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By: **Delegates Boutin, Baldwin, Menes, and Pitkin**

Introduced and read first time: January 31, 2002

Assigned to: Environmental Matters

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Committee Report: Favorable

House action: Adopted with floor amendments

Read second time: March 6, 2002

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CHAPTER \_\_\_\_\_

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

1 Section 7-308.1  
2 Annotated Code of Maryland  
3 (2000 Replacement Volume and 2001 Supplement)

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

6 **Article - Health Occupations**

7 7-301.

8 (b) This section does not:

9 (1) Limit the right of a school of medicine or dentistry to use and dispose  
10 of a dead human body or its parts;

11 (2) Limit the right of any person who is authorized by law to handle or  
12 dispose of a dead human body or its parts, if the person acts within the scope of that  
13 authorization;

14 (3) Affect the right of an authorized officer or employee of the United  
15 States or the District of Columbia to practice mortuary science in the course of that  
16 individual's duties;

17 (4) Apply to an individual who makes funeral arrangements in the  
18 course of the duties of that individual as an attorney [or a personal representative];  
19 or

20 (5) (i) Limit the right of the Board to issue temporary permits to  
21 out-of-state licensed morticians for teaching purposes involving an approved  
22 continuing education program or disaster situations as deemed necessary by the  
23 Board.

24 (ii) A mortician who is issued a temporary permit shall be subject to  
25 any conditions and limitations that the Board may specify in the permit and the  
26 provisions of this title.

27 7-308.1.

28 (A) A PERSONAL REPRESENTATIVE OF A DECEASED MORTICIAN'S ESTATE  
29 SHALL BE LICENSED BY THE BOARD BEFORE CONTINUING OPERATION OF THE  
30 MORTUARY SCIENCE BUSINESS.

31 (B) THE BOARD SHALL ISSUE AN EXECUTOR LICENSE TO AN APPLICANT IF  
32 THE APPLICANT:

33 (1) IS THE APPOINTED PERSONAL REPRESENTATIVE OF A DECEASED  
34 MORTICIAN'S ESTATE IN ACCORDANCE WITH THE REQUIREMENTS ESTABLISHED IN  
35 TITLE 5 OF THE ESTATES AND TRUSTS ARTICLE;

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

2           ~~(3)~~     (2)     SUBMITS TO THE BOARD, WITHIN 30 DAYS OF THE DEATH OF  
3 THE LICENSED MORTICIAN OR FUNERAL DIRECTOR, WRITTEN VERIFICATION OF THE  
4 DEATH OF THE LICENSEE, WRITTEN VERIFICATION OF APPOINTMENT AS A  
5 PERSONAL REPRESENTATIVE, AND THE APPLICATION REQUIRED BY THE BOARD;  
6 AND

7           ~~(4)~~     (3)     PAYS A FEE SET BY THE BOARD.

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

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

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

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

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

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

22           (2)     THE EMBALMING SERVICES ARE PROVIDED BY A LICENSED  
23 MORTICIAN.

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

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

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

