
By: **Delegates Boutin, Baldwin, Menes, and Pitkin**
Introduced and read first time: January 31, 2002
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Personal Representative of Deceased Mortician's Estate - License Required**

3 FOR the purpose of specifying that a license is required of an individual who makes
4 funeral arrangements as a personal representative of a deceased mortician's
5 estate; requiring the State Board of Morticians to issue a certain license to a
6 personal representative under certain circumstances; specifying that a personal
7 representative may sell a mortuary business; specifying that a personal
8 representative of a deceased mortician's estate who obtains a certain license
9 may continue operation of a mortuary business and plan and conduct certain
10 services; requiring a licensed mortician to directly supervise a mortuary
11 business operated by a licensed personal representative; requiring a licensed
12 mortician to provide embalming services for a mortuary business operated by a
13 licensed personal representative; providing that a certain license is valid for a
14 specified period; prohibiting renewal or reinstatement of a certain license after
15 a specified period has expired; providing that upon expiration of a certain
16 license, a personal representative must qualify for and obtain a certain industry
17 license; and generally relating to the licensing of personal representatives by the
18 State Board of Morticians.

19 BY repealing and reenacting, with amendments,
20 Article - Health Occupations
21 Section 7-301(b)
22 Annotated Code of Maryland
23 (2000 Replacement Volume and 2001 Supplement)

24 BY adding to
25 Article - Health Occupations
26 Section 7-308.1
27 Annotated Code of Maryland
28 (2000 Replacement Volume and 2001 Supplement)

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

1

Article - Health Occupations

2 7-301.

3 (b) This section does not:

4 (1) Limit the right of a school of medicine or dentistry to use and dispose
5 of a dead human body or its parts;6 (2) Limit the right of any person who is authorized by law to handle or
7 dispose of a dead human body or its parts, if the person acts within the scope of that
8 authorization;9 (3) Affect the right of an authorized officer or employee of the United
10 States or the District of Columbia to practice mortuary science in the course of that
11 individual's duties;12 (4) Apply to an individual who makes funeral arrangements in the
13 course of the duties of that individual as an attorney [or a personal representative];
14 or15 (5) (i) Limit the right of the Board to issue temporary permits to
16 out-of-state licensed morticians for teaching purposes involving an approved
17 continuing education program or disaster situations as deemed necessary by the
18 Board.19 (ii) A mortician who is issued a temporary permit shall be subject to
20 any conditions and limitations that the Board may specify in the permit and the
21 provisions of this title.

22 7-308.1.

23 (A) A PERSONAL REPRESENTATIVE OF A DECEASED MORTICIAN'S ESTATE
24 SHALL BE LICENSED BY THE BOARD BEFORE CONTINUING OPERATION OF THE
25 MORTUARY SCIENCE BUSINESS.26 (B) THE BOARD SHALL ISSUE AN EXECUTOR LICENSE TO AN APPLICANT IF
27 THE APPLICANT:28 (1) IS THE APPOINTED PERSONAL REPRESENTATIVE OF A DECEASED
29 MORTICIAN'S ESTATE IN ACCORDANCE WITH THE REQUIREMENTS ESTABLISHED IN
30 TITLE 5 OF THE ESTATES AND TRUSTS ARTICLE;

31 (2) IS NOT A LICENSED MORTICIAN OR A LICENSED FUNERAL DIRECTOR;

32 (3) SUBMITS TO THE BOARD, WITHIN 30 DAYS OF THE DEATH OF THE
33 LICENSED MORTICIAN OR FUNERAL DIRECTOR, WRITTEN VERIFICATION OF THE
34 DEATH OF THE LICENSEE, WRITTEN VERIFICATION OF APPOINTMENT AS A
35 PERSONAL REPRESENTATIVE, AND THE APPLICATION REQUIRED BY THE BOARD;
36 AND

1 (4) PAYS A FEE SET BY THE BOARD.

2 (C) NOTHING IN THIS SECTION SHALL PREVENT A PERSONAL
3 REPRESENTATIVE FROM SELLING THE MORTUARY SCIENCE BUSINESS THAT WAS
4 OPERATED AND WHOLLY OR PARTLY OWNED BY THE LICENSED FUNERAL DIRECTOR
5 OR LICENSED MORTICIAN.

6 (D) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, WHILE AN
7 EXECUTOR LICENSE IS EFFECTIVE, IT AUTHORIZES THE LICENSEE TO:

8 (1) CONTINUE OPERATION OF THE MORTUARY SCIENCE BUSINESS THAT
9 HAD BEEN OPERATED AND WHOLLY OR PARTLY OWNED BY THE DECEASED
10 MORTICIAN OR FUNERAL DIRECTOR.

11 (2) ASSIST WITH THE PLANNING AND CONDUCTING OF FUNERAL
12 SERVICES FOR THAT MORTUARY SCIENCE BUSINESS.

13 (E) THE BOARD MAY ISSUE A LICENSE UNDER THIS SECTION ONLY IF:

14 (1) THE BUSINESS IS OPERATED UNDER THE DIRECT SUPERVISION OF A
15 LICENSED MORTICIAN; AND

16 (2) THE EMBALMING SERVICES ARE PROVIDED BY A LICENSED
17 MORTICIAN.

18 (F) NOTWITHSTANDING THE PROVISIONS OF § 7-314 OF THIS SUBTITLE, AN
19 EXECUTOR LICENSE IS VALID FOR SIX MONTHS FROM THE DATE OF ISSUANCE AND
20 MAY NOT BE RENEWED OR REINSTATED AFTER EXPIRATION.

21 (G) A PERSONAL REPRESENTATIVE WHO WISHES TO CONTINUE OPERATION
22 OF A MORTUARY SCIENCE BUSINESS UPON EXPIRATION OF THE EXECUTOR LICENSE
23 MUST QUALIFY AND BE LICENSED AS A MORTICIAN OR A FUNERAL DIRECTOR, OR BE
24 THE HOLDER OF A SURVIVING SPOUSE OR CORPORATION LICENSE.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
26 effect October 1, 2002.