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1997 Regular Session  
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**By: Senators Della and Bromwell**

Introduced and read first time: January 27, 1997

Assigned to: Economic and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 18, 1997

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CHAPTER \_\_\_\_

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~~ certified  
13 by certain public accountants; requiring that sellers of pre-need contracts submit to  
14 the Board a certain ~~annual qualified audit~~ certificate by a certain date; requiring  
15 that, after cremation, a licensee ensure that a plastic identification tag be placed in  
16 a certain 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

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1 (1994 Replacement Volume and 1996 Supplement)

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

4 **Article - Health Occupations**

5 7-303.

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

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

10 7-306.

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

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

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

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

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

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

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

33 (i) Participation in at least 25 funerals;

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

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

3

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

3 (i) The date of termination;

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

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

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

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

14 7-316.

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

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

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

22 (31) ~~FAILS TO PROVIDE THE BOARD AN ANNUAL UNQUALIFIED AUDIT IN~~  
 23 ~~ACCORDANCE WITH THE CERTIFICATION REQUIRED UNDER § 7-405(G)(1) AND (2) OF~~  
 24 ~~THIS TITLE.~~

25 7-316.1.

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

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

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

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

32 (1) THE BOARD;

33 (2) THE ATTORNEY GENERAL; OR

34 (3) A STATE'S ATTORNEY.

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

4

1 (1) RESIDES; OR

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

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

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

10 7-405.

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

14 (2) SELLERS OF PRE-NEED CONTRACTS SHALL SUBMIT TO THE BOARD  
15 BY JULY 1 OF EACH YEAR ~~AN ANNUAL UNQUALIFIED AUDIT OF THE SELLER'S A~~  
16 CERTIFICATE FROM AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT OR  
17 CERTIFIED PUBLIC ACCOUNTANT FIRM STATING THE COMPLIANCE OF THE SELLER  
18 WITH THE REQUIREMENTS FOR PRE-NEED ACCOUNTS UNDER THIS SECTION.

19 7-411.

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

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