

HOUSE BILL 457

J2
SB 821/04 – EHE

71r0499

By: ~~Delegates Rosenberg and Ali, Ali, Hammen, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Nathan-Pulliam, Oaks, Pena-Melnyk, Pendergrass, Riley, Tarrant, and Weldon~~

Introduced and read first time: February 6, 2007
Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 7, 2007

CHAPTER _____

1 AN ACT concerning

2 **Health Occupations – ~~Morticians – Exemption and Permit~~ Funeral Director**
3 **Licenses**

4 FOR the purpose of ~~providing that certain licensing requirements for practicing~~
5 ~~mortuary science do not limit the Maryland State Board of Morticians from~~
6 ~~issuing a permit to certain designees to handle, transport, and work with a dead~~
7 ~~human body in performing certain religious services without a mortician's~~
8 ~~license; subjecting certain designees to conditions and limitations the Board~~
9 ~~may specify; requiring the Board to adopt certain regulations; requiring the~~
10 ~~Board to submit a certain report on or before a certain date; exempting certain~~
11 ~~apprentices from assisting with embalming if a certain affidavit is submitted to~~
12 ~~the Board; providing for the termination of certain provisions of this Act; and~~
13 ~~generally relating to exceptions to the Maryland Morticians Act~~ renaming the
14 State Board of Morticians to be the State Board of Morticians and Funeral
15 Directors; requiring that an individual be licensed by the Board before the
16 individual may practice funeral direction in this State; requiring the Board to
17 establish certain qualifications, examinations, and experience requirements for
18 licensing funeral directors; requiring that certain practical examinations,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 competency demonstrations, and practical experience do not include embalming;
 2 requiring that applicants for certain apprentice licenses have certain sponsors;
 3 repealing certain renewal provisions for funeral directors licensed before a
 4 certain date; altering certain definitions; establishing certain legislative intent;
 5 and generally relating to funeral directors.

6 BY repealing and reenacting, with amendments,
 7 Article – Health Occupations
 8 Section ~~7-301 and 7-306~~ 7-101, 7-201, 7-206(a) and (c)(2), 7-301 through
 9 7-306, 7-308(e), 7-308.1, 7-401, 7-402, 7-408, and 7-409
 10 Annotated Code of Maryland
 11 (2005 Replacement Volume and 2006 Supplement)

12 BY repealing
 13 Article – Health Occupations
 14 Section 7-307
 15 Annotated Code of Maryland
 16 (2005 Replacement Volume and 2006 Supplement)

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

19 **Article – Health Occupations**

20 7-101.

21 (a) In this title the following words have the meanings indicated.

22 (b) “Apprentice” means an individual licensed by the Board who assists a
 23 licensed mortician **OR FUNERAL DIRECTOR** in the practice of mortuary science **OR**
 24 **FUNERAL DIRECTION**, under direct supervision of a licensed mortician **OR FUNERAL**
 25 **DIRECTOR.**

26 (c) “Apprentice sponsor” means a person who:

27 (1) Is a licensed mortician **OR FUNERAL DIRECTOR** practicing
 28 mortuary science as a licensed mortician **OR FUNERAL DIRECTOR** in Maryland at
 29 least 1 year immediately prior to accepting the applicant as an apprentice; and

30 (2) Provides direct supervision to an apprentice.

1 (d) “Board” means the Maryland State Board of Morticians AND FUNERAL
2 DIRECTORS.

3 (e) (1) “Corporation” means a mortuary science business whose articles of
4 incorporation are in good standing with the Maryland State Department of
5 Assessments and Taxation, or its successor, the initial business for which the license is
6 issued must have been incorporated on or before June 1, 1945 and have
7 “Incorporated”, “Inc.”, or “Corporation” in its name.

8 (2) “Corporation” does not include, for purposes of issuing a
9 corporation license, a “professional association” (P.A.) or a “professional corporation”
10 (P.C.).

11 (f) “Courtesy card” means a license issued by the Board to licensed
12 practitioners of mortuary science in other states, to make a removal of a dead human
13 body in this State and to return the body to another state or country, to return dead
14 bodies from another state or country to this State, to fill out the family history portion
15 of the death certificate, and to sign the death certificate in the holder’s capacity as a
16 licensed practitioner of mortuary science.

17 (g) “Funeral director” means an individual who is licensed by the Board to
18 practice all aspects of mortuary science except for embalming.

19 (h) “Funeral establishment” means any building, structure, or premises from
20 which the business of [funeral directing or embalming] PRACTICING MORTUARY
21 SCIENCE is conducted.

22 (i) (1) “License” means, unless the context requires otherwise, a license
23 issued by the Board.

24 (2) “License” includes, unless otherwise indicated:

25 (i) A mortician license;

26 (ii) An apprentice license;

27 (iii) A funeral director license;

28 (iv) A surviving spouse license;

29 (v) A corporation license;

1 (vi) A funeral establishment license; and

2 (vii) A courtesy card.

3 (j) “Licensed apprentice” means, unless the context requires otherwise, an
4 apprentice who is licensed by the Board to assist a licensed mortician **OR FUNERAL**
5 **DIRECTOR** in the practice of mortuary science **OR FUNERAL DIRECTION.**

6 (k) “Licensed funeral director” means, unless the context requires otherwise,
7 a funeral director who is licensed by the Board to practice funeral direction.

8 (l) “Licensed funeral establishment” means, unless the context requires
9 otherwise, a funeral establishment that is licensed by the Board.

10 (m) “Licensed mortician” means, unless the context requires otherwise, a
11 mortician who is licensed by the Board under this title to practice mortuary science.

12 (n) “Licensee” means an individual or entity licensed by the Board to practice
13 mortuary science to the extent determined by the Board.

14 (o) “Mortician” means an individual who practices mortuary science.

15 (p) (1) “Practice funeral direction” means:

16 (i) To operate a funeral establishment; [or]

17 **(II) FOR COMPENSATION, TO PREPARE A DEAD HUMAN**
18 **BODY FOR DISPOSITION; OR**

19 [(ii)] **(III) For compensation, to arrange for or make final**
20 disposition of a dead human body.

21 (2) “Practice funeral direction” does not include, for [compensation:

22 (i) **Disinfecting] COMPENSATION, DISINFECTING** or
23 preserving a dead human body or any of its parts by arterial or cavity injection or any
24 other type of preservation]; or

25 (ii) **Otherwise preparing a dead human body for disposition].**

26 (q) (1) “Practice mortuary science” means:

1 (i) To operate a funeral establishment;

2 (ii) For compensation, to prepare a dead human body for
3 disposition[, including disinfecting or preserving a dead human body or any of its
4 parts by arterial or cavity injection]; or

5 (iii) For compensation, to arrange for or make final disposition of
6 a dead human body.

7 (2) **“PRACTICE MORTUARY SCIENCE” INCLUDES:**

8 (I) **THE PRACTICE OF FUNERAL DIRECTION; AND**

9 (II) **DISINFECTING OR PRESERVING A DEAD HUMAN BODY**
10 **OR ANY OF ITS PARTS BY ARTERIAL OR CAVITY INJECTION.**

11 [(2)] (3) “Practice mortuary science” does not include the pickup,
12 removal, or transportation of a dead human body, if the unlicensed individual is acting
13 under the direction of a licensed mortician or funeral director.

14 (r) “Pre-need contract” means an agreement between a consumer and a
15 licensed funeral director, licensed mortician, or surviving spouse to provide any goods
16 and services purchased prior to the time of death. Goods and services shall include:

17 (1) A service, including any form of preservation and disposition, that
18 a mortician normally provides in the ordinary course of business; or

19 (2) Merchandise, including a casket, vault, or clothing, that a
20 mortician normally provides in the ordinary course of business.

21 (s) “Surviving spouse” means the legal widow or widower of a licensed
22 funeral director or licensed mortician, whose license was in good standing at the time
23 of death, and who at the time of death, wholly or partly owned and operated a
24 mortuary science business.

25 7-201.

26 There is a State Board of Morticians AND FUNERAL DIRECTORS in the
27 Department.

28 7-206.

1 (a) There is a State Board of Morticians **AND FUNERAL DIRECTORS** Fund.

2 (c) (2) The Comptroller shall distribute the fees to the State Board of
3 Morticians **AND FUNERAL DIRECTORS** Fund.

4 7-301.

5 (a) Except as provided in subsection (b) of this section, an individual shall be
6 licensed by the Board before the individual may practice mortuary science in this
7 State.

8 (b) This section does not:

9 (1) Limit the right of a school of medicine or dentistry to use and
10 dispose of a dead human body or its parts;

11 (2) Limit the right of any person who is authorized by law to handle or
12 dispose of a dead human body or its parts, if the person acts within the scope of that
13 authorization;

14 (3) Affect the right of an authorized officer or employee of the United
15 States or the District of Columbia to practice mortuary science in the course of that
16 individual's duties;

17 (4) Apply to an individual who makes funeral arrangements in the
18 course of the duties of that individual as an attorney; ~~for~~

19 ~~(5) LIMIT THE RIGHT OF THE BOARD TO ISSUE A PERMIT TO AN~~
20 ~~AUTHORIZED DESIGNEE FROM A RELIGIOUS INSTITUTION TO HANDLE,~~
21 ~~TRANSPORT, AND WORK WITH A DEAD HUMAN BODY IN PERFORMING A~~
22 ~~RELIGIOUS FUNERAL SERVICE; OR~~

23 ~~[(5)] (6) [(i)]~~ Limit the right of the Board to issue temporary permits to
24 out-of-state licensed morticians **OR FUNERAL DIRECTORS** for teaching purposes
25 involving an approved continuing education program or disaster situations as deemed
26 necessary by the Board.

27 ~~[(ii)] (c) (1)~~ A mortician **OR FUNERAL DIRECTOR** who is issued
28 a temporary permit shall be subject to any conditions and limitations that the Board
29 may specify in the permit and the provisions of this title.

1 ~~(2) A DESIGNEE WHO IS ISSUED A PERMIT SHALL BE SUBJECT TO~~
 2 ~~ANY CONDITIONS AND LIMITATIONS THAT THE BOARD MAY SPECIFY IN THE~~
 3 ~~PERMIT.~~

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

6 ~~Article Health Occupations~~

7 7-302.

8 (a) (1) [A mortician] AN INDIVIDUAL shall be licensed by the Board
 9 before [practicing] THE INDIVIDUAL MAY PRACTICE mortuary science in this State.

10 [(b)] (2) A mortician license issued under this title authorizes the licensee
 11 to practice mortuary science while the license is effective.

12 (B) (1) AN INDIVIDUAL SHALL BE LICENSED BY THE BOARD BEFORE
 13 THE INDIVIDUAL MAY PRACTICE FUNERAL DIRECTION IN THIS STATE.

14 (2) A FUNERAL DIRECTOR LICENSE ISSUED UNDER THIS TITLE
 15 AUTHORIZES THE LICENSEE TO PRACTICE FUNERAL DIRECTION WHILE THE
 16 LICENSE IS EFFECTIVE.

17 7-303.

18 (a) (1) The Board shall determine the qualifications necessary for [a
 19 person] AN INDIVIDUAL to lawfully engage in the practice of mortuary science OR
 20 FUNERAL DIRECTION and to operate a funeral establishment within this State.

21 (2) Except as otherwise provided in this subtitle, to qualify for a
 22 mortician OR FUNERAL DIRECTOR license, an applicant shall be an individual who
 23 meets the requirements of this section.

24 (b) The Board shall examine all applications for licensure for the practice of
 25 mortuary science OR FUNERAL DIRECTION and shall issue the mortician OR
 26 FUNERAL DIRECTOR license to [any person] AN INDIVIDUAL who:

27 (1) Is judged to be of good moral character;

1 (2) Has completed not less than 1 year and not more than 2 years of
2 licensed apprenticeship, unless the Board allowed extensions for additional 1-year
3 terms;

4 (3) Except as otherwise provided in this section, has graduated with
5 an associate of arts degree in mortuary science or its equivalent from a school
6 accredited by the American Board of Funeral Service Education or approved by the
7 Board, or has acquired at least an associate of arts degree and completed a course in
8 mortuary science that is accredited by the American Board of Funeral Service
9 Education or approved by the Board;

10 (4) Has passed the national board examination administered by the
11 Conference of Funeral Service Examining Boards of the United States;

12 (5) [Has] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS
13 SECTION, HAS passed a written examination on Maryland law and regulations
14 governing the practice of mortuary science and a practical examination demonstrating
15 competency in [embalming] THE PREPARATION OF DEAD HUMAN BODIES FOR
16 FINAL DISPOSITION and sanitary science; and

17 (6) Has submitted an application to the Board on the required form
18 and has paid a fee set by the Board.

19 **(C) FOR AN INDIVIDUAL APPLYING FOR A LICENSE TO PRACTICE**
20 **FUNERAL DIRECTION, THE PRACTICAL EXAMINATION QUALIFICATION UNDER**
21 **SUBSECTION (B)(5) OF THIS SECTION MAY NOT INCLUDE DEMONSTRATING**
22 **COMPETENCY IN EMBALMING.**

23 7-304.

24 (a) An applicant who otherwise qualifies for a mortician OR FUNERAL
25 DIRECTOR license is entitled to be examined as provided in this section if the
26 applicant:

27 (1) Holds an apprentice license; or

28 (2) Has completed the apprenticeship requirements of this title.

29 (b) The Board shall give examinations to applicants twice each year, at the
30 times and places that the Board determines.

1 (c) The Board shall notify each qualified applicant of the time and place of
2 examination.

3 (d) (1) The written part of the examination shall include:

4 (i) The general and local laws of this State on the practice of
5 mortuary science; and

6 (ii) The laws and regulations on infectious diseases.

7 (2) In the practical part of the examination:

8 (i) The Board shall provide a dead human body; and

9 (ii) [In] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS
10 SUBSECTION, IN the presence of at least one third of the licensed members of the
11 Board, each applicant shall demonstrate the applicant's knowledge and skill in
12 [embalming] THE PREPARATION OF DEAD HUMAN REMAINS FOR FINAL
13 DISPOSITION.

14 (3) FOR INDIVIDUALS APPLYING FOR A LICENSE TO PRACTICE
15 FUNERAL DIRECTION, A PRACTICAL EXAMINATION UNDER PARAGRAPH (2) OF
16 THIS SUBSECTION MAY NOT INCLUDE DEMONSTRATING COMPETENCY IN
17 EMBALMING.

18 (e) (1) An applicant shall pay to the Board an examination fee set by the
19 Board.

20 (2) The payment of one examination fee entitles an applicant to take
21 the examination twice.

22 (f) If an applicant fails the examination twice, the applicant may retake the
23 examination if the applicant pays the appropriate fee.

24 (g) In addition to the written and practical examinations administered by the
25 Board, an applicant must take and pass the national examination administered by the
26 Conference of Funeral Service Examining Boards of the United States.

27 7-305.

28 (a) Subject to the provisions of this subsection, the Board may waive the
29 examination and apprenticeship requirements of § 7-303 of this subtitle and issue a

1 mortician OR FUNERAL DIRECTOR license to an applicant who is licensed to practice
 2 mortuary science OR FUNERAL DIRECTION in any other state.

3 (b) The Board may grant a waiver under this subsection only if the
 4 applicant:

5 (1) Pays the license fee required by the Board under § 7-303 of this
 6 subtitle;

7 (2) Was a licensed mortician OR FUNERAL DIRECTOR in good
 8 standing in the other state;

9 (3) Serves an apprenticeship consisting of 1,000 hours; and

10 (4) Passes the Maryland State written examination administered by
 11 the Board.

12 (c) The Board may grant a waiver only if the state in which the applicant is
 13 licensed:

14 (1) Grants a similar waiver to licensees of this State; and

15 (2) Has standards for a mortician OR FUNERAL DIRECTOR license
 16 that are not lower than those of this State.

17 7-306.

18 (a) An individual shall obtain an apprentice license from the Board before
 19 beginning an apprenticeship in this State.

20 **(B) (1) AN APPLICANT FOR A MORTICIAN APPRENTICE LICENSE**
 21 **SHALL HAVE A SPONSOR WITH A CURRENT MORTICIAN LICENSE.**

22 **(2) AN APPLICANT FOR A FUNERAL DIRECTOR LICENSE SHALL**
 23 **HAVE A SPONSOR WITH A CURRENT MORTICIAN OR FUNERAL DIRECTOR**
 24 **LICENSE.**

25 ~~(b)~~ (C) An applicant for an apprentice license shall pay to the Board a fee
 26 set by the Board.

27 ~~(c)~~ (D) (1) Prior to an individual appearing before the Board for approval of
 28 an apprentice license, the individual must complete two-thirds of the academic credits

1 for a mortuary science program at a school accredited by the American Board of
 2 Funeral Service or approved by the Board, with a 2.0 grade point average or higher
 3 that is verified with a certified copy of the college transcript.

4 (2) The applicant shall appear before the Board with the applicant's
 5 sponsor. The sponsor shall hold a current valid mortician license in Maryland and
 6 shall be employed by the same funeral home that employs the apprentice.

7 (3) The practical experience of an apprentice shall include:

8 (i) Participation in at least 20 funerals;

9 (ii) [Assistance] **EXCEPT AS PROVIDED IN PARAGRAPH (4)**
 10 **OF THIS SUBSECTION, ASSISTANCE** in the ~~embalming~~ **PREPARATION** of at least 20
 11 dead human bodies **FOR FINAL DISPOSITION**; and

12 (iii) Completion of 1,000 working hours in a licensed funeral
 13 establishment under the direct supervision of a licensed mortician **OR FUNERAL**
 14 **DIRECTOR**. Supervision may include instruction by other licensed morticians **OR**
 15 **FUNERAL DIRECTORS** employed or supervised by the sponsor.

16 (4) ~~THE REQUIREMENT IN PARAGRAPH (3)(I) OF THIS~~
 17 ~~SUBSECTION DOES NOT APPLY TO AN APPRENTICE WHO SUBMITS TO THE~~
 18 ~~BOARD AN AFFIDAVIT STATING THAT:~~

19 (I) ~~PARTICIPATION IN EMBALMING WOULD CONFLICT WITH~~
 20 ~~THE RELIGIOUS BELIEFS OF THE APPRENTICE; AND~~

21 (II) ~~THE APPRENTICE DOES NOT INTEND TO, WHEN~~
 22 ~~HOLDING A LICENSE AS A MORTICIAN, PARTICIPATE IN EMBALMING FOR AN~~
 23 ~~APPRENTICE FUNERAL DIRECTOR, THE PRACTICAL EXPERIENCE UNDER~~
 24 ~~PARAGRAPH (3)(II) OF THIS SUBSECTION MAY NOT INCLUDE EMBALMING.~~

25 [(4)] (5) On termination of the sponsor-apprentice relationship, both
 26 the sponsor and the apprentice shall independently notify the Board in writing of:

27 (i) The date of termination;

28 (ii) The name, date of death, and date of service for each
 29 decedent for whom a funeral service was conducted under paragraph (3)(i) of this
 30 subsection in which the apprentice participated; and

1 (iii) The name, date of death, and date of ~~embalming~~ THE
 2 PREPARATION FOR DISPOSITION of each decedent for whom the apprentice assisted
 3 in accordance with paragraph (3)(ii) of this subsection.

4 [(5)] (6) Prior approval must be granted by the Board before a
 5 change of sponsorship occurs.

6 ~~(d)~~ (E) While the license is effective, an apprentice license authorizes the
 7 licensee to assist a licensed mortician OR FUNERAL DIRECTOR in the practice of
 8 mortuary science OR FUNERAL DIRECTION only as part of a training program to
 9 become a licensed mortician OR FUNERAL DIRECTOR.

10 [7-307.

11 (a) The Board shall renew a funeral director license biannually only to an
 12 applicant:

13 (1) Whose license was issued before May 2, 1973;

14 (2) Who met the Board qualifications for a funeral director license;

15 (3) Who was issued a funeral director license by the Board;

16 (4) Who has renewed the funeral director license annually since May
 17 2, 1973;

18 (5) Who applies for a funeral director license before May 1, 1980 on
 19 the form that the Board requires; and

20 (6) Who pays to the Board a license fee set by the Board.

21 (b) A funeral director license authorizes the licensee to practice funeral
 22 direction while the license is effective.]

23 7-308.

24 (e) The Board may issue a license under this section only if:

25 (1) The business is operated under the direct supervision of a licensed
 26 mortician OR FUNERAL DIRECTOR; and

1 (2) The embalming is done by a licensed mortician.

2 7-308.1.

3 (a) A personal representative of a deceased mortician's **OR FUNERAL**
4 **DIRECTOR'S** estate shall be licensed by the Board before continuing operation of the
5 mortuary science business.

6 (b) The Board shall issue an executor license to an applicant if the applicant:

7 (1) Is the appointed personal representative of a deceased mortician's
8 **OR FUNERAL DIRECTOR'S** estate in accordance with the requirements established in
9 Title 5 of the Estates and Trusts Article;

10 (2) Submits to the Board, within 30 days of the death of the licensed
11 mortician or funeral director, written verification of the death of the licensee, written
12 verification of appointment as a personal representative, and the application required
13 by the Board; and

14 (3) Pays a fee set by the Board.

15 (c) Nothing in this section shall prevent a personal representative from
16 selling the mortuary science business that was operated and wholly or partly owned by
17 the licensed funeral director or licensed mortician.

18 (d) Except as provided in subsection (c) of this section, while an executor
19 license is effective, it authorizes the licensee to:

20 (1) Continue operation of the mortuary science business that had been
21 operated and wholly or partly owned by the deceased mortician or funeral director;
22 and

23 (2) Assist with the planning and conducting of funeral services for that
24 mortuary science business.

25 (e) The Board may issue a license under this section only if:

26 (1) The business is operated under the direct supervision of a licensed
27 mortician **OR FUNERAL DIRECTOR**; and

28 (2) The embalming services are provided by a licensed mortician.

1 (f) Notwithstanding the provisions of § 7-314 of this subtitle, an executor
2 license is valid for six months from the date of issuance and may not be renewed or
3 reinstated after expiration.

4 (g) A personal representative who wishes to continue operation of a
5 mortuary science business upon expiration of the executor license must qualify and be
6 licensed as a mortician or a funeral director, or be the holder of a surviving spouse or
7 corporation license.

8 7-401.

9 (a) Two or more licensed morticians **OR FUNERAL DIRECTORS** may practice
10 mortuary science as a partnership.

11 (b) A partnership shall be conducted under the names of all the partners.

12 (c) Before practicing as a partnership, the licensees shall:

13 (1) Notify the Board that they will be practicing as a partnership; and

14 (2) Submit to the Board the name and address of each partner.

15 7-402.

16 (a) One or more licensed morticians **OR FUNERAL DIRECTORS** may practice
17 mortuary science as a professional association.

18 (b) A professional association shall be conducted under the name authorized
19 by the Department of Assessments and Taxation.

20 (c) Before practicing as a professional association, the licensee shall:

21 (1) Notify the Board; and

22 (2) Submit to the Board the name and address of each member of the
23 professional association.

24 7-408.

25 (a) In this section, “mortician **AND FUNERAL DIRECTOR** rehabilitation
26 committee” means a committee that:

1 (1) Is defined in subsection (b) of this section; and

2 (2) Performs any of the functions listed in subsection (d) of this
3 section.

4 (b) For purposes of this section, a mortician **AND FUNERAL DIRECTOR**
5 rehabilitation committee is a committee of the Board or a committee of any association
6 representing morticians **AND FUNERAL DIRECTORS** that:

7 (1) Is recognized by the Board; and

8 (2) Includes but is not limited to morticians **AND FUNERAL**
9 **DIRECTORS.**

10 (c) A rehabilitation committee of the Board or recognized by the Board may
11 function:

12 (1) Solely for the Board; or

13 (2) Jointly with a rehabilitation committee representing another board
14 or boards.

15 (d) For purposes of this section, a mortician **AND FUNERAL DIRECTOR**
16 rehabilitation committee evaluates and provides assistance to any mortician **OR**
17 **FUNERAL DIRECTOR**, and any other individual regulated by the Board, in need of
18 treatment and rehabilitation for alcoholism, drug abuse, chemical dependency, or
19 other physical, emotional, or mental condition.

20 (e) (1) Except as otherwise provided in this subsection, the proceedings,
21 records, and files of the mortician **AND FUNERAL DIRECTOR** rehabilitation committee
22 are not discoverable and are not admissible in evidence in any civil action arising out
23 of matters that are being or have been reviewed and evaluated by the mortician **AND**
24 **FUNERAL DIRECTOR** rehabilitation committee.

25 (2) Paragraph (1) of this subsection does not apply to any record or
26 document that is considered by the mortician **AND FUNERAL DIRECTOR**
27 rehabilitation committee and that otherwise would be subject to discovery or
28 introduction into evidence in a civil action.

29 (3) For purposes of this subsection, civil action does not include a
30 proceeding before the Board or judicial review of a proceeding before the Board.

1 (f) A person who acts in good faith and within the scope of jurisdiction of a
2 mortician AND FUNERAL DIRECTOR rehabilitation committee is not civilly liable for
3 any action as a member of the mortician AND FUNERAL DIRECTOR rehabilitation
4 committee or for giving information to, participating in, or contributing to the function
5 of the mortician AND FUNERAL DIRECTOR rehabilitation committee.

6 7-409.

7 (a) All inspections of funeral establishments shall be unannounced and may
8 take place at any time without notice from the Board.

9 (b) An unannounced inspection may include advance notice that an
10 investigator may be in the region of the funeral establishment, if:

11 (1) The advance notice is no more than 14 days prior to the inspection;

12 (2) No specific date or time is provided for the inspection; and

13 (3) The advance notice is provided solely to ensure that a licensed
14 mortician OR FUNERAL DIRECTOR will be on-site for the inspection.

15 SECTION ~~2~~ 2. AND BE IT FURTHER ENACTED, That the State Board of
16 Morticians and Funeral Directors, in consultation with interested parties and
17 stakeholders, shall adopt regulations to implement this Act. On or before January 1,
18 2008, the Board shall submit a report, in accordance with § 2-1246 of the State
19 Government Article, to the Senate Education, Health, and Environmental Affairs
20 Committee and the House Health and Government Operations Committee on the
21 implementation of the regulations.

22 SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the
23 General Assembly that:

24 (1) the State Board of Morticians and Funeral Directors shall renew
25 funeral director licenses issued before September 30, 2007 under § 7-314 of the Health
26 Occupations Article and regulate the funeral directors licensed before September 30,
27 2007 in the same manner as funeral directors licensed under this Act; and

28 (2) except for the practical experience of embalming, to become
29 licensed as a funeral director under this Act, an individual shall complete all of the
30 education, examination, and experience requirements required to become licensed as a
31 mortician.

1 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2007. ~~Section 1 of this Act shall remain effective for a period of 5 years and,~~
3 ~~at the end of September 30, 2012, with no further action required by the General~~
4 ~~Assembly, Section 1 of this Act shall be abrogated and of no further force and effect.~~

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.