

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE
Revised

House Bill 516

(Delegate Boutin, *et al.*)

Environmental Matters

Education, Health, and Environmental Affairs

Personal Representative of Deceased Mortician's Estate - License Required

This bill establishes a license for the personal representative of a deceased mortician's estate for continuation of a mortuary science business.

Fiscal Summary

State Effect: Minimal increase in special fund revenues. No effect on expenditures.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill provides that a personal representative of a deceased mortician's estate must be issued an executor license by the State Board of Morticians (SBM) before continuing operation of a mortuary science business. A personal representative qualifies for an executor license if the applicant is the duly appointed personal representative of a deceased mortician's estate, pays the board fee, submits written verification of the death and appointment verification, and submits a board application.

The license authorizes an executor to continue operation of a mortuary science business and assist with planning and conducting of funeral services. A licensed mortician must directly supervise the business and provide embalming services. The bill does not prevent a personal representative from selling a mortuary science business that was wholly or partly owned by the decedent.

An executor license is valid for six months and may not be renewed or reinstated after expiration. A personal representative who wishes to continue operation of a mortuary science business after expiration of the executor license must qualify for and become licensed as a mortician or funeral director. Alternatively, if the personal representative holds a surviving spouse or corporation license, then the person may continue the mortuary business after expiration of the executor license.

Current Law: A license is not required for the personal representative of a deceased mortician's estate. The qualifications for owning and operating a mortuary business do not apply to an individual who makes funeral arrangements when carrying out funeral home duties as an attorney or personal representative.

Background: SBM advises that it works informally with the personal representatives of deceased morticians to ensure that holders of pre-need accounts are given the option of transferring their accounts to a new funeral establishment or getting a refund with interest. SBM also helps the estate to complete any funerals in process at the time of the mortician's death and ensures that no new funeral business is accepted.

State Revenues: The Department of Health and Mental Hygiene advises that SBM could receive a \$375 increase in special fund revenues. DHMH anticipates three applicants for an executor license annually and the license application fee would likely be \$125.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Office of Administrative Hearings, Department of Health and Mental Hygiene, Department of Legislative Services

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