


townhall.virginia.gov

Exempt Action: Final Regulation Agency Background Document

Agency name	Cemetery Board
Virginia Administrative Code (VAC) Chapter citation(s)	18 VAC47-20
VAC Chapter title(s)	Cemetery Board Rules and Regulations
Action title	HB 1305 Amendment (Cemetery Board Disciplinary Powers)
Final agency action date	September 23, 2026
Date this document prepared	September 23, 2026

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

This action amends the Cemetery Board Rules and Regulations to conform to changes resulting from the enactment of [Chapter 772](#) of the 2026 Acts of Assembly. The legislation permits regulatory boards under the Department of Professional and Occupational Regulation (“DPOR”) to take disciplinary cases under advisement as provided for in § 54.1-201 A 7 of the Code of Virginia. The legislation also amends the enabling statute of the Cemetery Board (“the Board”) to reference §§ 54.1-201 and 54.1-202 of the Code of Virginia, which provide for (i) the general powers and duties of DPOR regulatory boards; and (ii) the power of DPOR regulatory boards to impose monetary penalties.

This action amends the applicable section of the regulation pertaining to the Board’s authority to impose regulatory discipline to (i) provide that the Board may take disciplinary cases under advisement in lieu of other disciplinary sanctions as provided for in § 54.1-201 A 7 of the Code of Virginia; and (ii) clearly specify that the Board may impose the following sanctions against a credential held by a regulant:

- Censure or reprimand;
- Monetary penalty;
- Suspension of credential;
- Probation;
- Failing to renew a credential; or
- Revocation of credential.

This action is exempt from the Administrative Process Act under § 2.2-4006(A)(4)(a) of the Code of Virginia, which states in part:

A. The following agency actions otherwise subject to this chapter and § 2.2-4103 of the Virginia Register Act shall be exempted from the operation of this article:

4. Regulations that are:

a. Necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved. However, such regulations shall be filed with the Registrar within 90 days of the law's effective date;

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

In April 2026, the Governor approved [Chapter 772](#) (HB 1305) of the 2026 Acts of Assembly. Chapter 772 amends several sections of the Code of Virginia related to DPOR and its regulatory boards. These changes include:

- Amending § 54.1-201 A of the Code of Virginia, which provides for powers and duties of regulatory boards, to permit DPOR regulatory boards to take disciplinary cases against licensees under advisement, defer a finding in such cases, and dismiss such actions under terms and conditions established by the Board for Professional and Occupational Regulation.
- Amending § 54.1-2314 of the Code of Virginia, which provides for the Board's disciplinary powers, to incorporate applicable provisions of §§ 54.1-201 and 54.1-202 of the Code of Virginia.

This legislation became effective on July 1, 2026.

The purpose of this regulatory change is to implement and comply with changes to the Code of Virginia resulting from the passage of HB 1305 during the 2026 General Assembly session.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) that the agency has "adopted final amendments" to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, "On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)]."

On September 23, 2026, the Cemetery Board adopted final amendments to the Cemetery Board Rules and Regulations.