

HOUSE BILL 824

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7lr3282
CF SB 548

By: **Chair, Health and Government Operations Committee**

Introduced and read first time: February 3, 2017

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2017

CHAPTER _____

1 AN ACT concerning

2 **State Board of Morticians and Funeral Directors – Sunset Extension and**
3 **Program Evaluation**

4 FOR the purpose of continuing the State Board of Morticians and Funeral Directors in
5 accordance with the provisions of the Maryland Program Evaluation Act (sunset law)
6 by extending to a certain date the termination provisions relating to the statutory
7 and regulatory authority of the Board; requiring that an evaluation of the Board and
8 the statutes and regulations that relate to the Board be performed on or before a
9 certain date; altering the circumstances under which a body of a decedent may be
10 transported for preparation or storage to a facility that is not within the jurisdiction
11 of the State, licensed by the Board, or permitted by the Office of Cemetery Oversight;
12 requiring the Board to conduct a certain workload analysis and a certain fiscal
13 analysis and submit a certain report to the Department of Legislative Services and
14 certain committees of the General Assembly on or before a certain date; requiring
15 the Board to report on or before certain dates to certain committees of the General
16 Assembly on certain Board action and efforts ~~and the comparability of a certain~~
17 ~~provision of law to certain laws and regulations in other states;~~ and generally
18 relating to the State Board of Morticians and Funeral Directors.

19 BY repealing and reenacting, with amendments,

20 Article – Health – General

21 Section 5–513(g)

22 Annotated Code of Maryland

23 (2015 Replacement Volume and 2016 Supplement)

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 BY repealing and reenacting, with amendments,
2 Article – Health Occupations
3 Section 7–702
4 Annotated Code of Maryland
5 (2014 Replacement Volume and 2016 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article – State Government
8 Section 8–405(b)(2)
9 Annotated Code of Maryland
10 (2014 Replacement Volume and 2016 Supplement)

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

13 **Article – Health – General**

14 **5–513.**

15 (g) (1) Except as provided in paragraph (2) of this subsection, while the body
16 of a decedent is in the custody of a funeral establishment or crematory in the State, the
17 body may not be transported for preparation or storage to a facility that is not within the
18 jurisdiction of the State, licensed by the State Board of Morticians and Funeral Directors,
19 or permitted by the Office of Cemetery Oversight.

20 (2) The body of a decedent may be transported for preparation or storage
21 to a facility that is not within the jurisdiction of the State, licensed by the State Board of
22 Morticians and Funeral Directors, or permitted by the Office of Cemetery Oversight if:

23 (i) [The facility has entered into a written agreement with the State
24 Board of Morticians and Funeral Directors or the Office of Cemetery Oversight to allow the
25 State to make unannounced inspections of the facility; and

26 (ii) The person authorized to arrange for the final disposition of the
27 body under § 5–509 of this subtitle:

28 1. Has given written permission for the body to be
29 transported to the facility; or

30 2. A. Has given oral permission for the body to be
31 transported to the facility; and

32 B. Within 36 hours after giving oral permission, provides
33 written verification of the oral permission; AND

1 **(II) THE PERMISSION REQUIRED UNDER ITEM (I) OF THIS**
 2 **PARAGRAPH IS GIVEN TO THE FUNERAL HOME OR CREMATORY IN THE STATE THAT**
 3 **HAS CUSTODY OF THE BODY BEFORE THE BODY IS TRANSPORTED.**

4 **Article – Health Occupations**

5 7–702.

6 Subject to the evaluation and reestablishment provisions of the Program Evaluation
 7 Act, this title and all rules and regulations adopted under this title shall terminate and be
 8 of no effect after July 1, [2018] ~~2028~~ **2023**.

9 **Article – State Government**

10 8–405.

11 (b) Each of the following governmental activities or units and the statutes and
 12 regulations that relate to the governmental activities or units are subject to full evaluation,
 13 in the evaluation year specified, without the need for a preliminary evaluation:

14 (2) Morticians and Funeral Directors, State Board of (§ 7–201 of the Health
 15 Occupations Article: [2016] ~~2026~~ **2021**);

16 ~~SECTION 2. AND BE IT FURTHER ENACTED, That on or before November 1,~~
 17 ~~2017, the State Board of Morticians and Funeral Directors shall report to the Senate~~
 18 ~~Education, Health, and Environmental Affairs Committee and the House Health and~~
 19 ~~Government Operations Committee, in accordance with § 2–1246 of the State Government~~
 20 ~~Article, regarding the comparability of § 5–513(g)(2)(i) of the Health – General Article to~~
 21 ~~the laws and regulations of other states. The report shall include a survey of other states,~~
 22 ~~if any, that conduct inspections, either announced or unannounced, of out-of-state facilities~~
 23 ~~to which the body of a decedent may be transported.~~

24 SECTION ~~2~~ **2**. AND BE IT FURTHER ENACTED, That on or before January 1,
 25 2018, the State Board of Morticians and Funeral Directors shall:

26 (1) conduct:

27 (i) a workload analysis to determine whether fees collected from
 28 each group regulated by the Board adequately reflect the costs associated with regulating
 29 that group; and

30 (ii) an internal fiscal analysis, including a reassessment of its fee
 31 schedule; and

32 (2) submit a report to the Department of Legislative Services and, in
 33 accordance with § 2–1246 of the State Government Article, to the Senate Education,

1 Health, and Environmental Affairs Committee and the House Health and Government
 2 Operations Committee on:

- 3 (i) the findings of the Board's workload analysis;
- 4 (ii) the findings of the Board's internal fiscal analysis and
 5 reassessment of its fee schedule;
- 6 (iii) any proposed changes to the Board's fee schedule; and
- 7 (iv) the status of filling the vacant staff position and, if filled, the
 8 impact of filling the position on the Board's expenditures, the fund balance, and the number
 9 of overtime hours worked by Board staff.

10 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before January 1, 2019,
 11 the State Board of Morticians shall report to the Senate Education, Health, and
 12 Environmental Affairs Committee and the House Health and Government Operations
 13 Committee, in accordance with § 2-1246 of the State Government Article, on Board efforts
 14 to:

- 15 (1) work with the Department of Health and Mental Hygiene to facilitate
 16 Board record keeping and improve the Board's Web site;
- 17 (2) work to improve the negative perception of the Board by some licensees;
 18 and
- 19 (3) further enhance communications with the industry.

20 SECTION 4. AND BE IT FURTHER ENACTED, That, on or before October 1, 2019,
 21 the State Board of Morticians and Funeral Directors shall report to the Senate Education,
 22 Health, and Environmental Affairs Committee and the House Health and Government
 23 Operations Committee, in accordance with § 2-1246 of the State Government Article, on:

- 24 (1) Board action taken in response to the findings of the workload analysis
 25 and internal fiscal analysis required to be conducted by the Board under Section 3 of this
 26 Act; and
- 27 (2) Board efforts to:
- 28 (i) ensure sufficient staff resources;
- 29 (ii) ~~work with the Department of Health and Mental Hygiene to~~
 30 ~~facilitate Board record keeping and improve the Board's Web site;~~
- 31 (iii) ~~work to improve the negative perception of the Board by some~~
 32 ~~licensees; and~~

1 ~~(iv) further enhance communications with the industry.~~

2 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect June
3 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.