
By: **The Speaker (By Request - Department of Legislative Services)**

Introduced and read first time: January 20, 2006

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 15, 2006

CHAPTER_____

1 AN ACT concerning

2 **State Board of Morticians - Sunset Extension and Program Evaluation**

3 FOR the purpose of continuing the State Board of Morticians in accordance with the
4 provisions of the Maryland Program Evaluation Act (Sunset Law) by extending
5 to a certain date the termination provisions relating to the statutory and
6 regulatory authority of the Board; ~~and~~ requiring that an evaluation of the Board
7 and the statutes and regulations that relate to the Board be performed on or
8 before a certain date; requiring the Board to report on certain information
9 relating to complaints, pre-need contracts, apprenticeships, and crematories to
10 certain committees of the General Assembly on or before a certain date;
11 requiring that a certain evaluation of the Board include a certain assessment of
12 certain recommendations and a certain plan and consider whether certain
13 recommendations would enhance the pre-need process; and generally relating
14 to the State Board of Morticians.

15 BY repealing and reenacting, with amendments,
16 Article - Health Occupations
17 Section 7-602
18 Annotated Code of Maryland
19 (2005 Replacement Volume)

20 BY repealing and reenacting, without amendments,
21 Article - State Government
22 Section 8-403(a)
23 Annotated Code of Maryland
24 (2004 Replacement Volume and 2005 Supplement)

1 BY repealing and reenacting, with amendments,
2 Article - State Government
3 Section 8-403(b)(40)
4 Annotated Code of Maryland
5 (2004 Replacement Volume and 2005 Supplement)

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

8 **Article - Health Occupations**

9 7-602.

10 Subject to the evaluation and reestablishment provisions of the Program
11 Evaluation Act, this title and all rules and regulations adopted under this title shall
12 terminate and be of no effect after July 1, [2008] ~~2018~~ 2013.

13 **Article - State Government**

14 8-403.

15 (a) On or before December 15 of the 2nd year before the evaluation date of a
16 governmental activity or unit, the Legislative Policy Committee, based on a
17 preliminary evaluation, may waive as unnecessary the evaluation required under this
18 section.

19 (b) Except as otherwise provided in subsection (a) of this section, on or before
20 the evaluation date for the following governmental activities or units, an evaluation
21 shall be made of the following governmental activities or units and the statutes and
22 regulations that relate to the governmental activities or units:

23 (40) Morticians, State Board of (§ 7-201 of the Health Occupations
24 Article: July 1, [2007] ~~2017~~ 2012);

25 SECTION 2. AND BE IT FURTHER ENACTED, That on or before December
26 31, 2006, the State Board of Morticians shall, in accordance with § 2-1246 of the
27 State Government Article, report to the Senate Education, Health, and
28 Environmental Affairs Committee and the House Health and Government Operations
29 Committee on:

30 (a) the implementation of the complaint tracking system and its effectiveness;

31 (b) the progress made to reduce the backlog of complaints;

32 (c) recommendations concerning:

33 (1) the resources the Board needs to continue reducing the backlog of
34 complaints in a timely manner; and

1 (2) the resources the Board needs to conduct inspections and audits in a
2 timely manner;

3 (d) a plan to monitor licensees that receive pre-need funds, place pre-need
4 funds in a trust, or enter into pre-need contracts and to respond to the rising number
5 of complaints concerning pre-need contracts by;

6 (1) implementing uniform procedures, forms, and penalties; and

7 (2) any other means determined by the Board;

8 (e) a recommendation on the appropriate number of working hours an
9 applicant should be required to complete to satisfy the apprenticeship qualification
10 for licensure as a mortician;

11 (f) in collaboration with the Office of Cemetery Oversight, the Advisory
12 Council on Cemetery Operations, and the Maryland Department of the Environment,
13 proposed legislation that provides for the regulation of crematories; and

14 (g) the average cost charged by a licensee for providing funeral and mortuary
15 science services and the reasonableness of the cost.

16 SECTION 3. AND BE IT FURTHER ENACTED, That the legislative evaluation
17 required under Section 1 of this Act shall include a review of the recommendations
18 and plan concerning pre-need contracts that were identified in the report under
19 Section 2 of this Act to:

20 (a) assess whether the recommendations and plan have been implemented
21 and assess the effectiveness of the recommendations and plan; and

22 (b) consider whether the recommendations that were not implemented would
23 enhance the pre-need process.

24 SECTION ~~2-4~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take
25 effect ~~October~~ July 1, 2006.