

## Chapter 823

**(House Bill 824)**

AN ACT concerning

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

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

~~BY repealing and reenacting, with amendments,  
 Article – Health – General  
 Section 5–513(g)  
 Annotated Code of Maryland  
 (2015 Replacement Volume and 2016 Supplement)~~

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

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

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

Article – Health – General5-513.

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

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

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

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

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

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

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

~~(H) THE PERMISSION REQUIRED UNDER ITEM (I) OF THIS PARAGRAPH IS GIVEN TO THE FUNERAL HOME OR CREMATORY IN THE STATE THAT HAS CUSTODY OF THE BODY BEFORE THE BODY IS TRANSPORTED.~~

## Article – Health Occupations

7-702.

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

## Article – State Government

8-405.

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

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

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

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

SECTION ~~2~~ 2 3. AND BE IT FURTHER ENACTED, That on or before January 1, 2018, the State Board of Morticians and Funeral Directors shall:

(1) conduct:

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

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

(2) submit a report to the Department of Legislative Services ~~and, in accordance with § 2–1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee~~ on:

(i) the findings of the Board’s workload analysis;

(ii) the findings of the Board's internal fiscal analysis and reassessment of its fee schedule;

(iii) any proposed changes to the Board's fee schedule; and

(iv) the status of filling the vacant staff position and, if filled, the impact of filling the position on the Board's expenditures, the fund balance, and the number of overtime hours worked by Board staff.

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

~~(1) work with the Department of Health and Mental Hygiene to facilitate Board record keeping and improve the Board's Web site;~~

~~(2) work to improve the negative perception of the Board by some licensees;~~  
~~and~~

~~(3) further enhance communications with the industry.~~

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

(1) Board action taken in response to the findings of the workload analysis and internal fiscal analysis required to be conducted by the Board under Section 3 of this Act; and

~~(2) Board efforts to:~~

~~(i) ensure sufficient staff resources;~~

~~(2) Board efforts to:~~

~~(i) ensure sufficient staff resources;~~

~~(ii) work with the Department of Health and Mental Hygiene to facilitate Board record keeping and improve the Board's Web site;~~

~~(iii) work to improve the negative perception of the Board by some licensees; and~~

*(iv) further enhance communications with the industry*

~~(ii) work with the Department of Health and Mental Hygiene to facilitate Board record keeping and improve the Board's Web site;~~

~~(iii) work to improve the negative perception of the Board by some licensees; and~~

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

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

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.**