



## **Economic Impact Analysis Virginia Department of Planning and Budget**

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**18 VAC 47-20 – Cemetery Regulations**  
**Department of Professional and Occupational Regulation**  
June 1, 2015

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### **Summary of the Proposed Amendments to Regulation**

Pursuant to §54.1-2312.01, the Cemetery Board (Board) proposes to amend its regulation to decrease the mandatory hours that a training course must last and to allow cemetery companies to set up separate sections in their cemeteries that allow pets to be buried either separately or beside their owners.

### **Result of Analysis**

Benefits likely outweigh costs for these proposed changes.

### **Estimated Economic Impact**

Current regulation requires that training courses for compliance agents and their designees approved by the Board include all Board required information and be at least eight hours long. The Board has determined, however, that teaching all the required information in any given course generally takes much less time than the minimum eight hours allotted. Accordingly, the Board now proposes to amend the regulation so that approved training courses must be at least four hours. Because the changed hours would be a minimum, and because courses will still cover all information required by the Board even if it takes longer than four hours to do so, the public is unlikely to be harmed by more poorly informed cemetery compliance officers. Cemetery companies will likely save money on account of this change as they pay for their compliance officers' training. Compliance agents and designees will likely benefit from having to spend less time in training.

Currently, cemetery companies are only allowed to inter human remains. In 2014, the General Assembly passed legislation that allows cemetery companies to set aside sections of their cemeteries to bury humans and their pets so long as:

1. The sections set aside are “segregated entirely from the remainder of the cemetery devoted to the interment of human remains”,
2. Pets are not buried in the same grave, crypt or niche as a human and
3. Sections set aside are clearly marked and advertised as being for pets and their owners.

This legislation also allows for sections of cemeteries to be set aside strictly for pets so long as those sections are segregated, clearly marked and advertised as strictly for pets by the cemetery companies. The Board now proposes to amend its regulation to reflect these legislative changes and to require cemetery companies who set up sections of their cemeteries for pets or pets and their owners to keep permanent records identifying the name and type of pet interred, the name of the owner of the pet and the exact location where the pet is interred. Cemetery companies are not required to set up separate sections of their cemeteries for pets or pets and their owners and, so, are unlikely to do so unless the revenue that is accrued from doing so outweighs costs.

### **Businesses and Entities Affected**

Board staff reports that there are 93 cemetery companies in the Commonwealth that own and operate 164 cemeteries. Approximately 90 of those cemetery companies would qualify as small businesses. All of these cemetery companies will gain the ability to inter pets or pets and their owners so long as they follow rules set forth in the authorizing legislation and this proposed regulation. Board staff further reports that there are fewer than 10 people per year apply to the Board to be compliance agents or designees that would be affected by the changing training course hour minimum.

### **Localities Particularly Affected**

No locality will be particularly affected by this proposed regulation.

### **Projected Impact on Employment**

These proposed regulatory changes are unlikely to have any impact on employment in the Commonwealth.

## **Effects on the Use and Value of Private Property**

These proposed regulatory changes are unlikely to have any impact on the use or value of private property in the Commonwealth.

## **Small Businesses: Costs and Other Effects**

Small business cemetery companies will not be required to incur any costs on account of this regulatory action.

## **Small Businesses: Alternative Method that Minimizes Adverse Impact**

Small business cemetery companies will not be required to incur any costs on account of this regulatory action.

## **Real Estate Development Costs**

Cemetery companies may choose to incur extra property development costs to set up sections of their cemeteries for pets or pets and their owners but would likely only do so if they had an expectation that they would see increased profits from that choice.

## **Legal Mandate**

**General:** The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia and Executive Order Number 17 (2014). Section 2.2-4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the report should include but not be limited to:

- the projected number of businesses or other entities to whom the proposed regulation would apply,
- the identity of any localities and types of businesses or other entities particularly affected,
- the projected number of persons and employment positions to be affected,
- the projected costs to affected businesses or entities to implement or comply with the regulation, and
- the impact on the use and value of private property.

**Small Businesses:** If the proposed regulation will have an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include:

- an identification and estimate of the number of small businesses subject to the proposed regulation,

- the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents,
- a statement of the probable effect of the proposed regulation on affected small businesses, and
- a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

Additionally, pursuant to § 2.2-4007.1, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules (JCAR) is notified at the time the proposed regulation is submitted to the *Virginia Register of Regulations* for publication. This analysis shall represent DPB's best estimate for the purposes of public review and comment on the proposed regulation.

AMH

Town Hall ID: Action # 4223/Stage # 7204