



January 29, 2026

The Honorable Pamela Beidle
Chair, Senate Finance Committee
3 East Miller Senate Office Building
11 Bladen Street
Annapolis, Maryland 21401

Re: SB 233 – Business Regulation – Cemeteries – Actions for Sale, Transfer, or Alternate Use

Dear Chair Beidle:

I am writing on behalf of the Maryland Cemetery and Cremation Association (“MDCCA”) in opposition to Senate Bill 233 out of concern regarding the proposed cumbersome and unrealistic process requirements.

Founded in 1916, the Maryland Cemetery and Cremation Association represents the shared interests and concerns of professionals across the spectrum of Maryland’s “deathcare” industries.

While it is suggested that Senate Bill 233 is a reintroduction of SB 1021 of 2025, it is in fact dramatically different. Among other things, the proposal authorizes specific persons to bring an action when the owner of a property that includes a cemetery proposes the sale, transfer, or alternate use of all or part of a certain cemetery; provides that the owner of the property that includes the cemetery has the burden of proof in any proceeding regarding the disposition of the property and the cemetery; and requires a court to take specific actions.

MDCCA recognizes and supports the issues raised by the proponents of Senate Bill 233 including whether concerns of the descendent community are recognized; the cultural and historical significance of cemetery property; costs associated with the disinterment and reinternment of human remains or pet remains, and who should bear the cost; and issues related to the purchase of an abandoned cemetery, and protecting those cemeteries from commercial development.

However, the new process proposed pursuant to Senate Bill 233 creates an unreasonable burden on the affected cemetery properties. The existing legal rights afforded impacted parties under current law are substituted with an overly cumbersome process, and oversight by the Office of Cemetery Oversight is completely removed.

As you know, the Office of Cemetery Oversight was established in Title 5 of the Business Regulation Article of the Maryland Annotated Code by the Maryland Legislature in August 1997. It was placed under the regulatory authority of the Department of Labor. The Office provides high standards of performance in the deathcare industry; enhances healthy economic competition; promotes consumer confidence in burial goods, products, and services; and provides structure and oversight to the pre-planning arrangements. The Office provides a responsive complaint/resolution process for consumers and operates a fair and effective regulatory enforcement system for cemeteries, monument dealers and sellers of burial goods, and crematories that are subject to its regulatory authority.

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The primary objective for the Office is to register and monitor Maryland's sole proprietorships, individuals, partnerships, corporations and limited liability companies operating cemeteries, as well as businesses providing burial goods and services to consumers, including monuments and memorials. The Office also regulates and provides registration for crematories under its jurisdiction in the state.

Responsibilities of the Office include the investigation and mediation of consumer complaints involving registrants and permit holders. To protect Maryland citizens from unfair and unscrupulous practices, the office 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.

The MDCCA recognizes that the Office of Cemetery Oversight is a small, special-funded unit, with a small staff. Nevertheless, Senate Bill 233 seeks to undermine the oversight that has successfully been achieved over the last 30 years.

It is important to note that under existing law, religious and nonprofit cemeteries operate independently of the Office of Cemetery Oversight, a distinction that acknowledges the unique mission of faith-based and nonprofit cemetery operators, which are often maintained for religious and charitable purposes rather than commercial interests. Including these cemeteries under the proposal could set a troubling precedent for state oversight of religious institutions.

Additionally, subjecting religious cemeteries to state oversight in matters of sale or transfer would raise First Amendment concerns about religious liberty and autonomy.

Senate Bill 233 would appear to allow the taking of private property without any guardrails or guidelines. Definitions are vague, and often overly broad. These definitions give little guidance to the property owner, or to the owners of burial lots sold in the burial ground.

MDCCA believes that the goals of Senate Bill 233 would be more fully achieved if all interested parties convened during the legislative interim to study the impact and implementation of this proposal.

The Maryland Cemetery and Cremation Association respectfully requests the Senate Finance Committee to study the impact of Senate Bill 233 and we offer our association and lay leaders representing nearly fifty Maryland cemeteries to assist and participate in that study.

Sincerely,

Glenn S. Easton
President

cc: Members, Senate Finance Committee