

SENATE BILL 463

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3lr1504
CF 3lr1285

By: **Senator Conway**

Introduced and read first time: January 30, 2013

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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 Board;
8 requiring certain evidence and death certificates to be submitted to the Board
9 as proof of the completion of certain apprentice requirements; altering certain
10 practical experience requirements for an apprentice; altering the qualifications
11 that must be met for issuance of a funeral establishment license; requiring
12 certain licensed funeral establishments to have a supervising mortician;
13 providing for the qualifications, approval process, responsibilities, and scope of
14 supervising authority for certain supervising morticians; altering a certain
15 definition; and generally relating to the State Board of Morticians and Funeral
16 Directors, apprentice sponsors, funeral establishments, and supervising
17 morticians.

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

23 BY repealing and reenacting, with amendments,
24 Article – Health Occupations
25 Section 7–101(c), 7–306, and 7–310
26 Annotated Code of Maryland
27 (2009 Replacement Volume and 2012 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Health Occupations**

4 7–101.

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

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

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

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

12 (2) **HAS PRACTICED** mortuary science as a licensed mortician or
13 funeral director in Maryland at least 1 year immediately prior to accepting the
14 applicant as an apprentice; [and]

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

17 **[(2)] (4)** Provides direct supervision to an apprentice.

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

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

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

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

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

27 (i) A mortician license;

28 (ii) An apprentice license;

29 (iii) A funeral director license;

1 (iv) A surviving spouse license;

2 (v) A corporation license;

3 (vi) A funeral establishment license; and

4 (vii) A courtesy card.

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

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

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

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

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

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

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

18 (i) To operate a funeral establishment;

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

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

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

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

27 (ii) The business of operating a crematory.

28 (u) (1) “Practice mortuary science” means:

- 1 (i) To operate a funeral establishment;
- 2 (ii) For compensation, to prepare a dead human body for
3 disposition; or
- 4 (iii) For compensation, to arrange for or make final disposition of
5 a dead human body.

6 (2) "Practice mortuary science" includes:

- 7 (i) The practice of funeral direction; and
- 8 (ii) Disinfecting or preserving a dead human body or any of its
9 parts by arterial or cavity injection.

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

- 11 (i) The pickup, removal, or transportation of a dead human
12 body, if the unlicensed individual is acting under the direction of a licensed mortician
13 or funeral director; or
- 14 (ii) The business of operating a crematory.

15 7-306.

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

20 (b) (1) **[An applicant for a] A mortician apprentice [license] shall have [a]**
21 **AN APPRENTICE sponsor [with]:**

22 **(I) WITH a current mortician license THAT IS IN GOOD**
23 **STANDING WITH THE BOARD; AND**

24 **(II) WHO HAS BEEN APPROVED BY THE BOARD.**

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

27 **(I) A current mortician or funeral director license THAT IS IN**
28 **GOOD STANDING WITH THE BOARD; AND**

29 **(II) BEEN APPROVED BY THE BOARD.**

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

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

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

11 (I) **AN APPRENTICE LICENSE FOR THE APPLICANT; AND**

12 (II) **THE LICENSED MORTICIAN OR LICENSED FUNERAL**
13 **DIRECTOR TO BECOME THE APPRENTICE SPONSOR FOR THE APPLICANT.**

14 (3) [The] **TO BE APPROVED AS AN APPRENTICE** sponsor, A
15 **LICENSED MORTICIAN OR LICENSED FUNERAL DIRECTOR** shall [hold]:

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

18 (II) [shall be] **BE** employed by the same funeral [home]
19 **ESTABLISHMENT** that employs the apprentice.

20 (4) **ON TERMINATION OF THE SPONSOR-APPRENTICE**
21 **RELATIONSHIP, BOTH THE SPONSOR AND THE APPRENTICE SHALL**
22 **INDEPENDENTLY NOTIFY THE BOARD IN WRITING OF:**

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

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

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

1 **(5) PRIOR APPROVAL MUST BE GRANTED BY THE BOARD BEFORE**
2 **A CHANGE OF SPONSORSHIP OCCURS.**

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

5 (i) Participation in at least 20 funerals;

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

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

13 **[(4) (2)** For an apprentice funeral director, the practical experience
14 under paragraph **[(3)(ii)] (1)(II)** of this subsection may not include embalming.

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

19 **[(5)** On termination of the sponsor–apprentice relationship, both the
20 sponsor and the apprentice shall independently notify the Board in writing of:

21 (i) The date of termination;

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

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

28 **(6)** Prior approval must be granted by the Board before a change of
29 sponsorship occurs.]

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

1 7-310.

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

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

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

8 (i) Submit an application to the Board on the form that the
9 Board requires; and

10 (ii) Pay to the Board:

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

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

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

16 (c) The Board shall issue a funeral establishment license to a funeral
17 establishment that:

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

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

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

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

23 (III) HOLDER of a surviving spouse LICENSE; or

24 (IV) HOLDER OF A corporation license[; and].

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

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

1 **(E) (1) EACH LICENSED FUNERAL ESTABLISHMENT SHALL HAVE A**
2 **SUPERVISING MORTICIAN.**

3 **(2) A SUPERVISING MORTICIAN SHALL BE A LICENSED**
4 **MORTICIAN WHO:**

5 **(I) HAS A LICENSE IN GOOD STANDING WITH THE BOARD;**
6 **AND**

7 **(II) HAS BEEN APPROVED BY THE BOARD TO BE A**
8 **SUPERVISING MORTICIAN.**

9 **(3) TO BECOME APPROVED AS A SUPERVISING MORTICIAN, A**
10 **LICENSED MORTICIAN:**

11 **(I) SHALL COMPLETE THE APPLICATION REQUIRED BY THE**
12 **BOARD; AND**

13 **(II) MAY BE REQUIRED TO APPEAR BEFORE THE BOARD.**

14 **(4) THE BOARD MAY NOT APPROVE AS A SUPERVISING**
15 **MORTICIAN A LICENSED MORTICIAN:**

16 **(I) WHOSE LICENSE IS NOT IN GOOD STANDING IN THE**
17 **STATE OR ANY OTHER JURISDICTION; OR**

18 **(II) WHOM THE BOARD HAD PREVIOUSLY DISCIPLINED AND**
19 **WHO CONTINUES TO POSE A RISK TO PUBLIC WELFARE IN THE STATE.**

20 **(5) THE SUPERVISING MORTICIAN FOR A FUNERAL**
21 **ESTABLISHMENT SHALL BE:**

22 **(I) HELD RESPONSIBLE FOR ALL ACTIVITIES PERFORMED**
23 **ON BEHALF OF THE FUNERAL ESTABLISHMENT; AND**

24 **(II) LIMITED TO SUPERVISING:**

25 **1. ONE FUNERAL ESTABLISHMENT WITH AN**
26 **EMBALMING FACILITY; OR**

27 **2. TWO FUNERAL ESTABLISHMENTS THAT ARE**
28 **WITHIN CLOSE ENOUGH PROXIMITY TO EACH OTHER TO ALLOW FOR OVERSIGHT**
29 **OF EACH FUNERAL ESTABLISHMENT.**

1 **(6) IF A SUPERVISING MORTICIAN FOR A FUNERAL**
2 **ESTABLISHMENT RELINQUISHES THE SUPERVISING MORTICIAN'S**
3 **RESPONSIBILITY UNDER PARAGRAPH (5)(I) OF THIS SUBSECTION FOR ANY**
4 **REASON:**

5 **(I) THE FUNERAL ESTABLISHMENT SHALL NAME AN**
6 **INTERIM SUPERVISING MORTICIAN WHO SHALL BE HELD RESPONSIBLE FOR ALL**
7 **ACTIVITIES PERFORMED ON BEHALF OF THE FUNERAL ESTABLISHMENT UNTIL**
8 **A NEW SUPERVISING MORTICIAN FOR THE FUNERAL ESTABLISHMENT IS**
9 **APPROVED BY THE BOARD; AND**

10 **(II) THE INTERIM SUPERVISING MORTICIAN OR ANOTHER**
11 **LICENSED MORTICIAN IMMEDIATELY SHALL APPLY TO THE BOARD TO BECOME**
12 **THE NEW SUPERVISING MORTICIAN FOR THE FUNERAL ESTABLISHMENT.**

13 **(7) THE BOARD SHALL EXPEDITE THE APPLICATION OF A NEW**
14 **SUPERVISING MORTICIAN WHO APPLIES IN ACCORDANCE WITH PARAGRAPH**
15 **(6)(II) OF THIS SUBSECTION.**

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