

SENATE BILL 72

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By: **Senator Benson**

Introduced and read first time: January 20, 2011

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Morticians and Funeral Directors – Surviving Spouse**
3 **Licenses – Deadlines**

4 FOR the purpose of altering the time period within which an applicant for a surviving
5 spouse license issued by the State Board of Morticians and Funeral Directors
6 must submit certain verification of a certain death and a certain application;
7 altering the time period within which an applicant for a surviving spouse
8 license must take a certain examination; and generally relating to surviving
9 spouse licenses issued by the State Board of Morticians and Funeral Directors.

10 BY repealing and reenacting, with amendments,
11 Article – Health Occupations
12 Section 7–308
13 Annotated Code of Maryland
14 (2009 Replacement Volume and 2010 Supplement)

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

17 **Article – Health Occupations**

18 7–308.

19 (a) Subject to the provisions of this section, the Board shall issue a surviving
20 spouse license to an applicant if the applicant:

21 (1) Is the surviving spouse of a licensed mortician or licensed funeral
22 director whose license was in good standing at the time of death and who at the time
23 of death was operating and wholly or partly owned a mortuary science business;

24 (2) Is not a licensed mortician or licensed funeral director;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) Submits to the Board, within ~~[30]~~ **60** days of the death of the
2 licensed mortician or funeral director, written verification of the death of the licensee
3 and the application required by the Board; and

4 (4) Pays a fee set by the Board.

5 (b) (1) Within ~~[6 months]~~ **2 YEARS** of the issuance of the surviving spouse
6 license, the applicant must take the written Maryland State law examination
7 administered by the Board under § 7-304(b), (c), (d)(1), (e), and (f) of this subtitle.

8 (2) The license becomes null and void if the surviving spouse fails the
9 Maryland State law examination twice.

10 (3) An applicant may retake the law examination as often as
11 necessary to fulfill the requirement of this subsection.

12 (c) Nothing in this section shall prevent a surviving spouse from selling the
13 mortuary science business that was operated and wholly or partly owned by the
14 licensed funeral director or licensed mortician.

15 (d) Except as provided in subsection (c) of this section, while a surviving
16 spouse license is effective, it authorizes the licensee to:

17 (1) Continue the operation of the mortuary science business that had
18 been operated and wholly or partly owned by the spouse of the licensee; and

19 (2) Assist with the planning and conducting of funeral services for that
20 mortuary science business.

21 (e) The Board may issue a license under this section only if:

22 (1) The business is operated under the direct supervision of a licensed
23 mortician or funeral director; and

24 (2) The embalming is done by a licensed mortician.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2011.