

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of Health and Mental Hygiene
(DLS Control No. 14-208)**

Overview and Legal and Fiscal Impact

The regulation establishes ventilation and drainage standards for holding rooms in funeral establishments where embalming does not take place.

The regulation presents no legal issue of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Department of Health and Mental Hygiene:

Board of Morticians and Funeral Directors: Inspection of Funeral Establishments and Funeral Service Businesses: COMAR 10.29.03.04

Legal Analysis

Summary of Regulation

The regulation establishes ventilation and drainage standards for funeral establishments. Specifically, for holding rooms where embalming does not take place, the minimum standard for ventilation is an exhaust system whereby gases would be drawn to outside air. In addition, the regulation specifies that floor drainage is not required in the holding room where embalming does not take place.

Legal Issue

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The department cites §§ 7-101, 7-205, and 7-310 of the Health Occupations Article as authority for the regulation. More specifically, § 7-205(a) of the Health Occupations Article authorizes the State Board of Morticians and Funeral Directors to adopt regulations to, among other things, inspect licensed funeral establishments and establish standards for the practice of mortuary science, as well as standards for sanitation and waste disposal in connection with the practice of mortuary science.

The authority cited by the department is correct and complete. The regulation complies with the legislative intent of the law.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The regulation alters minimum ventilation and drainage standards for holding rooms in funeral establishments where embalming does not take place. The department advises that the regulation has minimal impact on State or local governments. The Department of Legislative Services concurs and notes that, because the minimum standards apply to private businesses, there is no State fiscal impact.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulation has minimal or no economic impact on small businesses but notes that the regulation should reduce costs for certain funeral establishments. The department was unable to provide an estimate of the number of funeral establishments affected by the regulation. The Department of Legislative Services disagrees to the extent that those affected funeral establishments are small businesses. Since many funeral establishments are small businesses, the regulations do potentially reduce costs for those small businesses wishing to add new holding rooms, new small businesses, or those that wish to renovate existing holding rooms.

Contact Information

Legal Analysis: Patrick D. Carlson – (410) 946/(301) 970-5350

Fiscal Analysis: Kathleen P. Kennedy – (410) 946/(301) 970-5510