

(PRE-FILED)

By: **Delegate Benson**
Requested: September 16, 2004
Introduced and read first time: January 12, 2005
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations - Morticians - Licensing - Corporations**

3 FOR the purpose of authorizing the Maryland State Board of Morticians to issue a
4 license to operate a mortuary science business and a funeral establishment
5 license to certain corporations; repealing certain restrictions on the issuance
6 and renewal of certain licenses; altering and establishing certain requirements
7 for the renewal of a license to operate a mortuary science business to a
8 corporation; requiring that certain information be included in an application
9 made by a corporation for the issuance or renewal of a license to operate a
10 mortuary science business; requiring an application for a funeral establishment
11 license submitted by a corporation to be signed by certain persons; requiring the
12 Board to issue a license to a funeral establishment that is owned or operated by
13 at least one licensed mortician or one licensed funeral director, or a holder of a
14 surviving spouse or corporation license; and generally relating to the issuance of
15 corporation licenses and funeral establishment licenses to corporations.

16 BY repealing and reenacting, with amendments,
17 Article - Health Occupations
18 Section 7-309 and 7-310
19 Annotated Code of Maryland
20 (2000 Replacement Volume and 2004 Supplement)

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

23 **Article - Health Occupations**

24 7-309.

25 (a) [Except as otherwise provided by law, a corporation may not operate a
26 mortuary science business and the] THE Board may [not] issue a license to [or] AND
27 list [any] A corporation as licensed to operate a mortuary science business.

28 (b) The Board may renew [only] the license of a corporation that:

1 (1) [On June 1, 1945, held] HOLDS a license issued by this State;

2 (2) Has [been renewed] continuously RENEWED THE LICENSE since
3 [that] THE date THE LICENSE WAS ISSUED;

4 (3) Submits an application on a form required by the Board; and

5 (4) Pays a fee set by the Board.

6 (c) Each application for ISSUANCE OR renewal OF A LICENSE made by a
7 corporation shall state the name and address of each officer and director of the
8 corporation.

9 (d) While a corporation license is effective, it authorizes a corporation to
10 operate a mortuary science business only if any practice of mortuary science that is
11 conducted for the corporation is practiced by a licensed individual.

12 (e) A corporation may not operate a branch funeral establishment unless the
13 branch funeral establishment was in operation on or before October 1, 1964.

14 (f) If a corporation is sold, declares bankruptcy, or ceases to operate, written
15 notice must be submitted to:

16 (1) The Board, within 2 weeks of the occurrence, detailing the changes
17 and the arrangements for carrying out the pre-need contracts and disbursement of
18 the money held in escrow; and

19 (2) The holders of pre-need contracts advising them of their options
20 under Maryland law.

21 7-310.

22 (a) (1) A funeral establishment shall be licensed by the Board before the
23 establishment may be used for the preparation of the remains, viewing, and
24 conducting of services.

25 (2) The licensee may be restricted to operations as determined by the
26 Board.

27 (b) (1) To apply for a funeral establishment license, an applicant shall:

28 (i) Submit an application to the Board on the form that the Board
29 requires; and

30 (ii) Pay to the Board an application fee set by the Board.

31 (2) An application for a funeral establishment license shall be signed
32 [by]:

33 (I) BY a licensed individual who is not an apprentice but is the
34 owner or co-owner of the establishment to be licensed; OR

1 (II) IF THE APPLICANT IS A CORPORATION, BY AN OFFICER OR
2 DIRECTOR OF THE CORPORATION AND THE LICENSED INDIVIDUAL WHO IS NOT AN
3 APPRENTICE BUT WILL BE RESPONSIBLE FOR THE PRACTICE OF ANY MORTUARY
4 SCIENCE THAT IS CONDUCTED FOR THE CORPORATION.

5 (c) The Board shall issue a funeral establishment license to a funeral
6 establishment that:

7 (1) Has complied with all applicable State and local laws;

8 (2) Will be owned [and] OR operated in accordance with this title by at
9 least one licensed mortician or one licensed funeral director, or a holder of a surviving
10 spouse or corporation license; and

11 (3) Will be held responsible for any and all activities performed on the
12 premises.

13 (d) Signs and advertisements of a funeral establishment shall display the
14 name that appears on the establishment license.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2005.