

SENATE BILL 463

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3lr1504
CF HB 529

By: **Senator Conway**

Introduced and read first time: January 30, 2013

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 18, 2013

CHAPTER _____

1 AN ACT concerning

2 **State Board of Morticians and Funeral Directors – Apprentice Sponsors,**
3 **Funeral Establishment Licenses, and Supervising Morticians**

4 FOR the purpose of ~~requiring that a licensed mortician or licensed funeral director~~
5 ~~have certain approval by the State Board of Morticians and Funeral Directors~~
6 ~~before an apprenticeship begins;~~ clarifying the requirements for certain
7 apprentice sponsors and a certain process for seeking approval by the State
8 Board of Morticians and Funeral Directors for an apprentice license; requiring
9 certain evidence and death certificates to be submitted to the Board as proof of
10 the completion of certain apprentice requirements; altering certain practical
11 experience requirements for an apprentice; altering the qualifications that must
12 be met for issuance of a funeral establishment license; requiring certain licensed
13 funeral establishments to have a supervising mortician; providing for the
14 qualifications, ~~approval process~~ registration, responsibilities, and scope of
15 supervising authority for certain supervising morticians; altering a certain
16 definition; and generally relating to the State Board of Morticians and Funeral
17 Directors, apprentice sponsors, funeral establishments, and supervising
18 morticians.

19 BY repealing and reenacting, without amendments,
20 Article – Health Occupations
21 Section 7–101(a), (b), (d), (j), (k), and (m) through (u)
22 Annotated Code of Maryland
23 (2009 Replacement Volume and 2012 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,
 2 Article – Health Occupations
 3 Section 7–101(c), 7–306, and 7–310
 4 Annotated Code of Maryland
 5 (2009 Replacement Volume and 2012 Supplement)

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

8 **Article – Health Occupations**

9 7–101.

10 (a) In this title the following words have the meanings indicated.

11 (b) “Apprentice” means an individual licensed by the Board who assists a
 12 licensed mortician or funeral director in the practice of mortuary science or funeral
 13 direction, under direct supervision of a licensed mortician or funeral director.

14 (c) “Apprentice sponsor” means [a person] **AN INDIVIDUAL** who:

15 (1) Is a licensed mortician or funeral director [practicing] **WHOSE**
 16 **LICENSE IS IN GOOD STANDING WITH THE BOARD;**

17 **(2) HAS PRACTICED** mortuary science as a licensed mortician or
 18 funeral director in Maryland at least 1 year immediately prior to accepting the
 19 applicant as an apprentice; ~~and~~

20 ~~**(3) THE BOARD HAS APPROVED IN ACCORDANCE WITH § 7–306**~~
 21 ~~**OF THIS SUBTITLE; AND**~~

22 **[(2)] ~~(4)~~ (3)** Provides direct supervision to an apprentice.

23 (d) “Board” means the Maryland State Board of Morticians and Funeral
 24 Directors.

25 (j) “Funeral director” means an individual who is licensed by the Board to
 26 practice all aspects of mortuary science except for embalming.

27 (k) “Funeral establishment” means any building, structure, or premises from
 28 which the business of practicing mortuary science is conducted.

29 (m) (1) “License” means, unless the context requires otherwise, a license
 30 issued by the Board.

31 (2) “License” includes, unless otherwise indicated:

- 1 (i) A mortician license;
- 2 (ii) An apprentice license;
- 3 (iii) A funeral director license;
- 4 (iv) A surviving spouse license;
- 5 (v) A corporation license;
- 6 (vi) A funeral establishment license; and
- 7 (vii) A courtesy card.

8 (n) “Licensed apprentice” means, unless the context requires otherwise, an
9 apprentice who is licensed by the Board to assist a licensed mortician or funeral
10 director in the practice of mortuary science or funeral direction.

11 (o) “Licensed funeral director” means, unless the context requires otherwise,
12 a funeral director who is licensed by the Board to practice funeral direction.

13 (p) “Licensed funeral establishment” means, unless the context requires
14 otherwise, a funeral establishment that is licensed by the Board.

15 (q) “Licensed mortician” means, unless the context requires otherwise, a
16 mortician who is licensed by the Board under this title to practice mortuary science.

17 (r) “Licensee” means an individual or entity licensed by the Board to practice
18 mortuary science to the extent determined by the Board.

19 (s) “Mortician” means an individual who practices mortuary science.

20 (t) (1) “Practice funeral direction” means:

21 (i) To operate a funeral establishment;

22 (ii) For compensation, to prepare a dead human body for
23 disposition; or

24 (iii) For compensation, to arrange for or make final disposition of
25 a dead human body.

26 (2) “Practice funeral direction” does not include:

1 (i) For compensation, disinfecting or preserving a dead human
 2 body or any of its parts by arterial or cavity injection or any other type of preservation;
 3 or

4 (ii) The business of operating a crematory.

5 (u) (1) "Practice mortuary science" means:

6 (i) To operate a funeral establishment;

7 (ii) For compensation, to prepare a dead human body for
 8 disposition; or

9 (iii) For compensation, to arrange for or make final disposition of
 10 a dead human body.

11 (2) "Practice mortuary science" includes:

12 (i) The practice of funeral direction; and

13 (ii) Disinfecting or preserving a dead human body or any of its
 14 parts by arterial or cavity injection.

15 (3) "Practice mortuary science" does not include:

16 (i) The pickup, removal, or transportation of a dead human
 17 body, if the unlicensed individual is acting under the direction of a licensed mortician
 18 or funeral director; or

19 (ii) The business of operating a crematory.

20 7-306.

21 (a) An individual shall obtain an apprentice license from the Board ~~AND A~~
 22 ~~LICENSED MORTICIAN OR LICENSED FUNERAL DIRECTOR SHALL BE APPROVED~~
 23 ~~BY THE BOARD AS AN APPRENTICE SPONSOR FOR THE INDIVIDUAL~~ before
 24 ~~[beginning]~~ an apprenticeship ~~BEGINS~~ in this State.

25 (b) (1) [An applicant for a] A mortician apprentice [license] shall have [a]
 26 AN APPRENTICE sponsor [with] WHO:

27 (I) ~~WITH a current mortician license THAT IS A LICENSED~~
 28 MORTICIAN WHOSE LICENSE IS IN GOOD STANDING WITH THE BOARD; AND

1 ~~(II) WHO HAS BEEN APPROVED BY THE BOARD IS~~
 2 EMPLOYED BY THE SAME FUNERAL ESTABLISHMENT THAT EMPLOYS THE
 3 APPRENTICE.

4 (2) [An applicant for a] A funeral director [license] APPRENTICE
 5 shall have [a] AN APPRENTICE sponsor [with a] WHO HAS:

6 (I) ~~A current mortician or funeral director license THAT IS A~~
 7 LICENSED MORTICIAN OR FUNERAL DIRECTOR WHOSE LICENSE IS IN GOOD
 8 STANDING WITH THE BOARD; AND

9 (II) ~~BEEN APPROVED BY THE BOARD IS EMPLOYED BY THE~~
 10 SAME FUNERAL ESTABLISHMENT THAT EMPLOYS THE APPRENTICE.

11 (3) AN APPRENTICE MAY HAVE MORE THAN ONE APPRENTICE
 12 SPONSOR.

13 (c) An applicant for an apprentice license shall pay to the Board a fee set by
 14 the Board.

15 (d) (1) Prior to an individual appearing before the Board for approval of
 16 an apprentice license, the individual must complete two-thirds of the academic credits
 17 for a mortuary science program at a school accredited by the American Board of
 18 Funeral Service or approved by the Board, with a 2.0 grade point average or higher
 19 that is verified with a certified copy of the college transcript.

20 (2) The applicant AND A LICENSED MORTICIAN OR LICENSED
 21 FUNERAL DIRECTOR shall appear before the Board [with the applicant's sponsor] TO
 22 SEEK THE BOARD'S APPROVAL FOR:

23 ~~(I) AN AN APPRENTICE LICENSE FOR THE APPLICANT; AND~~

24 ~~(II) THE LICENSED MORTICIAN OR LICENSED FUNERAL~~
 25 ~~DIRECTOR TO BECOME THE APPRENTICE SPONSOR FOR THE APPLICANT.~~

26 ~~(3) [The] TO BE APPROVED AS AN APPRENTICE sponsor, A~~
 27 ~~LICENSED MORTICIAN OR LICENSED FUNERAL DIRECTOR shall [hold];~~

28 ~~(I) HOLD a current valid mortician OR FUNERAL DIRECTOR~~
 29 ~~license in Maryland THAT IS IN GOOD STANDING WITH THE BOARD; and~~

30 ~~(II) [shall be] BE employed by the same funeral [home]~~
 31 ~~ESTABLISHMENT that employs the apprentice.~~

1 ~~(4)~~ **(3)** ON TERMINATION OF THE SPONSOR-APPRENTICE
2 RELATIONSHIP, BOTH THE SPONSOR AND THE APPRENTICE SHALL
3 INDEPENDENTLY NOTIFY THE BOARD IN WRITING OF:

4 **(I)** THE DATE OF TERMINATION;

5 **(II)** THE NAME, DATE OF DEATH, DATE OF SERVICE, AND
6 EVIDENCE OF THE SERVICE FOR EACH DECEDENT FOR WHOM A FUNERAL
7 SERVICE WAS CONDUCTED UNDER SUBSECTION **(E)(1)(I)** OF THIS SECTION IN
8 WHICH THE APPRENTICE PARTICIPATED; AND

9 **(III)** THE NAME, DATE OF DEATH, DATE OF THE
10 PREPARATION FOR DISPOSITION, AND A COPY OF THE DECEDENT'S FILED
11 DEATH CERTIFICATE FOR EACH DECEDENT FOR WHOM THE APPRENTICE
12 ASSISTED IN ACCORDANCE WITH SUBSECTION **(E)(1)(II)** OF THIS SECTION.

13 ~~(5)~~ **(4)** PRIOR APPROVAL MUST BE GRANTED BY THE BOARD
14 BEFORE A CHANGE OF SPONSORSHIP OCCURS.

15 **[(3)] (E)** **(1)** The practical experience of an apprentice shall
16 include:

17 (i) Participation in at least 20 funerals;

18 (ii) Except as provided in paragraph **[(4)](2)** of this subsection,
19 assistance in the preparation AND EMBALMING of at least 20 dead human bodies for
20 final disposition; and

21 (iii) Completion of 1,000 working hours in a licensed funeral
22 establishment under the direct supervision of [a licensed mortician or funeral director.
23 Supervision may include instruction by other licensed morticians or funeral directors
24 employed or supervised by the sponsor] **THE APPRENTICE SPONSOR.**

25 **[(4)] (2)** For an apprentice funeral director, the practical experience
26 under paragraph **[(3)(ii)] (1)(II)** of this subsection may not include embalming.

27 **(3)** **FOR PURPOSES OF PARAGRAPH (1)(III) OF THIS SUBSECTION,**
28 **DIRECT SUPERVISION MAY INCLUDE INSTRUCTION BY A LICENSED MORTICIAN**
29 **OR FUNERAL DIRECTOR EMPLOYED OR SUPERVISED BY THE APPRENTICE**
30 **SPONSOR THAT IS OBSERVED IN PERSON BY THE APPRENTICE SPONSOR.**

31 **[(5)]** On termination of the sponsor-apprentice relationship, both the
32 sponsor and the apprentice shall independently notify the Board in writing of:

33 (i) The date of termination;

1 (ii) The name, date of death, and date of service for each
2 decedent for whom a funeral service was conducted under paragraph (3)(i) of this
3 subsection in which the apprentice participated; and

4 (iii) The name, date of death, and date of the preparation for
5 disposition of each decedent for whom the apprentice assisted in accordance with
6 paragraph (3)(ii) of this subsection.

7 (6) Prior approval must be granted by the Board before a change of
8 sponsorship occurs.]

9 **[(e) (F)]** While the license is effective, an apprentice license authorizes the
10 licensee to assist a licensed mortician or funeral director in the practice of mortuary
11 science or funeral direction only as part of a training program to become a licensed
12 mortician or funeral director.

13 7-310.

14 (a) (1) A funeral establishment shall be licensed by the Board before the
15 establishment may be used for the preparation of the remains, viewing, **[and] OR**
16 conducting of services.

17 (2) The licensee may be restricted to operations as determined by the
18 Board.

19 (b) (1) To apply for a funeral establishment license, an applicant shall:

20 (i) Submit an application to the Board on the form that the
21 Board requires; and

22 (ii) Pay to the Board:

23 1. An application fee set by the Board; and

24 2. The fee established under § 7-4A-05(a) of this title.

25 (2) An application for a funeral establishment license shall be signed
26 by a licensed individual who is not an apprentice but is the owner or co-owner of the
27 establishment to be licensed.

28 (c) The Board shall issue a funeral establishment license to a funeral
29 establishment that:

30 (1) Has complied with all applicable State and local laws; **AND**

1 (2) Will be owned and operated in accordance with this title by at least
2 one [licensed]:

3 (I) LICENSED mortician [or one licensed];

4 (II) LICENSED funeral director[, or a holder];

5 (III) HOLDER of a surviving spouse LICENSE; ~~or~~

6 (IV) HOLDER OF A corporation license [; and]; OR

7 (V) HOLDER OF AN EXECUTOR LICENSE.

8 [(3) Will be held responsible for any and all activities performed on the
9 premises.]

10 (d) Signs and advertisements of a funeral establishment shall display the
11 name that appears on the establishment license.

12 (E) (1) EACH LICENSED FUNERAL ESTABLISHMENT SHALL HAVE A
13 SUPERVISING MORTICIAN.

14 (2) A LICENSED FUNERAL ESTABLISHMENT SHALL DESIGNATE A
15 LICENSED MORTICIAN WHOSE LICENSE IS IN GOOD STANDING WITH THE BOARD
16 TO BE THE SUPERVISING MORTICIAN FOR THE FUNERAL ESTABLISHMENT.
17 ~~SHALL BE A LICENSED MORTICIAN WHO:~~

18 (I) ~~HAS A LICENSE IN GOOD STANDING WITH THE BOARD;~~
19 ~~AND~~

20 (II) ~~HAS BEEN APPROVED BY THE BOARD TO BE A~~
21 ~~SUPERVISING MORTICIAN.~~

22 (3) ~~TO BECOME APPROVED AS A SUPERVISING MORTICIAN, A~~ A
23 ~~LICENSED MORTICIAN;~~

24 (I) ~~SHALL~~ DESIGNATED TO BE THE SUPERVISING
25 MORTICIAN FOR A FUNERAL ESTABLISHMENT SHALL COMPLETE THE
26 ~~APPLICATION~~ REGISTRATION REQUIRED BY THE BOARD; ~~AND~~

27 (II) ~~MAY BE REQUIRED TO APPEAR BEFORE THE BOARD.~~

28 (4) ~~THE BOARD MAY NOT APPROVE AS A SUPERVISING~~
29 ~~MORTICIAN A LICENSED~~ A MORTICIAN;

1 ~~(I)~~ WHOSE WHOSE LICENSE IS NOT IN GOOD STANDING IN
 2 THE STATE OR ANY OTHER JURISDICTION MAY NOT BE A SUPERVISING
 3 MORTICIAN;~~OR~~

4 ~~(II)~~ WHOM THE BOARD HAD PREVIOUSLY DISCIPLINED AND
 5 WHO CONTINUES TO POSE A RISK TO PUBLIC WELFARE IN THE STATE.

6 (5) THE SUPERVISING MORTICIAN FOR A FUNERAL
 7 ESTABLISHMENT SHALL BE:

8 (I) HELD RESPONSIBLE FOR ALL ACTIVITIES PERFORMED
 9 ON BEHALF OF THE FUNERAL ESTABLISHMENT WITH THE KNOWLEDGE OR AT
 10 THE DIRECTION OF THE SUPERVISING MORTICIAN; AND

11 (II) ~~LIMITED~~ EXCEPT AS PROVIDED IN PARAGRAPH (6) OF
 12 THIS SUBSECTION, LIMITED TO SUPERVISING:

13 1. ONE FUNERAL ESTABLISHMENT WITH AN
 14 EMBALMING FACILITY;~~OR~~ AND

15 2. ~~Two~~ NO MORE THAN THREE FUNERAL
 16 ESTABLISHMENTS TOTAL THAT ARE WITHIN CLOSE ENOUGH PROXIMITY TO
 17 EACH OTHER TO ALLOW FOR OVERSIGHT OF EACH FUNERAL ESTABLISHMENT.

18 (6) THE LIMITS ON THE NUMBER OF FUNERAL ESTABLISHMENTS
 19 A SUPERVISING MORTICIAN MAY SUPERVISE AS PROVIDED FOR IN PARAGRAPH
 20 (5)(II) OF THIS SUBSECTION DO NOT APPLY IF A FUNERAL ESTABLISHMENT
 21 PREPARES FOR THE DISPOSITION OF LESS THAN 75 BODIES IN A CALENDAR
 22 YEAR.

23 ~~(6)~~ (7) IF A SUPERVISING MORTICIAN FOR A FUNERAL
 24 ESTABLISHMENT RELINQUISHES THE SUPERVISING MORTICIAN'S
 25 RESPONSIBILITY UNDER PARAGRAPH (5)(I) OF THIS SUBSECTION FOR ANY
 26 REASON;

27 ~~(I)~~ THE, THE FUNERAL ESTABLISHMENT SHALL NAME AN
 28 INTERIM SUPERVISING MORTICIAN WHO SHALL BE HELD RESPONSIBLE FOR ALL
 29 ACTIVITIES PERFORMED ON BEHALF OF THE FUNERAL ESTABLISHMENT, WITH
 30 THE KNOWLEDGE OR AT THE DIRECTION OF THE INTERIM SUPERVISING
 31 MORTICIAN, UNTIL A NEW SUPERVISING MORTICIAN FOR THE FUNERAL
 32 ESTABLISHMENT ~~IS APPROVED BY~~ REGISTERS WITH THE BOARD;~~AND~~

1 ~~(H) THE INTERIM SUPERVISING MORTICIAN OR ANOTHER~~
 2 ~~LICENSED MORTICIAN IMMEDIATELY SHALL APPLY TO THE BOARD TO BECOME~~
 3 ~~THE NEW SUPERVISING MORTICIAN FOR THE FUNERAL ESTABLISHMENT.~~

4 ~~(7) THE BOARD SHALL EXPEDITE THE APPLICATION OF A NEW~~
 5 ~~SUPERVISING MORTICIAN WHO APPLIES IN ACCORDANCE WITH PARAGRAPH~~
 6 ~~(6)(H) OF THIS SUBSECTION.~~

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 8 October 1, 2013.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.