

HOUSE BILL 58

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E1

2000 Regular Session  
0lr0426  
CF 0lr0425

(PRE-FILED)

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By: **Delegates Cadden, Sophocleus, Rosso, Rzepkowski, Boschert, Leopold,  
and Love**

Requested: August 25, 1999  
Introduced and read first time: January 12, 2000  
Assigned to: Environmental Matters

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 25, 2000

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~Criminal Law~~ **Health - Failure of Duty to Report Death to Properly Bury or**  
3 **Dispose of a Body - Penalties**

4 FOR the purpose of ~~requiring certain individuals who have personal knowledge of the~~  
5 ~~death of another or who have personally discovered the body of another~~  
6 ~~individual to provide certain notice of the death of a certain individual within a~~  
7 ~~certain time period to a law enforcement officer, physician, 911 system, or~~  
8 ~~medical examiner under certain circumstances; providing for the application of~~  
9 ~~this Act prohibiting an individual from burying or disposing of a human body~~  
10 ~~except in a certain manner; establishing certain penalties; and generally~~  
11 ~~relating to notice of the death of certain individuals under certain circumstances~~  
12 ~~the burial or disposal of a human body.~~

13 BY repealing and reenacting, without amendments,  
14 Article - Health - General  
15 Section 5-101  
16 Annotated Code of Maryland  
17 (1994 Replacement Volume and 1999 Supplement)

18 BY adding to  
19 Article - Health - General  
20 Section 5-203  
21 Annotated Code of Maryland  
22 (1994 Replacement Volume and 1999 Supplement)

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

3 **Article - Health - General**

4 5-101.

5 In this title, "body" means a dead human body.

6 5-203.

7 ~~(A) THIS SECTION APPLIES ONLY TO AN INDIVIDUAL WHO:~~

8 ~~(1) HAS PERMANENT OR TEMPORARY CARE OR CUSTODY OR~~  
9 ~~RESPONSIBILITY FOR SUPERVISION OR CARE OF THE INDIVIDUAL WHO IS THE~~  
10 ~~DECEASED;~~

11 ~~(2) IS A SPOUSE, PARENT, OR ADULT CHILD OF THE DECEASED; OR~~

12 ~~(3) IS A MEMBER OF THE HOUSEHOLD OF THE DECEASED.~~

13 ~~(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, AN INDIVIDUAL WHO HAS~~  
14 ~~PERSONAL KNOWLEDGE OF THE DEATH OF ANOTHER INDIVIDUAL OR WHO HAS~~  
15 ~~PERSONALLY DISCOVERED THE BODY OF ANOTHER INDIVIDUAL SHALL PROVIDE, IN~~  
16 ~~PERSON OR BY TELEPHONE, NOTICE OF THE DEATH WITHIN 24 HOURS AFTER~~  
17 ~~ACQUIRING PERSONAL KNOWLEDGE OR DISCOVERY OF THE DEATH TO:~~

18 ~~(1) A LAW ENFORCEMENT OFFICER AS DEFINED IN ARTICLE 27, § 727 OF~~  
19 ~~THE CODE;~~

20 ~~(2) A PHYSICIAN WHO HAS PROVIDED MEDICAL TREATMENT TO THE~~  
21 ~~DECEASED INDIVIDUAL WITHIN 30 DAYS PRIOR TO THE KNOWLEDGE OR DISCOVERY~~  
22 ~~OF THE DEATH;~~

23 ~~(3) A 911 SYSTEM OR PUBLIC SAFETY ANSWERING POINT AS THOSE~~  
24 ~~TERMS ARE DEFINED IN ARTICLE 41, § 18-101 OF THE CODE; OR~~

25 ~~(4) A MEDICAL EXAMINER.~~

26 ~~(C) SUBSECTION (B) OF THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL~~  
27 ~~WHO HAS A REASONABLE BELIEF THAT NOTICE OF THE DEATH HAS BEEN~~  
28 ~~PREVIOUSLY MADE UNDER SUBSECTION (B) OF THIS SECTION.~~

29 (A) AN INDIVIDUAL MAY NOT BURY OR DISPOSE OF A BODY EXCEPT IN:

30 (1) A FAMILY BURIAL PLOT OR OTHER AREA ALLOWED BY A LOCAL  
31 ORDINANCE;

32 (2) A CREMATORIUM;

33 (3) A CEMETERY; OR

1           (4)     A FUNERAL ESTABLISHMENT.

2     ~~(D)~~    (B)     AN INDIVIDUAL WHO ~~FAILS TO PROVIDE NOTICE AS REQUIRED~~  
3 ~~UNDER SUBSECTION (B) OF~~ VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
4 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A  
5 FINE NOT EXCEEDING ~~\$500~~ \$5,000 OR BOTH.

6     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2000.