
House Bill 676

Date: 03/29/2023
Committee: Finance
Bill Title: Cemeteries - Pet Remains - Duty of Perpetual Care
Re: **Letter of Information**

The Maryland Department of Labor (MDL) houses the Office of Cemetery Oversight (OCO) whose primary objective is to register and monitor individuals and businesses engaged in the operation of cemeteries and burial goods businesses in Maryland. This includes individuals and companies that sell funerary monuments and memorials on a retail basis. OCO also regulates and provides registration for crematories under its jurisdiction in the State.

Responsibilities of OCO include the investigation and mediation of consumer complaints involving registrants and permit holders. To protect Maryland citizens from unfair and unscrupulous practices, OCO determines and enforces the ethical standards related to the operation of cemeteries and those related to the provision of burial goods and services within the State. OCO also regulates and monitors the funds held in perpetual care and preneed trusts by its licensees.

Currently, OCO only has statutory authority over licensees who handle the interment of human remains. HB 676 would direct OCO to issue regulations for those licensees who offer certain services for pet remains to owe a duty of perpetual care for the cemetery in which the remains are interred.

Upon further review of OCO's authority, Counsel has suggested that the bill sponsor amend the definition on "interment" in Business Regulations Article 5-101 to include "pet" in addition to human remains. By altering this definition it would allow OCO to better enforce the perpetual care requirement this bill seeks to achieve for licensees who offer services for the interment of pet remains. Without this suggested amendment, OCO does not believe it has the necessary authority to compel compliance with the regulations required by the proposed legislation

With the suggested amendment, OCO believes it can handle the enforcement of the proposal within existing resources.

We respectfully ask the committee to consider this information when reviewing HB 676 as we believe the bill is well intentioned and would represent a layer of consumer protection and certainty for those utilizing these services that does not presently exist in Maryland.