
By: **Senator McCabe (By Request)**
Introduced and read first time: February 4, 2000
Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations - Funeral Directors - Delegation of Authority**

3 FOR the purpose of authorizing a licensed funeral director to delegate to an employee
4 of the licensed funeral director the ability to practice funeral direction; providing
5 that a licensed funeral director is responsible for certain acts of an employee to
6 whom the ability to practice funeral direction has been delegated and may be
7 subject to certain disciplinary procedures; altering certain definitions; and
8 generally relating to licensed funeral directors delegating the ability to practice
9 funeral direction.

10 BY repealing and reenacting, without amendments,
11 Article - Health Occupations
12 Section 7-101(a) and 7-307(b)
13 Annotated Code of Maryland
14 (1994 Replacement Volume and 1999 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Health Occupations
17 Section 7-101(g) and (p)
18 Annotated Code of Maryland
19 (1994 Replacement Volume and 1999 Supplement)

20 BY adding to
21 Article - Health Occupations
22 Section 7-412
23 Annotated Code of Maryland
24 (1994 Replacement Volume and 1999 Supplement)

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

1

Article - Health Occupations

2 7-101.

3 (a) In this title the following words have the meanings indicated.

4 (g) "Funeral director" means an individual who is licensed by the Board to
5 practice [all aspects of mortuary science except for embalming] FUNERAL
6 DIRECTION.

7 (p) (1) "Practice funeral direction" means:

8 (i) To operate a funeral establishment; or

9 (ii) For compensation, to arrange for or make final disposition of a
10 dead human body.11 (2) "PRACTICE FUNERAL DIRECTION" INCLUDES, FOR COMPENSATION,
12 ATTENDING THE FUNERAL OR BURIAL SERVICE OF AN INDIVIDUAL FOR WHOM THE
13 FUNERAL DIRECTOR HAS PERFORMED FUNERAL DIRECTION SERVICES.

14 [(2)] (3) "Practice funeral direction" does not include, for compensation:

15 (I) PICKING UP, REMOVING, OR TRANSPORTING A DEAD HUMAN
16 BODY, IF THE UNLICENSED INDIVIDUAL IS ACTING UNDER THE DIRECTION OF A
17 LICENSED MORTICIAN OR FUNERAL DIRECTOR;18 [(i)] (II) Disinfecting or preserving a dead human body or any of its
19 parts by arterial or cavity injection or any other type of preservation; or

20 [(ii)] (III) Otherwise preparing a dead human body for disposition.

21 7-307.

22 (b) A funeral director license authorizes the licensee to practice funeral
23 direction while the license is effective.

24 7-412.

25 (A) A LICENSED FUNERAL DIRECTOR MAY DELEGATE TO AN EMPLOYEE OF
26 THE LICENSED FUNERAL DIRECTOR THE ABILITY TO PRACTICE FUNERAL
27 DIRECTION.28 (B) A LICENSED FUNERAL DIRECTOR WHO DELEGATES THE ABILITY TO
29 PRACTICE FUNERAL DIRECTION TO AN EMPLOYEE IS RESPONSIBLE FOR THE ACTS
30 OF THAT EMPLOYEE, PROVIDED THAT THE ACTS OCCUR WITHIN THE SCOPE OF
31 EMPLOYMENT AND THE DELEGATED AUTHORITY, AND MAY BE SUBJECT TO ANY OF
32 THE DISCIPLINARY PROVISIONS OF THIS TITLE.33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2000.

