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By: **Senator Stone**

Introduced and read first time: February 24, 2006

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **Business Regulation - Pet Cemeteries**

3 FOR the purpose of requiring a person that enters into a contract with a pet owner for  
4 the cremation of a pet to provide certain written disclosures to the pet owner;  
5 prohibiting an owner of a pet cemetery from requiring a pet owner to purchase  
6 burial goods from the pet cemetery as a condition of authorizing the interment  
7 or inurnment of a pet; prohibiting an owner of a cemetery from charging a pet  
8 owner a fee for obtaining burial goods from a person other than the owner of the  
9 pet cemetery; requiring an owner of a pet cemetery that sells or offers to sell  
10 burial goods to the public to provide a certain price list under certain  
11 circumstances; requiring an owner of a pet cemetery to maintain certain records  
12 in a certain manner; requiring an owner of a pet cemetery to ensure the  
13 maintenance of the pet cemetery grounds and certain holding facilities;  
14 prohibiting an owner of a pet cemetery from entering into a contract for the sale  
15 of pet cemetery grounds unless certain conditions are met; requiring the owner  
16 of a pet cemetery to provide certain notice of the pet cemetery owner's intent to  
17 sell the pet cemetery to certain persons within a certain time period; specifying  
18 the rights of certain persons that receive notice of the pet cemetery owner's  
19 intent to sell the pet cemetery; requiring the owner of a pet cemetery to relocate  
20 certain pet remains to a comparable site in a pet cemetery in the State under  
21 certain circumstances; establishing a certain penalty; defining certain terms;  
22 and generally relating to the regulation of pet cemeteries.

23 BY adding to

24 Article - Business Regulation

25 Section 5A-101 through 5A-107, inclusive, to be under the new title "Title 5A.

26 Pet Cemeteries"

27 Annotated Code of Maryland

28 (2004 Replacement Volume and 2005 Supplement)

29 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

30 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Business Regulation**

2 TITLE 5A. PET CEMETERIES.

3 5A-101.

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

5 (B) (1) "BURIAL GOODS" MEANS GOODS THAT ARE USED IN CONNECTION  
6 WITH A PET BURIAL OR CREMATION.

7 (2) "BURIAL GOODS" INCLUDES:

8 (I) A CASKET;

9 (II) A GRAVE LINER;

10 (III) A MEMORIAL;

11 (IV) A MONUMENT;

12 (V) A SCROLL;

13 (VI) AN URN;

14 (VII) A VASE; AND

15 (VIII) A VAULT.

16 (C) "INDIVIDUAL CREMATION" MEANS THE CREMATION OF THE REMAINS OF A  
17 SINGLE PET IN A SEPARATE RECEPTACLE THAT ALLOWS THE CREMATED REMAINS  
18 OF THE PET TO REMAIN SEPARATE FROM THE CREMATED REMAINS OF OTHER PETS.

19 (D) "INTERMENT" MEANS THE FINAL DISPOSITION OF PET REMAINS,  
20 INCLUDING:

21 (1) EARTH BURIAL;

22 (2) MAUSOLEUM ENTOMBMENT; AND

23 (3) NICHE OR COLUMBARIUM INTERMENT.

24 (E) "INURNMENT" MEANS THE FINAL DISPOSITION OF CREMATED PET  
25 REMAINS, INCLUDING:

26 (1) EARTH BURIAL;

27 (2) MAUSOLEUM ENTOMBMENT;

28 (3) NICHE OR COLUMBARIUM INTERMENT; AND

1 (4) PLACEMENT IN AN URN.

2 (F) "MASS CREMATION" MEANS THE COMMUNAL CREMATION OF PETS IN A  
3 RECEPTACLE CONTAINING MORE THAN ONE PET.

4 (G) "PET" MEANS A DOMESTIC ANIMAL THAT HAS BEEN ADAPTED OR TAMED  
5 TO LIVE IN INTIMATE ASSOCIATION WITH PEOPLE.

6 (H) (1) "PET CEMETERY" MEANS ANY LAND, PLACE, STRUCTURE, FACILITY,  
7 OR BUILDING PROVIDED BY A PERSON FOR THE PERMANENT INTERMENT OR  
8 INURNMENT OF PET REMAINS OR CREMATED PET REMAINS FOR A FEE.

9 (2) "PET CEMETERY" DOES NOT INCLUDE A LANDFILL OR SOLID WASTE  
10 DISPOSAL FACILITY.

11 (I) (1) "PET OWNER" MEANS A PERSON LISTED AS THE OWNER OF A PET ON  
12 THE VETERINARY RECORDS OF A VETERINARY PRACTITIONER OR THE RECORDS OF A  
13 PET CEMETERY.

14 (2) "PET OWNER" INCLUDES THE AGENT OF A PET OWNER.

15 (J) "VETERINARY PRACTITIONER" HAS THE MEANING STATED IN § 2-302 OF  
16 THE AGRICULTURE ARTICLE.

17 5A-102.

18 (A) AT THE TIME OF ENTERING INTO A CONTRACT WITH A PET OWNER FOR  
19 THE CREMATION OF A PET, A PERSON SHALL MAKE THE FOLLOWING WRITTEN  
20 DISCLOSURES TO THE PET OWNER:

21 (1) THE ITEMIZED COST FOR THE CREMATION;

22 (2) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF ANY  
23 SUBCONTRACTOR THAT WILL EXECUTE THE CREMATION; AND

24 (3) AN INDICATION AS TO WHETHER THE PET WILL BE CREMATED BY  
25 INDIVIDUAL CREMATION OR MASS CREMATION.

26 (B) THE DISCLOSURE SHALL BE CONSPICUOUSLY INCORPORATED IN THE  
27 CONTRACT IN 12 POINT TYPE.

28 (C) THE DISCLOSURE SHALL BE SIGNED AND DATED BY THE PET OWNER.

29 (D) THE PET OWNER SHALL BE PROVIDED WITH A COPY OF THE CONTRACT AT  
30 THE TIME OF ENTERING INTO THE CONTRACT.

31 5A-103.

32 (A) AN OWNER OF A PET CEMETERY MAY NOT REQUIRE A PET OWNER TO  
33 PURCHASE BURIAL GOODS FROM THE PET CEMETERY AS A CONDITION OF  
34 AUTHORIZING THE INTERMENT OR INURNMENT OF A PET.

1 (B) AN OWNER OF A PET CEMETERY MAY NOT CHARGE A PET OWNER A FEE  
2 FOR OBTAINING BURIAL GOODS FROM A PERSON OTHER THAN THE OWNER OF THE  
3 PET CEMETERY.

4 (C) ON REQUEST, AN OWNER OF A PET CEMETERY THAT SELLS OR OFFERS TO  
5 SELL BURIAL GOODS TO THE PUBLIC SHALL PROVIDE A GENERAL PRICE LIST OF ALL  
6 BURIAL GOODS FOR SALE BY THE PET CEMETERY OWNER.

7 5A-104.

8 (A) AN OWNER OF A PET CEMETERY SHALL MAINTAIN:

9 (1) MAPS AND RECORDS OF THE SPECIFIC SITES OF EACH PET GRAVE OR  
10 UNUSED BURIAL LOT;

11 (2) THE GRAVE OR BURIAL LOT OWNER'S LAST KNOWN ADDRESS;

12 (3) THE DATE OF BURIAL FOR EACH PET;

13 (4) THE SIZE OF EACH GRAVE OR BURIAL LOT;

14 (5) THE CONTRACT FOR THE BURIAL OF EACH PET; AND

15 (6) THE CONTRACT FOR THE PURCHASE OF EACH UNUSED BURIAL LOT.

16 (B) AN OWNER OF A PET CEMETERY SHALL KEEP DUPLICATE RECORDS OF  
17 ALL RECORDS DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION AT A LOCATION  
18 OTHER THAN THE PET CEMETERY GROUNDS.

19 5A-105.

20 (A) (1) AN OWNER OF A PET CEMETERY SHALL ENSURE THE THOROUGH  
21 AND REGULAR MAINTENANCE OF THE PET CEMETERY GROUNDS.

22 (2) ANY SIDEWALKS, PATHS, OR WALKWAYS SHALL BE SAFELY  
23 CONSTRUCTED AND MAINTAINED.

24 (B) AN OWNER OF A PET CEMETERY SHALL MAINTAIN CLEAN AND  
25 REFRIGERATED HOLDING FACILITIES FOR THE SAFE STORAGE OF DECEASED PETS.

26 5A-106.

27 (A) AN OWNER OF A PET CEMETERY MAY NOT ENTER INTO A CONTRACT FOR  
28 THE SALE OF PET CEMETERY GROUNDS UNLESS THE OWNER OF THE PET CEMETERY  
29 COMPLIES WITH THE PROVISIONS OF THIS SECTION.

30 (B) THE OWNER OF A PET CEMETERY SHALL MAKE A DILIGENT EFFORT TO  
31 NOTIFY EACH PET OWNER WITH A PET INTERRED OR INURNED IN THE PET  
32 CEMETERY AND EACH OWNER OF AN UNUSED PET BURIAL LOT IN THE PET  
33 CEMETERY THAT WILL BE AFFECTED BY THE OWNER'S INTENT TO SELL ANY PART OF

1 THE PET CEMETERY GROUNDS OF AN IMPENDING SALE OF ANY LAND IN WHICH A  
2 PET IS INTERRED OR A BURIAL LOT IS OWNED.

3 (C) (1) EACH PET OWNER THAT RECEIVES NOTICE OF THE PET CEMETERY  
4 OWNER'S INTENT TO SELL UNDER SUBSECTION (B) OF THIS SECTION SHALL HAVE  
5 THE OPTION OF RELOCATING THE REMAINS OF THEIR PET TO A COMPARABLE PET  
6 CEMETERY IN THE STATE WITH AN AVAILABLE BURIAL LOT AT THE EXPENSE OF THE  
7 CURRENT OWNER OF THE PET CEMETERY.

8 (2) EACH OWNER OF AN UNUSED BURIAL LOT THAT RECEIVES NOTICE  
9 OF THE PET CEMETERY OWNER'S INTENT TO SELL UNDER SUBSECTION (B) OF THIS  
10 SECTION SHALL BE REIMBURSED FOR THE FULL CONTRACT PRICE FOR THE  
11 PURCHASE OF THE BURIAL LOT.

12 (D) (1) IF A PET OWNER CANNOT BE LOCATED AFTER 90 DAYS, THE PET  
13 REMAINS SHALL BE MOVED TO A COMPARABLE SITE IN A PET CEMETERY IN THE  
14 STATE BY THE OWNER OF THE PET CEMETERY.

15 (2) IF THE OWNER OF AN UNUSED BURIAL LOT CANNOT BE LOCATED  
16 AFTER 90 DAYS, THE OWNER OF THE PET CEMETERY IS NOT REQUIRED TO TAKE ANY  
17 FURTHER ACTION.

18 5A-107.

19 A PERSON THAT VIOLATES THIS TITLE IS GUILTY OF A MISDEMEANOR AND ON  
20 CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT  
21 EXCEEDING 6 MONTHS OR BOTH.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 June 1, 2006.