

SENATE BILL 586

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4r1889
CF HB 1031

By: **Senator Conway**

Introduced and read first time: January 30, 2014

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 8, 2014

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 staff 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; requiring certain
11 inspections to be conducted during certain hours; requiring the Board to provide
12 the results of certain inspections to certain licensees within a certain period of
13 time; and generally relating to the inspection of funeral establishments by the
14 State Board of Morticians and Funeral Directors.

15 BY repealing and reenacting, with amendments,
16 Article – Health Occupations
17 Section 7–409
18 Annotated Code of Maryland
19 (2009 Replacement Volume and 2013 Supplement)

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

22 **Article – Health Occupations**

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 7-409.

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

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

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

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

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

12 **(C) A LICENSEE OR AN EMPLOYEE OF A LICENSEE SHALL GIVE**
 13 **IMMEDIATE ACCESS TO ~~A MEMBER OR AN EMPLOYEE~~ TRAINED STAFF OF THE**
 14 **BOARD WHO ARE QUALIFIED TO DO INSPECTIONS AND WHO ~~ARRIVES~~ ARRIVE AT**
 15 **A LICENSED FUNERAL ESTABLISHMENT FOR THE PURPOSE OF CONDUCTING AN**
 16 **UNANNOUNCED INSPECTION UNDER THIS SECTION OF A LICENSED FUNERAL**
 17 **ESTABLISHMENT, INCLUDING ACCESS TO THE PREPARATION AND BODY**
 18 **STORAGE AREAS OF THE LICENSED FUNERAL ESTABLISHMENT.**

19 **(D) AN UNANNOUNCED INSPECTION OF A LICENSED FUNERAL**
 20 **ESTABLISHMENT SHALL BE CONDUCTED DURING THE HOURS THAT THE**
 21 **BUSINESS OF MORTUARY SCIENCE IS BEING CONDUCTED AT THE LICENSED**
 22 **FUNERAL ESTABLISHMENT.**

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

26 (1) **THE HOLDER OF THE FUNERAL ESTABLISHMENT LICENSE; OR**

27 (2) **A LICENSED MORTICIAN OR LICENSED FUNERAL DIRECTOR**
 28 **WHO DIRECTLY SUPERVISES THE LICENSED FUNERAL ESTABLISHMENT IN**
 29 **ACCORDANCE WITH § 7-308(E)(1) OR § 7-308.1(E)(1) OF THIS TITLE.**

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