

**Article - Criminal Law**  
**§ 10-402.**

**Delete** (b)(3) for the purpose of reburial

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**Article - Business Regulation**

Add the following §5–507

(a) Except as provided in Maryland Criminal Law Section 10-402 and in subsection (b) of this section, a person may not remove or attempt to remove human remains from a cemetery or columbarium.

(b) Subject to subsection (c ) and (d) of this section, the Executive Director of the Office of Cemetery Oversight may authorize in writing the disinterment of human or pet remains from a cemetery.

(c) A descendant of a buried deceased may request approval to disinter their relative after notification to the cemetery owner.

(d) A cemetery owner who requests approval to disinter human or pet remains from a cemetery must:

(1) place a prominent sign at the cemetery location for 30 days with the proposed disinterment plan and contact to obtain more information.

(2) publish and pay for a notice of the proposed relocation in a newspaper, both printed and on-line, of general circulation in the county where the cemetery is located.

(a) The notice shall be published in the newspaper 3 times

(b) The notice shall contain:

- (i) a statement that approval from the Office of Cemetery Oversight is being requested to disinter human remains from a cemetery;
- (ii) the purpose for which the authorization is being requested;
- (iii) the location of the site, including the tax map and parcel number or liber and folio number; and
- (iv) all known pertinent information concerning the site, including the names of the persons whose human remains are interred in the site, if known.

(3) hold a public community meeting to acquaint stakeholders with the proposed disinterment and reinterment process, field questions, receive feedback and hear objections.

(4) consult with, and gain approval from, the following types of stakeholders:

(a) relatives of those buried in the cemetery who would be impacted by the disinterment

(b) informal or volunteer organizations that care for the cemetery.

(c) any county agency that has cemetery preservation as part of its focus

(5) Postpone any disinterment for at least one year if there are objections from any of the stakeholders.

(d) The Director of the Office of Cemetery Oversight may authorize the disinterment of human or pet remains from the cemetery after satisfactory completion of all items in section (c) above.

(e) For a known, but not necessarily documented, unmarked cemetery, the person requesting authorization for the removal of human remains from the cemetery has the burden of proving by archaeological excavation or another acceptable method the precise location and boundaries of the cemetery.

(f) Any remains that are disinterred from a cemetery under this section shall be

(1) reinterred in: a permanent cemetery that provides perpetual care; or

(2) reinterred in a place other than a permanent cemetery with the agreement of a person in interest as defined under § 14-121(a)(4) of the Real Property Article ;

(g) Any human remains that are disinterred from a cemetery under this section shall be disinterred in the presence of a mortician, professional cemeterian, or other individual qualified in the disinterment and interment of human remains;

(h) The location of the final disposition and treatment of human remains that are removed from a cemetery under this section shall be entered into the local cemetery inventory or, if no local cemetery inventory exists, into a record or inventory deemed appropriate by the Office of Cemetery Oversight.

(i) This section may not be construed to:

(1) preempt the need for a permit required by the Department of Health and Mental Hygiene under § 4-215 of the Health - General Article to remove human remains from a cemetery; or

(2) interfere with the normal operation and maintenance of a cemetery, as long as the operation and maintenance of the cemetery are performed in accordance with State law.

(j) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$100,000 or both

for each occurrence. Fines collected will become part of a fund administered by the Office of Cemetery Oversight to assist abandoned cemeteries or another approved cemetery protection/preservation program.

(k) A person who violates this section is subject to § 5-106(b) of the Courts Article.