

SENATE BILL 153

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1998 Regular Session
8r1388

By: **Senator Della**

Introduced and read first time: January 23, 1998

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Morticians - Injunction Actions**

3 FOR the purpose of authorizing the State or the State Board of Morticians to bring an
4 action to enjoin unauthorized mortuary science by certain entities; expanding
5 the personal jurisdiction under which the State or the Board may bring an
6 action to enjoin a person from practicing unauthorized mortuary science; and
7 generally related to the unauthorized practice of mortuary science.

8 BY repealing and reenacting, with amendments,
9 Article - Health Occupations
10 Section 7-316.1
11 Annotated Code of Maryland
12 (1994 Replacement Volume and 1997 Supplement)

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

15 **Article - Health Occupations**

16 7-316.1.

17 (a) An action may be maintained in the name of the State or the Board to
18 enjoin:

19 (1) The unauthorized practice of mortuary science BY AN INDIVIDUAL;
20 [or]

21 (2) THE UNAUTHORIZED PRACTICE OF MORTUARY SCIENCE BY A
22 FOR-PROFIT, NONRELIGIOUS CORPORATE ENTITY; OR

23 [(2)] (3) Conduct that constitutes a ground for disciplinary action under
24 § 7-315 of this subtitle.

25 (b) An action under this section may be brought by:

26 (1) The Board;

1 (2) The Attorney General; or

2 (3) A State's Attorney.

3 (c) An action under this section shall be brought in the MARYLAND county
4 where the defendant:

5 (1) Resides; [or]

6 (2) CONDUCTS BUSINESS FOR THE INCORPORATED INTEREST;

7 (3) HOLDS A CORPORATE INTEREST IN THE FUNERAL CORPORATE
8 CHARTER;

9 (4) HOLDS OWNERSHIP OF THE FUNERAL CORPORATE CHARTER;

10 (5) IS AN OFFICER OF THE FUNERAL CORPORATE CHARTER; OR

11 [(2)] (6) Engages in the practice of mortuary science.

12 (d) Proof of actual damage or proof that a person will sustain damage if an
13 injunction is not granted is not required for an action under this section.

14 (e) Criminal prosecution for the unauthorized practice of mortuary science
15 under § 7-501 of this title or disciplinary action under § 7-316 of this subtitle does
16 not prohibit an action to enjoin under this section.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 1998.