

ENROLLED BILL

-- Education, Health, and Environmental Affairs/Health and Government Operations --

Introduced by **Senators Conway, Grosfeld, Kelley, and Pinsky**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Medical Decision Making Act of 2005**

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~~
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 ~~establishing certain registration procedures; requiring individuals to register~~
10 ~~with the Secretary of Health and Mental Hygiene in order to enter into a life~~
11 ~~partnership; requiring the Secretary to develop certain forms and make the~~
12 ~~forms available at certain locations; establishing certain procedures for applying~~
13 ~~for and obtaining a certificate of life partnership; requiring the Secretary to set~~
14 ~~certain fees; requiring the Secretary to provide certain information concerning~~
15 ~~the identity of individuals on the life partnership registry under certain~~
16 ~~circumstances;~~ requiring the Secretary to adopt certain regulations; providing
17 certain procedures for the termination of a ~~domestic life~~ life partnership; requiring a

1 ~~domestic life~~ partner that qualified for and claimed certain third party benefits
 2 to provide notice to the third party on the termination of a ~~domestic life~~
 3 partnership; establishing certain rights for certain third parties; requiring the
 4 Secretary to keep a ~~certificate of domestic life partnership book~~ records
 5 concerning life partnerships containing certain information; requiring certain
 6 health care facilities to allow ~~domestic life~~ partners and certain relatives of
 7 ~~domestic life~~ partners to visit a ~~domestic life~~ partner except under certain
 8 circumstances; requiring two adults to be treated as ~~domestic life~~ partners ~~in~~
 9 under certain circumstances related to medical emergencies; providing for the
 10 scope of this Act; ~~requiring a domestic partnership or civil union entered into~~
 11 ~~outside this State to be treated as a domestic partnership in this State;~~
 12 ~~establishing that the registration of a domestic partnership by two individuals~~
 13 ~~who are also married to each other in another state may not be considered to be~~
 14 ~~certain evidence, knowledge, awareness, or admission;~~ providing that this Act
 15 may not be construed to recognize, condone, or prohibit a domestic partnership,
 16 civil union, or marriage recognized in other states or jurisdictions; providing
 17 that a health care agent retains certain authority to make certain decisions
 18 notwithstanding certain provisions of law; prohibiting the Department of Health
 19 and Mental Hygiene from denying a ~~domestic life~~ partner the right to inspect a
 20 record to permit a disinterment or reinterment of a body; authorizing a ~~domestic~~
 21 life partner to give consent to conduct a postmortem examination of a certain
 22 body; authorizing the ~~domestic life~~ partner to arrange for the final disposition of
 23 the body of a decedent under certain circumstances; authorizing a ~~domestic life~~
 24 partner to make the health care decisions for certain persons; authorizing a
 25 ~~domestic life~~ partner of a certain patient to petition a court to enjoin the actions
 26 of a certain ~~treating~~ health care provider; authorizing a ~~domestic life~~ partner to
 27 accompany an individual being transported from one health care facility to
 28 another health care facility ~~in~~ under certain circumstances; establishing that a
 29 ~~domestic life~~ partner may be a representative of a deceased from whom a
 30 hospital ~~is asking a~~ may ask for authorization for a human organ donation;
 31 prohibiting a hospital from billing a ~~domestic life~~ partner for the costs
 32 associated with the deceased ~~domestic life~~ partner's organ donation; requiring
 33 that ~~domestic life~~ partners be given the opportunity to share a room in a certain
 34 ~~facility~~ facility under certain circumstances; requiring certain related
 35 institutions to allow a resident who is a party to a ~~domestic life~~ partnership to
 36 have privacy during a visit by the other ~~domestic life~~ partner; authorizing the
 37 ~~domestic life~~ partner to arrange the final disposition of the body of a decedent
 38 with a mortician under certain circumstances; establishing that for purposes of
 39 an interest in the property of a burial site, a ~~domestic life~~ partner is a person in
 40 interest; establishing that a ~~domestic life~~ partner is a next of kin for purposes of
 41 making anatomical gifts of a decedent; defining certain terms; making the
 42 provisions of this Act severable; providing for the construction of this Act; and
 43 generally relating to the Medical Decision Making Act of 2005.

44 BY adding to

45 Article - Health - General

46 Section 6-101 through ~~6-501~~ ~~6-401~~ 6-402 to be under the new title "Title 6.

47 Domestic Life Partnerships"

1 Annotated Code of Maryland
2 (2000 Replacement Volume and 2004 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article - Health - General
5 Section 1-101, 4-215(e), 5-501(b), 5-509(c), 5-605(a)(2), 5-612, 10-807(e),
6 19-310(d) and (g), and 19-344(h), (k), and (q)(1)
7 Annotated Code of Maryland
8 (2000 Replacement Volume and 2004 Supplement)

9 BY repealing and reenacting, without amendments,
10 Article - Health - General
11 Section 4-215(a), 5-501(a), 5-509(a), 5-605(a)(1), 10-807(a), 19-310(a) and (j),
12 19-343(a) and (b), and 19-344(a)
13 Annotated Code of Maryland
14 (2000 Replacement Volume and 2004 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article - Health Occupations
17 Section 7-410(a)
18 Annotated Code of Maryland
19 (2000 Replacement Volume and 2004 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article - Health Occupations
22 Section 7-410(c)
23 Annotated Code of Maryland
24 (2000 Replacement Volume and 2004 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article - Real Property
27 Section 14-121(a)
28 Annotated Code of Maryland
29 (2003 Replacement Volume and 2004 Supplement)

30 BY repealing and reenacting, with amendments,
31 Article - Estates and Trusts
32 Section 4-501
33 Annotated Code of Maryland
34 (2001 Replacement Volume and 2004 Supplement)

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

1 Article - Health - General

2 TITLE 6. DOMESTIC PARTNERSHIPS.

3 SUBTITLE 1. DEFINITIONS.

4 ~~6-101.~~5 (A) ~~IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~6 (B) ~~"CERTIFICATE OF DOMESTIC PARTNERSHIP" MEANS A CERTIFICATE
7 ISSUED BY THE SECRETARY ESTABLISHING A DOMESTIC PARTNERSHIP AND
8 AUTHORIZING THE DOMESTIC PARTNERS TO CLAIM THE BENEFITS OF A DOMESTIC
9 PARTNERSHIP.~~10 (C) (1) ~~"COMMON RESIDENCE" MEANS THE SHARED PLACE WHERE BOTH
11 DOMESTIC PARTNERS LIVE.~~12 (2) ~~"COMMON RESIDENCE" INCLUDES THE SHORT TERM OR
13 LONG TERM TEMPORARY LEAVING OF THE COMMON RESIDENCE BY ONE DOMESTIC
14 PARTNER WITH THE INTENT TO RETURN TO THE COMMON RESIDENCE.~~15 (3) ~~"COMMON RESIDENCE" DOES NOT MEAN THAT:~~16 (I) ~~BOTH DOMESTIC PARTNERS ARE REQUIRED TO HAVE THE
17 RIGHT TO LEGAL POSSESSION OF THE COMMON RESIDENCE; OR~~18 (II) ~~A DOMESTIC 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) (1) ~~"MUTUAL INTERDEPENDENCE" MEANS THAT EACH DOMESTIC
25 PARTNER IN A RELATIONSHIP CONTRIBUTES TO THE MAINTENANCE AND SUPPORT
26 OF THE OTHER DOMESTIC PARTNER AND THE RELATIONSHIP.~~27 (2) ~~"MUTUAL INTERDEPENDENCE" DOES NOT MEAN THAT THE
28 DOMESTIC PARTNERS ARE REQUIRED TO CONTRIBUTE EQUALLY TO THE
29 RELATIONSHIP.~~30 (G) ~~"NOTICE" MEANS NOTICE OF THE TERMINATION OF A DOMESTIC
31 PARTNERSHIP.~~

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

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

31 (1) ~~THE RELATIONSHIP OF THE INDIVIDUALS TO THE DOMESTIC~~
32 ~~PARTNERSHIP, IF ANY;~~

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

UNOFFICIAL COPY OF SENATE BILL 796

1 (III) THE STATUS OF EACH INDIVIDUAL AS SINGLE, WIDOWED, OR
2 DIVORCED;

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

5 (V) THE PLACE OF COMMON RESIDENCE.

6 (2) ATTACHED TO THE CERTIFICATE OF REGISTRATION OF DOMESTIC
7 PARTNERSHIP SHALL BE TWO CERTIFICATE FORMS THAT:

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

16 (II) RESTATE ALL INFORMATION CONCERNING THE INDIVIDUALS
17 THAT IS STATED ON THE CERTIFICATE OF DOMESTIC PARTNERSHIP; AND

18 (III) PROVIDE A SPACE FOR THE SIGNATURE OF THE DESIGNATED
19 OFFICIAL.

20 (F) (1) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE
21 PROVISIONS OF THIS TITLE.

22 (2) THE REGULATIONS SHALL INCLUDE:

23 (I) A PROCESS FOR DESIGNATING OFFICIALS TO REGISTER
24 DOMESTIC PARTNERSHIPS; AND

25 (II) A LIST OF LOCATIONS ACCESSIBLE TO THE GENERAL PUBLIC
26 WHERE DOMESTIC PARTNERSHIPS MAY BE REGISTERED.

27 6-204.

28 (A) A DOMESTIC PARTNERSHIP SHALL TERMINATE:

29 (1) ON THE DEATH OF A DOMESTIC PARTNER; OR

30 (2) WHEN A NOTICE OF TERMINATION OF DOMESTIC PARTNERSHIP HAS
31 BEEN ACCEPTED FOR RECORD BY THE SECRETARY.

32 (B) (1) WITHIN 90 DAYS OF THE DISSOLUTION OF A DOMESTIC
33 PARTNERSHIP, AT LEAST ONE FORMER DOMESTIC PARTNER SHALL SEND, BY
34 CERTIFIED MAIL, A NOTICE TO THE SECRETARY.

1 (1) ~~ALLOWING ONE ADULT TO ACCOMPANY THE ILL OR INJURED ADULT~~
2 ~~BEING TRANSPORTED TO A HOSPITAL IN AN EMERGENCY VEHICLE; AND~~

3 (2) ~~VISITATION WITH THE ILL OR INJURED ADULT ADMITTED TO A~~
4 ~~HOSPITAL ON AN EMERGENCY BASIS ON THE SAME BASIS AS A MEMBER OF THE ILL~~
5 ~~OR INJURED ADULT'S IMMEDIATE FAMILY.~~

6 ~~SUBTITLE 5. DOMESTIC PARTNER'S RIGHTS AND OBLIGATIONS.~~

7 ~~6-501.~~

8 (A) ~~THE RIGHTS AND OBLIGATIONS OF A DOMESTIC PARTNER AS A RESULT OF~~
9 ~~REGISTERING A DOMESTIC PARTNERSHIP ARE ONLY THOSE DESCRIBED IN THIS~~
10 ~~TITLE.~~

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

15 (C) ~~THE REGISTRATION OF A DOMESTIC PARTNERSHIP BY TWO INDIVIDUALS~~
16 ~~WHO ARE ALSO MARRIED TO EACH OTHER IN ANOTHER STATE MAY NOT BE~~
17 ~~CONSIDERED EVIDENCE, KNOWLEDGE, AWARENESS, OR AN ADMISSION THAT THE~~
18 ~~DOMESTIC PARTNERS ARE NOT LAWFULLY MARRIED.~~

19 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland~~
20 ~~read as follows:~~

21 **Article - Health - General**

22 1-101.

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

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

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

27 ~~(D) "DOMESTIC PARTNER" MEANS AN INDIVIDUAL WHO HAS REGISTERED FOR~~
28 ~~A CERTIFICATE OF DOMESTIC PARTNERSHIP WITH THE SECRETARY UNDER TITLE 6~~
29 ~~OF THIS ARTICLE.~~

30 {(d)} ~~(E)~~ "Health officer" means, unless expressly provided otherwise, the
31 Baltimore City Commissioner of Health or the health officer of a county.

32 {(e)} ~~(F)~~ "Includes" or "including" means includes or including by way of
33 illustration and not by way of limitation.

1 (F) "LIFE PARTNER" MEANS AN INDIVIDUAL WHO HAS REGISTERED FOR A
2 CERTIFICATE OF LIFE PARTNERSHIP WITH THE SECRETARY UNDER TITLE 6 OF THIS
3 ARTICLE.

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

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

8 (1) The Chief Medical Examiner;

9 (2) The Deputy Chief Medical Examiner;

10 (3) Any assistant medical examiner; or

11 (4) Any deputy medical examiner.

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

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

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

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

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

20 (2) The District of Columbia; or

21 (3) The Commonwealth of Puerto Rico.

22 4-215.

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

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

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

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

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

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

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

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

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

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

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

15 5-501.

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

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

21 (i) A parent;

22 (ii) A spouse;

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

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

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

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

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

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

30 5-509.

31 (a) Any individual who is 18 years of age or older may decide the disposition of
32 the individual's own body after that individual's death without the predeath or

1 post-death consent of another person by executing a document that expresses the
2 individual's wishes regarding disposition of the body or by entering into a pre-need
3 contract.

4 (c) Unless a person has knowledge that contrary directions have been given by
5 the decedent, if a decedent has not executed a document under subsection (a) of this
6 section, the following persons, in the order of priority stated, have the right to arrange
7 for the final disposition of the body of the decedent, including by cremation under §
8 5-502 of this subtitle:

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

10 (2) An adult child of the decedent;

11 (3) A parent of the decedent;

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

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

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

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

23 5-605.

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

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

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

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

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

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

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

- 7 (i) A guardian for the patient, if one has been appointed;
- 8 (ii) The patient's spouse OR ~~DOMESTIC~~ LIFE PARTNER;
- 9 (iii) An adult child of the patient;
- 10 (iv) A parent of the patient;
- 11 (v) An adult brother or sister of the patient; or
- 12 (vi) A friend or other relative of the patient who meets the
13 requirements of paragraph (3) of this subsection.

14 5-612.

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

- 19 (i) Petition a patient care advisory committee for advice concerning
20 the withholding or withdrawal of the life-sustaining procedure from the patient if the
21 patient is in a hospital or related institution; or
- 22 (ii) File a petition in a court of competent jurisdiction seeking
23 injunctive or other relief relating to the withholding or withdrawal of the
24 life-sustaining procedure from the patient.

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

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

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

- 1 (1) Take precedence on the docket;
- 2 (2) Be heard at the earliest practicable date; and
- 3 (3) Be expedited in every way.

4 TITLE 6. LIFE PARTNERSHIPS.

5 SUBTITLE 1. DEFINITIONS.

6 6-101.

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

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

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

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

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

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

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

20 (D) (1) "MUTUAL INTERDEPENDENCE" MEANS THAT EACH LIFE PARTNER IN
21 A RELATIONSHIP CONTRIBUTES TO THE MAINTENANCE AND SUPPORT OF THE
22 OTHER LIFE PARTNER AND THE RELATIONSHIP.

23 (2) "MUTUAL INTERDEPENDENCE" DOES NOT MEAN THAT THE LIFE
24 PARTNERS ARE REQUIRED TO CONTRIBUTE EQUALLY TO THE RELATIONSHIP.

25 SUBTITLE 2. GENERAL PROVISIONS AND REGISTRATION OF LIFE PARTNERSHIPS.

26 6-201.

27 (A) A LIFE PARTNERSHIP IS NOT ESTABLISHED AND AN INDIVIDUAL MAY NOT
28 CLAIM THE BENEFITS OF A LIFE PARTNERSHIP UNLESS THE INDIVIDUAL HAS BEEN
29 ISSUED A CERTIFICATE OF LIFE PARTNERSHIP BY THE SECRETARY.

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

1 6-202.

2 (A) TO QUALIFY FOR A CERTIFICATE OF LIFE PARTNERSHIP, A REGISTRANT
3 SHALL MEET THE REQUIREMENTS OF THIS SECTION.

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

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

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

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

10 (II) THE INDIVIDUALS ARE OF THE OPPOSITE SEX;

11 (4) NEITHER INDIVIDUAL IS MARRIED OR IS A MEMBER OF A CIVIL
12 UNION OR DOMESTIC PARTNERSHIP WITH ANOTHER INDIVIDUAL A THIRD PARTY;

13 (5) THE INDIVIDUALS AGREE TO BE IN A RELATIONSHIP OF MUTUAL
14 INTERDEPENDENCE;

15 (6) THE INDIVIDUALS SHARE A COMMON RESIDENCE IN THE STATE;
16 AND

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

18 6-203.

19 (A) THE SECRETARY SHALL DEVELOP:

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

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

22 (B) (1) THE SECRETARY SHALL DISTRIBUTE "DECLARATION OF LIFE
23 PARTNERSHIP" FORMS AND "NOTICE OF TERMINATION OF LIFE PARTNERSHIP"
24 FORMS TO EACH COUNTY CLERK AND SHALL MAKE THE FORMS AVAILABLE IN THE
25 DEPARTMENT OF HEALTH AND MENTAL HYGIENE AND IN LOCAL HEALTH
26 DEPARTMENTS.

27 (2) (I) THE SECRETARY SHALL MAKE THE FORMS AVAILABLE ON THE
28 DEPARTMENT'S WEBSITE.

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

31 (C) (1) (I) THE SECRETARY SHALL SET A REASONABLE FEE, ~~BASED ON~~
32 ~~THE COSTS OF PROCESSING THE FORMS, TO FILE FOR THE FILING OF A~~
33 "DECLARATION OF LIFE PARTNERSHIP" FORM.

1 (II) THE FEE CHARGED SHALL BE SET TO COVER THE
2 DEPARTMENT'S COSTS TO CARRY OUT THE PROVISIONS OF THIS TITLE.

3 (2) THERE SHALL BE NO FEE CHARGED ~~THERE SHALL BE NO FEE~~
4 ~~CHARGED THE SECRETARY SHALL SET A REASONABLE FEE, BASED ON THE COSTS OF~~
5 ~~PROCESSING THE FORMS, FOR FILING A "NOTICE OF TERMINATION OF LIFE~~
6 ~~PARTNERSHIP" FORM.~~

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

9 (E) THE SECRETARY SHALL ONLY PROVIDE CONFIRMATION OF THE IDENTITY
10 OF AN INDIVIDUAL OR COUPLE ON THE LIFE PARTNERSHIP REGISTRY IF:

11 (1) THAT INFORMATION IS REQUESTED BY A PERSON AUTHORIZED TO
12 REQUEST THE INFORMATION BY REGULATIONS ADOPTED UNDER THIS TITLE; AND

13 (2) THE PERSON AUTHORIZED TO REQUEST THE INFORMATION
14 PROVIDES THE SECRETARY WITH THE CONFIRMATION NUMBER OF THE LIFE
15 PARTNERSHIP.

16 6-204.

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

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

21 (II) PROVIDE A MAILING ADDRESS; AND

22 (III) SIGN THE FORM WITH A DECLARATION THAT THE
23 DECLARATIONS MADE ON THE FORM ARE TRUE, CORRECT, AND CONTAIN NO
24 MATERIAL OMISSIONS OF FACT TO THE BEST KNOWLEDGE AND BELIEF OF EACH
25 APPLICANT.

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

29 (3) THE "DECLARATION OF LIFE PARTNERSHIP" FORM SHALL INCLUDE A
30 REFERENCE TO THE INFORMATION SHEET ON ADVANCE DIRECTIVES DEVELOPED
31 UNDER § 5-615 OF THIS ARTICLE.

32 (B) THE SECRETARY SHALL REGISTER THE "DECLARATION OF LIFE
33 PARTNERSHIP" FORM AS PROVIDED IN § 6-206 OF THIS SUBTITLE, AND SHALL
34 RETURN A COPY OF THE REGISTERED FORM WITH A CONFIRMATION NUMBER OF
35 THE LIFE PARTNERSHIP TO THE LIFE PARTNERS AT THE ADDRESS PROVIDED BY THE
36 LIFE PARTNERS AS THEIR COMMON RESIDENCE.

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

5 6-205.

6 (A) (1) A LIFE PARTNERSHIP SHALL TERMINATE:

7 (I) ON THE DEATH OF A LIFE PARTNER; OR

8 (II) WHEN A NOTICE OF TERMINATION OF LIFE PARTNERSHIP HAS
9 BEEN ACCEPTED FOR RECORD BY THE SECRETARY.

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

13 (B) (1) WITHIN 90 DAYS OF THE DISSOLUTION OF A LIFE PARTNERSHIP, AT
14 LEAST ONE MEMBER OF THE LIFE PARTNERSHIP SHALL SEND, BY CERTIFIED MAIL, A
15 NOTICE TO THE SECRETARY.

16 (2) WHEN THE SECRETARY ACCEPTS FOR RECORD A NOTICE, THE
17 SECRETARY SHALL:

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

20 (II) RECORD PROMPTLY THE NOTICE; AND

21 (III) PROVIDE THE LIFE PARTNER WHO FILED THE NOTICE TWO
22 COPIES OF THE NOTICE WITH THE ENDORSEMENTS REQUIRED IN ITEM (I) OF THIS
23 PARAGRAPH.

24 (3) WITHIN 5 DAYS OF RECEIVING THE COPIES OF THE NOTICE
25 ENDORSED BY THE SECRETARY, THE LIFE PARTNER SHALL SEND, BY CERTIFIED
26 MAIL, A COPY OF THE NOTICE ENDORSED BY THE SECRETARY TO THE OTHER LIFE
27 PARTNER'S LAST KNOWN ADDRESS.

28 (C) (1) (I) THIS SUBSECTION APPLIES TO A LIFE PARTNER WHO HAS
29 GIVEN A COPY OF A CERTIFICATE OF LIFE PARTNERSHIP TO A THIRD PARTY TO
30 QUALIFY FOR OR CLAIM ANY BENEFIT OR RIGHT OF A LIFE PARTNER.

31 (II) THIS SUBSECTION MAY NOT BE CONSTRUED TO REQUIRE AN
32 EMPLOYER TO OFFER OR PROHIBIT AN EMPLOYER FROM OFFERING HEALTH
33 INSURANCE BENEFITS TO LIFE PARTNERS.

34 (2) ANY BENEFIT OR RIGHT OFFERED BY A THIRD PARTY THAT A LIFE
35 PARTNER CLAIMS AS A RESULT OF A LIFE PARTNERSHIP, SHALL IMMEDIATELY
36 TERMINATE ON THE TERMINATION OF A LIFE PARTNERSHIP.

1 PARTNER, THE CHILDREN OF THE PATIENT'S LIFE PARTNER, AND THE LIFE PARTNER
2 OF THE PATIENT'S PARENT OR CHILD TO VISIT, UNLESS:

3 (1) NO VISITORS ARE ALLOWED;

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

7 (3) THE PATIENT TELLS THE FACILITY STAFF THAT THE PATIENT DOES
8 NOT WANT THE INDIVIDUAL TO VISIT.

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

13 6-302.

14 (A) THIS SECTION APPLIES TO TWO ADULTS WHO QUALIFY FOR A
15 CERTIFICATE OF REGISTRATION OF A LIFE PARTNERSHIP BUT ARE NOT
16 REGISTERED.

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

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

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

29 SUBTITLE 4. LIFE PARTNER'S RIGHTS AND OBLIGATIONS.

30 6-401.

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

35 (B) THE ESTABLISHMENT OF A LIFE PARTNERSHIP REGISTRY IN THIS STATE
36 MAY NOT BE CONSTRUED TO RECOGNIZE, CONDONE, OR PROHIBIT A DOMESTIC

1 PARTNERSHIP, CIVIL UNION, OR MARRIAGE BETWEEN TWO INDIVIDUALS OF THE
 2 SAME SEX ENTERED INTO IN ANOTHER STATE OR JURISDICTION.

3 6-402.

4 NOTWITHSTANDING ANY PROVISIONS OF THIS TITLE OR ANY OTHER
 5 PROVISION OF LAW, IF A LIFE PARTNER HAS SELECTED A HEALTH CARE AGENT IN
 6 ACCORDANCE WITH TITLE 5, SUBTITLE 6 OF THIS ARTICLE, THAT HEALTH CARE
 7 AGENT RETAINS THE AUTHORITY TO MAKE ANY DECISIONS FOR THE LIFE PARTNER
 8 THAT ARE PROVIDED FOR IN THE SELECTION OF THE HEALTH CARE AGENT UNTIL
 9 THE HEALTH CARE AGENCY HAS BEEN REVOKED IN ACCORDANCE WITH THE
 10 PROVISIONS OF TITLE 5, SUBTITLE 6 OF THIS ARTICLE.

11 10-807.

12 (a) The Director may transfer an individual from a public facility to another
 13 public facility or, if a private facility agrees, to that private facility, if the Director
 14 finds that:

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

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

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

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

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

26 19-310.

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

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

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

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

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

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

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

12 (v) A guardian;

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

14 1. Is a competent individual; and

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

16 A. That the individual is a relative or close friend of the
17 decedent; and

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

21 (vii) Any other person authorized or required to dispose of the body.

22 (3) (i) This subsection does not apply if the decedent has given
23 contrary directions.

24 (ii) The failure of the decedent to make a gift is not a contrary
25 direction for purposes of this subsection.

26 (4) Contrary directions given by the decedent under this subsection shall
27 be recorded in the decedent's medical record.

28 (5) The representative of the appropriate organ, tissue, or eye recovery
29 agency or the designated requestor and the representative of the deceased patient are
30 entitled to protection from civil and criminal liability as provided in § 4-508(b) of the
31 Estates and Trusts Article.

32 (g) A hospital may not bill the estate of the decedent, a surviving spouse OR
33 ~~DOMESTIC LIFE~~ PARTNER of the decedent, any heirs of the decedent, or an insurer of
34 the decedent for the costs associated with the removal of all or any of the decedent's
35 organs or tissues for the purpose of an anatomical donation.

1 (j) The consent of the decedent's representative is not necessary and the
2 provisions of subsection (d) of this section do not apply if:

3 (1) The decedent's driver's license or identification card contains a
4 notation that the decedent is an organ donor; or

5 (2) The decedent has consented to the gift of all or any part of the
6 decedent's body in accordance with the provisions of:

7 (i) § 5-604.1 of this article; or

8 (ii) Title 4, Subtitle 5 of the Estates and Trusts Article.

9 19-343.

10 (a) In this section and §§ 19-344 and 19-345 of this subtitle, "facility" means
11 a related institution that, under the rules and regulations of the Department, is a
12 comprehensive care facility or an extended care facility.

13 (b) (1) The General Assembly intends to promote the interests and
14 well-being of each resident of a facility.

15 (2) It is the policy of this State that, in addition to any other rights, each
16 resident of a facility has the following basic rights:

17 (i) The right to be treated with consideration, respect, and full
18 recognition of human dignity and individuality;

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

22 (iii) The right to privacy;

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

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

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

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

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

31 19-344.

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

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

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

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

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

11 **Article - Health Occupations**

12 7-410.

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

17 (c) Unless a person has knowledge that contrary directions have been given by
 18 the decedent, if a decedent has not executed a document under subsection (a) of this
 19 section, the following persons, in the order of priority stated, have the right to arrange
 20 for the final disposition of the body of the decedent under this section and are liable
 21 for the reasonable costs of preparation, care, and disposition of the decedent:

22 (1) The surviving spouse OR ~~DOMESTIC LIFE~~ PARTNER, AS DEFINED IN §
 23 ~~6-101 1-101~~ OF THE HEALTH - GENERAL ARTICLE, of the decedent;

24 (2) An adult child of the decedent;

25 (3) A parent of the decedent;

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

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

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

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

1 **Article - Real Property**

2 14-121.

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

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

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

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

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

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

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

19 [(ii)] (iii) Has a cultural affiliation with the person interred in a
20 burial site; or

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

25 **Article - Estates and Trusts**

26 4-501.

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

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

30 (c) "Licensed hospital" includes any hospital licensed by the State Department
31 of Health and Mental Hygiene under the laws of the State, and any hospital operated
32 by the United States government, although not required to be licensed under the laws
33 of the State.

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

3 (e) "Person" means any individual, corporation, government or governmental
4 agency or subdivision, estate, trust, partnership or association, or any other legal
5 entity.

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

8 SECTION ~~3~~ 2. AND BE IT FURTHER ENACTED, That if any provision of
9 this Act or the application thereof to any person or circumstance is held invalid for
10 any reason in a court of competent jurisdiction, the invalidity does not affect other
11 provisions or any other application of this Act which can be given effect without the
12 invalid provision or application, and for this purpose the provisions of this Act are
13 declared severable.

14 *SECTION 3. AND BE IT FURTHER ENACTED, That this Act may not be*
15 *construed in any way that conflicts with the public policy of the State that recognizes a*
16 *valid marriage to be only a marriage between a man and a woman.*

17 SECTION ~~4~~ 3, ~~4~~. AND BE IT FURTHER ENACTED, That this Act shall take
18 effect ~~July~~ October 1, 2005.