
By: **Senators Conway, Grosfeld, Kelley, and Pinsky**

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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~~
14 ~~adopt certain regulations; providing certain procedures for the termination of a~~
15 ~~domestic life~~ life partnership; requiring a ~~domestic life~~ life partner that qualified for
16 and claimed certain third party benefits to provide notice to the third party on
17 the termination of a ~~domestic life~~ life partnership; establishing certain rights for
18 certain third parties; requiring the Secretary to keep a certificate of ~~domestic~~
19 life partnership book containing certain information; requiring certain health
20 care facilities to allow ~~domestic life~~ life partners and certain relatives of ~~domestic~~
21 life partners to visit a ~~domestic life~~ life partner except under certain circumstances;
22 requiring two adults to be treated as ~~domestic life~~ life partners ~~in~~ under certain
23 circumstances related to medical emergencies; providing for the scope of this
24 Act; ~~requiring a domestic partnership or civil union entered into outside this~~
25 ~~State to be treated as a domestic partnership in this State; establishing that the~~
26 ~~registration of a domestic partnership by two individuals who are also married~~
27 ~~to each other in another state may not be considered to be certain evidence,~~

1 ~~knowledge, awareness, or admission; providing that this Act may not be~~
 2 ~~construed to recognize, condone, or prohibit a domestic partnership, civil union,~~
 3 ~~or marriage recognized in other states or jurisdictions; prohibiting the~~
 4 Department of Health and Mental Hygiene from denying a domestic life partner
 5 the right to inspect a record to permit a disinterment or reinterment of a body;
 6 authorizing a domestic life partner to give consent to conduct a postmortem
 7 examination of a certain body; authorizing the domestic life partner to arrange
 8 for the final disposition of the body of a decedent under certain circumstances;
 9 authorizing a domestic life partner to make the health care decisions for certain
 10 persons; authorizing a domestic life partner of a certain patient to petition a
 11 court to enjoin the actions of a certain ~~treating~~ health care provider; authorizing
 12 a domestic life partner to accompany an individual being transported from one
 13 health care facility to another health care facility in certain circumstances;
 14 establishing that a domestic life partner may be a representative of a deceased
 15 from whom a hospital is asking a human organ donation; prohibiting a hospital
 16 from billing a domestic life partner for the costs associated with the deceased
 17 domestic life partner's organ donation; requiring that domestic life partners be
 18 given the opportunity to share a room in a certain faculty under certain
 19 circumstances; requiring certain related institutions to allow a resident who is a
 20 party to a domestic life partnership to have privacy during a visit by the other
 21 domestic life partner; authorizing the domestic life partner to arrange the final
 22 disposition of the body of a decedent with a mortician under certain
 23 circumstances; establishing that for purposes of an interest in the property of a
 24 burial site, a domestic life partner is a person in interest; establishing that a
 25 domestic life partner is a next of kin for purposes of making anatomical gifts of
 26 a decedent; defining certain terms; making the provisions of this Act severable;
 27 and generally relating to the Medical Decision Making Act of 2005.

28 BY adding to

29 Article - Health - General
 30 Section 6-101 through ~~6-501~~ 6-401 to be under the new title "Title 6. Domestic
 31 Life Partnerships"
 32 Annotated Code of Maryland
 33 (2000 Replacement Volume and 2004 Supplement)

34 BY repealing and reenacting, with amendments,

35 Article - Health - General
 36 Section 1-101, 4-215(e), 5-501(b), 5-509(c), 5-605(a)(2), 5-612, 10-807(e),
 37 19-310(d) and (g), and 19-344(h), (k), and (q)(1)
 38 Annotated Code of Maryland
 39 (2000 Replacement Volume and 2004 Supplement)

40 BY repealing and reenacting, without amendments,

41 Article - Health - General
 42 Section 4-215(a), 5-501(a), 5-509(a), 5-605(a)(1), 10-807(a), 19-310(a) and (j),
 43 19-343(a) and (b), and 19-344(a)

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

3 BY repealing and reenacting, without amendments,
4 Article - Health Occupations
5 Section 7-410(a)
6 Annotated Code of Maryland
7 (2000 Replacement Volume and 2004 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article - Health Occupations
10 Section 7-410(c)
11 Annotated Code of Maryland
12 (2000 Replacement Volume and 2004 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - Real Property
15 Section 14-121(a)
16 Annotated Code of Maryland
17 (2003 Replacement Volume and 2004 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article - Estates and Trusts
20 Section 4-501
21 Annotated Code of Maryland
22 (2001 Replacement Volume and 2004 Supplement)

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

25 **Article - Health - General**

26 ~~TITLE 6. DOMESTIC PARTNERSHIPS.~~

27 ~~SUBTITLE 1. DEFINITIONS.~~

28 ~~6-101.~~

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

30 ~~(B) "CERTIFICATE OF DOMESTIC PARTNERSHIP" MEANS A CERTIFICATE~~
31 ~~ISSUED BY THE SECRETARY ESTABLISHING A DOMESTIC PARTNERSHIP AND~~
32 ~~AUTHORIZING THE DOMESTIC PARTNERS TO CLAIM THE BENEFITS OF A DOMESTIC~~
33 ~~PARTNERSHIP.~~

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

3 ~~(2) "COMMON RESIDENCE" INCLUDES THE SHORT TERM OR~~
4 ~~LONG TERM TEMPORARY LEAVING OF THE COMMON RESIDENCE BY ONE DOMESTIC~~
5 ~~PARTNER WITH THE INTENT TO RETURN TO THE COMMON RESIDENCE.~~

6 ~~(3) "COMMON RESIDENCE" DOES NOT MEAN THAT:~~

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

9 ~~(II) A DOMESTIC PARTNER MAY NOT HAVE AN ADDITIONAL~~
10 ~~RESIDENCE.~~

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

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

15 ~~(F) (1) "MUTUAL INTERDEPENDENCE" MEANS THAT EACH DOMESTIC~~
16 ~~PARTNER IN A RELATIONSHIP CONTRIBUTES TO THE MAINTENANCE AND SUPPORT~~
17 ~~OF THE OTHER DOMESTIC PARTNER AND THE RELATIONSHIP.~~

18 ~~(2) "MUTUAL INTERDEPENDENCE" DOES NOT MEAN THAT THE~~
19 ~~DOMESTIC PARTNERS ARE REQUIRED TO CONTRIBUTE EQUALLY TO THE~~
20 ~~RELATIONSHIP.~~

21 ~~(G) "NOTICE" MEANS NOTICE OF THE TERMINATION OF A DOMESTIC~~
22 ~~PARTNERSHIP.~~

23 ~~SUBTITLE 2. GENERAL PROVISIONS AND REGISTRATION OF DOMESTIC~~
24 ~~PARTNERSHIPS.~~

25 ~~6-201.~~

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

32 ~~6-202.~~

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

1 (VII) WHETHER THE INDIVIDUALS AGREE TO A RELATIONSHIP OF
2 MUTUAL INTERDEPENDENCE;

3 (2) SIGN THE REGISTRATION FORM;

4 (3) PROVIDE THE CLERK WITH THE SOCIAL SECURITY NUMBER OF EACH
5 INDIVIDUAL WHO HAS A SOCIAL SECURITY NUMBER; AND

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

7 (C) THE SOCIAL SECURITY NUMBERS OF THE INDIVIDUALS SHALL BE
8 INCLUDED IN THE ELECTRONIC FILE FOR A CERTIFICATE OF DOMESTIC
9 PARTNERSHIP BUT MAY NOT BE DISCLOSED AS PART OF THE PUBLIC RECORD OF THE
10 CERTIFICATE OF DOMESTIC PARTNERSHIP.

11 (D) UNLESS A DOMESTIC PARTNERSHIP WAS TERMINATED BECAUSE OF THE
12 DEATH OF A DOMESTIC PARTNER, AN INDIVIDUAL WHO HAS PREVIOUSLY
13 REGISTERED A DOMESTIC PARTNERSHIP WITH THE SECRETARY MAY NOT REGISTER
14 A NEW DOMESTIC PARTNERSHIP UNTIL 90 DAYS AFTER THE DATE THAT A NOTICE OF
15 TERMINATION OF DOMESTIC PARTNERSHIP WAS RECORDED BY THE SECRETARY.

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

18 (I) THE RELATIONSHIP OF THE INDIVIDUALS TO THE DOMESTIC
19 PARTNERSHIP, IF ANY;

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

22 (III) THE STATUS OF EACH INDIVIDUAL AS SINGLE, WIDOWED, OR
23 DIVORCED;

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

26 (V) THE PLACE OF COMMON RESIDENCE.

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

29 (I) READ, "I HEREBY CERTIFY THAT ON THIS DAY OF
30 (STATE HERE MONTH AND YEAR), AT (STATE HERE TIME), AT (STATE
31 HERE LOCATION), IN ACCORDANCE WITH THE LAWS OF THE STATE OF MARYLAND,
32 THE FOLLOWING INDIVIDUALS HAVE ENTERED INTO A DOMESTIC PARTNERSHIP:

33

34 (STATE HERE NAME OF PARTY)

35

36 (STATE HERE NAME OF OTHER PARTY)";

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

3 (III) ~~PROVIDE A SPACE FOR THE SIGNATURE OF THE DESIGNATED~~
4 ~~OFFICIAL.~~

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

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

8 (1) ~~A PROCESS FOR DESIGNATING OFFICIALS TO REGISTER~~
9 ~~DOMESTIC PARTNERSHIPS; AND~~

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

12 ~~6-204.~~

13 (A) ~~A DOMESTIC PARTNERSHIP SHALL TERMINATE:~~

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

15 (2) ~~WHEN A NOTICE OF TERMINATION OF DOMESTIC PARTNERSHIP HAS~~
16 ~~BEEN ACCEPTED FOR RECORD BY THE SECRETARY.~~

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

20 (2) ~~WHEN THE SECRETARY ACCEPTS FOR RECORD A NOTICE, THE~~
21 ~~SECRETARY SHALL:~~

22 (1) ~~ENDORSE ON THE NOTICE ITS ACCEPTANCE FOR RECORD AND~~
23 ~~THE DATE AND TIME OF ACCEPTANCE;~~

24 (II) ~~RECORD PROMPTLY THE NOTICE; AND~~

25 (III) ~~PROVIDE THE DOMESTIC PARTNER WHO FILED THE NOTICE~~
26 ~~TWO COPIES OF THE NOTICE WITH THE ENDORSEMENTS REQUIRED IN ITEM (1) OF~~
27 ~~THIS PARAGRAPH.~~

28 (3) ~~WITHIN 5 DAYS OF RECEIVING THE COPIES OF THE NOTICE~~
29 ~~ENDORSED BY THE SECRETARY, THE DOMESTIC PARTNER SHALL SEND, BY~~
30 ~~CERTIFIED MAIL, A COPY OF THE NOTICE ENDORSED BY THE SECRETARY TO THE~~
31 ~~OTHER DOMESTIC PARTNER'S LAST KNOWN ADDRESS.~~

32 (C) (1) ~~THIS SECTION APPLIES TO A DOMESTIC PARTNER WHO HAS GIVEN A~~
33 ~~COPY OF A CERTIFICATE OF DOMESTIC PARTNERSHIP TO A THIRD PARTY TO~~
34 ~~QUALIFY FOR OR CLAIM ANY BENEFIT OR RIGHT OF A DOMESTIC PARTNER.~~

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

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

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

11 ~~SUBTITLE 3. RECORDS.~~

12 ~~6-301.~~

13 ~~THE SECRETARY SHALL KEEP A CERTIFICATE OF DOMESTIC PARTNERSHIP~~
14 ~~BOOK, WHICH SHALL CONTAIN:~~

15 ~~(1) A COMPLETE RECORD OF EACH REGISTRATION ISSUED;~~

16 ~~(2) A COMPLETE RECORD OF ALL MATTERS THE DESIGNATED OFFICIAL~~
17 ~~IS REQUIRED TO ASCERTAIN THAT RELATE TO THE RIGHTS OF AN INDIVIDUAL TO~~
18 ~~OBTAIN A REGISTRATION;~~

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

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

23 ~~(5) THE DATE EACH REGISTRATION WAS RECORDED AND THE NAME OF~~
24 ~~THE AUTHORIZED DESIGNATED OFFICIAL WHO SIGNED THE CERTIFICATE OF~~
25 ~~DOMESTIC PARTNERSHIP.~~

26 ~~6-302.~~

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

30 ~~(B) AN INDIVIDUAL WHO VIOLATES THE PROVISIONS OF THIS SECTION IS~~
31 ~~GUILTY OF PERJURY.~~

SUBTITLE 4. MEDICAL EMERGENCIES.

~~6 401.~~

~~3 (A) A HOSPITAL, RELATED INSTITUTION, AND RESIDENTIAL TREATMENT
4 CENTER, AS DEFINED IN § 19-301 OF THIS ARTICLE, SHALL ALLOW A PATIENT'S
5 DOMESTIC PARTNER, THE CHILDREN OF THE PATIENT'S DOMESTIC PARTNER, AND
6 THE DOMESTIC PARTNER OF THE PATIENT'S PARENT OR CHILD TO VISIT, UNLESS:~~

~~7 (1) NO VISITORS ARE ALLOWED;~~

~~8 (2) THE FACILITY REASONABLY DETERMINES THAT THE PRESENCE OF A
9 PARTICULAR VISITOR WOULD ENDANGER THE HEALTH OR SAFETY OF A PATIENT OR
10 MEMBER OF THE FACILITY STAFF; OR~~

~~11 (3) THE PATIENT TELLS THE FACILITY STAFF THAT THE PATIENT DOES
12 NOT WANT A PARTICULAR PERSON TO VISIT.~~

~~13 (B) THIS SECTION DOES NOT PROHIBIT A HOSPITAL, RELATED INSTITUTION,
14 OR RESIDENTIAL TREATMENT CENTER FROM ESTABLISHING REASONABLE
15 RESTRICTIONS UPON VISITATION, INCLUDING RESTRICTIONS ON THE HOURS OF
16 VISITATION AND NUMBER OF VISITORS.~~

~~17 6-402.~~

~~18 (A) THIS SECTION APPLIES TO TWO ADULTS WHO QUALIFY FOR A
19 CERTIFICATE OF REGISTRATION OF A DOMESTIC PARTNERSHIP BUT ARE NOT
20 REGISTERED.~~

~~21 (B) IN THE CASE OF A MEDICAL EMERGENCY, TWO ADULTS SHALL BE
22 TREATED AS DOMESTIC PARTNERS IF ONE OF THE ADULTS TELLS, IN GOOD FAITH,
23 THE EMERGENCY MEDICAL PROVIDER OR HOSPITAL PERSONNEL THAT THE ADULTS
24 ARE IN A MUTUALLY INTERDEPENDENT RELATIONSHIP, FOR THE FOLLOWING
25 PURPOSES ONLY:~~

~~26 (1) ALLOWING ONE ADULT TO ACCOMPANY THE ILL OR INJURED ADULT
27 BEING TRANSPORTED TO A HOSPITAL IN AN EMERGENCY VEHICLE; AND~~

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

31 SUBTITLE 5. DOMESTIC PARTNER'S RIGHTS AND OBLIGATIONS.

~~32 6-501.~~

~~33 (A) THE RIGHTS AND OBLIGATIONS OF A DOMESTIC PARTNER AS A RESULT OF
34 REGISTERING A DOMESTIC PARTNERSHIP ARE ONLY THOSE DESCRIBED IN THIS
35 TITLE.~~

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

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

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

11 **Article - Health - General**

12 1-101.

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

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

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

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

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

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

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

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

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

31 (1) The Chief Medical Examiner;

32 (2) The Deputy Chief Medical Examiner;

33 (3) Any assistant medical examiner; or

34 (4) Any deputy medical examiner.

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

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

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

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

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

9 (2) The District of Columbia; or

10 (3) The Commonwealth of Puerto Rico.

11 4-215.

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

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

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

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

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

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

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

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

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

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

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

4 5-501.

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

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

10 (i) A parent;

11 (ii) A spouse;

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

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

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

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

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

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

19 5-509.

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

25 (c) Unless a person has knowledge that contrary directions have been given by
26 the decedent, if a decedent has not executed a document under subsection (a) of this
27 section, the following persons, in the order of priority stated, have the right to arrange
28 for the final disposition of the body of the decedent, including by cremation under §
29 5-502 of this subtitle:

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

31 (2) An adult child of the decedent;

32 (3) A parent of the decedent;

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

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

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

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

11 5-605.

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

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

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

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

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

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

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

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

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

31 (iii) An adult child of the patient;

32 (iv) A parent of the patient;

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

34 (vi) A friend or other relative of the patient who meets the
35 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 TITLE 6. LIFE PARTNERSHIPS.

28 SUBTITLE 1. DEFINITIONS.

29 6-101.

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

31 (B) "CERTIFICATE OF LIFE PARTNERSHIP" MEANS A CERTIFICATE ISSUED BY
32 THE SECRETARY ESTABLISHING A LIFE PARTNERSHIP AND AUTHORIZING THE LIFE
33 PARTNERS TO CLAIM THE BENEFITS OF A LIFE PARTNERSHIP.

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

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

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

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

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

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

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

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

14 6-201.

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

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

20 6-202.

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

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

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

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

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

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

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

32 (5) THE INDIVIDUALS AGREE TO BE IN A RELATIONSHIP OF MUTUAL
33 INTERDEPENDENCE;

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

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

3 6-203.

4 (A) THE SECRETARY SHALL DEVELOP:

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

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

7 (B) (1) THE SECRETARY SHALL DISTRIBUTE "DECLARATION OF LIFE
8 PARTNERSHIP" FORMS AND "NOTICE OF TERMINATION OF LIFE PARTNERSHIP"
9 FORMS TO EACH COUNTY CLERK AND SHALL MAKE THE FORMS AVAILABLE IN THE
10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE AND IN LOCAL HEALTH
11 DEPARTMENTS.

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

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

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

19 (2) ~~THE SECRETARY SHALL SET A~~ THE SECRETARY SHALL SET A
20 REASONABLE FEE, BASED ON THE COSTS OF PROCESSING THE FORMS, FOR FILING A
21 "NOTICE OF TERMINATION OF LIFE PARTNERSHIP" FORM.

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

24 6-204.

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

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

29 (II) PROVIDE A MAILING ADDRESS; AND

30 (III) SIGN THE FORM WITH A DECLARATION THAT THE
31 DECLARATIONS MADE ON THE FORM ARE TRUE, CORRECT, AND CONTAIN NO
32 MATERIAL OMISSIONS OF FACT TO THE BEST KNOWLEDGE AND BELIEF OF EACH
33 APPLICANT.

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

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

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

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

15 6-205.

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

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

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

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

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

26 (2) WHEN THE SECRETARY ACCEPTS FOR RECORD A NOTICE, THE
27 SECRETARY SHALL:

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

30 (II) RECORD PROMPTLY THE NOTICE; AND

31 (III) PROVIDE THE LIFE PARTNER WHO FILED THE NOTICE TWO
32 COPIES OF THE NOTICE WITH THE ENDORSEMENTS REQUIRED IN ITEM (I) OF THIS
33 PARAGRAPH.

34 (3) WITHIN 5 DAYS OF RECEIVING THE COPIES OF THE NOTICE
35 ENDORSED BY THE SECRETARY, THE LIFE PARTNER SHALL SEND, BY CERTIFIED

1 MAIL, A COPY OF THE NOTICE ENDORSED BY THE SECRETARY TO THE OTHER LIFE
2 PARTNER'S LAST KNOWN ADDRESS.

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

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

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

12 (3) ON THE TERMINATION OF A LIFE PARTNERSHIP, A LIFE PARTNER
13 SHALL GIVE OR SEND TO THE THIRD PARTY, AT THE LAST KNOWN ADDRESS OF THE
14 THIRD PARTY, WRITTEN NOTIFICATION THAT THE LIFE PARTNERSHIP HAS BEEN
15 TERMINATED.

16 (4) A THIRD PARTY WHO SUFFERS A LOSS AS A RESULT OF THE FAILURE
17 OF A LIFE PARTNER TO NOTIFY THE THIRD PARTY OF THE TERMINATION OF A LIFE
18 PARTNERSHIP IS ENTITLED TO RECOVER ANY ACTUAL DAMAGES.

19 6-206.

20 THE SECRETARY SHALL KEEP A CERTIFICATE OF LIFE PARTNERSHIP BOOK,
21 WHICH SHALL CONTAIN:

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

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

26 (3) IN REGULAR ORDER, THE ITEMS SUBMITTED BY THE REGISTRANTS
27 AS REQUIRED UNDER THIS TITLE;

28 (4) PROPERLY INDEXED, THE NAME OF EACH INDIVIDUAL WHO
29 INTENDS TO REGISTER A LIFE PARTNERSHIP; AND

30 (5) THE DATE EACH REGISTRATION WAS RECORDED AND THE NAME OF
31 THE NOTARY PUBLIC WHO WITNESSED THE SIGNATURES.

32 6-207.

33 (A) AN INDIVIDUAL MAY NOT KNOWINGLY MAKE ANY MATERIAL FALSE
34 STATEMENT TO OBTAIN OR TO HELP ANOTHER INDIVIDUAL TO OBTAIN A
35 CERTIFICATE OF LIFE PARTNERSHIP IN VIOLATION OF THIS TITLE.

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

3 6-208.

4 THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS
5 OF THIS TITLE.

6 SUBTITLE 3. MEDICAL EMERGENCIES.

7 6-301.

8 (A) A HOSPITAL, RELATED INSTITUTION, AND RESIDENTIAL TREATMENT
9 CENTER, AS DEFINED IN § 19-301 OF THIS ARTICLE, SHALL ALLOW A PATIENT'S LIFE
10 PARTNER, THE CHILDREN OF THE PATIENT'S LIFE PARTNER, AND THE LIFE PARTNER
11 OF THE PATIENT'S PARENT OR CHILD TO VISIT, UNLESS:

12 (1) NO VISITORS ARE ALLOWED;

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

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

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

22 6-302.

23 (A) THIS SECTION APPLIES TO TWO ADULTS WHO QUALIFY FOR A
24 CERTIFICATE OF REGISTRATION OF A LIFE PARTNERSHIP BUT ARE NOT
25 REGISTERED.

26 (B) IN THE CASE OF A MEDICAL EMERGENCY, TWO ADULTS SHALL BE
27 TREATED AS LIFE PARTNERS IF ONE OF THE ADULTS TELLS, IN GOOD FAITH, THE
28 EMERGENCY MEDICAL PROVIDER OR HOSPITAL PERSONNEL THAT THE ADULTS ARE
29 IN A MUTUALLY INTERDEPENDENT RELATIONSHIP, FOR THE FOLLOWING PURPOSES
30 ONLY:

31 (1) IN ACCORDANCE WITH COUNTY OR COMPANY EMERGENCY MEDICAL
32 SERVICES TRANSPORT POLICIES, ALLOWING ONE ADULT TO ACCOMPANY THE ILL OR
33 INJURED ADULT BEING TRANSPORTED TO A HOSPITAL IN AN EMERGENCY VEHICLE;
34 AND

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

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

5 6-401.

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

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

14 10-807.

15 (a) The Director may transfer an individual from a public facility to another
 16 public facility or, if a private facility agrees, to that private facility, if the Director
 17 finds that:

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

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

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

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

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

29 19-310.

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

33 (d) (1) Except as provided in subsection (j) of this section, when an
 34 individual dies in a hospital in accordance with § 5-202 of this article, a
 35 representative of the appropriate organ, tissue, or eye recovery agency or a
 36 designated requestor shall request, with sensitivity, in the order of stated priority,

1 that the individual's representative consent to the donation of all or any of the
2 decedent's organs or tissues as an anatomical donation if suitable.

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

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

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

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

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

14 (v) A guardian;

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

16 1. Is a competent individual; and

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

18 A. That the individual is a relative or close friend of the
19 decedent; and

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

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

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

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

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

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

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

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

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

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

11 (i) § 5-604.1 of this article; or

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

13 19-343.

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

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

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

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

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

26 (iii) The right to privacy;

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

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

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

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

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

1 19-344.

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

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

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

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

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

14 **Article - Health Occupations**

15 7-410.

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

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

25 (1) The surviving spouse OR ~~DOMESTIC LIFE~~ PARTNER, AS DEFINED IN §
26 ~~6-101~~ 1-101 OF THE HEALTH - GENERAL ARTICLE, of the decedent;

27 (2) An adult child of the decedent;

28 (3) A parent of the decedent;

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

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

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

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

7 **Article - Real Property**

8 14-121.

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

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

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

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

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

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

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

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

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

31 **Article - Estates and Trusts**

32 4-501.

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

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

1 (c) "Licensed hospital" includes any hospital licensed by the State Department
2 of Health and Mental Hygiene under the laws of the State, and any hospital operated
3 by the United States government, although not required to be licensed under the laws
4 of the State.

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

7 (e) "Person" means any individual, corporation, government or governmental
8 agency or subdivision, estate, trust, partnership or association, or any other legal
9 entity.

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

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

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