

# SENATE BILL 835

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By: **Senator Young**

Introduced and read first time: January 31, 2014

Assigned to: Finance

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## A BILL ENTITLED

AN ACT concerning

### **Office of Cemetery Oversight – Cemeteries – Exemption From Regulation**

FOR the purpose of exempting from regulation by the Office of Cemetery Oversight a cemetery that was incorporated under a certain law and that has been in continuous existence and operation for a certain period of time; and generally relating to cemeteries exempt from regulation by the Office of Cemetery Oversight.

BY repealing and reenacting, with amendments,

Article – Business Regulation

Section 5–102

Annotated Code of Maryland

(2010 Replacement Volume and 2013 Supplement)

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

### **Article – Business Regulation**

5–102.

(a) The registration and permitting provisions of this title do not apply to:

(1) a person that owns and operates a bona fide religious–nonprofit cemetery in this State;

(2) a cemetery owned by a not for profit organization created before 1900 by an act of the General Assembly;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



**(3) A CEMETERY THAT WAS INCORPORATED UNDER CHAPTER 221 OF THE ACTS OF THE GENERAL ASSEMBLY OF 1852 AND HAS BEEN IN CONTINUOUS EXISTENCE AND OPERATION FOR AT LEAST 150 YEARS;**

~~[(3)] (4)~~ a county, city, or municipal corporation that owns and operates a cemetery in the State;

~~[(4)] (5)~~ a veterans' cemetery operated by the State; or

~~[(5)] (6)~~ a private family cemetery that does not conduct public sales.

(b) This title does not apply to:

(1) the operation of a funeral establishment, including the sale of burial goods in the ordinary course of the funeral establishment's business;

(2) the operation or ownership of a crematory in which a person who is licensed and regulated under Title 7 of the Health Occupations Article owns a greater percentage of the crematory than a registered cemeterian, registered seller, or holder of a permit for the operation of a cemetery or burial goods business;

(3) the operation or ownership of a crematory or incinerator at a licensed medical facility or educational institution;

(4) a licensed funeral director acting within the scope of the funeral director's license; or

(5) a mortician acting within the scope of the mortician's license.

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