

# HOUSE BILL 1062

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5lr2383

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By: **Delegate K. Young**

Introduced and read first time: February 13, 2015

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Morticians and Funeral Directors – Funeral Establishments –**  
3 **Care and Custody of Human Remains**

4 FOR the purpose of requiring that care and custody by a funeral establishment begins and  
5 ends when certain activities occur for human remains intended for final disposition  
6 by interment at a cemetery, final disposition by cremation, or final disposition  
7 outside the State; defining a certain term; and generally relating to the State Board  
8 of Morticians and Funeral Directors, funeral establishments, and care and custody  
9 of human remains.

10 BY adding to  
11 Article – Health Occupations  
12 Section 7–410.1  
13 Annotated Code of Maryland  
14 (2014 Replacement Volume)

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

17 **Article – Health Occupations**

18 **7–410.1.**

19 **(A) IN THIS SECTION, “CARE AND CUSTODY” MEANS THE RESPONSIBILITY,**  
20 **IN ACCORDANCE WITH ALL APPLICABLE LAWS, TO CARRY OUT THE DECISIONS MADE**  
21 **BY AN INDIVIDUAL WITH THE RIGHT TO ARRANGE FOR FINAL DISPOSITION OF**  
22 **HUMAN REMAINS.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(B) IF FINAL DISPOSITION OF HUMAN REMAINS IS TO BE INTERMENT AT A**  
2 **CEMETERY, CARE AND CUSTODY OF THE HUMAN REMAINS BY A FUNERAL**  
3 **ESTABLISHMENT SHALL:**

4           **(1) BEGIN WHEN THE HUMAN REMAINS ARE REMOVED BY THE**  
5 **FUNERAL ESTABLISHMENT FROM THE PLACE OF DEATH; AND**

6           **(2) END WHEN THE HUMAN REMAINS HAVE BEEN:**

7           **(I) TRANSFERRED BY THE FUNERAL ESTABLISHMENT IN**  
8 **ACCORDANCE WITH APPROPRIATE AUTHORIZATION AND BURIAL TRANSIT PERMITS**  
9 **TO A CEMETERY FOR INTERMENT; AND**

10           **(II) REMOVED FROM THE TRANSPORT VEHICLE AT THE**  
11 **CEMETERY.**

12           **(C) IF FINAL DISPOSITION FOR HUMAN REMAINS IS TO BE CREMATION,**  
13 **CARE AND CUSTODY OF THE HUMAN REMAINS BY A FUNERAL ESTABLISHMENT**  
14 **SHALL:**

15           **(1) BEGIN WHEN THE HUMAN REMAINS ARE REMOVED BY THE**  
16 **FUNERAL ESTABLISHMENT FROM THE PLACE OF DEATH; AND**

17           **(2) END WHEN THE HUMAN REMAINS HAVE BEEN:**

18           **(I) TRANSFERRED BY THE FUNERAL ESTABLISHMENT IN**  
19 **ACCORDANCE WITH APPROPRIATE AUTHORIZATION AND BURIAL TRANSIT PERMITS**  
20 **TO A PERMITTED CREMATORY; AND**

21           **(II) RECEIVED BY THE PERMITTED CREMATORY.**

22           **(D) IF A STATE DEATH CERTIFICATE INDICATES THAT FINAL DISPOSITION**  
23 **OF HUMAN REMAINS IS TO TAKE PLACE OUTSIDE THE STATE, CARE AND CUSTODY**  
24 **OF THE HUMAN REMAINS BY A FUNERAL ESTABLISHMENT SHALL:**

25           **(1) BEGIN WHEN THE HUMAN REMAINS ARE REMOVED BY THE**  
26 **FUNERAL ESTABLISHMENT FROM THE PLACE OF DEATH; AND**

27           **(2) END WHEN THE HUMAN REMAINS HAVE BEEN TRANSFERRED BY**  
28 **THE FUNERAL ESTABLISHMENT IN ACCORDANCE WITH APPROPRIATE**  
29 **AUTHORIZATION TO A COMMON CARRIER OR OUT-OF-STATE FUNERAL**  
30 **ESTABLISHMENT.**

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2015.