
By: **Senator Stone**

Introduced and read first time: February 24, 2006

Assigned to: Rules

Re-referred to: Finance, March 8, 2006

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 25, 2006

CHAPTER _____

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 or lease of pet cemetery grounds, or using the grounds for certain purposes,
 16 unless certain conditions are met; requiring the owner of a pet cemetery to
 17 ~~provide give~~ certain notice to certain persons within a certain time period of the
 18 pet cemetery owner's intent to sell ~~the, lease, or use~~ pet cemetery grounds for
 19 certain purposes ~~to certain persons within a certain time period~~; specifying the
 20 rights of certain persons that receive notice of the pet cemetery owner's intent to
 21 sell ~~the, lease, or use~~ pet cemetery grounds for certain purposes; requiring the
 22 owner of a pet cemetery to relocate certain pet remains to a comparable site in a
 23 pet cemetery in the State under certain circumstances; providing that certain
 24 provisions of this Act do not apply to a pet cemetery that is sold or leased for a
 25 certain purpose; establishing a certain penalty; defining certain terms; and
 26 generally relating to the regulation of pet cemeteries.

1 BY adding to
2 Article - Business Regulation
3 Section 5A-101 through ~~5A-107~~ 5A-106, inclusive, to be under the new title
4 "Title 5A. Pet Cemeteries"
5 Annotated Code of Maryland
6 (2004 Replacement Volume and 2005 Supplement)

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

9 **Article - Business Regulation**

10 TITLE 5A. PET CEMETERIES.

11 5A-101.

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

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

15 (2) "BURIAL GOODS" INCLUDES:

16 (I) A CASKET;

17 (II) A GRAVE LINER;

18 (III) A MEMORIAL;

19 (IV) A MONUMENT;

20 (V) A SCROLL;

21 (VI) AN URN;

22 (VII) A VASE; AND

23 (VIII) A VAULT.

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

27 (D) "INTERMENT" MEANS THE FINAL DISPOSITION OF PET REMAINS,
28 INCLUDING:

29 (1) EARTH BURIAL;

30 (2) MAUSOLEUM ENTOMBMENT; AND

1 (3) NICHE OR COLUMBARIUM INTERMENT.

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

4 (1) EARTH BURIAL;

5 (2) MAUSOLEUM ENTOMBMENT;

6 (3) NICHE OR COLUMBARIUM INTERMENT; AND

7 (4) PLACEMENT IN AN URN.

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

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

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

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

17 (I) (1) "PET OWNER" MEANS A PERSON LISTED AS THE OWNER OF A PET ON
18 THE VETERINARY RECORDS OF A VETERINARY PRACTITIONER OR THE RECORDS OF A
19 PET CEMETERY.

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

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

23 5A-102.

24 ~~(A) AT THE TIME OF ENTERING INTO A CONTRACT WITH A PET OWNER FOR
25 THE CREMATION OF A PET, A PERSON SHALL MAKE THE FOLLOWING WRITTEN
26 DISCLOSURES TO THE PET OWNER:~~

27 ~~(1) THE ITEMIZED COST FOR THE CREMATION;~~

28 ~~(2) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF ANY
29 SUBCONTRACTOR THAT WILL EXECUTE THE CREMATION; AND~~

30 ~~(3) AN INDICATION AS TO WHETHER THE PET WILL BE CREMATED BY
31 INDIVIDUAL CREMATION OR MASS CREMATION.~~

32 ~~(B) THE DISCLOSURE SHALL BE CONSPICUOUSLY INCORPORATED IN THE
33 CONTRACT IN 12 POINT TYPE.~~

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

2 ~~(D) THE PET OWNER SHALL BE PROVIDED WITH A COPY OF THE CONTRACT AT~~
3 ~~THE TIME OF ENTERING INTO THE CONTRACT.~~

4 ~~5A-103.~~

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

8 (B) AN OWNER OF A PET CEMETERY MAY NOT CHARGE A PET OWNER A FEE
9 FOR OBTAINING BURIAL GOODS FROM A PERSON OTHER THAN THE OWNER OF THE
10 PET CEMETERY.

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

14 ~~5A-104.~~ 5A-103.

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

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

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

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

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

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

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

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

26 ~~5A-105.~~ 5A-104.

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

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

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

1 ~~5A-106. 5A-105.~~

2 (A) AN OWNER OF A PET CEMETERY MAY NOT ENTER INTO A CONTRACT FOR
3 THE SALE OR LEASE OF PET CEMETERY GROUNDS, OR USE THE GROUNDS FOR
4 PURPOSES OTHER THAN AS A PET CEMETERY. UNLESS THE OWNER OF THE PET
5 CEMETERY COMPLIES WITH THE PROVISIONS OF THIS SECTION.

6 (B) THE OWNER OF A PET CEMETERY SHALL MAKE A DILIGENT EFFORT TO
7 ~~NOTIFY~~ GIVE NOTICE OF AN IMPENDING SALE, LEASE, OR USE OF PET CEMETERY
8 GROUNDS FOR PURPOSES OTHER THAN AS A PET CEMETERY TO:

9 (1) EACH PET OWNER WITH A PET INTERRED OR INURNED IN THE PET
10 ~~CEMETERY AND~~ CEMETERY; AND

11 (2) EACH OWNER OF AN UNUSED PET BURIAL LOT IN THE PET
12 CEMETERY THAT WILL BE AFFECTED BY THE OWNER'S INTENT TO SELL, LEASE, OR
13 USE PET CEMETERY GROUNDS FOR PURPOSES OTHER THAN AS A PET CEMETERY
14 ~~ANY PART OF THE PET CEMETERY GROUNDS OF AN IMPENDING SALE OF ANY LAND~~
15 ~~IN WHICH A PET IS INTERRED OR A BURIAL LOT IS OWNED.~~

16 (C) (1) EACH PET OWNER THAT RECEIVES NOTICE UNDER SUBSECTION (B)
17 OF THIS SECTION OF THE PET CEMETERY OWNER'S INTENT TO SELL, LEASE, OR USE
18 PET CEMETERY GROUNDS FOR PURPOSES OTHER THAN AS A PET CEMETERY UNDER
19 ~~SUBSECTION (B) OF THIS SECTION~~ SHALL HAVE THE OPTION OF RELOCATING THE
20 REMAINS OF THEIR PET TO A COMPARABLE PET CEMETERY IN THE STATE WITH AN
21 AVAILABLE BURIAL LOT AT THE EXPENSE OF THE CURRENT OWNER OF THE PET
22 CEMETERY.

23 (2) EACH OWNER OF AN UNUSED BURIAL LOT THAT RECEIVES NOTICE
24 UNDER SUBSECTION (B) OF THIS SECTION OF THE PET CEMETERY OWNER'S INTENT
25 TO SELL, LEASE, OR USE PET CEMETERY GROUNDS FOR PURPOSES OTHER THAN AS A
26 PET CEMETERY UNDER SUBSECTION (B) OF THIS SECTION SHALL BE REIMBURSED
27 FOR THE FULL CONTRACT PRICE FOR THE PURCHASE OF THE BURIAL LOT.

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

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

34 (E) THIS SECTION DOES NOT APPLY TO A PET CEMETERY THAT IS SOLD OR
35 LEASED FOR THE PURPOSE OF MAINTAINING THE PROPERTY AS A PET CEMETERY.

36 ~~5A-107. 5A-106.~~

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

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