

HOUSE BILL 259

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SB 182/99 - EEA

2000 Regular Session  
0lr1773  
CF 0lr1679

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By: **Delegate Hammen**  
Introduced and read first time: January 27, 2000  
Assigned to: Environmental Matters

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 23, 2000

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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~~ having more than one member who is employed by or  
5 affiliated with the same corporation, professional association, or other entity,  
6 that owns, directly or through a subsidiary, one or more funeral homes; and  
7 generally relating to the membership of the State Board of Morticians.

8 BY repealing and reenacting, with amendments,  
9 Article - Health Occupations  
10 Section 7-202  
11 Annotated Code of Maryland  
12 (1994 Replacement Volume and 1999 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 7-202.

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

18 (2) Of the 12 Board members:

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

20 (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 HAVE~~  
5 MORE THAN ONE MEMBER WHO ARE IS EMPLOYED BY OR AFFILIATED WITH,  
6 DIRECTLY OR INDIRECTLY, THE SAME CORPORATION, PROFESSIONAL ASSOCIATION,  
7 OR OTHER ENTITY, THAT OWNS, DIRECTLY OR THROUGH A SUBSIDIARY  
8 CORPORATION, PROFESSIONAL ASSOCIATION, OR OTHER ENTITY, ONE OR MORE  
9 FUNERAL HOMES.

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

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

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

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

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

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

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

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

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

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

31 (d) Each consumer member of the Board:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

