

SENATE BILL 1028

C2, J1, J2

4lr3238
CF HB 1168

By: **Senator Waldstreicher**

Introduced and read first time: February 2, 2024

Assigned to: Education, Energy, and the Environment

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 16, 2024

CHAPTER _____

1 AN ACT concerning

2 **Human Remains – Alkaline Hydrolysis and Natural Organic Reduction**
3 **(Green Death Care Options Act)**

4 FOR the purpose of establishing a regulatory system for reduction operators and reduction
5 facilities; establishing requirements and prohibitions related to the performance of
6 alkaline hydrolysis and natural organic reduction and the disposition of hydrolyzed
7 or soil remains by certain facilities; requiring the Director of the Office of Cemetery
8 Oversight and the Director of the State Board of Morticians and Funeral Directors
9 to adopt regulations governing the performance of natural organic reduction;
10 prohibiting a person from using or disposing of soil remains produced by natural
11 organic reduction in a certain manner, including by using the soil to grow food for
12 consumption by humans or livestock; and generally relating to alkaline hydrolysis
13 and natural organic reduction.

14 BY repealing and reenacting, with amendments,

15 Article – Business Regulation

16 Section 5–101, 5–204(a), (b), and (k), 5–301, 5–302, 5–303, 5–306(a), 5–308, 5–310(a)
17 and (b), 5–401, 5–402, 5–403, 5–803, 5–902, and 5–903

18 Annotated Code of Maryland

19 (2015 Replacement Volume and 2023 Supplement)

20 BY adding to

21 Article – Business Regulation

22 Section 5–901(d)

23 Annotated Code of Maryland

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 (2015 Replacement Volume and 2023 Supplement)

2 BY repealing and reenacting, with amendments,
3 Article – Health – General
4 Section 5–502, 5–503, 5–504, 5–508, 5–511(a) and (b), 5–512, 5–513, and 5–514
5 Annotated Code of Maryland
6 (2023 Replacement Volume)

7 BY repealing and reenacting, without amendments,
8 Article – Health Occupations
9 Section 7–101(a)
10 Annotated Code of Maryland
11 (2021 Replacement Volume and 2023 Supplement)

12 BY adding to
13 Article – Health Occupations
14 Section 7–101(a–1), (l–1), (s–1), (v–1), ~~and (v–2)~~, and (v–3)
15 Annotated Code of Maryland
16 (2021 Replacement Volume and 2023 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Health Occupations
19 Section 7–101(c–1), (h), (i), (l), (t), and (u), 7–102, 7–205(c), 7–406, and 7–505
20 Annotated Code of Maryland
21 (2021 Replacement Volume and 2023 Supplement)

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

24 **Article – Business Regulation**

25 5–101.

26 (a) In this title the following words have the meanings indicated.

27 **(B) “ALKALINE HYDROLYSIS” MEANS THE PROCESS OF REDUCING HUMAN**
28 **REMAINS USING WATER, ALKALINE CHEMICALS, AND HEAT INSIDE A WATERTIGHT**
29 **VESSEL TO ACCELERATE DECOMPOSITION.**

30 **(C) “AUTHORIZING AGENT” HAS THE MEANING STATED IN § 5–508 OF THE**
31 **HEALTH – GENERAL ARTICLE.**

32 **[(b)] (D)** (1) “Burial goods” means goods that are used in connection with
33 burial.

34 (2) “Burial goods” includes:

- 1 (i) a casket;
- 2 (ii) a grave liner;
- 3 (iii) a memorial;
- 4 (iv) a monument;
- 5 (v) a scroll;
- 6 (vi) an urn;
- 7 (vii) a vase; and
- 8 (viii) a vault.

9 **[(c)] (E)** “Burial goods business” means a business that provides burial goods.

10 **[(d)] (F)** (1) “Cemetery” means land used or to be used for interment.

11 (2) “Cemetery” includes a structure used or to be used for interment.

12 **[(e)] (G)** “Cremation” means the [process of reducing human remains to bone
13 fragments through intense heat and evaporation, including any mechanical or thermal
14 process] **DISPOSITION OF A DEAD HUMAN BODY BY MEANS OF INCINERATION.**

15 **[(f)] (H)** “Crematory” means a building, portion of a building, or structure that
16 houses the necessary appliances and facilities for cremation **OR ALKALINE HYDROLYSIS.**

17 **[(g)] (I)** “Director” means the Director of the Office of Cemetery Oversight.

18 **[(h)] (J)** “Engage in the operation of a cemetery” means owning, controlling, or
19 managing a cemetery, including performing activities necessary for:

20 (1) the establishment, improvement, care, preservation, or embellishment
21 of a cemetery;

22 (2) interment; and

23 (3) the providing of burial space or burial goods.

24 **[(i)] (K)** (1) “Engage in the operation of a crematory” means controlling or
25 managing a crematory.

26 (2) “Engage in the operation of a crematory” does not include:

1 (i) the practice of funeral direction or the practice of mortuary
2 science; or

3 (ii) 1. assistance in making decisions and filling out forms that
4 are not directly related to cremation;

5 2. obtaining vital statistics, signatures, and other
6 information necessary to complete a death certificate;

7 3. transportation of a body to the place of disposition; or

8 4. any other services regarding the disposition of a body that
9 are not directly related to cremation.

10 **(L) (1) “ENGAGE IN THE OPERATION OF A REDUCTION FACILITY” MEANS**
11 **CONTROLLING OR MANAGING A REDUCTION FACILITY.**

12 **(2) “ENGAGE IN THE OPERATION OF A REDUCTION FACILITY” DOES**
13 **NOT INCLUDE:**

14 **(I) THE PRACTICE OF FUNERAL DIRECTION OR THE PRACTICE**
15 **OF MORTUARY SCIENCE; OR**

16 **(II) 1. ASSISTANCE IN MAKING DECISIONS AND FILLING OUT**
17 **FORMS THAT ARE NOT DIRECTLY RELATED TO NATURAL ORGANIC REDUCTION;**

18 **2. OBTAINING VITAL STATISTICS, SIGNATURES, AND**
19 **OTHER INFORMATION NECESSARY TO COMPLETE A DEATH CERTIFICATE;**

20 **3. TRANSPORTATION OF A BODY TO THE PLACE OF**
21 **DISPOSITION; OR**

22 **4. ANY OTHER SERVICES REGARDING THE DISPOSITION**
23 **OF A BODY THAT ARE NOT DIRECTLY RELATED TO NATURAL ORGANIC REDUCTION.**

24 **[(j)] (M) “Funeral establishment” means a building, structure, or premises from**
25 **which the business of funeral directing or embalming is conducted.**

26 **[(k)] (N) (1) “Human remains” means:**

27 (i) the body of a deceased person; or

28 (ii) a part of a body or limb that has been removed from a living
29 person.

1 (2) “Human remains” includes the body or part of a body or limb in any
2 state of decomposition.

3 **(3) “HUMAN REMAINS” DOES NOT INCLUDE SOIL REMAINS**
4 **PRODUCED AFTER THE COMPLETION OF NATURAL ORGANIC REDUCTION.**

5 **(O) “HYDROLYZED REMAINS” MEANS THE BONE FRAGMENTS PRODUCED BY**
6 **THE COMPLETION OF ALKALINE HYDROLYSIS.**

7 **[(l)] (P)** “Interment” means all final disposition of human remains or pet
8 remains, including:

9 (1) earth burial;

10 (2) mausoleum entombment; and

11 (3) niche or columbarium interment.

12 **(Q) “NATURAL ORGANIC REDUCTION” MEANS THE CONTAINED**
13 **ACCELERATED CONVERSION OF HUMAN REMAINS INTO SOIL.**

14 **[(m)] (R)** “Office” means the Office of Cemetery Oversight.

15 **[(n)] (S)** “Permit” means a permit issued by the Director to allow a partnership,
16 limited liability company, or corporation to operate a business through which a registrant
17 may:

18 (1) engage in the operation of a cemetery or crematory; or

19 (2) provide burial goods.

20 **[(o)] (T)** (1) “Pet remains” means the body of a deceased animal that was kept
21 as a pet.

22 (2) “Pet remains” includes the body of a pet or a part of a pet’s body in any
23 state of decomposition or the body of a pet after having been cremated.

24 **[(p)] (U)** (1) “Preneed goods” means burial goods that are sold before the
25 buyer’s death.

26 (2) “Preneed goods” does not include burial space.

27 **[(q)] (V)** “Provide burial goods” means a retail transaction:

28 (1) to erect, service, or inscribe burial memorials; or

1 (2) to sell burial goods.

2 (W) “REDUCTION FACILITY” MEANS A BUILDING, PORTION OF A BUILDING,
3 OR STRUCTURE THAT HOUSES THE NECESSARY APPLIANCES, CONTAINERS, AND
4 FACILITIES FOR PERFORMING NATURAL ORGANIC REDUCTION.

5 [(r)] (X) “Registered cemeterian” means an individual registered to operate a
6 cemetery as a sole proprietor or on behalf of a sole proprietor or of a permit holder.

7 [(s)] (Y) “Registered crematory operator” means an individual registered to
8 operate a crematory as a sole proprietor or on behalf of a sole proprietor or permit holder.

9 (Z) “REGISTERED REDUCTION OPERATOR” MEANS AN INDIVIDUAL
10 REGISTERED TO OPERATE A REDUCTION FACILITY AS A SOLE PROPRIETOR OR ON
11 BEHALF OF A SOLE PROPRIETOR OR A PERMIT HOLDER.

12 [(t)] (AA) “Registered seller” means an individual registered to provide burial
13 goods as a sole proprietor or on behalf of a sole proprietor or of a permit holder.

14 [(u)] (BB) “Registration” means a registration issued by the Director authorizing
15 an individual to operate a cemetery, to operate a crematory, **TO OPERATE A REDUCTION**
16 **FACILITY**, or to provide burial goods.

17 [(v)] (CC) “Responsible party” means a sole proprietor or the individual
18 designated by a partnership, limited liability company, or corporation to be responsible for
19 the operations of a cemetery, crematory, **REDUCTION FACILITY**, or burial goods business.

20 (DD) “SOIL REMAINS” MEANS THE SOIL PRODUCED AT FINAL DISPOSITION OF
21 A DEAD HUMAN BODY AT A REDUCTION FACILITY BY COMPLETION OF NATURAL
22 ORGANIC REDUCTION.

23 5–204.

24 (a) (1) With the advice of the Advisory Council and after consultation with
25 representatives of the cemetery industry, the Director shall adopt:

26 (i) rules and regulations to carry out this title; and

27 (ii) a code of ethics for engaging in the operation of a cemetery [or],
28 crematory, **OR REDUCTION FACILITY** or providing burial goods.

29 (2) In conjunction with the State Board of Morticians and Funeral
30 Directors, the Director shall:

1 (i) establish a process for regulating crematories **AND REDUCTION**
2 **FACILITIES** that provides for:

3 1. registration of crematory operators **AND REDUCTION**
4 **FACILITY OPERATORS** or issuance of permits for operating crematories **AND REDUCTION**
5 **FACILITIES**, and renewal;

6 2. applications, including certification of ownership and
7 identification of individuals who will perform **ALKALINE HYDROLYSIS**, cremation, **OR**
8 **NATURAL ORGANIC REDUCTION**;

9 3. registration and permit fees;

10 4. inspections and oversight;

11 5. grounds for discipline and penalties; and

12 6. complaints and hearings; and

13 (ii) adopt regulations that are identical to regulations adopted by the
14 State Board of Morticians and Funeral Directors to:

15 1. implement item (i) of this paragraph; and

16 2. ensure public health and safety.

17 **(3) THE DIRECTOR SHALL ADOPT REGULATIONS THAT:**

18 **(I) REQUIRE A ~~LICENSED FUNERAL ESTABLISHMENT OR~~**
19 **REGISTERED REDUCTION OPERATOR TO NOTIFY THE AUTHORIZING AGENT IN**
20 **WRITING AND BEFORE INITIATING NATURAL ORGANIC REDUCTION THAT A PERSON**
21 **~~IS PROHIBITED BY LAW FROM USING WHO USES OR DISPOSING~~ DISPOSES OF SOIL**
22 **REMAINS ~~UNDER~~ IS IN VIOLATION OF § 5-514 OF THE HEALTH – GENERAL ARTICLE;**

23 **(II) REQUIRE A REDUCTION FACILITY TO MONITOR AND**
24 **RECORD WRITTEN VERIFICATION THAT THE TEMPERATURE DURING EACH**
25 **INSTANCE OF A NATURAL ORGANIC REDUCTION PROCESS ATTAINS A SPECIFIED**
26 **MINIMUM INTERNAL EQUIPMENT TEMPERATURE FOR A SPECIFIED MINIMUM**
27 **PERIOD OF TIME;**

28 **(III) ESTABLISH APPROPRIATE STANDARDS FOR TRAINING AND**
29 **EXPERIENCE FOR THE REGISTRATION OF REDUCTION OPERATORS;**

30 **(IV) PROHIBIT THE USE OF NATURAL ORGANIC REDUCTION IN**
31 **ANY INSTANCE IN WHICH THE HUMAN REMAINS ARE KNOWN, OR REASONABLY**

1 SUSPECTED, TO BE EMBALMED OR TO HAVE AN INFECTION, DISEASE, OR
2 BIOLOGICAL CONDITION THAT RENDERS THE PROCESS OF NATURAL ORGANIC
3 REDUCTION OR THE RESULTING SOIL REMAINS UNREASONABLY UNSAFE,
4 INCLUDING:

5 1. CREUTZFELDT–JAKOB DISEASE OR OTHER PRION
6 DISEASE;

7 2. EBOLA VIRUS INFECTION;

8 3. MYCOBACTERIUM TUBERCULOSIS INFECTION;

9 4. THE PRESENCE OF DIAGNOSTIC OR THERAPEUTIC
10 RADIOISOTOPES; OR

11 5. ANY OTHER INFECTION, DISEASE, OR BIOLOGICAL
12 CONDITION IDENTIFIED BY THE DIRECTOR BASED ON THE REASONABLE
13 RECOMMENDATION OF A FEDERAL, STATE, OR LOCAL HEALTH AUTHORITY;

14 (v) ESTABLISH A MANDATORY CONTAMINATION TESTING
15 PROGRAM FOR REDUCTION FACILITIES TO ENSURE THE SAFETY OF SOIL REMAINS
16 PRODUCED, INCLUDING THE FOLLOWING MINIMUM PROGRAM ELEMENTS:

17 1. COLLECTING ROUTINE MATERIAL SAMPLES FROM
18 SOIL REMAINS FOR ANALYSIS USING:

19 A. A RELIABLE SAMPLING METHODOLOGY; AND

20 B. AN APPROPRIATE FREQUENCY OF SAMPLING, AS
21 RECOMMENDED OR APPROVED BY THE U.S. COMPOSTING COUNCIL OR ANOTHER
22 RELIABLE SCIENTIFIC ADVISORY AUTHORITY;

23 2. RECORDING AND RETAINING THE RESULTS OF AN
24 ANALYSIS OF SAMPLES FROM THE SOIL REMAINS CONDUCTED BY AN INDEPENDENT
25 THIRD–PARTY LABORATORY TO IDENTIFY THE PRESENCE OF HEAVY METALS OR
26 MICROBIAL PATHOGENS ACCORDING TO THE APPROPRIATE CONTAMINATION
27 PARAMETERS FOR BIOSOLIDS SPECIFIED BY THE U.S. ENVIRONMENTAL
28 PROTECTION AGENCY UNDER TITLE 40 C.F.R. PART 503, CHAPTER I,
29 SUBCHAPTER O;

30 3. CONDUCTING AN ANALYSIS FOR EACH PRODUCTION
31 OF SOIL REMAINS TO ENSURE THAT THE SOIL REMAINS CONTAIN LESS THAN 0.01
32 MG/KG DRY WEIGHT OF SPECIFIC PHYSICAL CONTAMINANTS, WHICH MAY INCLUDE
33 INTACT BONE, DENTAL FILLINGS, AND MEDICAL IMPLANTS;

1 4. **ENSURING THAT NO SOIL REMAINS ARE RELEASED**
2 **UNTIL THE SOIL REMAINS COMPLY WITH EACH OF THE APPLICABLE**
3 **CONTAMINATION TESTING PARAMETERS; AND**

4 5. **PERIODIC REPORTING OF TESTING RESULTS TO**
5 **APPROPRIATE STATE AND LOCAL HEALTH AUTHORITIES THAT HAVE REQUESTED**
6 **THE RESULTS; AND**

7 (VI) **ESTABLISH ANY OTHER REASONABLE PROHIBITION, RULE,**
8 **OR REQUIREMENT THE DIRECTOR DETERMINES IS NECESSARY TO PROTECT THE**
9 **PUBLIC HEALTH AND SAFETY DURING THE PROCESS OF NATURAL ORGANIC**
10 **REDUCTION.**

11 (b) Upon receipt of a written complaint, or at the discretion of the Director, the
12 Director or the Director's designee may conduct an investigation and an inspection of the
13 records and site of a registered cemeterian, registered crematory operator, **REGISTERED**
14 **REDUCTION OPERATOR**, registered seller, permit holder, or any other person subject to
15 the registration or permit provisions of this title.

16 (k) In conjunction with the State Board of Morticians and the Division of
17 Consumer Protection of the Office of the Attorney General, the Director shall publish a
18 consumer information pamphlet that describes:

19 (1) the rights of consumers in the purchase of funeral, cemetery, [and]
20 crematory goods and services, **AND NATURAL ORGANIC REDUCTION**; and

21 (2) any other information that the Director considers reasonably necessary
22 to aid consumers.

23 5-301.

24 An individual shall register with the Office before:

25 (1) engaging in the operation of a cemetery [or], crematory, **OR**
26 **REDUCTION FACILITY** in this State; or

27 (2) providing burial goods in this State.

28 5-302.

29 (a) In order to register, an applicant shall meet the requirements of this section.

30 (b) The applicant must be at least 18 years old.

31 (c) The applicant must be of good character and reputation.

1 (d) The applicant must be affiliated with a cemetery, crematory, **REDUCTION**
2 **FACILITY**, or burial goods business operated by a registrant or permit holder.

3 (e) The cemetery, crematory, **REDUCTION FACILITY**, or burial goods business
4 with which the applicant is affiliated must be financially stable in accordance with § 5–304
5 of this subtitle.

6 5–303.

7 (a) An applicant shall register by:

8 (1) submitting to the Director an application on the form that the Director
9 provides; and

10 (2) paying a nonrefundable application fee set by the Director.

11 (b) The application shall state:

12 (1) the name, date of birth, and residential address of the applicant;

13 (2) the name and fixed address of the affiliated cemetery, crematory, or
14 burial goods business;

15 (3) whether the cemetery, crematory, **REDUCTION FACILITY**, or burial
16 goods business with which the applicant is affiliated is owned or controlled by a sole
17 proprietor, partnership, limited liability company, or corporation;

18 (4) if the applicant is designated as the responsible party, the name and
19 residential address of each employee who sells burial space, goods, or services to the public
20 for the business while engaging in the operation of a cemetery, crematory, **REDUCTION**
21 **FACILITY**, or burial goods business; and

22 (5) any other reasonable information that the Director determines is
23 necessary to carry out this title.

24 5–306.

25 (a) While a registration is in effect, it authorizes the registrant to engage in the
26 operation of a cemetery, crematory, **REDUCTION FACILITY**, or burial goods business.

27 5–308.

28 Within 1 week after the effective date of the change, the applicant designated as the
29 responsible party or the registered responsible party shall submit to the Director an
30 application form that shows a change in the:

- 1 (1) cemetery, crematory, **REDUCTION FACILITY**, or burial goods business
2 with which a registrant is affiliated;
- 3 (2) individual designated as the responsible party;
- 4 (3) employees of the business who engage in the sale of burial space, goods,
5 or services or cremation to the public;
- 6 (4) officers, directors, members, or agents of the permit holder; or
- 7 (5) name or address of the registrant or permit holder.

8 5–310.

9 (a) Subject to the hearing provisions of § 5–312 of this subtitle, the Director may
10 deny a registration or permit to an applicant, reprimand a person subject to the registration
11 or permit provisions of this title, or suspend or revoke a registration or permit if an
12 applicant, registrant, or permit holder, or an agent, employee, officer, director, or partner
13 of the applicant, registrant, or permit holder:

- 14 (1) fraudulently or deceptively obtains or attempts to obtain a registration
15 or permit;
- 16 (2) fraudulently or deceptively uses a registration or permit;
- 17 (3) under the laws of the United States or of any state, is convicted of a:
- 18 (i) felony; or
- 19 (ii) misdemeanor that is directly related to the fitness and
20 qualifications of the applicant, registrant, or permit holder to own or operate a cemetery
21 **[or], crematory, OR REDUCTION FACILITY** or provide burial goods;
- 22 (4) fails to provide or misrepresents any information required to be
23 provided under this title;
- 24 (5) violates this title;
- 25 (6) violates the code of ethics adopted by the Director;
- 26 (7) violates a regulation adopted under this title;
- 27 (8) fails to provide reasonable and adequate supervision of the operation of
28 the cemetery **[or], crematory, OR REDUCTION FACILITY** or the provision of burial goods
29 by agents, employees, officers, directors, or partners affiliated with a cemetery, crematory,
30 **REDUCTION FACILITY**, or burial goods business;

- 1 (9) refuses to allow an inspection required by this title;
- 2 (10) fails to comply with an order of the Director;
- 3 (11) fails to comply with any terms of settlement under a binding arbitration
4 agreement;
- 5 (12) is found guilty by a court in this State of violating an unfair or deceptive
6 trade practices provision under Title 13 of the Commercial Law Article; or
- 7 (13) fails to comply with § 5–513 of the Health – General Article.

8 (b) (1) If a person is charged with a violation of this title that could result in
9 suspension or revocation of a registration or permit, the Director may seek an immediate
10 restraining order in a circuit court in this State to prohibit the person from engaging in the
11 operation of any cemetery, crematory, **REDUCTION FACILITY**, or burial goods business.

12 (2) The restraining order is in effect until:

13 (i) the court lifts the order; or

14 (ii) the charges are adjudicated or dismissed.

15 5–401.

16 (a) Subject to the provisions of this section, a registered cemeterian, registered
17 crematory operator, **REGISTERED REDUCTION OPERATOR**, or registered seller may
18 engage in the operation of a cemetery, crematory, **REDUCTION FACILITY**, or burial goods
19 business as a sole proprietor or through:

20 (1) a corporation as an officer, director, employee, or agent of the
21 corporation;

22 (2) a limited liability company as a member, employee, or agent of the
23 limited liability company; or

24 (3) a partnership as a partner, employee, or agent of the partnership.

25 (b) Subject to the provisions of this title, a corporation, limited liability company,
26 or partnership may engage in the operation of a cemetery, crematory, **REDUCTION**
27 **FACILITY**, or burial goods business through a registered cemeterian, registered crematory
28 operator, **REGISTERED REDUCTION OPERATOR**, or registered seller.

1 (c) (1) A registered cemeterian who engages in the operation of a cemetery
2 through a corporation, limited liability company, or partnership under this title is subject
3 to all of the provisions of this title that relate to engaging in the operation of a cemetery.

4 (2) A registered crematory operator who engages in the operation of a
5 crematory through a corporation, limited liability company, or partnership under this title
6 is subject to all of the provisions of this title that relate to engaging in the operation of a
7 crematory.

8 **(3) A REGISTERED REDUCTION OPERATOR WHO ENGAGES IN THE**
9 **OPERATION OF A REDUCTION FACILITY THROUGH A CORPORATION, LIMITED**
10 **LIABILITY COMPANY, OR PARTNERSHIP UNDER THIS TITLE IS SUBJECT TO ALL THE**
11 **PROVISIONS OF THIS TITLE THAT RELATE TO ENGAGING IN THE OPERATION OF A**
12 **REDUCTION FACILITY.**

13 ~~[(3)]~~ (4) A registered seller who engages in the operation of a burial goods
14 business through a corporation, limited liability company, or partnership under this title is
15 subject to all of the provisions of this title that relate to providing burial goods services.

16 (d) (1) A corporation, limited liability company, or partnership that engages in
17 the operation of a cemetery, crematory, **REDUCTION FACILITY**, or burial goods business
18 under this title is not, by its compliance with this title, relieved of any responsibility that
19 the corporation, limited liability company, or partnership may have for an act or an
20 omission by its officer, director, member, partner, employee, or agent.

21 (2) An individual who engages in the operation of a cemetery, crematory,
22 **REDUCTION FACILITY**, or burial goods business through a corporation, limited liability
23 company, or partnership is not, by reason of the individual's employment or other
24 relationship with the corporation, limited liability company, or partnership, relieved of any
25 individual responsibility that the individual may have regarding that practice.

26 5-402.

27 A corporation, limited liability company, or partnership shall obtain a permit issued
28 by the Director, before the corporation, limited liability company, or partnership may
29 engage in the operation of a cemetery, crematory, **REDUCTION FACILITY**, or burial goods
30 business in the State.

31 5-403.

32 To qualify for a permit, a corporation, limited liability company, or partnership shall:

33 (1) designate a separate registered cemeterian, registered crematory
34 operator, **REGISTERED REDUCTION OPERATOR**, or registered seller as the responsible
35 party for the operations of each affiliated cemetery, crematory, **REDUCTION FACILITY**, or
36 burial goods business;

1 (2) provide the name and business address of each affiliated cemetery,
2 crematory, **REDUCTION FACILITY**, or burial goods business;

3 (3) provide a list of the officers, directors, members, partners, agents, and
4 employees of the entity applying for the permit; and

5 (4) comply with §§ 5–303(b)(4) and 5–304 of this title.
6 5–803.

7 (a) (1) In this section the following words have the meanings indicated.

8 (2) “Eligible dependent” means a veteran’s spouse, a veteran’s unmarried
9 child under the age of 21 years, or a veteran’s unmarried adult child who before the age of
10 21 became permanently incapable of self–support because of physical or mental disability.

11 (3) (i) “Identifying information” means data required by a veterans
12 service organization to verify the eligibility of a veteran or an eligible dependent for burial
13 in a national or state veterans cemetery.

14 (ii) “Identifying information” includes name, service number, Social
15 Security number, date of birth, date of death, place of birth, and copy of the death
16 certificate.

17 (4) “Veteran” has the meaning stated in § 9–901 of the State Government
18 Article.

19 (5) “Veterans service organization” means an association or other entity
20 organized for the benefit of veterans that has been recognized by the U.S. Department of
21 Veterans Affairs or chartered by Congress and any employee or representative of the
22 association or entity.

23 (b) (1) If a licensed funeral establishment or a crematory is in possession of
24 cremated human remains **OR HYDROLYZED REMAINS** that have been unclaimed for 90
25 days or more, the licensed funeral establishment or holder of the permit for the business of
26 operating a crematory shall provide identifying information of the unclaimed cremains **OR**
27 **HYDROLYZED REMAINS** to a veterans service organization in order for the veterans
28 service organization to determine if the unclaimed cremains **OR HYDROLYZED REMAINS**
29 are those of a veteran or an eligible dependent.

30 (2) (I) **SUBPARAGRAPH (II) OF THIS PARAGRAPH DOES NOT APPLY**
31 **IF:**

32 **1. AN AUTHORIZING AGENT DIRECTS OTHERWISE; OR**

1 **2. A ~~LICENSED FUNERAL ESTABLISHMENT~~ OR**
2 **REDUCTION FACILITY REASONABLY CONCLUDES BASED ON THE IDENTIFYING**
3 **INFORMATION OR OTHER EVIDENCE THAT A DECEDENT DOES NOT QUALIFY FOR**
4 **DISPOSITION BENEFITS ASSOCIATED WITH VETERANS STATUS.**

5 **(II) A ~~LICENSED FUNERAL ESTABLISHMENT~~ OR** REDUCTION
6 **FACILITY IN POSSESSION OF HUMAN REMAINS THAT ARE BEING PROCESSED BY**
7 **NATURAL ORGANIC REDUCTION SHALL PROVIDE IDENTIFYING INFORMATION TO A**
8 **VETERANS SERVICE ORGANIZATION WITHIN 5 BUSINESS DAYS AFTER NATURAL**
9 **ORGANIC REDUCTION IS INITIATED TO DETERMINE IF THE SOIL REMAINS ARE**
10 **THOSE OF A VETERAN OR AN ELIGIBLE DEPENDENT.**

11 (c) Within 45 days after receipt of the information required by subsection (b) of
12 this section, the veterans service organization shall notify the licensed funeral
13 establishment [or], permit holder, **OR REDUCTION FACILITY:**

14 (1) whether the cremains, **HYDROLYZED REMAINS, OR SOIL REMAINS**
15 are those of a veteran or an eligible dependent; and

16 (2) if so, whether the veteran or eligible dependent is eligible for burial in
17 a veterans cemetery.

18 (d) If the unclaimed cremains **OR HYDROLYZED REMAINS** are those of a veteran
19 or an eligible dependent, the licensed funeral establishment or permit holder may transfer
20 the cremains to a veterans service organization for the purpose of disposition of the
21 cremains **OR HYDROLYZED REMAINS.**

22 **(E) IF THE UNCLAIMED SOIL REMAINS ARE THOSE OF A VETERAN OR AN**
23 **ELIGIBLE DEPENDENT, THE ~~LICENSED FUNERAL ESTABLISHMENT~~ OR** REDUCTION
24 **FACILITY MAY:**

25 **(1) TRANSFER A PORTION OF THE SOIL REMAINS NOT EXCEEDING 300**
26 **CUBIC INCHES IN VOLUME TO A VETERANS SERVICE ORGANIZATION THAT GRANTS**
27 **PERMISSION FOR THE PURPOSE OF DISPOSITION; AND**

28 **(2) IF AUTHORIZED BY THE CEMETERY OR OWNER, TRANSFER THE**
29 **BALANCE OF SOIL REMAINS TO A CEMETERY OR THE OWNER OF A WOODLAND**
30 **PROTECTED UNDER THE FOREST CONSERVATION ACT.**

31 5-901.

32 **(D) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL MAY**
33 **NOT ENGAGE IN THE OPERATION OF A REDUCTION FACILITY, ATTEMPT TO ENGAGE**
34 **IN THE OPERATION OF A REDUCTION FACILITY, OR PROVIDE OR OFFER TO PROVIDE**

1 **NATURAL ORGANIC REDUCTION UNLESS THE INDIVIDUAL IS A REGISTERED**
2 **REDUCTION OPERATOR.**

3 5-902.

4 Except for a registered cemeterian, registered crematory operator, **REGISTERED**
5 **REDUCTION OPERATOR**, or registered seller who operates a business as a sole proprietor
6 or a registrant employed by a sole proprietor, a person may not engage in the operation of
7 a cemetery, crematory, **REDUCTION FACILITY**, or burial goods business unless:

8 (1) the business is a corporation, limited liability company, or partnership;
9 and

10 (2) the corporation, limited liability company, or partnership holds a
11 permit issued under this title.

12 5-903.

13 Unless a person is authorized as a registrant, a person may not represent to the
14 public, by use of a title, including cemeterian, registered cemeterian, crematory operator,
15 registered crematory operator, **REGISTERED REDUCTION OPERATOR**, burial goods seller,
16 or registered seller, by description of services, methods, or procedures, or otherwise, that
17 the person is authorized to engage in the operation of a cemetery [or], crematory, **OR**
18 **REDUCTION FACILITY** or provide burial goods.

19 **Article – Health – General**

20 5-502.

21 (a) This section does not apply to the disposition of a body by a school of medicine
22 or dentistry.

23 (b) Except as otherwise provided in this section, a person may not cremate **OR**
24 **INITIATE ALKALINE HYDROLYSIS OR NATURAL ORGANIC REDUCTION OF** a body until
25 it has been identified by:

26 (1) The next of kin;

27 (2) A person who is authorized to arrange for final disposition of the body
28 under §§ 5-508 through 5-512 of this subtitle; or

29 (3) A medical examiner.

30 (c) If a person who is authorized to arrange for final disposition of a body is not
31 available to identify the body and authorize cremation, **REDUCTION BY ALKALINE**
32 **HYDROLYSIS, OR NATURAL ORGANIC REDUCTION**, that person may delegate that

1 authority to another person by sending to the delegate an electronic communication that
2 contains the name, address, and relationship of the sender to the deceased and the name
3 and address of the individual to whom authority is delegated. Written authorization shall
4 follow by mail but does not take precedence over the electronic communication authorizing
5 the identification and cremation.

6 5-503.

7 A person may not cremate **OR INITIATE ALKALINE HYDROLYSIS OR NATURAL**
8 **ORGANIC REDUCTION OF** a body until at least 12 hours after death.

9 5-504.

10 A person may not transport a body to a crematory **OR REDUCTION FACILITY**
11 without using a cot and pouch or receptacle.

12 5-508.

13 (a) In this subtitle the following words have the meanings indicated.

14 **(B) "ALKALINE HYDROLYSIS" HAS THE MEANING STATED IN § 5-101 OF THE**
15 **BUSINESS REGULATION ARTICLE.**

16 **[(b)] (C)** "Authorizing agent" means the individual who has legal authority to
17 arrange for and make decisions regarding the final disposition of a dead human body,
18 including by cremation, **ALKALINE HYDROLYSIS, OR NATURAL ORGANIC REDUCTION.**

19 **[(c)] (D)** "Cremation" means the disposition of a dead human body by means of
20 incineration.

21 **[(d)] (E)** "Crematory" [is a building in which cremations are performed] **HAS**
22 **THE MEANING STATED IN § 5-101 OF THE BUSINESS REGULATION ARTICLE.**

23 **[(e)] (F)** "Decedent" means a dead human being.

24 **(G) "NATURAL ORGANIC REDUCTION" HAS THE MEANING STATED IN §**
25 **5-101 OF THE BUSINESS REGULATION ARTICLE.**

26 **[(f)] (H)** "Practitioner" means a person who is licensed by the State as a funeral
27 director, mortician, or surviving spouse licensee to practice mortuary science.

28 **[(g)] (I)** "Pre-need contract" means an agreement prior to the time of death
29 between a consumer and a practitioner to provide any goods and services regarding the
30 final disposition of a dead human body.

1 **(J) “REDUCTION FACILITY” HAS THE MEANING STATED IN § 5–101 OF THE**
2 **BUSINESS REGULATION ARTICLE.**

3 **(K) “SOIL REMAINS” HAS THE MEANING STATED IN § 5–101 OF THE**
4 **BUSINESS REGULATION ARTICLE.**

5 5–511.

6 (a) A practitioner and an operator of a crematory **OR REDUCTION FACILITY** may
7 rely on the representations made by an authorizing agent and are not guarantors of the
8 reliability of those representations.

9 (b) A practitioner and an operator of a crematory **OR REDUCTION FACILITY** have
10 no responsibility to contact or to independently investigate the existence of any next of kin
11 of the decedent.

12 5–512.

13 (a) A practitioner or an operator of a crematory **OR REDUCTION FACILITY** may
14 not require an authorizing agent to obtain appointment as personal representative of the
15 decedent’s estate as a condition precedent to making final arrangements or authorizing
16 cremation, **ALKALINE HYDROLYSIS, OR NATURAL ORGANIC REDUCTION** of a decedent.

17 (b) A person may not authorize cremation, **ALKALINE HYDROLYSIS, OR**
18 **NATURAL ORGANIC REDUCTION** when a decedent has left instructions in a document that
19 the decedent does not wish to be cremated **OR BE SUBJECT TO ALKALINE HYDROLYSIS**
20 **OR NATURAL ORGANIC REDUCTION.**

21 5–513.

22 (a) On taking custody of the body of a decedent in accordance with all
23 authorizations required by law, a funeral establishment [or], crematory, **OR REDUCTION**
24 **FACILITY** shall maintain the body in a manner that provides for complete coverage of the
25 body and prevents leakage or spillage except during:

26 (1) Identification, embalming, or preparation of an unembalmed body for
27 final disposition;

28 (2) Restoration and dressing of a body in preparation for final disposition;
29 [and]

30 **(3) IF APPLICABLE, PLACEMENT INSIDE A CONTAINED CHAMBER OR**
31 **VESSEL WITHOUT AN EXTERNAL VISUAL EXPOSURE DURING THE PROCESS OF**
32 **ALKALINE HYDROLYSIS OR NATURAL ORGANIC REDUCTION; AND**

1 ~~[(3)]~~ (4) Viewing during a visitation or funeral service.

2 (b) If the unembalmed body of a decedent is to be stored for more than 48 hours
3 before final disposition, a funeral establishment [or], crematory, **OR REDUCTION**
4 **FACILITY** shall maintain the body with refrigeration and at a temperature determined by
5 regulation.

6 (c) (1) If a funeral establishment [or], crematory, **OR REDUCTION FACILITY**
7 cannot secure the body of a decedent or cannot store the body as required in subsection (b)
8 of this section due to an unforeseen circumstance, the funeral establishment [or],
9 crematory, **OR REDUCTION FACILITY** shall notify the State Board of Morticians and
10 Funeral Directors or the Office of Cemetery Oversight and the person authorized to arrange
11 for the final disposition of the body under § 5–509 of this subtitle.

12 (2) The notification required under paragraph (1) of this subsection shall:

13 (i) Be made within 24 hours after the occurrence of the unforeseen
14 circumstance; and

15 (ii) Include the name and location of the facility where the body is
16 being transferred, the reason for the transfer, and the method of storage.

17 (d) The body of a decedent may not be embalmed or artificially preserved without:

18 (1) The express permission of the person authorized to arrange for the final
19 disposition of the body under § 5–509 of this subtitle; or

20 (2) A court order.

21 (e) A funeral establishment [or], crematory, **OR REDUCTION FACILITY** shall
22 store the body of a decedent until final disposition at:

23 (1) A funeral establishment licensed under Title 7 of the Health
24 Occupations Article;

25 (2) A crematory **OR REDUCTION FACILITY** licensed under Title 7 of the
26 Health Occupations Article;

27 (3) A crematory **OR REDUCTION FACILITY** permitted under Title 5 of the
28 Business Regulation Article; or

29 (4) Another facility that has passed an inspection with the State Board of
30 Morticians and Funeral Directors or the Office of Cemetery Oversight within the past 2
31 years.

1 (f) A funeral establishment, crematory, **REDUCTION FACILITY**, or
 2 transportation service may not transport or store the body of a decedent together with
 3 animal remains in the same confined space.

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

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

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

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

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

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

21 B. Within 36 hours after giving oral permission, provides
 22 written verification of the oral permission.

23 5–514.

24 (a) An individual may not bury or dispose of a body except:

25 (1) In a family burial plot or other area allowed by a local ordinance;

26 (2) In a crematory;

27 (3) In a cemetery;

28 (4) **IN A REDUCTION FACILITY;**

29 (5) By donating the body to medical science; or

30 **[(5)] (6)** By removing the body to another state for final disposition in
 31 accordance with the laws of the other state.

1 **(B) A PERSON MAY NOT USE OR DISPOSE OF SOIL REMAINS PRODUCED BY**
2 **NATURAL ORGANIC REDUCTION:**

3 **(1) ON PUBLIC OR PRIVATE PROPERTY WITHOUT THE PRIOR**
4 **WRITTEN PERMISSION OF:**

5 **(I) THE OWNER OF THE PUBLIC PROPERTY;**

6 **(II) THE SURVIVING OWNERS OF PUBLIC RECORD OF THE**
7 **PRIVATE PROPERTY; OR**

8 **(III) IF THE DECEDENT WAS SOLE OWNER OF THE PROPERTY AT**
9 **DEATH, THE AUTHORIZING AGENT;**

10 **(2) BY USING THE SOIL REMAINS TO GROW FOOD FOR CONSUMPTION**
11 **BY HUMANS OR LIVESTOCK;**

12 **(3) BY SELLING OR RESELLING THE SOIL REMAINS TO A THIRD**
13 **PARTY; OR**

14 **(4) BY COMBINING OR INCORPORATING THE SOIL REMAINS INTO**
15 **COMPOST OFFERED FOR SALE TO CONSUMERS OR FOR COMMERCIAL OR**
16 **AGRICULTURAL PURCHASERS.**

17 **(C) UNLESS A FUNERAL ESTABLISHMENT OR CEMETERY HAS OTHERWISE**
18 **AGREED IN WRITING, A REDUCTION FACILITY THAT PRODUCES SOIL REMAINS IS**
19 **RESPONSIBLE FOR PROVIDING FOR THE FINAL DISPOSITION AND DISPOSAL OF THE**
20 **SOIL REMAINS IN ACCORDANCE WITH WRITTEN DIRECTION GIVEN BY AN**
21 **AUTHORIZING AGENT.**

22 **(D) EXCEPT FOR ACTS OF GROSS NEGLIGENCE OR RECKLESS DISREGARD OF**
23 **THE PROHIBITIONS UNDER SUBSECTION (B) OF THIS SECTION, A PRACTITIONER OR**
24 **REDUCTION FACILITY OPERATOR IS NOT LIABLE FOR:**

25 **(1) TRANSFERRING POSSESSION OF SOIL REMAINS AT A REDUCTION**
26 **FACILITY; OR**

27 **(2) DELIVERING SOIL REMAINS TO ANOTHER LOCATION ACCORDING**
28 **TO THE WRITTEN DIRECTION PROVIDED BY AN AUTHORIZING AGENT.**

29 **[(b)] (E) An individual who violates this section is guilty of a misdemeanor and**
30 **on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$5,000**
31 **or both.**

1 **Article – Health Occupations**

2 7–101.

3 (a) In this title the following words have the meanings indicated.

4 **(A–1) “ALKALINE HYDROLYSIS” HAS THE MEANING STATED IN § 5–101 OF THE**
 5 **BUSINESS REGULATION ARTICLE.**

6 (c–1) “Authorizing agent” ~~means the individual who has legal authority to arrange~~
 7 ~~for and make decisions regarding the final disposition of a dead human body, including by~~
 8 ~~cremation, ALKALINE HYDROLYSIS, OR NATURAL ORGANIC REDUCTION~~ HAS THE
 9 MEANING STATED IN § 5–508 OF THE HEALTH – GENERAL ARTICLE.

10 (h) “Cremation” means [the process of reducing human remains to bone
 11 fragments through intense heat and evaporation, including any mechanical or thermal
 12 process] **DISPOSITION OF A DEAD HUMAN BODY BY MEANS OF INCINERATION.**

13 (i) “Crematory” means a building, portion of a building, or structure that houses
 14 the necessary appliances and facilities for cremation **OR ALKALINE HYDROLYSIS.**

15 (l) (1) “Human remains” means:

16 (i) The body of a deceased person; or

17 (ii) A part of a body or limb that has been removed from a living
 18 person.

19 (2) “Human remains” includes the body or part of a body or limb in any
 20 state of decomposition.

21 **(3) “HUMAN REMAINS” DOES NOT INCLUDE SOIL REMAINS**
 22 **PRODUCED AFTER THE COMPLETION OF NATURAL ORGANIC REDUCTION.**

23 **(L–1) “HYDROLYZED REMAINS” HAS THE MEANING STATED IN § 5–101 OF THE**
 24 **BUSINESS REGULATION ARTICLE.**

25 **(S–1) “NATURAL ORGANIC REDUCTION” HAS THE MEANING STATED IN §**
 26 **5–101 OF THE BUSINESS REGULATION ARTICLE.**

27 (t) (1) “Practice funeral direction” means:

28 (i) To operate a funeral establishment;

29 (ii) For compensation, to prepare a dead human body for disposition;
 30 or

1 (iii) For compensation, to arrange for or make final disposition of a
2 dead human body.

3 (2) “Practice funeral direction” does not include:

4 (i) For compensation, disinfecting or preserving a dead human body
5 or any of its parts by arterial or cavity injection or any other type of preservation; or

6 (ii) The business of operating a crematory **OR REDUCTION**
7 **FACILITY.**

8 (u) (1) “Practice mortuary science” means:

9 (i) To operate a funeral establishment;

10 (ii) For compensation, to prepare a dead human body for disposition;
11 or

12 (iii) For compensation, to arrange for or make final disposition of a
13 dead human body.

14 (2) “Practice mortuary science” includes:

15 (i) The practice of funeral direction; and

16 (ii) Disinfecting or preserving a dead human body or any of its parts
17 by arterial or cavity injection.

18 (3) “Practice mortuary science” does not include:

19 (i) The pickup, removal, or transportation of a dead human body, if
20 the unlicensed individual is acting under the direction of a licensed mortician or funeral
21 director; or

22 (ii) The business of operating a crematory **OR REDUCTION**
23 **FACILITY.**

24 **(V-1) “REDUCTION FACILITY” HAS THE MEANING STATED IN § 5-101 OF THE**
25 **BUSINESS REGULATION ARTICLE.**

26 **(V-2) “REGISTERED REDUCTION OPERATOR” HAS THE MEANING STATED IN §**
27 **5-101 OF THE BUSINESS REGULATION ARTICLE.**

28 **(V-3) “SOIL REMAINS” HAS THE MEANING STATED IN § 5-101 OF THE**
29 **BUSINESS REGULATION ARTICLE.**

1 7–102.

2 (a) This title does not limit the right of an individual to practice a health
3 occupation that the individual is authorized to practice under this article.

4 (b) (1) In this subsection, “registrant or permit holder” means a person
5 regulated under Title 5 of the Business Regulation Article as a registered cemeterian,
6 **REGISTERED REDUCTION OPERATOR**, registered seller, or holder of a permit to operate
7 a cemetery, **REDUCTION FACILITY**, or burial goods business.

8 (2) This title does not apply to:

9 (i) The business of operating a cemetery, including the sale of
10 cemetery lots, grave sites, mausoleums, monuments, lawn crypts, or vaults;

11 (ii) The ownership of a crematory **OR REDUCTION FACILITY** or the
12 business of operating a crematory **OR REDUCTION FACILITY** in which:

13 1. A registrant or permit holder owns a greater percentage of
14 the crematory **OR REDUCTION FACILITY** than a person licensed under this title;

15 2. Ownership is equal between a registrant or permit holder
16 and a person licensed under this title; or

17 3. Neither a registrant, permit holder, or person licensed
18 under this title has an ownership interest in the crematory **OR REDUCTION FACILITY**; or

19 (iii) The ownership of a crematory or the business of operating a
20 crematory or incinerator at a licensed medical facility or educational institution.

21 7–205.

22 (c) In conjunction with the Office of Cemetery Oversight, the Board shall:

23 (1) Establish a process for regulating crematories **AND REDUCTION**
24 **FACILITIES** that provides for:

25 (i) Registration of crematory operators **AND REDUCTION**
26 **OPERATORS** or issuance of permits for operating crematories **AND REDUCTION**
27 **FACILITIES**, and renewal;

28 (ii) Applications, including certification of ownership and
29 identification of individuals who will perform cremation, **ALKALINE HYDROLYSIS, OR**
30 **NATURAL ORGANIC REDUCTION**;

- 1 (iii) Registration or permit fees;
- 2 (iv) Inspections and oversight;
- 3 (v) Grounds for discipline and penalties; and
- 4 (vi) Complaints and hearings; and

5 (2) Adopt regulations that are identical to regulations adopted by the
6 Director of the Office of Cemetery Oversight to:

- 7 (i) Implement item (1) of this subsection; ~~and~~
- 8 (ii) Ensure public health and safety; AND

9 **(iii) MEET THE REQUIREMENTS OF § 5-204(A)(3) OF THE**
10 **BUSINESS REGULATION ARTICLE.**

11 7-406.

12 (a) A licensee shall maintain a complete file [of a] **FOR EACH** cremation **AND**
13 **EACH ALKALINE HYDROLYSIS OR NATURAL ORGANIC REDUCTION THAT IS INITIATED**
14 that includes the signature of the next of kin, person identifying the body, or person
15 responsible for disposition, time of death, and the date and time of cremation **OR THE TIME**
16 **THAT THE ALKALINE HYDROLYSIS OR NATURAL ORGANIC REDUCTION WAS**
17 **INITIATED.**

18 (b) (1) (i) In this subsection the following words have the meanings
19 indicated.

20 (ii) “Eligible dependent” means a veteran’s spouse, a veteran’s
21 unmarried child under the age of 21 years, or a veteran’s unmarried adult child who before
22 the age of 21 became permanently incapable of self-support because of physical or mental
23 disability.

24 (iii) 1. “Identifying information” means data required by a
25 veterans service organization to verify the eligibility of a veteran or an eligible dependent
26 for burial in a national or state veterans cemetery.

27 2. “Identifying information” includes name, service number,
28 Social Security number, date of birth, date of death, place of birth, and copy of the death
29 certificate.

30 (iv) “Veteran” has the meaning stated in § 9-901 of the State
31 Government Article.

1 (v) "Veterans service organization" means an association or other
 2 entity organized for the benefit of veterans that has been recognized by the U.S.
 3 Department of Veterans Affairs or chartered by Congress and any employee or
 4 representative of the association or entity.

5 (2) (I) If a licensed funeral establishment ~~for~~, a crematory, ~~OR A~~
 6 ~~REDUCTION FACILITY~~ is in possession of cremated human remains **OR HYDROLYZED**
 7 **REMAINS** that have been unclaimed for 90 days or more, the licensed funeral establishment
 8 or holder of the permit for the business of operating a crematory shall provide identifying
 9 information of the unclaimed cremains **OR HYDROLYZED REMAINS** to a veterans service
 10 organization in order for the veterans service organization to determine if the unclaimed
 11 cremains are those of a veteran or an eligible dependent.

12 (II) 1. **SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH DOES**
 13 **NOT APPLY IF:**

14 A. **AN AUTHORIZING AGENT DIRECTS OTHERWISE; OR**

15 B. **A ~~LICENSED FUNERAL ESTABLISHMENT OR~~**
 16 **REDUCTION FACILITY REASONABLY CONCLUDES BASED ON THE IDENTIFYING**
 17 **INFORMATION OR OTHER EVIDENCE THAT A DECEDENT DOES NOT QUALIFY FOR**
 18 **DISPOSITION BENEFITS ASSOCIATED WITH VETERAN STATUS.**

19 2. **A ~~LICENSED FUNERAL ESTABLISHMENT OR~~**
 20 **REDUCTION FACILITY IN POSSESSION OF HUMAN REMAINS THAT ARE BEING**
 21 **PROCESSED BY NATURAL ORGANIC REDUCTION SHALL PROVIDE IDENTIFYING**
 22 **INFORMATION TO A VETERANS SERVICE ORGANIZATION WITHIN 5 BUSINESS DAYS**
 23 **AFTER NATURAL ORGANIC REDUCTION IS INITIATED TO DETERMINE IF THE SOIL**
 24 **REMAINS ARE THOSE OF A VETERAN OR AN ELIGIBLE DEPENDENT.**

25 (3) Within 45 days after receipt of the information required under
 26 paragraph (2) of this subsection, the veterans service organization shall notify the licensed
 27 funeral establishment [or], permit holder, **OR REDUCTION FACILITY:**

28 (i) Whether the cremains, **HYDROLYZED REMAINS, OR SOIL**
 29 **REMAINS** are those of a veteran or an eligible dependent; and

30 (ii) If so, whether the veteran or eligible dependent is eligible for
 31 burial in a veterans cemetery.

32 (4) If the unclaimed cremains **OR HYDROLYZED REMAINS** are those of a
 33 veteran or an eligible dependent, the licensed funeral establishment or permit holder may
 34 transfer the cremains **OR HYDROLYZED REMAINS** to a veterans service organization for
 35 the purpose of the appropriate disposition of the cremains **OR HYDROLYZED REMAINS.**

1 **(5) IF THE UNCLAIMED SOIL REMAINS ARE THOSE OF A VETERAN OR**
 2 **ELIGIBLE DEPENDENT, THE ~~LICENSED FUNERAL ESTABLISHMENT OR~~ REDUCTION**
 3 **FACILITY MAY:**

4 **(I) TRANSFER A PORTION OF THE SOIL REMAINS NOT**
 5 **EXCEEDING 300 CUBIC INCHES IN VOLUME TO A VETERANS SERVICE ORGANIZATION**
 6 **THAT GRANTS PERMISSION FOR THE PURPOSE OF DISPOSITION; AND**

7 **(II) IF AUTHORIZED, TRANSFER THE BALANCE OF THE SOIL**
 8 **REMAINS TO A CEMETERY OR THE OWNER OF A WOODLAND PROTECTED UNDER THE**
 9 **FOREST CONSERVATION ACT.**

10 **~~[(5)] (6)~~** If a veterans service organization does not take possession of
 11 unclaimed cremains **OR HYDROLYZED REMAINS OR THE PORTION OF UNCLAIMED SOIL**
 12 **REMAINS** that qualify for a plot in a State veterans' cemetery under § 9-906 of the State
 13 Government Article within 10 days after the licensed funeral establishment, **REDUCTION**
 14 **FACILITY,** or permit holder receives the notification required under paragraph (3) of this
 15 subsection, the licensed funeral establishment, **REDUCTION FACILITY,** or permit holder
 16 shall:

17 (i) Notify the Department of Veterans Affairs of the status of the
 18 cremains, **OR HYDROLYZED REMAINS, OR PORTION OF SOIL REMAINS** for the purpose
 19 of the appropriate disposition of the cremains, **OR HYDROLYZED REMAINS, OR PORTION**
 20 **OF SOIL REMAINS; ~~and~~**

21 (ii) Transfer the cremains, **OR HYDROLYZED REMAINS, OR**
 22 **PORTION OF SOIL REMAINS** to the Department of Veterans Affairs for the purpose of the
 23 appropriate disposition of the cremains, **OR HYDROLYZED REMAINS, OR PORTION OF**
 24 **SOIL REMAINS; AND.**

25 **(7) IF A VETERANS SERVICE ORGANIZATION DOES NOT TAKE**
 26 **POSSESSION OF A PORTION OF UNCLAIMED SOIL REMAINS UNDER PARAGRAPH (5)(I)**
 27 **OF THIS SUBSECTION THAT QUALIFIES FOR A PLOT IN A STATE VETERAN'S**
 28 **CEMETERY UNDER § 9-906 OF THE STATE GOVERNMENT ARTICLE WITHIN 10 DAYS**
 29 **AFTER THE REDUCTION FACILITY RECEIVES THE NOTIFICATION REQUIRED UNDER**
 30 **PARAGRAPH (3) OF THIS SUBSECTION, THE REDUCTION FACILITY SHALL:**

31 **(I) NOTIFY THE DEPARTMENT OF VETERANS AFFAIRS OF THE**
 32 **STATUS OF THE SOIL REMAINS FOR THE PURPOSE OF THE APPROPRIATE**
 33 **DISPOSITION OF THE PORTION OF SOIL REMAINS;**

34 **(II) TRANSFER THE PORTION OF SOIL REMAINS TO THE**
 35 **DEPARTMENT OF VETERANS AFFAIRS FOR THE PURPOSE OF THE APPROPRIATE**
 36 **DISPOSITION OF THE PORTION OF THE SOIL REMAINS; AND**

1 (III) IF AUTHORIZED BY THE CEMETERY OR OWNER, TRANSFER
2 THE BALANCE OF THE SOIL REMAINS TO A CEMETERY OR THE OWNER OF A
3 WOODLAND PROTECTED UNDER THE FOREST CONSERVATION ACT.

4 7-505.

5 A licensee or the agent of a licensee may not represent that a burial or funeral casket
6 is required for cremation, ALKALINE HYDROLYSIS, OR NATURAL ORGANIC REDUCTION.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2024.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.