

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 983

(Senator Stone)

Finance

Economic Matters

Business Regulation - Pet Cemeteries

This bill establishes requirements for the operation of pet cemeteries. A violation of these requirements is a misdemeanor and, on conviction, is subject to a maximum fine of \$1,000 and/or imprisonment for up to six months.

The bill takes effect June 1, 2006.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the fine and imprisonment penalty provisions of the bill. Assuming that the Consumer Protection Division of the Office of the Attorney General receives fewer than 50 cases per year, any increase in workload could be handled with existing resources.

Local Effect: Potential minimal increase in local expenditures due to the provisions for imprisonment under the bill.

Small Business Effect: Potentially significant.

Analysis

Bill Summary: The owner of a pet cemetery must ensure thorough and regular maintenance of the pet cemetery grounds and must maintain clean and refrigerated facilities for the safe storage of deceased pets. In addition to other specified information, the owner of a pet cemetery must maintain maps and records of the specific sites of each pet grave or unused burial lot and the size of each lot.

The owner of a pet cemetery may not require a pet owner to purchase burial goods from the pet cemetery as a condition of authorizing the inurnment or interment of a pet, nor may an owner charge a fee for obtaining burial goods from another person. An owner of a pet cemetery that sells or offers to sell burial goods must provide a general price list of all burial goods for sale.

The bill also establishes restrictions and procedures in the event that the owner of a pet cemetery either sells, seeks to sell, or leases the cemetery or uses the grounds for other purposes, including providing for the relocation of pet remains and making a diligent effort to notify the owners of the deceased pet. These provisions do not apply if the property will be maintained as a pet cemetery.

Current Law: None applicable.

Background: Rosa Boneur Memorial Park in Howard County was one of the pioneering pet cemeteries in the nation and one of the first places to allow individuals to be interred with their pets. It is the final resting place of approximately 22,000 animals of various species and at least 20 human pet owners. Since the 1990s complaints have been made about the condition of the property, and pet owners have charged that the services of interment that have been agreed to were not performed. The current owner has closed the facility, and there are concerns that the owner will sell the property to developers.

Virginia law requires tight regulation of pet cemeteries, including a requirement that the land be used for no other purpose and maintenance of a perpetual care fund.

The Office of Cemetery Oversight within the Department of Labor, Licensing, and Regulation regulates cemeteries for humans.

Small Business Effect: Pet cemeteries that are not in compliance with the provisions of this bill will have to upgrade the facilities; depending on how much upgrading is required, the expenses could be significant. In addition, the restrictions on the sale, lease, or redevelopment of property could significantly affect the owners of the property, as the owner is required to relocate pet remains to another pet cemetery.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Labor, Licensing, and Regulation; Office of the Attorney General (Consumer Protection Division); Department of Legislative Services

Fiscal Note History: First Reader - March 14, 2006
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