

HOUSE BILL 585

C2

7lr1740

By: **Delegates Hecht, Costa, Donoghue, Love, and Pena-Melnyk**

Introduced and read first time: February 8, 2007

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Cemeteries – Construction or Development of Garden Crypts and Mausoleum**
3 **Crypts**

4 FOR the purpose of requiring that, within a certain time after the date of the first sale
5 of space in an undeveloped garden crypt or mausoleum crypt section, persons
6 subject to certain provisions of law begin construction or development of the
7 undeveloped garden crypt or mausoleum crypt section in which the sale is
8 made; requiring that, within a certain time after the date of the first sale of
9 space in an undeveloped garden crypt or mausoleum crypt section, construction
10 or development be completed; defining certain terms; providing for the
11 application of this Act; and generally relating to the construction or
12 development of garden crypts and mausoleum crypts.

13 BY repealing and reenacting, with amendments,
14 Article – Business Regulation
15 Section 5–101
16 Annotated Code of Maryland
17 (2004 Replacement Volume and 2006 Supplement)

18 BY adding to
19 Article – Business Regulation
20 Section 5–803
21 Annotated Code of Maryland
22 (2004 Replacement Volume and 2006 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

Article – Business Regulation

5–101.

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

(b) (1) “Burial goods” means goods that are used in connection with
burial.

(2) “Burial goods” includes:

(i) a casket;

(ii) a grave liner;

(iii) a memorial;

(iv) a monument;

(v) a scroll;

(vi) an urn;

(vii) a vase; and

(viii) a vault.

(c) “Burial goods business” means a business that provides burial goods.

(d) (1) “Cemetery” means land used or to be used for interment.

(2) “Cemetery” includes a structure used or to be used for interment.

(e) “Director” means the Director of the Office of Cemetery Oversight.

(f) “Engage in the operation of a cemetery” means owning, controlling, or
managing a cemetery, including performing activities necessary for:

(1) the establishment, improvement, care, preservation, or
embellishment of a cemetery;

(2) interment; and

(3) the providing of burial space or burial goods.

(g) **“GARDEN CRYPT” MEANS BURIAL SPACE IN A PRE-PLACED CHAMBER THAT IS:**

(1) **SIDE BY SIDE OR MULTIPLE DEPTH; AND**

(2) **COVERED BY EARTH WITH SOME MINOR MODIFICATIONS FOR IMPROVEMENT OF DRAINAGE IN AND AROUND THE CHAMBER.**

(H) “Interment” means all final disposition of human remains, including:

(1) earth burial;

(2) mausoleum entombment; and

(3) niche or columbarium interment.

(I) **“MAUSOLEUM CRYPT” MEANS A COMMUNITY-TYPE STRUCTURE, ROOM, OR SPACE IN A BUILDING OR STRUCTURE THAT IS USED OR INTENDED TO BE USED FOR THE INTERMENT OF HUMAN REMAINS IN CRYPTS OR NICHES.**

[(h)] (J) “Office” means the Office of Cemetery Oversight.

[(i)] (K) “Permit” means a permit issued by the Director to allow a partnership, limited liability company, or corporation to operate a business through which a registrant may engage in the operation of a cemetery or provide burial goods.

[(j)] (L) (1) “Preneed goods” means burial goods that are sold before the buyer’s death.

(2) “Preneed goods” does not include burial space.

[(k)] (M) “Provide burial goods” means a retail transaction:

(1) to erect, service, or inscribe burial memorials; or

(2) to sell burial goods.

1 [(1)] (N) “Registered cemeterian” means an individual registered to operate
2 a cemetery as a sole proprietor or on behalf of a sole proprietor or of a permit holder.

3 [(m)] (O) “Registered seller” means an individual registered to provide burial
4 goods as a sole proprietor or on behalf of a sole proprietor or of a permit holder.

5 [(n)] (P) “Registration” means a registration issued by the Director
6 authorizing an individual to operate a cemetery or to provide burial goods.

7 [(o)] (Q) “Responsible party” means a sole proprietor or the individual
8 designated by a partnership, limited liability company, or corporation to be responsible
9 for the operations of a cemetery or burial goods business.

10 **5-803.**

11 (A) **WITHIN 4 YEARS AFTER THE DATE OF THE FIRST SALE OF SPACE IN**
12 **AN UNDEVELOPED GARDEN CRYPT OR MAUSOLEUM CRYPT SECTION, A PERSON**
13 **SUBJECT TO THE PROVISIONS OF THIS TITLE SHALL BEGIN CONSTRUCTION OR**
14 **DEVELOPMENT OF THE UNDEVELOPED GARDEN CRYPT OR MAUSOLEUM CRYPT**
15 **SECTION IN WHICH THE SALE IS MADE.**

16 (B) **WITHIN 5 YEARS AFTER THE DATE OF THE FIRST SALE OF SPACE IN**
17 **AN UNDEVELOPED GARDEN CRYPT OR MAUSOLEUM CRYPT SECTION,**
18 **CONSTRUCTION OR DEVELOPMENT OF THE UNDEVELOPED GARDEN CRYPT OR**
19 **MAUSOLEUM CRYPT SECTION SHALL BE COMPLETED.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act applies to all
21 sales of space in undeveloped garden crypts and mausoleum crypt sections made after
22 the effective date of this Act.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2007.