

HOUSE BILL 1031

J2

(4lr2775)

ENROLLED BILL

— *Health and Government Operations/Education, Health, and Environmental Affairs* —

Introduced by **Delegates Anderson, Cullison, and Pena-Melnyk**

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.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **State Board of Morticians and Funeral Directors – Funeral Establishments –**
3 **Unannounced Inspections**

4 FOR the purpose of authorizing certain inspections of licensed funeral establishments
5 to include, under certain circumstances, advance notice that an inspector may
6 be in a certain region for a certain purpose; ~~requiring a certain licensee or an~~
7 ~~employee of the licensee to give certain access to certain members or employees~~
8 ~~of the State Board of Morticians and Funeral Directors for the purpose of~~
9 ~~conducting certain inspections of certain funeral establishments, including~~
10 ~~access to certain areas of the funeral establishments;~~ authorizing certain staff
11 members of the State Board of Morticians and Funeral Directors to call certain
12 supervising morticians and request certain access to certain areas of a funeral
13 establishment under certain circumstances; requiring certain supervising
14 morticians to immediately provide certain staff members with the location of

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.

Italics indicate opposite chamber/conference committee amendments.



1 the key or access code to certain areas of a funeral establishment; providing that
 2 certain employees are not required to accompany certain staff while the staff
 3 conducts certain inspections; requiring certain inspections to be conducted
 4 during certain hours; providing for the application of certain provisions of this
 5 Act; requiring the Board to provide the results of certain inspections to certain
 6 licensees or supervising morticians within a certain period of time; and
 7 generally relating to the inspection of funeral establishments by the State
 8 Board of Morticians and Funeral Directors.

9 BY repealing and reenacting, with amendments,
 10 Article – Health Occupations
 11 Section 7–409
 12 Annotated Code of Maryland
 13 (2009 Replacement Volume and 2013 Supplement)

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

16 **Article – Health Occupations**

17 7–409.

18 (a) **[All] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,**
 19 **ALL** inspections of funeral establishments shall be unannounced and may take place
 20 at any time without notice from the Board.

21 (b) An unannounced inspection may include advance notice that an
 22 **[investigator] INSPECTOR** may be in the region of the funeral establishment~~[,] FOR~~
 23 **THE PURPOSE OF CONDUCTING AN INSPECTION** if:

24 (1) The advance notice is no more than 14 days prior to the inspection;

25 (2) No specific date or time is provided for the inspection; and

26 (3) The advance notice is provided solely to ensure that a licensed
 27 mortician or funeral director will be on-site for the inspection.

28 ~~(C) A LICENSEE OR AN EMPLOYEE OF A LICENSEE SHALL GIVE~~
 29 ~~IMMEDIATE ACCESS TO A MEMBER OR AN EMPLOYEE OF THE BOARD WHO~~
 30 ~~ARRIVES AT A LICENSED FUNERAL ESTABLISHMENT FOR THE PURPOSE OF~~
 31 ~~CONDUCTING AN UNANNOUNCED INSPECTION UNDER THIS SECTION OF A~~
 32 ~~LICENSED FUNERAL ESTABLISHMENT, INCLUDING ACCESS TO THE~~
 33 ~~PREPARATION AND BODY STORAGE AREAS OF THE LICENSED FUNERAL~~
 34 ~~ESTABLISHMENT.~~

35 **(C) (1) THIS SUBSECTION APPLIES TO INSPECTIONS CONDUCTED:**

1 (I) IN RESPONSE TO VALID INFORMATION PROVIDED TO
2 THE BOARD RESULTING IN A COMPLAINT BEING OPENED BY THE BOARD
3 CONCERNING THE PREPARATION OR BODY STORAGE AREAS OF A LICENSED
4 FUNERAL ESTABLISHMENT ONLY IF THE BOARD HAS PROVIDED A COPY OF THE
5 COMPLAINT TO THE LICENSED FUNERAL ESTABLISHMENT; OR

6 (II) OF A FUNERAL ESTABLISHMENT THAT THE BOARD HAS
7 PLACED ON PROBATIONARY STATUS IN ACCORDANCE WITH § 7-316(B) OF THIS
8 TITLE.

9 (2) A TRAINED STAFF MEMBER OF THE BOARD WHO IS QUALIFIED
10 TO DO INSPECTIONS MAY CALL THE SUPERVISING MORTICIAN OF A LICENSED
11 FUNERAL ESTABLISHMENT, AS DESIGNATED UNDER § 7-310(E) OF THIS TITLE,
12 AND REQUEST IMMEDIATE ACCESS TO THE PREPARATION AND BODY STORAGE
13 AREAS OF THE FUNERAL ESTABLISHMENT.

14 (3) IF A REQUEST IS MADE UNDER PARAGRAPH (2) OF THIS
15 SUBSECTION, THE SUPERVISING MORTICIAN IMMEDIATELY SHALL PROVIDE THE
16 STAFF MEMBER OF THE BOARD WITH THE LOCATION OF THE KEY OR ACCESS
17 CODE TO THE PREPARATION OR BODY STORAGE AREAS OF THE FUNERAL
18 ESTABLISHMENT.

19 (4) AN EMPLOYEE OF A LICENSED FUNERAL ESTABLISHMENT IS
20 NOT REQUIRED TO ACCOMPANY A STAFF MEMBER OF THE BOARD WHILE THE
21 STAFF MEMBER CONDUCTS AN INSPECTION OF A PREPARATION OR BODY
22 STORAGE AREA IN ACCORDANCE WITH THIS SUBSECTION.

23 (D) AN UNANNOUNCED INSPECTION OF A LICENSED FUNERAL
24 ESTABLISHMENT SHALL BE CONDUCTED DURING THE HOURS THAT THE
25 BUSINESS OF MORTUARY SCIENCE IS BEING CONDUCTED AT THE LICENSED
26 FUNERAL ESTABLISHMENT.

27 ~~(D)~~ (E) WITHIN 24 HOURS AFTER THE COMPLETION OF AN
28 UNANNOUNCED INSPECTION OF A LICENSED FUNERAL ESTABLISHMENT, THE
29 BOARD SHALL PROVIDE THE RESULTS OF THE INSPECTION TO:

30 (1) THE HOLDER OF THE FUNERAL ESTABLISHMENT LICENSE; OR

31 ~~(2) A LICENSED MORTICIAN OR LICENSED FUNERAL DIRECTOR~~
32 ~~WHO DIRECTLY SUPERVISES THE LICENSED FUNERAL ESTABLISHMENT IN~~
33 ~~ACCORDANCE WITH § 7-308(E)(1) OR § 7-308.1(E)(1) OF THIS TITLE THE~~
34 SUPERVISING MORTICIAN FOR THE LICENSED FUNERAL ESTABLISHMENT, AS
35 DESIGNATED UNDER § 7-310(E) OF THIS TITLE.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2014.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.