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**By: Delegates Morhaim and Kittleman**

Introduced and read first time: January 24, 1996

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Morticians - Repeal of Apprenticeship Requirement**

3 FOR the purpose of repealing the apprenticeship requirement for morticians; repealing  
4 all provisions relating to apprenticeships and apprentice licenses; and generally  
5 relating to the practice of mortuary science.

6 BY repealing and reenacting, with amendments,  
7 Article - Health Occupations  
8 Section 7-101, 7-202(d), 7-205, 7-303(b), 7-304(a), 7-305(a) and (b), 7-310(b)(2),  
9 7-314(e) through (g), and 7-404(a)(2)  
10 Annotated Code of Maryland  
11 (1994 Replacement Volume and 1995 Supplement)

12 BY repealing  
13 Article - Health Occupations  
14 Section 7-306  
15 Annotated Code of Maryland  
16 (1994 Replacement Volume and 1995 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Health Occupations**

20 7-101.

21 (a) In this title the following words have the meanings indicated.

22 (b) ["Apprentice" means an individual licensed by the Board who assists a  
23 licensed mortician in the practice of mortuary science, under direct supervision of a  
24 licensed mortician.

25 (c) "Apprentice sponsor" means a person who:

26 (1) Is a licensed mortician practicing mortuary science as a licensed  
27 mortician in Maryland at least 1 year immediately prior to accepting the applicant as an  
28 apprentice; and

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1 (2) Provides direct supervision to an apprentice.

2 (d)] "Board" means the Maryland State Board of Morticians.

3 [(e)] (C) (1) "Corporation" means a mortuary science business whose articles of  
4 incorporation are in good standing with the Maryland State Department of Assessments  
5 and Taxation, or its successor, the initial business for which the license is issued must  
6 have been incorporated on or before June 1, 1945 and have "Incorporated", "Inc.", or  
7 "Corporation" in its name.

8 (2) "Corporation" does not include, for purposes of issuing a corporation  
9 license, a "professional association" (P.A.) or a "professional corporation" (P.C.).

10 [(f)] (D) "Courtesy card" means a license issued by the Board to licensed  
11 practitioners of mortuary science in other states, to make a removal of a dead human  
12 body in this State and to return the body to another state or country, to return dead  
13 bodies from another state or country to this State, to fill out the family history portion of  
14 the death certificate, and to sign the death certificate in the holder's capacity as a licensed  
15 practitioner of mortuary science.

16 [(g)] (E) "Funeral director" means an individual who is licensed by the Board to  
17 practice all aspects of mortuary science except for embalming.

18 [(h)] (F) "Funeral establishment" means any building, structure, or premises from  
19 which the business of funeral directing or embalming is conducted.

20 [(i)] (G) (1) "License" means, unless the context requires otherwise, a license  
21 issued by the Board.

22 (2) "License" includes, unless otherwise indicated:

23 (i) A mortician license;

24 (ii) [An apprentice license;

25 (iii)] A funeral director license;

26 [(iv)] (III) A surviving spouse license;

27 [(v)] (IV) A corporation license;

28 [(vi)] (V) A funeral establishment license; and

29 [(vii)] (VI) A courtesy card.

30 [(j)] "Licensed apprentice" means, unless the context requires otherwise, an  
31 apprentice who is licensed by the Board to assist a licensed mortician in the practice of  
32 mortuary science.

33 [(k)] (H) "Licensed funeral director" means, unless the context requires  
34 otherwise, a funeral director who is licensed by the Board to practice funeral direction.

35 [(l)] (I) "Licensed funeral establishment" means, unless the context requires  
36 otherwise, a funeral establishment that is licensed by the Board.

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1 [(m)] (J) "Licensed mortician" means, unless the context requires otherwise, a  
2 mortician who is licensed by the Board under this title to practice mortuary science.

3 [(n)] (K) "Mortician" means an individual who practices mortuary science.

4 [(o)] (L) (1) "Practice funeral direction" means:

5 (i) To operate a funeral establishment; or

6 (ii) For compensation, to arrange for or make final disposition of a  
7 dead human body.

8 (2) "Practice funeral direction" does not include, for compensation:

9 (i) Disinfecting or preserving a dead human body or any of its parts by  
10 arterial or cavity injection or any other type of preservation; or

11 (ii) Otherwise preparing a dead human body for disposition.

12 [(p)] (M) (1) "Practice mortuary science" means:

13 (i) To operate a funeral establishment;

14 (ii) For compensation, to prepare a dead human body for disposition,  
15 including disinfecting or preserving a dead human body or any of its parts by arterial or  
16 cavity injection; or

17 (iii) For compensation, to arrange for or make final disposition of a  
18 dead human body.

19 (2) "Practice mortuary science" does not include the pickup, removal, or  
20 transportation of a dead human body, if the unlicensed individual is acting under the  
21 direction of a licensed mortician or funeral director.

22 [(q)] (N) "Pre-need contract" means an agreement between a consumer and a  
23 licensed funeral director, licensed mortician, or surviving spouse to provide any goods and  
24 services purchased prior to the time of death. Goods and services shall include:

25 (1) A service, including any form of preservation and disposition, that a  
26 mortician normally provides in the ordinary course of business; or

27 (2) Merchandise, including a casket, vault, or clothing, that a mortician  
28 normally provides in the ordinary course of business.

29 [(r)] (O) "Surviving spouse" means the legal widow or widower of a licensed  
30 funeral director or licensed mortician, whose license was in good standing at the time of  
31 death, and who at the time of death, wholly or partly owned and operated a mortuary  
32 science business.

33 7-202.

34 (d) Each consumer member of the Board:

35 (1) Shall be a member of the general public;

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1 (2) May not be or ever have been a mortician OR FUNERAL DIRECTOR [ ,  
2 funeral director, or apprentice];

3 (3) May not have a household member who is a mortician OR FUNERAL  
4 DIRECTOR [, funeral director, or apprentice];

5 (4) May not participate or ever have participated in a commercial or  
6 professional field related to the practice of mortuary science;

7 (5) May not have a household member who participates in a commercial or  
8 professional field related to the practice of mortuary science; and

9 (6) May not have had within 2 years before appointment a substantial  
10 financial interest in a person regulated by the Board.

11 7-205.

12 In addition to the powers and duties set forth elsewhere in this title, the Board has  
13 the following powers and duties:

14 (1) To adopt bylaws, rules, and regulations to carry out the provisions of this  
15 title;

16 (2) To adopt a seal;

17 (3) [To establish procedures for licensing apprentices;

18 (4)] To keep a list of all individuals currently licensed by the Board;

19 [(5)] (4) To investigate any alleged violation of this title;

20 [(6)] (5) To enforce this title;

21 [(7)] (6) To adopt rules and regulations regarding false and misleading  
22 advertising and misrepresentation;

23 [(8)] (7) To inspect licensed funeral establishments;

24 [(9)] (8) On receipt of a written and signed complaint, including a referral  
25 from the Commissioner of Labor and Industry, conduct an unannounced inspection of the  
26 funeral establishment to determine compliance at that funeral establishment with the  
27 Centers for Disease Control's guidelines on universal precautions;

28 [(10)] (9) To establish standards for the practice of mortuary science; and

29 [(11)] (10) To establish standards for sanitation and waste disposal in  
30 connection with the practice of mortuary science.

31 7-303.

32 (b) The Board shall examine all applications for licensure for the practice of  
33 mortuary science and shall issue the mortician license to any person who:

34 (1) Is judged to be of good moral character;

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1                   (2) [Has completed not less than 1 year and not more than 4 years of  
2 licensed apprenticeship, unless the Board allowed extensions for additional 1-year terms;

3                   (3)] Except as otherwise provided in this section, has graduated with an  
4 associate of arts degree in mortuary science or its equivalent from a school accredited by  
5 the American Board of Funeral Service Education or approved by the Board, or has  
6 acquired at least an Associate of Arts Degree and completed a course in mortuary science  
7 that is accredited by the American Board of Funeral Service Education or approved by  
8 the Board;

9                   [(4)] (3) Has passed the national board examination administered by the  
10 Conference of Funeral Service Examining Boards of the United States;

11                   [(5)] (4) Has passed a written examination on Maryland law and regulations  
12 governing the practice of mortuary science and a practical examination demonstrating  
13 competency in embalming and sanitary science; and

14                   [(6)] (5) Has submitted an application to the Board on the required form  
15 and has paid a fee set by the Board.

16 7-304.

17                   (a) An applicant who otherwise qualifies for a mortician license is entitled to be  
18 examined as provided in this section[ if the applicant:

19                   (1) Holds an apprentice license; or

20                   (2) Has completed the apprenticeship requirements of this title].

21 7-305.

22                   (a) Subject to the provisions of this subsection, the Board may waive the  
23 examination [and apprenticeship] requirements of § 7-303 of this subtitle and issue a  
24 mortician license to an applicant who is licensed to practice mortuary science in any other  
25 state.

26                   (b) The Board may grant a waiver under this subsection only if the applicant:

27                   (1) Pays the license fee required by the Board under § 7-303 of this subtitle;

28                   (2) Was a licensed mortician in good standing in the other state; AND

29                   (3) [ Serves an apprenticeship consisting of 1,000 hours; and

30                   (4)] Passes the Maryland State written examination administered by the  
31 Board.

32 [7-306.

33                   (a) An individual shall obtain an apprentice license from the Board before  
34 beginning an apprenticeship in this State.

35                   (b) An applicant for an apprentice license shall pay to the Board a fee set by the  
36 Board.

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1 (c) The applicant shall have graduated from 4 years of high school or have the  
2 equivalent of 12 years formal education certified by a State Department of Education or  
3 have attained an associate of arts, bachelor of science, or bachelor of arts degree from a  
4 college or university approved by an accrediting agency of the United States Department  
5 of Education. Certified evidence of a high school or general education diploma or a  
6 college degree shall be presented to the Board and made a part of the applicant's record.

7 (d) (1) The applicant shall demonstrate to the Board the intention of fulfilling  
8 the educational requirements for mortician licensure.

9 (2) The applicant shall appear before the Board with the applicant's  
10 sponsor. The sponsor shall hold a current valid mortician license in Maryland and shall be  
11 employed by the same funeral home that employs the apprentice.

12 (3) The practical experience of an apprentice shall include:

13 (i) Participation in at least 25 funerals;

14 (ii) Assistance in the embalming of at least 25 dead human bodies; and

15 (iii) Completion of 2,000 working hours in a licensed funeral  
16 establishment under the direct supervision of a licensed mortician. Supervision may  
17 include instruction by other licensed morticians employed or supervised by the sponsor.

18 (4) On termination of the sponsor-apprentice relationship, both the sponsor  
19 and the apprentice shall independently notify the Board in writing of:

20 (i) The date of termination;

21 (ii) The name, date of death, and date of service for each decedent for  
22 whom a funeral service was conducted under paragraph (3)(i) of this subsection in which  
23 the apprentice participated; and

24 (iii) The name, date of death, and date of embalming of each decedent  
25 for whom the apprentice assisted in accordance with paragraph (3)(ii) of this subsection.

26 (5) Prior approval must be granted by the Board before a change of  
27 sponsorship occurs.

28 (e) While the license is effective, an apprentice license authorizes the licensee to  
29 assist a licensed mortician in the practice of mortuary science only as part of a training  
30 program to become a licensed mortician.]

31 7-310.

32 (b) (2) An application for a funeral establishment license shall be signed by a  
33 licensed individual who [is not an apprentice but] is the owner or co-owner of the  
34 establishment to be licensed.

35 7-314.

36 (e) [(1) Before an apprentice license expires, the licensee may renew it for an  
37 additional 1-year term only if the licensee:

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1 (i) Submits to the Board a renewal application on the form that the  
2 Board requires;

3 (ii) Continues to participate in a training program; and

4 (iii) Pays to the Board a renewal fee set by the Board.

5 (2) An apprentice license may be renewed only three times unless the Board  
6 allows extensions for additional 1-year terms.

7 (f) Before a courtesy card expires, the licensee may renew it for additional terms  
8 if the licensee:

9 (1) Submits to the Board a renewal application on the form that the Board  
10 requires;

11 (2) Submits documentation to the Board that the out-of-state license is in  
12 good standing; and

13 (3) Pays to the Board a renewal fee set by the Board.

14 [(g)] (F) If, when the license of an individual otherwise would expire, the licensee  
15 is on active duty as a member of the armed forces but not on a career basis, the license is  
16 renewed automatically for a 1-year term without application or payment of a fee.

17 7-404.

18 (a) (2) The contract shall be in duplicate and contain the signatures of the  
19 licensee[, other than an apprentice,] and the payor of the requested service.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 1996.