

SENATE BILL 251

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2000 Regular Session  
(01r1679)

**ENROLLED BILL**

-- Economic and Environmental Affairs/Environmental Matters --

Introduced by **Senator Hollinger**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER 67

1 AN ACT concerning

2 **Morticians - State Board of Morticians - Membership**

3 FOR the purpose of prohibiting the State Board of Morticians from ~~consisting of two~~  
4 ~~or more members who are~~ having more than one member who is employed by or  
5 affiliated with the same corporation, professional association, or other entity,  
6 that owns, directly or through a subsidiary, one or more funeral homes; and  
7 generally relating to the membership of the State Board of Morticians.

8 BY repealing and reenacting, with amendments,  
9 Article - Health Occupations  
10 Section 7-202  
11 Annotated Code of Maryland  
12 (1994 Replacement Volume and 1999 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
14 MARYLAND, That the Laws of Maryland read as follows:

1

**Article - Health Occupations**

2 7-202.

3 (a) (1) The Board consists of 12 members.

4 (2) Of the 12 Board members:

5 (i) 8 shall be licensed morticians or licensed funeral directors; and

6 (ii) 4 shall be consumer members.

7 (3) All Board members shall be residents of the State.

8 (4) The Governor shall appoint each member with the advice of the  
9 Secretary, and with the advice and consent of the Senate.

10 (5) THE BOARD MAY NOT ~~CONSIST OF TWO OR MORE MEMBERS~~ HAVE  
11 MORE THAN ONE MEMBER WHO ~~ARE~~ IS EMPLOYED BY OR AFFILIATED WITH,  
12 DIRECTLY OR INDIRECTLY, THE SAME CORPORATION, PROFESSIONAL ASSOCIATION,  
13 OR OTHER ENTITY, THAT OWNS, DIRECTLY OR THROUGH A SUBSIDIARY  
14 CORPORATION, PROFESSIONAL ASSOCIATION, OR OTHER ENTITY, ONE OR MORE  
15 FUNERAL HOMES.

16 (b) (1) Each mortician member shall:

17 (i) Be a licensed mortician whose license is in good standing with  
18 the Board; and19 (ii) Have practiced mortuary science actively for at least 5 years  
20 immediately before appointment.21 (2) In this subsection, "good standing" means that the Board has not  
22 reprimanded the licensee, suspended, or revoked the mortician's license or placed the  
23 licensee on probation within 5 years' time prior to or after confirmation to the Board.24 (3) To qualify for appointment to the Board, the licensee must meet all  
25 other qualifications required for renewal of a mortician license under this title.

26 (c) (1) Each funeral director member shall:

27 (i) Be a licensed funeral director whose license is in good standing  
28 with the Board; and29 (ii) Have practiced funeral direction actively for at least 5 years  
30 immediately before appointment.31 (2) In this subsection, "good standing" means that the Board has not  
32 reprimanded the licensee, suspended, or revoked the funeral director's license or  
33 placed the licensee on probation within 5 years' time prior to or after confirmation to  
34 the Board.

1 (3) To qualify for appointment to the Board, the licensee must meet all  
2 other qualifications required for renewal of a funeral director license under this title.

3 (d) Each consumer member of the Board:

4 (1) Shall be a member of the general public;

5 (2) May not be or ever have been a mortician, funeral director, or  
6 apprentice;

7 (3) May not have a household member who is a mortician, funeral  
8 director, or apprentice;

9 (4) May not participate or ever have participated in a commercial or  
10 professional field related to the practice of mortuary science;

11 (5) May not have a household member who participates in a commercial  
12 or professional field related to the practice of mortuary science; and

13 (6) May not have had within 2 years before appointment a substantial  
14 financial interest in a person regulated by the Board.

15 (e) While a member of the Board, a consumer member may not have a  
16 substantial financial interest in a person regulated by the Board.

17 (f) Before taking office, each member of the Board shall take the oath  
18 required by Article I, § 9 of the State Constitution.

19 (g) (1) The term of an appointed member is 4 years, except that the initial  
20 term of 1 of the consumer members is 3 years.

21 (2) The terms of appointed members are staggered as required by the  
22 terms provided for members of the Board on July 1, 1981.

23 (3) At the end of a term, an appointed member continues to serve until a  
24 successor is appointed and qualifies.

25 (4) A member who is appointed after a term has begun serves only for  
26 the rest of the term and until a successor is appointed and qualifies.

27 (5) To the extent practicable, the Governor shall fill any vacancy on the  
28 Board occurring during the term of an appointed member within 60 days of the date  
29 of the vacancy.

30 (6) A member may not serve more than 2 consecutive full terms.

31 (h) (1) The Governor may remove an appointed member:

32 (I) [for] FOR incompetence or misconduct; OR

1                   (II)       WHO, BECAUSE OF EVENTS THAT OCCUR AFTER THE MEMBER'S  
2 APPOINTMENT OR REAPPOINTMENT TO THE BOARD, CAUSES THE BOARD TO BE IN  
3 VIOLATION OF THE PROHIBITION SET FORTH IN SUBSECTION (A)(5) OF THIS SECTION.

4                   (2)       Upon the recommendation of the Secretary, the Governor may  
5 remove an appointed member whom the Secretary finds to have been absent from 2  
6 successive Board meetings without adequate reason.

7       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2000.