
By: Senators Della and Bromwell

Introduced and read first time: January 27, 1997

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Morticians License**

3 FOR the purpose of repealing a provision that specifies certain educational requirements
4 for an applicant for an apprentice license; requiring that, prior to an individual
5 appearing before the State Board of Morticians for approval of an apprentice
6 license, certain educational requirements be completed; altering a provision that
7 restricts the number of years that an applicant for a mortician license may serve as
8 a licensed apprentice; providing a certain ground for the denial, suspension, or
9 revocation of a license or the reprimand of a licensee; authorizing the Board, the
10 Attorney General, or a State's Attorney to bring a certain action to enjoin certain
11 activities; requiring that a certain action be brought in a certain county; requiring
12 sellers of pre-need contracts to annually have the seller's accounts audited by
13 certain public accountants; requiring that sellers of pre-need contracts submit to
14 the Board a certain annual qualified audit by a certain date; requiring that, after
15 cremation, a licensee ensure that a plastic identification tag be placed in a certain
16 container; and generally relating to licensed morticians.

17 BY repealing and reenacting, with amendments,
18 Article - Health Occupations
19 Section 7-303(b)(2), 7-306, 7-316(a)(29) and (30), and 7-411(b)
20 Annotated Code of Maryland
21 (1994 Replacement Volume and 1996 Supplement)

22 BY adding to
23 Article - Health Occupations
24 Section 7-316(a)(31), 7-316.1, and 7-405(g)
25 Annotated Code of Maryland
26 (1994 Replacement Volume and 1996 Supplement)

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

2

1 **Article - Health Occupations**

2 7-303.

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

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

7 7-306.

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

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

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

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

20 (C) (1) PRIOR TO AN INDIVIDUAL APPEARING BEFORE THE BOARD FOR
21 APPROVAL OF AN APPRENTICE LICENSE, THE INDIVIDUAL MUST COMPLETE
22 TWO-THIRDS OF THE ACADEMIC CREDITS FOR A MORTUARY SCIENCE PROGRAM AT
23 A SCHOOL ACCREDITED BY THE AMERICAN BOARD OF FUNERAL SERVICE OR
24 APPROVED BY THE BOARD, WITH A 2.0 GRADE POINT AVERAGE OR HIGHER THAT IS
25 VERIFIED WITH A CERTIFIED COPY OF THE COLLEGE TRANSCRIPT.

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

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

30 (i) Participation in at least 25 funerals;

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

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

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

37 (i) The date of termination;

3

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

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

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

8 [(e)] (D) While the license is effective, an apprentice license authorizes the
9 licensee to assist a licensed mortician in the practice of mortuary science only as part of
10 a training program to become a licensed mortician.

11 7-316.

12 (a) Subject to the hearing provisions of § 7-319 of this subtitle and except as to a
13 funeral establishment license, the Board may deny a license to any applicant, reprimand
14 any licensee, place any licensee on probation, or suspend or revoke any license if the
15 applicant or licensee:

16 (29) Fails to allow an inspection under § 7-205(8) of this title; [or]

17 (30) Fails to comply with inspection requirements in the time specified by the
18 Board[.]; OR

19 (31) FAILS TO PROVIDE THE BOARD AN ANNUAL UNQUALIFIED AUDIT IN
20 ACCORDANCE WITH § 7-405(G)(1) AND (2) OF THIS TITLE.

21 7-316.1.

22 (A) AN ACTION MAY BE MAINTAINED IN THE NAME OF THE STATE OR THE
23 BOARD TO ENJOIN:

24 (1) THE UNAUTHORIZED PRACTICE OF MORTUARY SCIENCE; OR

25 (2) CONDUCT THAT CONSTITUTES A GROUND FOR DISCIPLINARY
26 ACTION UNDER § 7-315 OF THIS SUBTITLE.

27 (B) AN ACTION UNDER THIS SECTION MAY BE BROUGHT BY:

28 (1) THE BOARD;

29 (2) THE ATTORNEY GENERAL; OR

30 (3) A STATE'S ATTORNEY.

31 (C) AN ACTION UNDER THIS SECTION SHALL BE BROUGHT IN THE COUNTY
32 WHERE THE DEFENDANT:

33 (1) RESIDES; OR

34 (2) ENGAGES IN THE PRACTICE OF MORTUARY SCIENCE.

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1 (D) PROOF OF ACTUAL DAMAGE OR PROOF THAT A PERSON WILL SUSTAIN
2 DAMAGE IF AN INJUNCTION IS NOT GRANTED IS NOT REQUIRED FOR AN ACTION
3 UNDER THIS SECTION.

4 (E) CRIMINAL PROSECUTION FOR THE UNAUTHORIZED PRACTICE OF
5 MORTUARY SCIENCE UNDER § 7-501 OF THIS TITLE OR DISCIPLINARY ACTION
6 UNDER § 7-316 OF THIS SUBTITLE DOES NOT PROHIBIT AN ACTION TO ENJOIN UNDER
7 THIS SECTION.

8 7-405.

9 (G) (1) SELLERS OF PRE-NEED CONTRACTS MUST HAVE AN INDEPENDENT
10 CERTIFIED PUBLIC ACCOUNTANT OR CERTIFIED PUBLIC ACCOUNTANT FIRM
11 ANNUALLY AUDIT THE SELLER'S ACCOUNTS; AND

12 (2) SELLERS OF PRE-NEED CONTRACTS SHALL SUBMIT TO THE BOARD
13 BY JULY 1 OF EACH YEAR AN ANNUAL UNQUALIFIED AUDIT OF THE SELLER'S
14 PRE-NEED ACCOUNTS.

15 7-411.

16 (b) After cremation, a licensee shall ensure that a metal OR PLASTIC
17 identification tag is placed in the cremains container.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 1997.