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CHAPTER _____

1 AN ACT concerning

2 **Medical Decision Making Act of 2004**

3 FOR the purpose of establishing ~~domestic life~~ life partnerships in the State for certain
4 purposes; prohibiting an individual from claiming the benefits of a ~~domestic life~~ life
5 partnership except under certain circumstances; establishing certain crimes and
6 penalties; requiring individuals to register with the Secretary of Health and
7 Mental Hygiene in order to enter into a ~~domestic life~~ life partnership; ~~establishing~~
8 ~~certain qualifications for individuals registering a domestic partnership;~~
9 requiring the Secretary to develop certain forms and make the forms available
10 at certain locations; establishing certain ~~registration~~ registration procedures for applying for
11 and obtaining a certificate of life partnership; requiring the Secretary to adopt
12 certain regulations; providing certain procedures for the termination of a
13 ~~domestic life~~ life partnership; requiring a ~~domestic life~~ life partner that qualified for
14 and claimed certain third party benefits to provide notice to the third party on
15 the termination of a ~~domestic life~~ life partnership; establishing certain rights for
16 certain third parties; requiring the Secretary to keep a certificate of ~~domestic~~
17 life partnership book containing certain information; requiring certain health
18 care facilities to allow ~~domestic life~~ life partners and certain relatives of ~~domestic~~
19 life partners to visit a ~~domestic life~~ life partner except under certain circumstances;
20 requiring two adults to be treated as ~~domestic life~~ life partners in certain
21 circumstances related to medical emergencies; providing for the scope of this
22 Act; ~~requiring a domestic partnership or civil union entered into outside this~~
23 ~~State to be treated as a domestic partnership in this State; establishing that the~~

1 registration of a domestic partnership by two individuals who are also married
 2 to each other in another state may not be considered to be certain evidence,
 3 knowledge, awareness, or admission; providing that this Act may not be
 4 construed to recognize, condone, or prohibit a domestic partnership, civil union,
 5 or marriage recognized in other states or jurisdictions; prohibiting the
 6 Department of Health and Mental Hygiene from denying a domestic life partner
 7 the right to inspect a record to permit a disinterment or reinterment of a body;
 8 authorizing a domestic life partner to give consent to conduct a postmortem
 9 examination of a certain body; authorizing the domestic life partner to arrange
 10 for the final disposition of the body of a decedent under certain circumstances;
 11 authorizing a domestic life partner to make the health care decisions for certain
 12 persons; authorizing a domestic life partner of a certain patient to petition a
 13 court to enjoin the actions of a certain treating health care provider; authorizing
 14 a domestic life partner to accompany an individual being transported from one
 15 health care facility to another health care facility in certain circumstances;
 16 establishing that a domestic life partner may be a representative of a deceased
 17 from whom a hospital ~~is asking~~ may ask for authorization for a human organ
 18 donation; prohibiting a hospital from billing a domestic life partner for the costs
 19 associated with the deceased domestic life partner's organ donation; requiring
 20 that domestic life partners be given the opportunity to share a room in a certain
 21 faculty under certain circumstances; requiring certain related institutions to
 22 allow a resident who is a party to a domestic life partnership to have privacy
 23 during a visit by the other domestic life partner; authorizing the domestic life
 24 partner to arrange the final disposition of the body of a decedent with a
 25 mortician under certain circumstances; establishing that for purposes of an
 26 interest in the property of a burial site, a domestic life partner is a person in
 27 interest; establishing that a domestic life partner is a next of kin for purposes of
 28 making anatomical gifts of a decedent; defining certain terms; making this Act
 29 contingent on the taking effect of another Act; making the provisions of this Act
 30 severable; and generally relating to the Medical Decision Making Act of 2004.

31 BY adding to
 32 Article - Health - General
 33 Section 6-101 through ~~6-501~~ 6-401 to be under the new title "Title 6. Domestic
 34 Life Partnerships"
 35 Annotated Code of Maryland
 36 (2000 Replacement Volume and 2003 Supplement)

37 BY repealing and reenacting, with amendments,
 38 Article - Health - General
 39 Section 1-101, 4-215(e), 5-501(b), 5-509(c), 5-605(a)(2), 5-612, 10-807(e),
 40 19-310(d) and (g), and 19-344(h), (k), and (q)(1)
 41 Annotated Code of Maryland
 42 (2000 Replacement Volume and 2003 Supplement)

43 BY repealing and reenacting, without amendments,
 44 Article - Health - General

1 Section 4-215(a), 5-501(a), 5-509(a), 5-605(a)(1), 10-807(a), 19-310(a) and (j),
2 19-343(a) and (b), and 19-344(a)
3 Annotated Code of Maryland
4 (2000 Replacement Volume and 2003 Supplement)

5 BY repealing and reenacting, without amendments,
6 Article - Health Occupations
7 Section 7-410(a)
8 Annotated Code of Maryland
9 (2000 Replacement Volume and 2003 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article - Health Occupations
12 Section 7-410(c)
13 Annotated Code of Maryland
14 (2000 Replacement Volume and 2003 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Real Property
17 Section 14-121(a)
18 Annotated Code of Maryland
19 (2003 Replacement Volume and 2003 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article - Estates and Trusts
22 Section 4-501
23 Annotated Code of Maryland
24 (2001 Replacement Volume and 2003 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article - Health - General
27 Section 6-203(a)
28 Annotated Code of Maryland
29 (2000 Replacement Volume and 2003 Supplement)
30 (As enacted by Section 1 of this Act)

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

Article - Health - General

TITLE 6. ~~DOMESTIC~~ LIFE PARTNERSHIPS.

SUBTITLE 1. DEFINITIONS.

4 6-101.

5 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

6 (B) "CERTIFICATE OF ~~DOMESTIC~~ LIFE PARTNERSHIP" MEANS A CERTIFICATE
7 ISSUED BY THE SECRETARY ESTABLISHING A ~~DOMESTIC~~ LIFE PARTNERSHIP AND
8 AUTHORIZING THE ~~DOMESTIC~~ LIFE PARTNERS TO CLAIM THE BENEFITS OF A
9 ~~DOMESTIC~~ LIFE PARTNERSHIP.

10 (C) (1) "COMMON RESIDENCE" MEANS THE SHARED PLACE WHERE BOTH
11 ~~DOMESTIC~~ LIFE PARTNERS LIVE.

12 (2) "COMMON RESIDENCE" INCLUDES THE SHORT-TERM OR
13 LONG-TERM TEMPORARY LEAVING OF THE COMMON RESIDENCE BY ONE ~~DOMESTIC~~
14 LIFE PARTNER WITH THE INTENT TO RETURN TO THE COMMON RESIDENCE.

15 (3) "COMMON RESIDENCE" DOES NOT MEAN THAT:

16 (I) BOTH ~~DOMESTIC~~ LIFE PARTNERS ARE REQUIRED TO HAVE THE
17 RIGHT TO LEGAL POSSESSION OF THE COMMON RESIDENCE; OR

18 (II) A ~~DOMESTIC~~ LIFE PARTNER MAY NOT HAVE AN ADDITIONAL
19 RESIDENCE.

20 ~~(D) "DESIGNATED OFFICIAL" MEANS AN OFFICIAL DESIGNATED BY THE
21 SECRETARY TO REGISTER DOMESTIC PARTNERSHIPS.~~

22 ~~(E) "DOMESTIC PARTNER" MEANS AN INDIVIDUAL WHO HAS REGISTERED FOR
23 A CERTIFICATE OF DOMESTIC PARTNERSHIP WITH THE SECRETARY.~~

24 ~~(F)~~ (D) (1) "MUTUAL INTERDEPENDENCE" MEANS THAT EACH ~~DOMESTIC~~
25 LIFE PARTNER IN A RELATIONSHIP CONTRIBUTES TO THE MAINTENANCE AND
26 SUPPORT OF THE OTHER ~~DOMESTIC~~ LIFE PARTNER AND THE RELATIONSHIP.

27 (2) "MUTUAL INTERDEPENDENCE" DOES NOT MEAN THAT THE
28 ~~DOMESTIC~~ LIFE PARTNERS ARE REQUIRED TO CONTRIBUTE EQUALLY TO THE
29 RELATIONSHIP.

30 ~~(G) "NOTICE" MEANS NOTICE OF THE TERMINATION OF A DOMESTIC
31 PARTNERSHIP.~~

1 SUBTITLE 2. GENERAL PROVISIONS AND REGISTRATION OF ~~DOMESTIC LIFE~~
2 PARTNERSHIPS.

3 6-201.

4 (A) A ~~DOMESTIC LIFE~~ PARTNERSHIP IS NOT ESTABLISHED AND AN
5 INDIVIDUAL MAY NOT CLAIM THE BENEFITS OF A ~~DOMESTIC LIFE~~ PARTNERSHIP
6 UNLESS THE INDIVIDUAL HAS BEEN ISSUED A CERTIFICATE OF ~~DOMESTIC LIFE~~
7 PARTNERSHIP BY THE SECRETARY.

8 (B) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS GUILTY OF A
9 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF \$100.

10 6-202.

11 (A) TO QUALIFY FOR A CERTIFICATE OF ~~DOMESTIC LIFE~~ PARTNERSHIP, A
12 REGISTRANT SHALL MEET THE REQUIREMENTS OF THIS SECTION.

13 (B) A REGISTRANT QUALIFIES UNDER THIS SECTION IF:

14 (1) EACH INDIVIDUAL IS AT LEAST 18 YEARS OLD;

15 (2) THE INDIVIDUALS ARE NOT RELATED TO THE OTHER BY BLOOD OR
16 MARRIAGE WITHIN FOUR DEGREES OF CONSANGUINITY UNDER THE CIVIL LAW
17 RULE;

18 (3) (I) THE INDIVIDUALS ARE OF THE SAME SEX; OR

19 (II) THE INDIVIDUALS ARE OF THE OPPOSITE SEX ~~AND EACH~~
20 ~~INDIVIDUALS INDIVIDUAL IS AT LEAST 62 YEARS OLD;~~

21 (4) NEITHER INDIVIDUAL IS MARRIED OR IS A MEMBER OF A CIVIL
22 UNION OR DOMESTIC PARTNERSHIP WITH ANOTHER INDIVIDUAL;

23 (5) THE INDIVIDUALS AGREE TO BE IN A RELATIONSHIP OF MUTUAL
24 INTERDEPENDENCE;

25 (6) THE INDIVIDUALS SHARE A COMMON RESIDENCE; AND

26 (7) THE INDIVIDUALS AGREE TO REGISTER WITH THE SECRETARY.

27 6-203.

28 ~~(A) TO REGISTER FOR A CERTIFICATE OF DOMESTIC PARTNERSHIP, BOTH~~
29 ~~REGISTRANTS SHALL APPEAR BEFORE THE DESIGNATED OFFICIAL DURING~~
30 ~~REGULAR OFFICE HOURS.~~

31 ~~(B) REGISTRANTS FOR A CERTIFICATE OF DOMESTIC PARTNERSHIP SHALL:~~

1 (1) ~~APPEAR BEFORE THE DESIGNATED OFFICIAL AND GIVE, UNDER~~
2 ~~OATH, THE FOLLOWING INFORMATION, WHICH SHALL BE PLACED ON THE~~
3 ~~REGISTRATION FORM BY THE DESIGNATED OFFICIAL:~~

4 (1) ~~THE NAME OF EACH INDIVIDUAL;~~

5 (II) ~~THE PLACE OF COMMON RESIDENCE;~~

6 (III) ~~THE AGE OF EACH INDIVIDUAL;~~

7 (IV) ~~WHETHER THE INDIVIDUALS ARE RELATED BY BLOOD OR~~
8 ~~MARRIAGE, AND, IF SO, IN WHICH DEGREE OF RELATIONSHIP;~~

9 (V) ~~WHETHER EACH INDIVIDUAL IS SINGLE, WIDOWED, DIVORCED,~~
10 ~~OR HAS TERMINATED A DOMESTIC PARTNERSHIP OR CIVIL UNION AND THE DATE~~
11 ~~AND PLACE OF EACH DEATH OR JUDICIAL DETERMINATION THAT ENDED ANY~~
12 ~~FORMER MARRIAGE OR CIVIL UNION;~~

13 (VI) ~~THE SEX OF EACH INDIVIDUAL; AND~~

14 (VII) ~~WHETHER THE INDIVIDUALS AGREE TO A RELATIONSHIP OF~~
15 ~~MUTUAL INTERDEPENDENCE;~~

16 (2) ~~SIGN THE REGISTRATION FORM;~~

17 (3) ~~PROVIDE THE CLERK WITH THE SOCIAL SECURITY NUMBER OF EACH~~
18 ~~INDIVIDUAL WHO HAS A SOCIAL SECURITY NUMBER; AND~~

19 (4) ~~PAY TO THE CLERK THE REGISTRATION FEE SET BY THE SECRETARY.~~

20 (C) ~~THE SOCIAL SECURITY NUMBERS OF THE INDIVIDUALS SHALL BE~~
21 ~~INCLUDED IN THE ELECTRONIC FILE FOR A CERTIFICATE OF DOMESTIC~~
22 ~~PARTNERSHIP BUT MAY NOT BE DISCLOSED AS PART OF THE PUBLIC RECORD OF THE~~
23 ~~CERTIFICATE OF DOMESTIC PARTNERSHIP.~~

24 (A) THE SECRETARY SHALL DEVELOP:

25 (1) A "DECLARATION OF LIFE PARTNERSHIP" FORM; AND

26 (2) A "NOTICE OF TERMINATION OF LIFE PARTNERSHIP" FORM.

27 (B) (1) THE SECRETARY SHALL DISTRIBUTE "DECLARATION OF LIFE
28 PARTNERSHIP" FORMS AND "NOTICE OF TERMINATION OF LIFE PARTNERSHIP"
29 FORMS TO EACH COUNTY CLERK AND SHALL MAKE THE FORMS AVAILABLE IN THE
30 DEPARTMENT OF HEALTH AND MENTAL HYGIENE AND IN LOCAL HEALTH
31 DEPARTMENTS.

32 (2) (1) THE SECRETARY SHALL MAKE THE FORMS AVAILABLE ON THE
33 DEPARTMENT'S WEBSITE.

1 (II) EACH COUNTY CLERK SHALL MAKE THE FORMS AVAILABLE ON
2 THE COUNTY CLERK'S WEBSITE.

3 (C) (1) THE SECRETARY SHALL SET A REASONABLE FEE, BASED ON THE
4 COSTS OF PROCESSING THE FORMS, TO FILE A "DECLARATION OF LIFE
5 PARTNERSHIP" FORM.

6 (2) THERE SHALL BE NO FEE CHARGED FOR FILING A "NOTICE OF
7 TERMINATION OF LIFE PARTNERSHIP" FORM.

8 (D) THE FORMS SHALL BE MAILED TO THE SECRETARY BY CERTIFIED MAIL
9 ACCORDING TO INSTRUCTIONS PROVIDED ON THE FORMS.

10 6-204.

11 (A) (1) THE "DECLARATION OF LIFE PARTNERSHIP" FORM SHALL REQUIRE
12 EACH INDIVIDUAL SEEKING DESIGNATION AS A LIFE PARTNER TO:

13 (I) VERIFY THAT EACH INDIVIDUAL MEETS THE REQUIREMENTS
14 OF § 6-202 OF THIS SUBTITLE;

15 (II) PROVIDE A MAILING ADDRESS; AND

16 (III) SIGN THE FORM WITH A DECLARATION THAT THE
17 DECLARATIONS MADE ON THE FORM ARE TRUE, CORRECT, AND CONTAIN NO
18 MATERIAL OMISSIONS OF FACT TO THE BEST KNOWLEDGE AND BELIEF OF EACH
19 APPLICANT.

20 (2) THE "DECLARATION OF LIFE PARTNERSHIP" FORM SHALL REQUIRE
21 THE SIGNATURE AND SEAL OF ACKNOWLEDGMENT BY A NOTARY PUBLIC TO BE
22 BINDING AND VALID.

23 (B) THE SECRETARY SHALL REGISTER THE "DECLARATION OF LIFE
24 PARTNERSHIP" FORM AS PROVIDED IN § 6-206 OF THIS SUBTITLE, AND SHALL
25 RETURN A COPY OF THE REGISTERED FORM TO THE LIFE PARTNERS AT THE
26 ADDRESS PROVIDED BY THE LIFE PARTNERS AS THEIR COMMON RESIDENCE.

27 (C) AN INDIVIDUAL WHO HAS PREVIOUSLY REGISTERED A LIFE PARTNERSHIP
28 WITH THE SECRETARY MAY NOT REGISTER A NEW LIFE PARTNERSHIP UNTIL 90 DAYS
29 AFTER THE DATE THAT A NOTICE OF TERMINATION OF LIFE PARTNERSHIP WAS
30 RECORDED BY THE SECRETARY.

31 ~~(D) UNLESS A DOMESTIC PARTNERSHIP WAS TERMINATED BECAUSE OF THE~~
32 ~~DEATH OF A DOMESTIC PARTNER, AN INDIVIDUAL WHO HAS PREVIOUSLY~~
33 ~~REGISTERED A DOMESTIC PARTNERSHIP WITH THE SECRETARY MAY NOT REGISTER~~
34 ~~A NEW DOMESTIC PARTNERSHIP UNTIL 90 DAYS AFTER THE DATE THAT A NOTICE OF~~
35 ~~TERMINATION OF DOMESTIC PARTNERSHIP WAS RECORDED BY THE SECRETARY.~~

36 ~~(E) (1) A CERTIFICATE OF DOMESTIC PARTNERSHIP SHALL CONTAIN~~
37 ~~APPROPRIATE SPACES IN WHICH THE DESIGNATED OFFICIAL SHALL ENTER:~~

1 (I) ~~THE RELATIONSHIP OF THE INDIVIDUALS TO THE DOMESTIC~~
2 ~~PARTNERSHIP, IF ANY;~~

3 (II) ~~AS TO EACH INDIVIDUAL, THE NAME, AGE, STATE OR FOREIGN~~
4 ~~COUNTRY IN WHICH BORN, AND PLACE OF RESIDENCE;~~

5 (III) ~~THE STATUS OF EACH INDIVIDUAL AS SINGLE, WIDOWED, OR~~
6 ~~DIVORCED;~~

7 (IV) ~~WHETHER THE INDIVIDUAL HAS PREVIOUSLY BEEN A PARTY~~
8 ~~TO A DOMESTIC PARTNERSHIP OR CIVIL UNION THAT HAS BEEN TERMINATED; AND~~

9 (V) ~~THE PLACE OF COMMON RESIDENCE.~~

10 (2) ~~ATTACHED TO THE CERTIFICATE OF REGISTRATION OF DOMESTIC~~
11 ~~PARTNERSHIP SHALL BE TWO CERTIFICATE FORMS THAT:~~

12 (I) ~~READ, "I HEREBY CERTIFY THAT ON THIS DAY OF~~
13 ~~(STATE HERE MONTH AND YEAR), AT (STATE HERE TIME), AT (STATE~~
14 ~~HERE LOCATION), IN ACCORDANCE WITH THE LAWS OF THE STATE OF MARYLAND,~~
15 ~~THE FOLLOWING INDIVIDUALS HAVE ENTERED INTO A DOMESTIC PARTNERSHIP:~~
16 ~~.....~~
17 ~~(STATE HERE NAME OF PARTY)~~
18 ~~.....~~
19 ~~(STATE HERE NAME OF OTHER PARTY)";~~

20 (II) ~~RESTATE ALL INFORMATION CONCERNING THE INDIVIDUALS~~
21 ~~THAT IS STATED ON THE CERTIFICATE OF DOMESTIC PARTNERSHIP; AND~~

22 (III) ~~PROVIDE A SPACE FOR THE SIGNATURE OF THE DESIGNATED~~
23 ~~OFFICIAL.~~

24 (F) (1) ~~THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE~~
25 ~~PROVISIONS OF THIS TITLE.~~

26 (2) ~~THE REGULATIONS SHALL INCLUDE:~~

27 (I) ~~A PROCESS FOR DESIGNATING OFFICIALS TO REGISTER~~
28 ~~DOMESTIC PARTNERSHIPS; AND~~

29 (II) ~~A LIST OF LOCATIONS ACCESSIBLE TO THE GENERAL PUBLIC~~
30 ~~WHERE DOMESTIC PARTNERSHIPS MAY BE REGISTERED.~~

31 ~~6-204. 6-205.~~

32 (A) (1) ~~A DOMESTIC LIFE PARTNERSHIP SHALL TERMINATE:~~

33 (1) ~~(I) ON THE DEATH OF A DOMESTIC LIFE PARTNER; OR~~

34 (2) ~~(II) WHEN A NOTICE OF TERMINATION OF DOMESTIC LIFE~~
35 ~~PARTNERSHIP HAS BEEN ACCEPTED FOR RECORD BY THE SECRETARY.~~

1 (2) ~~NOTWITHSTANDING PARAGRAPH (1)(I) OF THIS SUBSECTION, THE~~
2 ~~POST-DEATH RIGHTS CONFERRED TO A LIFE PARTNER DO NOT TERMINATE UPON~~
3 ~~THE DEATH OF A LIFE PARTNER.~~

4 (B) (1) WITHIN 90 DAYS OF THE DISSOLUTION OF A ~~DOMESTIC LIFE~~
5 ~~PARTNERSHIP, AT LEAST ONE FORMER DOMESTIC PARTNER MEMBER OF THE LIFE~~
6 ~~PARTNERSHIP SHALL SEND, BY CERTIFIED MAIL, A NOTICE TO THE SECRETARY.~~

7 (2) WHEN THE SECRETARY ACCEPTS FOR RECORD A NOTICE, THE
8 SECRETARY SHALL:

9 (I) ENDORSE ON THE NOTICE ITS ACCEPTANCE FOR RECORD AND
10 THE DATE AND TIME OF ACCEPTANCE;

11 (II) RECORD PROMPTLY THE NOTICE; AND

12 (III) PROVIDE THE ~~DOMESTIC LIFE~~ PARTNER WHO FILED THE
13 NOTICE TWO COPIES OF THE NOTICE WITH THE ENDORSEMENTS REQUIRED IN ITEM
14 (I) OF THIS PARAGRAPH.

15 (3) WITHIN 5 DAYS OF RECEIVING THE COPIES OF THE NOTICE
16 ENDORSED BY THE SECRETARY, THE ~~DOMESTIC LIFE~~ PARTNER SHALL SEND, BY
17 CERTIFIED MAIL, A COPY OF THE NOTICE ENDORSED BY THE SECRETARY TO THE
18 OTHER ~~DOMESTIC LIFE~~ PARTNER'S LAST KNOWN ADDRESS.

19 (C) (1) (I) THIS ~~SECTION SUBSECTION~~ APPLIES TO A ~~DOMESTIC LIFE~~
20 PARTNER WHO HAS GIVEN A COPY OF A CERTIFICATE OF ~~DOMESTIC LIFE~~
21 PARTNERSHIP TO A THIRD PARTY TO QUALIFY FOR OR CLAIM ANY BENEFIT OR RIGHT
22 OF A ~~DOMESTIC LIFE~~ PARTNER.

23 (II) THIS ~~SUBSECTION~~ MAY NOT BE CONSTRUED TO REQUIRE AN
24 ~~EMPLOYER TO OFFER OR PROHIBIT AN EMPLOYER FROM OFFERING HEALTH~~
25 ~~INSURANCE BENEFITS TO LIFE PARTNERS.~~

26 (2) ANY BENEFIT OR RIGHT OFFERED BY A THIRD PARTY THAT A
27 ~~DOMESTIC LIFE~~ PARTNER CLAIMS AS A RESULT OF A ~~DOMESTIC LIFE~~ PARTNERSHIP,
28 SHALL IMMEDIATELY TERMINATE ON THE TERMINATION OF A ~~DOMESTIC LIFE~~
29 PARTNERSHIP.

30 (3) ON THE TERMINATION OF A ~~DOMESTIC LIFE~~ PARTNERSHIP, A
31 ~~DOMESTIC LIFE~~ PARTNER SHALL GIVE OR SEND TO THE THIRD PARTY, AT THE LAST
32 KNOWN ADDRESS OF THE THIRD PARTY, WRITTEN NOTIFICATION THAT THE
33 ~~DOMESTIC LIFE~~ PARTNERSHIP HAS BEEN TERMINATED.

34 (4) A THIRD PARTY WHO SUFFERS A LOSS AS A RESULT OF THE FAILURE
35 OF A ~~DOMESTIC LIFE~~ PARTNER TO NOTIFY THE THIRD PARTY OF THE TERMINATION
36 OF A ~~DOMESTIC LIFE~~ PARTNERSHIP IS ENTITLED TO RECOVER ANY ACTUAL
37 DAMAGES.

~~SUBTITLE 3. RECORDS.~~

2 ~~6-301. 6-206.~~

3 THE SECRETARY SHALL KEEP A CERTIFICATE OF ~~DOMESTIC LIFE~~ PARTNERSHIP
4 BOOK, WHICH SHALL CONTAIN:

5 (1) A COMPLETE RECORD OF EACH REGISTRATION ISSUED;

6 (2) A COMPLETE RECORD OF ALL MATTERS THE DESIGNATED OFFICIAL
7 IS REQUIRED TO ASCERTAIN THAT RELATE TO THE RIGHTS OF AN INDIVIDUAL TO
8 OBTAIN A REGISTRATION;

9 (3) IN REGULAR ORDER, THE ITEMS ~~TESTIFIED TO~~ SUBMITTED BY THE
10 REGISTRANTS AS REQUIRED UNDER THIS TITLE;

11 (4) PROPERLY INDEXED, THE NAME OF EACH INDIVIDUAL WHO
12 INTENDS TO REGISTER A ~~DOMESTIC LIFE~~ PARTNERSHIP; AND

13 (5) THE DATE EACH REGISTRATION WAS RECORDED AND THE NAME OF
14 THE ~~AUTHORIZED DESIGNATED OFFICIAL WHO SIGNED THE CERTIFICATE OF~~
15 ~~DOMESTIC PARTNERSHIP~~ NOTARY PUBLIC WHO WITNESSED THE SIGNATURES.

16 ~~6-302. 6-207.~~

17 (A) AN INDIVIDUAL MAY NOT KNOWINGLY MAKE ANY MATERIAL FALSE
18 STATEMENT TO OBTAIN OR TO HELP ANOTHER INDIVIDUAL TO OBTAIN A
19 CERTIFICATE OF ~~DOMESTIC LIFE~~ PARTNERSHIP IN VIOLATION OF THIS TITLE.

20 (B) AN INDIVIDUAL WHO VIOLATES THE PROVISIONS OF THIS SECTION IS
21 GUILTY OF PERJURY.

22 6-208.

23 THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS
24 OF THIS TITLE.

25 SUBTITLE 4. 3. MEDICAL EMERGENCIES.

26 ~~6-401. 6-301.~~

27 (A) A HOSPITAL, RELATED INSTITUTION, AND RESIDENTIAL TREATMENT
28 CENTER, AS DEFINED IN § 19-301 OF THIS ARTICLE, SHALL ALLOW A PATIENT'S
29 ~~DOMESTIC LIFE~~ PARTNER, THE CHILDREN OF THE PATIENT'S ~~DOMESTIC LIFE~~
30 PARTNER, AND THE ~~DOMESTIC LIFE~~ PARTNER OF THE PATIENT'S PARENT OR CHILD
31 TO VISIT, UNLESS:

32 (1) NO VISITORS ARE ALLOWED;

1 (2) THE FACILITY REASONABLY DETERMINES THAT THE PRESENCE OF A
2 PARTICULAR VISITOR WOULD ENDANGER THE HEALTH OR SAFETY OF A PATIENT OR
3 MEMBER OF THE FACILITY STAFF; OR

4 (3) THE PATIENT TELLS THE FACILITY STAFF THAT THE PATIENT DOES
5 NOT WANT A PARTICULAR PERSON THE INDIVIDUAL TO VISIT.

6 (B) THIS SECTION DOES NOT PROHIBIT A HOSPITAL, RELATED INSTITUTION,
7 OR RESIDENTIAL TREATMENT CENTER FROM ESTABLISHING REASONABLE
8 RESTRICTIONS UPON VISITATION, INCLUDING RESTRICTIONS ON THE HOURS OF
9 VISITATION AND NUMBER OF VISITORS.

10 ~~6-402.~~ 6-302.

11 (A) THIS SECTION APPLIES TO TWO ADULTS WHO QUALIFY FOR A
12 CERTIFICATE OF REGISTRATION OF A ~~DOMESTIC~~ LIFE PARTNERSHIP BUT ARE NOT
13 REGISTERED.

14 (B) IN THE CASE OF A MEDICAL EMERGENCY, TWO ADULTS SHALL BE
15 TREATED AS ~~DOMESTIC~~ LIFE PARTNERS IF ONE OF THE ADULTS TELLS, IN GOOD
16 FAITH, THE EMERGENCY MEDICAL PROVIDER OR HOSPITAL PERSONNEL THAT THE
17 ADULTS ARE IN A MUTUALLY INTERDEPENDENT RELATIONSHIP, FOR THE
18 FOLLOWING PURPOSES ONLY:

19 (1) IN ACCORDANCE WITH COUNTY OR COMPANY EMERGENCY MEDICAL
20 SERVICES TRANSPORT POLICIES, ALLOWING ONE ADULT TO ACCOMPANY THE ILL OR
21 INJURED ADULT BEING TRANSPORTED TO A HOSPITAL IN AN EMERGENCY VEHICLE;
22 AND

23 (2) VISITATION WITH THE ILL OR INJURED ADULT ADMITTED TO A
24 HOSPITAL ON AN EMERGENCY BASIS ON THE SAME BASIS AS A MEMBER OF THE ILL
25 OR INJURED ADULT'S IMMEDIATE FAMILY.

26 SUBTITLE ~~5.~~ 4. ~~DOMESTIC~~ LIFE PARTNER'S RIGHTS AND OBLIGATIONS.

27 ~~6-501.~~ 6-401.

28 (A) THE RIGHTS AND OBLIGATIONS OF A ~~DOMESTIC~~ LIFE PARTNER AS A
29 RESULT OF REGISTERING A ~~DOMESTIC~~ LIFE PARTNERSHIP ARE ONLY THOSE
30 DESCRIBED IN THIS ~~TITLE~~ ARTICLE, TITLE 7 OF THE HEALTH OCCUPATIONS ARTICLE,
31 TITLE 6 OF THE REAL PROPERTY ARTICLE, AND TITLE 4 OF THE ESTATES AND TRUSTS
32 ARTICLE.

33 ~~(B) A DOMESTIC PARTNERSHIP OR CIVIL UNION ENTERED INTO OUTSIDE THIS~~
34 ~~STATE, THAT IS VALID UNDER THE LAWS OF THE JURISDICTION UNDER WHICH THE~~
35 ~~DOMESTIC PARTNERSHIP OR CIVIL UNION WAS ENTERED INTO, SHALL BE TREATED~~
36 ~~AS A DOMESTIC PARTNERSHIP IN THIS STATE.~~

37 ~~(C) THE REGISTRATION OF A DOMESTIC PARTNERSHIP BY TWO INDIVIDUALS~~
38 ~~WHO ARE ALSO MARRIED TO EACH OTHER IN ANOTHER STATE MAY NOT BE~~

1 ~~CONSIDERED EVIDENCE, KNOWLEDGE, AWARENESS, OR AN ADMISSION THAT THE~~
 2 ~~DOMESTIC PARTNERS ARE NOT LAWFULLY MARRIED.~~

3 (B) THE ESTABLISHMENT OF A LIFE PARTNERSHIP REGISTRY IN THIS STATE
 4 MAY NOT BE CONSTRUED TO RECOGNIZE, CONDONE, OR PROHIBIT A DOMESTIC
 5 PARTNERSHIP, CIVIL UNION, OR MARRIAGE BETWEEN TWO INDIVIDUALS OF THE
 6 SAME SEX ENTERED INTO IN ANOTHER STATE OR JURISDICTION.

7 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 8 read as follows:

9 **Article - Health - General**

10 1-101.

11 (a) In this article the following words have the meanings indicated.

12 (b) "County" means a county of this State and, unless expressly provided
 13 otherwise, Baltimore City.

14 (c) "Department" means the Department of Health and Mental Hygiene.

15 (D) ~~"DOMESTIC LIFE PARTNER"~~ MEANS AN INDIVIDUAL WHO HAS
 16 REGISTERED FOR A CERTIFICATE OF ~~DOMESTIC LIFE~~ PARTNERSHIP WITH THE
 17 SECRETARY UNDER TITLE 6 OF THIS ARTICLE.

18 [(d)] (E) "Health officer" means, unless expressly provided otherwise, the
 19 Baltimore City Commissioner of Health or the health officer of a county.

20 [(e)] (F) "Includes" or "including" means includes or including by way of
 21 illustration and not by way of limitation.

22 [(f)] (G) "Local health planning agency" means the health department of a
 23 jurisdiction or a body designated by the local health department to perform health
 24 planning functions.

25 [(g)] (H) "Medical examiner" means:

26 (1) The Chief Medical Examiner;

27 (2) The Deputy Chief Medical Examiner;

28 (3) Any assistant medical examiner; or

29 (4) Any deputy medical examiner.

30 [(h)] (I) "Person" means an individual, receiver, trustee, guardian, personal
 31 representative, fiduciary, or representative of any kind and any partnership, firm,
 32 association, corporation, or other entity.

1 [(i)] (J) "Physician" means an individual who is authorized under the
2 Maryland Medical Practice Act to practice medicine in this State.

3 [(j)] (K) "Secretary" means the Secretary of Health and Mental Hygiene.

4 [(k)] (L) "State" means:

5 (1) A state, possession, or territory of the United States;

6 (2) The District of Columbia; or

7 (3) The Commonwealth of Puerto Rico.

8 4-215.

9 (a) In this section, "cemetery" includes a crematory or other place for final
10 disposition.

11 (e) (1) A permit for disinterment and reinterment is required before the
12 disinterment of human remains if reinterment is not to be made in the same
13 cemetery. The Secretary or a health officer shall issue the permit after receipt of an
14 application on the form that the Secretary requires.

15 (2) If all human remains in a cemetery are to be disinterred for purposes
16 of relocation or abandonment of the cemetery, one application is sufficient for that
17 purpose.

18 (3) The Department shall keep a record of each permit issued for the
19 disinterment and reinterment of human remains.

20 (4) Except as provided in paragraph (5) of this subsection, the
21 Department may not disclose or allow public inspection of information in a permit
22 record about the location of the site of a disinterment or reinterment if a local burial
23 sites advisory board or the Director of the Maryland Historical Trust determines that:

24 (i) The site is historic property, as defined in Article 83B, § 5-601
25 of the Code; and

26 (ii) Disclosure would create a substantial risk of harm, theft, or
27 destruction to the site.

28 (5) The Department may not deny inspection of a permit record to:

29 (i) The owner of the site of the disinterment or reinterment;

30 (ii) A governmental entity that has the power of eminent domain; or

31 (iii) The spouse, ~~DOMESTIC~~ LIFE PARTNER, next of kin, or appointed
32 personal representative of the deceased whose human remains have been disinterred
33 or reinterred.

1 5-501.

2 (a) Consent for a postmortem examination of a body by a physician is
3 sufficient if the consent is given as provided in this section.

4 (b) (1) The consent may be given by any one of the following persons if that
5 person, whether alone or with another, has assumed control of the body for its final
6 disposition:

7 (i) A parent;

8 (ii) A spouse;

9 (III) A ~~DOMESTIC~~ LIFE PARTNER;

10 [(iii)] (IV) A child;

11 [(iv)] (V) A guardian;

12 [(v)] (VI) A next of kin; or

13 [(vi)] (VII) In the absence of these persons, any other person.

14 (2) If a person does not assume control of a body under paragraph (1) of
15 this subsection, the consent may be given by the State Anatomy Board.

16 5-509.

17 (a) Any individual who is 18 years of age or older may decide the disposition of
18 the individual's own body after that individual's death without the predeath or
19 post-death consent of another person by executing a document that expresses the
20 individual's wishes regarding disposition of the body or by entering into a pre-need
21 contract.

22 (c) Unless a person has knowledge that contrary directions have been given by
23 the decedent, if a decedent has not executed a document under subsection (a) of this
24 section, the following persons, in the order of priority stated, have the right to arrange
25 for the final disposition of the body of the decedent, including by cremation under §
26 5-502 of this subtitle:

27 (1) The surviving spouse OR ~~DOMESTIC~~ LIFE PARTNER of the decedent;

28 (2) An adult child of the decedent;

29 (3) A parent of the decedent;

30 (4) An adult brother or sister of the decedent;

31 (5) A person acting as a representative of the decedent under a signed
32 authorization of the decedent;

1 (6) The guardian of the person of the decedent at the time of the
2 decedent's death, if one has been appointed; or

3 (7) In the absence of any person under paragraphs (1) through (6) of this
4 subsection, any other person willing to assume the responsibility to act as the
5 authorizing agent for purposes of arranging the final disposition of the decedent's
6 body, including the personal representative of the decedent's estate, after attesting in
7 writing that a good faith effort has been made to no avail to contact the individuals
8 under paragraphs (1) through (6) of this subsection.

9 5-605.

10 (a) (1) In this subsection, "unavailable" means:

11 (i) After reasonable inquiry, a health care provider is unaware of
12 the existence of a surrogate decision maker;

13 (ii) After reasonable inquiry, a health care provider cannot
14 ascertain the whereabouts of a surrogate decision maker;

15 (iii) A surrogate decision maker has not responded in a timely
16 manner, taking into account the health care needs of the individual, to a written or
17 oral message from a health care provider;

18 (iv) A surrogate decision maker is incapacitated; or

19 (v) A surrogate decision maker is unwilling to make decisions
20 concerning health care for the individual.

21 (2) The following individuals or groups, in the specified order of priority,
22 may make decisions about health care for a person who has been certified to be
23 incapable of making an informed decision and who has not appointed a health care
24 agent in accordance with this subtitle. Individuals in a particular class may be
25 consulted to make a decision only if all individuals in the next higher class are
26 unavailable:

27 (i) A guardian for the patient, if one has been appointed;

28 (ii) The patient's spouse OR ~~DOMESTIC~~ LIFE PARTNER;

29 (iii) An adult child of the patient;

30 (iv) A parent of the patient;

31 (v) An adult brother or sister of the patient; or

32 (vi) A friend or other relative of the patient who meets the
33 requirements of paragraph (3) of this subsection.

1 5-612.

2 (a) (1) A health care provider for an individual incapable of making an
3 informed decision who believes that an instruction to withhold or withdraw a
4 life-sustaining procedure from the patient is inconsistent with generally accepted
5 standards of patient care shall:

6 (i) Petition a patient care advisory committee for advice concerning
7 the withholding or withdrawal of the life-sustaining procedure from the patient if the
8 patient is in a hospital or related institution; or

9 (ii) File a petition in a court of competent jurisdiction seeking
10 injunctive or other relief relating to the withholding or withdrawal of the
11 life-sustaining procedure from the patient.

12 (2) In reviewing a petition filed under paragraph (1) of this subsection,
13 the court shall follow the standards set forth in §§ 13-711 through 13-713 of the
14 Estates and Trusts Article.

15 (b) On petition of the patient's spouse, ~~DOMESTIC LIFE PARTNER~~, a parent,
16 adult child, grandchild, brother, or sister of the patient, or a friend or other relative
17 who has qualified as a surrogate under § 5-605 of this subtitle to a circuit court of the
18 county or city in which the patient for whom treatment will be or is currently being
19 provided, withheld, or withdrawn under this subtitle resides or is located, the court
20 may enjoin that action upon finding by a preponderance of the evidence that the
21 action is not lawfully authorized by this subtitle or by other State or federal law.

22 (c) Except for cases that the court considers of greater importance, a
23 proceeding under this section, including an appeal, shall:

24 (1) Take precedence on the docket;

25 (2) Be heard at the earliest practicable date; and

26 (3) Be expedited in every way.

27 10-807.

28 (a) The Director may transfer an individual from a public facility to another
29 public facility or, if a private facility agrees, to that private facility, if the Director
30 finds that:

31 (1) The individual either can receive better care or treatment in or would
32 be more likely to benefit from care or treatment at the other facility; or

33 (2) The safety or welfare of other individuals would be furthered.

34 (e) An individual may not be transported to or from any facility unless
35 accompanied by:

1 (1) An ambulance attendant or other individual who is authorized by the
 2 facility and is of the same sex. However, the chief executive officer of the facility or
 3 that officer's designee may designate an ambulance attendant or other person of
 4 either sex to provide transportation to an individual, if deemed appropriate; or

5 (2) The parent, spouse, ~~DOMESTIC LIFE~~ PARTNER, adult sibling, or adult
 6 offspring of the individual.

7 19-310.

8 (a) In this section, "designated requestor" means a hospital employee who has
 9 completed a course offered by an organ, tissue, or eye recovery agency on how to
 10 approach potential donor families and request organ or tissue donation.

11 (d) (1) Except as provided in subsection (j) of this section, when an
 12 individual dies in a hospital in accordance with § 5-202 of this article, a
 13 representative of the appropriate organ, tissue, or eye recovery agency or a
 14 designated requestor shall request, with sensitivity, in the order of stated priority,
 15 that the individual's representative consent to the donation of all or any of the
 16 decedent's organs or tissues as an anatomical donation if suitable.

17 (2) For the purposes of paragraph (1) of this subsection, the
 18 representative of the deceased individual is 1 of the following individuals listed in the
 19 following order of priority:

20 (i) A spouse OR ~~DOMESTIC LIFE~~ PARTNER, but, if not alive or not
 21 competent, then;

22 (ii) A son or daughter who is at least 18 years old, but, if not alive,
 23 competent, or immediately available, then;

24 (iii) A parent, but, if not alive, competent, or immediately available,
 25 then;

26 (iv) A brother or sister who is at least 18 years old, but, if not alive
 27 or not competent, then;

28 (v) A guardian;

29 (vi) A friend or other relative of the decedent, if the individual:

30 1. Is a competent individual; and

31 2. Presents an affidavit to the attending physician stating:

32 A. That the individual is a relative or close friend of the
 33 decedent; and

34 B. Specific facts and circumstances demonstrating that the
 35 individual maintained regular contact with the decedent sufficient to be familiar with
 36 the decedent's activities, health, and personal beliefs; or

- 1 (vii) Any other person authorized or required to dispose of the body.
- 2 (3) (i) This subsection does not apply if the decedent has given
3 contrary directions.
- 4 (ii) The failure of the decedent to make a gift is not a contrary
5 direction for purposes of this subsection.
- 6 (4) Contrary directions given by the decedent under this subsection shall
7 be recorded in the decedent's medical record.
- 8 (5) The representative of the appropriate organ, tissue, or eye recovery
9 agency or the designated requestor and the representative of the deceased patient are
10 entitled to protection from civil and criminal liability as provided in § 4-508(b) of the
11 Estates and Trusts Article.
- 12 (g) A hospital may not bill the estate of the decedent, a surviving spouse OR
13 ~~DOMESTIC LIFE PARTNER~~ of the decedent, any heirs of the decedent, or an insurer of
14 the decedent for the costs associated with the removal of all or any of the decedent's
15 organs or tissues for the purpose of an anatomical donation.
- 16 (j) The consent of the decedent's representative is not necessary and the
17 provisions of subsection (d) of this section do not apply if:
- 18 (1) The decedent's driver's license or identification card contains a
19 notation that the decedent is an organ donor; or
- 20 (2) The decedent has consented to the gift of all or any part of the
21 decedent's body in accordance with the provisions of:
- 22 (i) § 5-604.1 of this article; or
- 23 (ii) Title 4, Subtitle 5 of the Estates and Trusts Article.
24 19-343.
- 25 (a) In this section and §§ 19-344 and 19-345 of this subtitle, "facility" means
26 a related institution that, under the rules and regulations of the Department, is a
27 comprehensive care facility or an extended care facility.
- 28 (b) (1) The General Assembly intends to promote the interests and
29 well-being of each resident of a facility.
- 30 (2) It is the policy of this State that, in addition to any other rights, each
31 resident of a facility has the following basic rights:
- 32 (i) The right to be treated with consideration, respect, and full
33 recognition of human dignity and individuality;

1 (ii) The right to receive treatment, care, and services that are
2 adequate, appropriate, and in compliance with relevant State and federal laws, rules,
3 and regulations;

4 (iii) The right to privacy;

5 (iv) The right to be free from mental and physical abuse;

6 (v) The right to expect and receive appropriate assessment,
7 management, and treatment of pain as an integral component of the patient's care;

8 (vi) The right to be free from physical and chemical restraints,
9 except for restraints that a physician authorizes for a clearly indicated medical need;

10 (vii) The right to receive respect and privacy in a medical care
11 program; and

12 (viii) The right to manage personal financial affairs.

13 19-344.

14 (a) To carry out the policy set forth in § 19-343 of this subtitle, the following
15 procedures are required for all services provided to a resident of a facility.

16 (h) If it is feasible to do so and not medically contraindicated, spouses OR
17 ~~DOMESTIC LIFE~~ PARTNERS who are both residents of the facility shall be given the
18 opportunity to share a room.

19 (k) (1) Each married resident of a facility shall have privacy during a visit
20 by the spouse.

21 (2) EACH RESIDENT WHO IS PARTY TO A ~~DOMESTIC LIFE~~ PARTNERSHIP
22 SHALL HAVE PRIVACY DURING A VISIT BY THE OTHER ~~DOMESTIC LIFE~~ PARTNER.

23 (q) (1) A resident of a facility or the next of kin, ~~DOMESTIC LIFE~~ PARTNER, or
24 guardian of the person of a resident may file a complaint about an alleged violation of
25 this section.

26 Article - Health Occupations

27 7-410.

28 (a) Any individual who is 18 years of age or older may decide the disposition of
29 the individual's own body after the individual's death without the pre-death or
30 post-death consent of another person by executing a document that expresses the
31 individual's wishes or by entering into a pre-need contract.

32 (c) Unless a person has knowledge that contrary directions have been given by
33 the decedent, if a decedent has not executed a document under subsection (a) of this
34 section, the following persons, in the order of priority stated, have the right to arrange

1 for the final disposition of the body of the decedent under this section and are liable
 2 for the reasonable costs of preparation, care, and disposition of the decedent:

3 (1) The surviving spouse OR ~~DOMESTIC LIFE PARTNER~~, AS DEFINED IN §
 4 ~~6-101~~ § 1-101 OF THE HEALTH - GENERAL ARTICLE, of the decedent;

5 (2) An adult child of the decedent;

6 (3) A parent of the decedent;

7 (4) An adult brother or sister of the decedent;

8 (5) A person acting as a representative of the decedent under a signed
 9 authorization of the decedent;

10 (6) The guardian of the person of the decedent at the time of the
 11 decedent's death, if a guardian has been appointed; or

12 (7) In the absence of any person under paragraphs (1) through (6) of this
 13 subsection, any other person willing to assume the responsibility to act as the
 14 authorizing agent for purposes of arranging the final disposition of the decedent's
 15 body, including the personal representative of the decedent's estate, after attesting in
 16 writing that a good faith effort has been made to no avail to contact the persons
 17 described in paragraphs (1) through (6) of this subsection.

18 **Article - Real Property**

19 14-121.

20 (a) (1) In this section the following words have the meanings indicated.

21 (2) (i) "Burial site" means any natural or prepared physical location,
 22 whether originally located below, on, or above the surface of the earth into which
 23 human remains or associated funerary objects are deposited as a part of a death rite
 24 or ceremony of any culture, religion, or group.

25 (ii) "Burial site" includes the human remains and associated
 26 funerary objects that result from a shipwreck or accident and are intentionally left to
 27 remain at the site.

28 (3) "Cultural affiliation" means a relationship of shared group identity
 29 that can be reasonably traced historically between a present-day group, tribe, band,
 30 or clan and an identifiable earlier group.

31 (4) "Person in interest" means a person who:

32 (i) Is related by blood or marriage to the person interred in a burial
 33 site;

1 (II) IS A ~~DOMESTIC LIFE~~ PARTNER, AS DEFINED IN ~~§ 6-101~~ § 1-101 OF
 2 THE HEALTH - GENERAL ARTICLE, OF A PERSON INTERRED IN A BURIAL SITE;

3 [(ii)] (III) Has a cultural affiliation with the person interred in a
 4 burial site; or

5 [(iii)] (IV) Has an interest in a burial site that the Office of the
 6 State's Attorney for the county where the burial site is located recognizes is in the
 7 public interest after consultation with a local burial sites advisory board or, if such a
 8 board does not exist, the Maryland Historical Trust.

9 **Article - Estates and Trusts**

10 4-501.

11 (a) In this subtitle the following words have the meanings indicated.

12 (b) "Body" or "part of body" includes organs, tissues, bones, blood, and other
 13 body fluids.

14 (c) "Licensed hospital" includes any hospital licensed by the State Department
 15 of Health and Mental Hygiene under the laws of the State, and any hospital operated
 16 by the United States government, although not required to be licensed under the laws
 17 of the State.

18 (d) "Next of kin" includes spouse AND ~~DOMESTIC LIFE~~ PARTNER, AS DEFINED
 19 IN ~~§ 6-101~~ § 1-101 OF THE HEALTH - GENERAL ARTICLE.

20 (e) "Person" means any individual, corporation, government or governmental
 21 agency or subdivision, estate, trust, partnership or association, or any other legal
 22 entity.

23 (f) "Physician" or "surgeon" means any physician or surgeon licensed to
 24 practice under the laws of the State.

25 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 26 read as follows:

27 **Article - Health - General**

28 6-204.

29 (a) (1) The "Declaration of Life Partnership" form shall require each
 30 individual seeking designation as a life partner to:

31 (i) Verify that each individual meets the requirements of § 6-202 of
 32 this subtitle;

33 (ii) Provide a mailing address;

1 (iii) Sign the form with a declaration that declarations made on the
2 form are true, correct, and contain no material omissions of fact to the best knowledge
3 and belief of each applicant.

4 (2) The "Declaration of Life Partnership" form shall require the
5 signature and seal of an acknowledgment by a notary public to be binding and valid.

6 (3) THE "DECLARATION OF LIFE PARTNERSHIP" FORM SHALL INCLUDE A
7 REFERENCE TO THE INFORMATION ON AN ADVANCE DIRECTIVE FORM DEVELOPED
8 UNDER § 5-615 OF THIS ARTICLE.

9 SECTION 4. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall
10 take effect October 1, 2004, contingent on the taking effect of Chapter _____ (H. B. 557)
11 of the Acts of the General Assembly of 2004, and if Chapter _____ does not become
12 effective, Section 3 of this Act shall be null and void without the necessity of further
13 action by the General Assembly.

14 SECTION ~~3~~ 5. AND BE IT FURTHER ENACTED, That if any provision of
15 this Act or the application thereof to any person or circumstance is held invalid for
16 any reason in a court of competent jurisdiction, the invalidity does not affect other
17 provisions or any other application of this Act which can be given effect without the
18 invalid provision or application, and for this purpose the provisions of this Act are
19 declared severable.

20 SECTION 4. ~~6~~. AND BE IT FURTHER ENACTED, That, subject to Section 4 of
21 this Act, this Act shall take effect July 1, 2004.