

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

House Bill 73 (Delegates Branch and C. Davis)

Economic Matters

Funeral Directors - Cemeterians - Prohibition

Under this bill, cemeterians and funeral directors may not prohibit family and friends of a deceased from viewing the casket as it is lowered into the burial site at the cemetery. Under the applicable penalty provisions, violators will be found guilty of a misdemeanor and subject to a maximum fine of \$3,000, one year in jail, or both.

Fiscal Summary

State Effect: The applicable criminal penalty provisions are not expected to materially affect State finances or operations.

Local Effect: The applicable criminal penalty provisions are not expected to materially affect local finances or operations.

Small Business Effect: Potential minimal impact.

Fiscal Analysis

State Impact: The Office of Cemetery Oversight is responsible for: (1) investigating and mediating consumer complaints; and (2) monitoring and enforcing the ethical standards related to the operation and sale of cemetery and burial goods. During fiscal 1997, its first year of operation, the Office of Cemetery Oversight did not receive any complaints that family members of the deceased were not permitted to view the casket being lowered into the ground. Accordingly, no fiscal impact is expected. In the event that a complaint is filed, the Office of Cemetery Oversight advises that licensing fees paid by the cemetery and burial goods industries will cover the cost of prosecuting violators. Under current law, the licensing fees must reflect the approximate direct and indirect cost of maintaining the Office of Cemetery Oversight. These fees are collected by the Comptroller, distributed to the

Cemetery Oversight Fund, and used to cover the Office of Cemetery Oversight's actual costs.

Small Business Impact: To the extent that additional claims are brought as a result of this bill, the Office of Cemetery Oversight will pass on the cost of prosecuting violators to the cemetery and burial goods industries in the form of licensing fees. However, based on past experience, it is expected that few or no complaints will be filed. Thus, licensing fees should not be affected.

Information Source: Department of Labor, Licensing, and Regulation

Fiscal Note History: First Reader - January 29, 1998
Inc

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