

By: **Senator Hollinger**

Introduced and read first time: January 29, 1999

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: February 24, 1999

CHAPTER_____

1 AN ACT concerning

2 **Morticians - State Board of Morticians - Membership**

3 FOR the purpose of prohibiting the State Board of Morticians from consisting of two
4 or more members who are employed by or affiliated with the same corporation
5 that owns, directly or through a subsidiary, one or more funeral homes; and
6 generally relating to the membership of the State Board of Morticians.

7 BY repealing and reenacting, with amendments,
8 Article - Health Occupations
9 Section 7-202
10 Annotated Code of Maryland
11 (1994 Replacement Volume and 1998 Supplement)

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

14 **Article - Health Occupations**

15 7-202.

16 (a) (1) The Board consists of 12 members.

17 (2) Of the 12 Board members:

18 (i) 8 shall be licensed morticians or licensed funeral directors; and

19 (ii) 4 shall be consumer members.

1 (3) All Board members shall be residents of the State.

2 (4) The Governor shall appoint each member with the advice of the
3 Secretary, and with the advice and consent of the Senate.

4 (5) THE BOARD MAY NOT CONSIST OF TWO OR MORE MEMBERS WHO
5 ARE EMPLOYED BY OR AFFILIATED WITH, DIRECTLY OR INDIRECTLY, THE SAME
6 CORPORATION THAT OWNS, DIRECTLY OR THROUGH A SUBSIDIARY CORPORATION,
7 ONE OR MORE FUNERAL HOMES.

8 (b) (1) Each mortician member shall:

9 (i) Be a licensed mortician whose license is in good standing with
10 the Board; and

11 (ii) Have practiced mortuary science actively for at least 5 years
12 immediately before appointment.

13 (2) In this subsection, "good standing" means that the Board has not
14 reprimanded the licensee, suspended, or revoked the mortician's license or placed the
15 licensee on probation within 5 years' time prior to or after confirmation to the Board.

16 (3) To qualify for appointment to the Board, the licensee must meet all
17 other qualifications required for renewal of a mortician license under this title.

18 (c) (1) Each funeral director member shall:

19 (i) Be a licensed funeral director whose license is in good standing
20 with the Board; and

21 (ii) Have practiced funeral direction actively for at least 5 years
22 immediately before appointment.

23 (2) In this subsection, "good standing" means that the Board has not
24 reprimanded the licensee, suspended, or revoked the funeral director's license or
25 placed the licensee on probation within 5 years' time prior to or after confirmation to
26 the Board.

27 (3) To qualify for appointment to the Board, the licensee must meet all
28 other qualifications required for renewal of a funeral director license under this title.

29 (d) Each consumer member of the Board:

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

31 (2) May not be or ever have been a mortician, funeral director, or
32 apprentice;

33 (3) May not have a household member who is a mortician, funeral
34 director, or apprentice;

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

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

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

7 (e) While a member of the Board, a consumer member may not have a
8 substantial financial interest in a person regulated by the Board.

9 (f) Before taking office, each member of the Board shall take the oath
10 required by Article I, § 9 of the State Constitution.

11 (g) (1) The term of an appointed member is 4 years, except that the initial
12 term of 1 of the consumer members is 3 years.

13 (2) The terms of appointed members are staggered as required by the
14 terms provided for members of the Board on July 1, 1981.

15 (3) At the end of a term, an appointed member continues to serve until a
16 successor is appointed and qualifies.

17 (4) A member who is appointed after a term has begun serves only for
18 the rest of the term and until a successor is appointed and qualifies.

19 (5) To the extent practicable, the Governor shall fill any vacancy on the
20 Board occurring during the term of an appointed member within 60 days of the date
21 of the vacancy.

22 (6) A member may not serve more than 2 consecutive full terms.

23 (h) (1) The Governor may remove an appointed member:

24 (I) [for] FOR incompetence or misconduct; OR

25 (II) WHO, BECAUSE OF EVENTS THAT OCCUR AFTER THE MEMBER'S
26 APPOINTMENT OR REAPPOINTMENT TO THE BOARD, CAUSES THE BOARD TO BE IN
27 VIOLATION OF THE PROHIBITION SET FORTH IN SUBSECTION (A)(5) OF THIS SECTION.

28 (2) Upon the recommendation of the Secretary, the Governor may
29 remove an appointed member whom the Secretary finds to have been absent from 2
30 successive Board meetings without adequate reason.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 1999.

