may qualify for tax credits.

Clean vehicle credit

The current tax credit for qualified plug-in electric vehicles has been significantly revised in the IRA. Currently, a taxpayer can claim a credit for each new qualified plug-in electric drive motor vehicle placed in service during the tax year. The maximum credit amount is \$7,500. Certain vehicle requirements must be met.

The credit phases out beginning in the second calendar quarter after a manufacturer sells more than 200,000 plug-in electric drive motor vehicles for use in the U.S. after 2009. Under the IRA, the plug-in vehicle credit has been renamed the clean vehicle credit and the manufacturer limitation on the number of vehicles eligible for the credit has been eliminated after December 31, 2022.

The bill changes how the clean vehicle credit is calculated. Specifically, a vehicle must meet critical mineral and battery component requirements. There are also price and income limitations. The clean vehicle credit isn't allowed for a vehicle with a manufacturer's suggested retail price above \$80,000 for vans, sport utility vehicles and pickups, and above \$55,000 for other vehicles.

The clean vehicle credit isn't allowed if a taxpayer's modified adjusted gross income (MAGI) for the current or preceding tax year exceeds \$150,000 for single filers, \$300,000 for married couples filing jointly and \$225,000 for heads of household.

The IRA also contains a tax credit for a used plug-in electric drive vehicle purchased after 2022. The tax credit is \$4,000 or 30% of the vehicle's sale price, whichever is less. There are also price and income limitations.

Health care provisions

The IRA allows Medicare to negotiate the price of prescription drugs and prohibits future administrations from refusing to negotiate. It also caps Medicare enrollees' annual out-of-pocket drug costs at \$2,000 and monthly insulin costs at \$35 and provides them free vaccines. Additional provisions to rein in drug costs include a requirement that pharmaceutical companies that raise the prices on drugs purchased by Medicare faster than the rate of inflation rebate the difference back to the program.

The IRA also should reduce health care costs for Americans of all ages who obtain health insurance coverage from the federal Health Insurance Marketplace. It extends the expansion of subsidies — in the form of refundable premium tax credits — under the America Rescue Plan Act through 2025. These subsidies had been scheduled to expire at the end of 2022.



Draft Minutes Alkaline Hydrolysis Workgroup

July 14, 2022

The Virginia Board of Funeral Director and Embalmers workgroup has now met twice to develop appropriate recommendations for the process of Alkalying Hyrdolosis (AH) should the Virginia General Assembly change the code of Virginia to permit AH as a new method of disposition. Senate Bill 129 from the 2022 General Assembly directs the Board of Funeral Directors and Embalmers to convene a work group to study how to legalize, implement, and regulate the process of alkaline hydrolysis in the Commonwealth. The bill requires the Board to report the results of the study to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions on or before November 1, 2022. The final recommendations and results from the 2nd meeting will be available soon. In the meantime, here is a summary from the 1st of the 2 meetings. Eric Bliley, IFHV President Elect, has attended all of these meetings with Bo Keeney, IFHV Executive Director, to advocate IFHV's position and obtain as much information as possible. You may read the full minutes from the workgroup here.

CHARGE OF THE WORKGROUP — The Virginia Board of Funeral Directors and Embalmers was charged to convene a workgroup pursuant to SB 129, which directs the Board to "convene a Workgroup consisting of relevant stakeholders" to determine: (i) regulatory and statutory changes needed to legalize, implement, and regulate the process of alkaline hydrolysis in the Commonwealth; (ii) necessary qualifications to enable a person to engage in the practice of alkaline hydrolysis; (iii) proper standards for the operation of a facility containing a pressure vessel for alkaline hydrolysis; and (iv) proper requirements for licensure as an owner or operator of such a facility. The Workgroup is further tasked with considering "any necessary environmental precautions and safety measures to ensure proper (a) regulation and implementation of the alkaline hydrolysis process and (b) regulation and inspection of facilities where alkaline hydrolysis is conducted in the Commonwealth." The Workgroup has discussed the alkaline hydrolysis process, to look at the current laws and regulations related to funeral services, and discuss how other states have addressed alkaline hydrolysis in their statutes and regulations. The workgroup was asked the to think about the following questions for additional discussion toward the end of the meeting:

- How should alkaline hydrolysis be defined?
- How is alkaline hydrolysis similar to or different from cremation, which is already regulated as a means of disposition?
- How do those similarities or differences factor into the current laws and regulations (and need for amendments/new provisions)?
- What environmental concerns may exist related to alkaline hydrolysis in terms of effluent emissions?

CONSIDERATIONS FOR RECOMMENDED REGULATORY/STATUTORY CHANGES - The

Workgroup discussed the use of alkaline hydrolysis for the final disposition of human remains, with some focus on the aspects of environmental emissions and wastewater treatment. The Workgroup recommended that alkaline hydrolysis be included as an accepted means of final disposition of human remains in the Code of Virginia. The Workgroup recommended defining alkaline hydrolysis as a separate and distinct process within the Code of Virginia while using broad terminology that does not favor specific manufacturers or processes. The Workgroup will further discuss the definition of "alkaline hydrolysis" and related terms such as "hydrolyzed remains" and "alkaline hydrolysis facility" at the next meeting. The Workgroup recommended creating a regulatory structure for "alkaline hydrolysis" that appropriately reflects and accounts for the differences and similarities in the processes for alkaline hydrolysis and cremation. The Workgroup will further discuss appropriate alkaline hydrolysis containers and language related to "commercially made" alkaline hydrolysis vessels based on other state comparisons. The Workgroup recommended including licensure and registration requirements for alkaline hydrolysis facilities or operators that include appropriate consultation, authorization, and permits from state and local wastewater treatment authorities to minimize the potential for adverse environmental impact, to ensure appropriate equipment or vessels that discharge effluent into the wastewater system; and to ensure the proper and safe storage and handling of caustic chemicals that may impact water systems if leaked or spilled. The Workgroup requested additional information from the Virginia Department of Health regarding the permit process related to septic systems. Additionally, the Workgroup requested additional information on how other states register alkaline hydrolysis facilities for discharge materials emitted into septic fields.



IFHV MEMBER BENEFIT WITH WARFIELD-ROHR

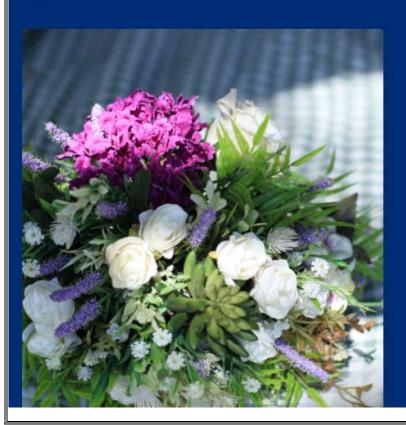
To show support of Virginia's independent firms and particularly IFHV members, Warfield-Rohr Casket Company just announced a special casket program just for IFHV firms. The program was reviewed and unanimously endorsed by the IFHV Board of Directors.

The Warfield-Rohr Benefit Program for IFHV Members offers member firms a quantity driven discount plan of up to a combined Terms Discount/Rebate of up to 20%. The rebate program began on August 1 and ends July 31 of each year. The rebate program quarters will end on November 30, February 28, May 31 and August 31 of each year.

Quantity of Caskets Purchased	Terms Discount	IFHV Member Rebate	Total Percentage Rebate	Contribution to IFHV per Casket
1 - 25	5%	6%	11%	\$2.00
26 -39	5%	9%	14%	\$2.00
40 - 59	5%	10%	15%	\$2.00
60 - 99	5%	13%	18%	\$2.00
100+	5%	15%	20%	\$2.00

To further show support for IFHV and its members, Warfield-Rohr will additionally contribute \$2 for every casket sold by them to an IFHV member. This program is an example of the benefits of IFHV membership and how IFHV works for the mutual benefit of its firm and associate members. Any questions may be addressed by your Warfield-Rohr sales representatives.

Reliable Payments



NEW PARTNER IN PROCESSING

IFHV's endorsed vendor for all of your payment processing needs.

Don't let the burdens of running a successful funeral home stop you from providing families with the most thoughtful experience. At Reliable Payments, we bring customizable solutions and industry expertise delivered with unparalleled customer service.

Learn More

Get Started