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By: **Chairman, Environmental Matters Committee**

Introduced and read first time: January 30, 2002

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2002

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Board of Morticians - Sunset Extension and Program Evaluation**

3 FOR the purpose of continuing the State Board of Morticians in accordance with the  
4 provisions of the Maryland Program Evaluation Act (Sunset Law) by extending  
5 to a certain date the termination provisions relating to the statutory and  
6 regulatory authority of the Board; clarifying a certain inspection policy;  
7 requiring that an evaluation of the Board and the statutes and regulations that  
8 relate to the Board be performed on or before a certain date; requiring the Board  
9 to submit a certain report by a certain date; and generally relating to the State  
10 Board of Morticians.

11 BY repealing and reenacting, with amendments,  
12 Article - Health Occupations  
13 Section 7-409 and 7-602  
14 Annotated Code of Maryland  
15 (2000 Replacement Volume and 2001 Supplement)

16 BY repealing and reenacting, without amendments,  
17 Article - State Government  
18 Section 8-403(a)  
19 Annotated Code of Maryland  
20 (1999 Replacement Volume and 2001 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article - State Government  
23 Section 8-403(b)(41)

1 Annotated Code of Maryland  
2 (1999 Replacement Volume and 2001 Supplement)

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

5 **Article - Health Occupations**

6 7-409.

7 (A) All inspections of funeral establishments shall be unannounced AND MAY  
8 TAKE PLACE AT ANY TIME WITHOUT NOTICE FROM THE BOARD.

9 (B) AN UNANNOUNCED INSPECTION MAY INCLUDE ADVANCE NOTICE THAT  
10 AN INVESTIGATOR MAY BE IN THE REGION OF THE FUNERAL ESTABLISHMENT, IF:

11 (1) THE ADVANCE NOTICE IS NO MORE THAN 14 DAYS PRIOR TO THE  
12 INSPECTION;

13 (2) NO SPECIFIC DATE OR TIME IS PROVIDED FOR THE INSPECTION; AND

14 (3) THE ADVANCE NOTICE IS PROVIDED SOLELY TO ENSURE THAT A  
15 LICENSED MORTICIAN WILL BE ON SITE FOR THE INSPECTION.

16 7-602.

17 Subject to the evaluation and reestablishment provisions of the Program  
18 Evaluation Act, this title and all rules and regulations adopted under this title shall  
19 terminate and be of no effect after July 1, [2002] ~~2007~~ 2004.

20 **Article - State Government**

21 8-403.

22 (a) On or before December 15 of the 2nd year before the evaluation date of a  
23 governmental activity or unit, the Legislative Policy Committee, based on a  
24 preliminary evaluation, may waive as unnecessary the evaluation required under this  
25 section.

26 (b) Except as otherwise provided in subsection (a) of this section, on or before  
27 the evaluation date for the following governmental activities or units, an evaluation  
28 shall be made of the following governmental activities or units and the statutes and  
29 regulations that relate to the governmental activities or units:

30 (41) Morticians, State Board of (§ 7-201 of the Health Occupations  
31 Article: July 1, [2001] ~~2006~~ 2003);

32 SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of  
33 Morticians shall report to the General Assembly on or before October 1, 2002, in  
34 accordance with § 2-1246 of the State Government Article, on the implementation

1 status of nonstatutory recommendations made by the Department of Legislative  
2 Services that are adopted by the Senate Education, Health, and Environmental  
3 Affairs Committee and the House Environmental Matters Committee.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 June 1, 2002.