

SENATE BILL 756

J2
SB 821/04 – EHE

71r3100
CF HB 457

By: **Senator Gladden**

Introduced and read first time: February 12, 2007

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Morticians – Exemption and Permit**

3 FOR the purpose of providing that certain licensing requirements for practicing
4 mortuary science do not limit the Maryland State Board of Morticians from
5 issuing a permit to certain designees to handle, transport, and work with a dead
6 human body in performing certain religious services without a mortician's
7 license; subjecting certain designees to conditions and limitations the Board
8 may specify; requiring the Board to adopt certain regulations; requiring the
9 Board to submit a certain report on or before a certain date; exempting certain
10 apprentices from assisting with embalming if a certain affidavit is submitted to
11 the Board; providing for the termination of certain provisions of this Act; and
12 generally relating to exceptions to the Maryland Morticians Act.

13 BY repealing and reenacting, with amendments,
14 Article – Health Occupations
15 Section 7–301 and 7–306
16 Annotated Code of Maryland
17 (2005 Replacement Volume and 2006 Supplement)

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

20 **Article – Health Occupations**

21 7–301.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4 (b) This section does not:

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

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

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

13 (4) Apply to an individual who makes funeral arrangements in the
14 course of the duties of that individual as an attorney; [or]

15 **(5) LIMIT THE RIGHT OF THE BOARD TO ISSUE A PERMIT TO AN**
16 **AUTHORIZED DESIGNEE FROM A RELIGIOUS INSTITUTION TO HANDLE,**
17 **TRANSPORT, AND WORK WITH A DEAD HUMAN BODY IN PERFORMING A**
18 **RELIGIOUS FUNERAL SERVICE; OR**

19 ~~[(5)]~~ **(6)** [(i)] Limit the right of the Board to issue temporary
20 permits to out-of-state licensed morticians for teaching purposes involving an
21 approved continuing education program or disaster situations as deemed necessary by
22 the Board.

23 [(ii)] **(C)** **(1)** A mortician who is issued a temporary permit
24 shall be subject to any conditions and limitations that the Board may specify in the
25 permit and the provisions of this title.

26 **(2) A DESIGNEE WHO IS ISSUED A PERMIT SHALL BE SUBJECT TO**
27 **ANY CONDITIONS AND LIMITATIONS THAT THE BOARD MAY SPECIFY IN THE**
28 **PERMIT.**

29 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
30 read as follows:

31 **Article – Health Occupations**

1 7-306.

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

4 (b) An applicant for an apprentice license shall pay to the Board a fee set by
5 the Board.

6 (c) (1) Prior to an individual appearing before the Board for approval of
7 an apprentice license, the individual must complete two-thirds of the academic credits
8 for a mortuary science program at a school accredited by the American Board of
9 Funeral Service or approved by the Board, with a 2.0 grade point average or higher
10 that is verified with a certified copy of the college transcript.

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

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

15 (i) Participation in at least 20 funerals;

16 (ii) [Assistance] **EXCEPT AS PROVIDED IN PARAGRAPH (4)**
17 **OF THIS SUBSECTION, ASSISTANCE** in the embalming of at least 20 dead human
18 bodies; and

19 (iii) Completion of 1,000 working hours in a licensed funeral
20 establishment under the direct supervision of a licensed mortician. Supervision may
21 include instruction by other licensed morticians employed or supervised by the
22 sponsor.

23 **(4) THE REQUIREMENT IN PARAGRAPH (3)(II) OF THIS**
24 **SUBSECTION DOES NOT APPLY TO AN APPRENTICE WHO SUBMITS TO THE**
25 **BOARD AN AFFIDAVIT STATING THAT:**

26 **(I) PARTICIPATION IN EMBALMING WOULD CONFLICT WITH**
27 **THE RELIGIOUS BELIEFS OF THE APPRENTICE; AND**

28 **(II) THE APPRENTICE DOES NOT INTEND TO, WHEN**
29 **HOLDING A LICENSE AS A MORTICIAN, PARTICIPATE IN EMBALMING.**

1 ~~[(4)]~~ **(5)** On termination of the sponsor–apprentice relationship, both
2 the sponsor and the apprentice shall independently notify the Board in writing of:

3 (i) The date of termination;

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

7 (iii) The name, date of death, and date of embalming of each
8 decedent for whom the apprentice assisted in accordance with paragraph (3)(ii) of this
9 subsection.

10 ~~[(5)]~~ **(6)** Prior approval must be granted by the Board before a
11 change of sponsorship occurs.

12 (d) While the license is effective, an apprentice license authorizes the
13 licensee to assist a licensed mortician in the practice of mortuary science only as part
14 of a training program to become a licensed mortician.

15 SECTION 3. AND BE IT FURTHER ENACTED, That the State Board of
16 Morticians, in consultation with interested parties and stakeholders, shall adopt
17 regulations to implement this Act. On or before January 1, 2008, the Board shall
18 submit a report, in accordance with § 2–1246 of the State Government Article, to the
19 Senate Education, Health, and Environmental Affairs Committee and the House
20 Health and Government Operations Committee on the implementation of the
21 regulations.

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