

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 224

(Chair, Finance Committee)(By Request - Departmental -
Labor)

Finance

Health and Government Operations

Cemeteries - Burial-Transit Permits - Required Information

This departmental bill requires the person in charge of a cemetery (which includes a crematory or other place for final disposition) to write the name and physical address of the cemetery on the burial-transit permit. In addition, the person in charge must also include on the burial-transit permit either (1) the burial, inurnment, or scattering section and the lot and space number or (2) if the body or fetus was cremated and an authorizing agent takes control of the cremains, the name and address of the authorizing agent and the authorizing agent's relationship to the deceased or fetus.

Fiscal Summary

State Effect: None. The change is procedural and clarifying in nature and does not directly affect governmental finances.

Local Effect: None.

Small Business Effect: The Maryland Department of Labor (MDL) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Current Law: Within 72 hours after death or delivery in a fetal death and before final disposition or removal of the body or fetus from the State, the mortician who first takes custody of the body or fetus must obtain a burial-transit permit. If the death or fetal death certificate is on a multicopy form, one copy of which is designated as the burial-transit

permit and is signed by the attending physician or medical examiner, that copy must provide for the later entry of final disposition information and serves as a burial-transit permit.

A person in charge of a cemetery (including a crematory or other place for final disposition) may not permit the final disposition of a body or fetus unless it is accompanied by a burial-transit permit. The person in charge of a cemetery must write on the permit the date of final disposition, sign the permit, and within 10 days after final disposition, return the permit to the Secretary of Health. If there is no person in charge of the cemetery, the mortician must fill out the burial-transit permit.

Under Maryland regulations (COMAR 09.34.08.08), a crematory authority must provide a certificate of disposition of cremated human remains to the authorizing agent or funeral establishment that arranged for the cremation that contains, among other things, the name and address of the person who received the cremated human remains, and if ascertainable, the location, manner, and date of the disposition of the cremated human remains. The crematory authority must maintain a copy of every record as permanent records.

In Maryland, cremation is regulated either by the Office of Cemetery Oversight (OCO) within MDL or the State Board of Morticians and Funeral Directors within the Maryland Department of Health (MDH), based on ownership of the crematory. Specifically, OCO and the board each regulate facilities in which their registrants/permit holders or licensees hold majority ownership. Independent (or free-standing) crematories are subject to the jurisdiction of OCO.

Background: OCO advises that when an individual seeks their ancestor's burial location, they request a death certificate from MDH's Division of Vital Records to identify the name of the cemetery. However, if their ancestor was cremated, the final disposition on the death certificate may only identify the name of the crematory. The bill is intended to ensure that specific information about the final disposition of cremated human remains, including who took custody of the human remains, is included on all burial-transit permits.

MDH advises that the expanded information required under the bill is typically collected on burial-transit permits filed on paper and when death certificates and burial-transit permits are entered into the Maryland Electronic Death Registration System. Thus, the bill ensures that this information is included.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Department of Health; Maryland Department of Labor;
Department of Legislative Services

Fiscal Note History: First Reader - January 22, 2024
km/jc Third Reader - February 7, 2024

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Cemeteries - Burial-Transit Permits - Required Information

BILL NUMBER: SB0224

PREPARED BY: Deborah Rappazzo, Executive Director, Office of Cemetery Oversight

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

 X WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESSES

OR

 WILL HAVE A MEANINGFUL ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESSES