

Department of Legislative Services
 Maryland General Assembly
 2012 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 895

(Senator Conway)

Education, Health, and Environmental Affairs

Health and Government Operations

**Maryland State Board of Morticians and Funeral Directors - Permits and
 Registration Required to Remove and Transport Human Remains**

This bill requires a “mortuary transport service” to hold a permit issued by the State Board of Morticians and Funeral Directors. Individuals employed by a permit holder must be registered with the board as a “transporter” before they may remove and transport human remains in Maryland. Licensed funeral establishments and their employees, as well as cemeteries and their employees that remove or transport human remains within the boundaries of the cemetery, are exempt from these requirements. The board must adopt regulations to implement the bill and establish guidelines for removing and transporting human remains.

Fiscal Summary

State Effect: Special fund revenues for the State Board of Morticians and Funeral Directors increase by \$20,000 in FY 2013 due to permit fees. Special fund expenditures for the board increase by a minimal amount in FY 2013 to reflect additional administrative costs associated with issuing permits and registrations. Future year revenues and expenditures reflect biennial renewal. The bill’s criminal penalty provisions are not expected to materially impact general fund revenues or expenditures.

(in dollars)	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
SF Revenue	\$20,000	\$0	\$20,000	\$0	\$20,000
SF Expenditure	-	\$0	-	\$0	-
Net Effect	\$20,000	\$0	\$20,000	\$0	\$20,000

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: The bill’s criminal penalty provisions are not expected to materially affect local government expenditures or operations.

Small Business Effect: Potential meaningful for mortuary transport services and transporters who must come into immediate compliance with the bill.

Analysis

Bill Summary: “Mortuary transport service” means an individual or a business entity that, for compensation, removes and transports human remains or employs a transporter to remove or transport human remains, while “transporter” means an individual who removes and transports human remains.

Mortuary Transport Service Permits: To apply for a permit, a service must submit an application, an application fee, and evidence that the service is bonded and carries specified liability insurance. A mortuary transport service must demonstrate that it (1) is in compliance with all applicable State and local laws; (2) will be owned and operated in accordance with the requirements of the bill; and (3) will be held responsible for the treatment of the human remains while it removes and transports human remains. Permit holders must employ only registered transporters to remove and transport human remains. Permit holders must use vehicles that have passed an inspection by an inspector designated by the board. Permits are valid for two years and may be renewed. Signs and advertisements must display the name of the mortuary transport service as it appears on the permit.

Registered Transporters: To register as a transporter, an individual must submit an application, a criminal history records check, and evidence of the completion of coursework recommended by the board. The board must register an individual who holds a valid driver’s license and has complied with all applicable State and local laws.

While a registered transporter removes and transports human remains, the registered transporter must treat every decedent with the utmost dignity and prominently display on their person the permit for the mortuary transport service for which they are employed.

Disciplinary Violations and Prohibited Acts: The bill establishes 29 grounds for disciplinary action under which the board may deny a permit or registration, reprimand any permit holder or registered transporter, place any permit holder or registered transporter on probation, or suspend or revoke any permit or registration. The bill prohibits misrepresentation as a mortuary transport service or a registered transporter unless an individual or entity holds a valid permit or registration. A mortuary transport service or transporter may not obtain a permit or registration by making a false statement. On conviction of a violation of this provision, the permit or registration is void.

Penalties: A person who violates any provision of the bill is guilty of a misdemeanor and on conviction is subject to a fine of up to \$500, imprisonment for up to one year, or both.

Current Law/Background: The State Board of Morticians and Funeral Directors issues licenses for apprentices, morticians, funeral directors, the surviving spouse of a mortician or funeral director (who continues to operate the funeral establishment in the event of the mortician's or funeral director's death), funeral establishments, and corporations. The board also issues courtesy cards to individuals who practice mortuary science in another state or country to transport dead human bodies into or out of Maryland to the other state or country of licensure.

The board may deny a license, reprimand any licensee, place any licensee on probation, or suspend or revoke any license if the applicant or licensee violates any State, municipal, or county law, rule, or regulation on the handling, custody, care, or transportation of dead human bodies or the disposal of instruments, materials, and wastes relevant to preparation of a dead human body for final disposition. In addition to (or in lieu of) disciplinary action, the board may impose a penalty of up to \$5,000.

Though they are licensed in some other states, transport services are currently unregulated in Maryland. There are no requirements or qualifications for individuals providing such services, the type of vehicles that may be used, or how bodies must be handled. Transport services work on behalf of funeral establishments as well as the Office of the Chief Medical Examiner (OCME) by removing bodies from private homes, assisted living facilities, nursing homes, hospitals, and even potential crime scenes. Both the board and OCME have received numerous complaints about unprofessional conduct by transport service employees.

State Revenues: As mortuary transport services and transporters are currently unregulated, the exact number of companies and/or individuals performing this work is unknown. According to the State Board of Morticians and Funeral Directors, special fund revenues for the board increase by an estimated \$20,000 in fiscal 2013 from permit fees paid by mortuary transport services. This assumes that approximately 100 mortuary transport services will seek a permit at a fee of \$200. Permits are renewed on a biennial basis; therefore, board revenues correspondingly increase in fiscal 2015 and 2017 from renewal fees. As the board does not know the exact number of mortuary transport services in operation at this time, no additional permit fees in future years are included in this estimate. To the extent that a greater or lesser number of mortuary transport services seek permits, special fund revenues will change correspondingly. The bill does not require or authorize a fee for registration of transporters.

State Expenditures: Special fund expenditures for the board increase by a minimal amount in fiscal 2013 due to administrative expenses such as additional postage and

communications for existing board staff to implement regulation of mortuary transport services and transporters. The board plans to require mortuary transport services to bring their vehicles to the board for inspection on a set schedule; therefore, only minimal expenditures are anticipated to perform inspection of such vehicles.

Additional Comments: Applicants seeking to become a registered transporter under the bill will not be required to pay a registration fee, but they will be required to obtain a Maryland criminal history records check. Applicants can be expected to pay \$38 for the cost of a State check. This includes up to a \$20 fingerprinting fee and an \$18 fee to the Criminal Justice Information System (CJIS) Central Repository in the Department of Public Safety and Correctional Services. CJIS collects, manages, and disseminates Maryland Criminal History Record Information (CHRI) for criminal justice and noncriminal justice (*e.g.*, employment and licensing) purposes.

Additional Information

Prior Introductions: None.

Cross File: HB 753 (Delegate Kach) - Health and Government Operations.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

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