

SENATE BILL 797

C2
SB 983/06 – FIN

71r2614

By: **Senators Stone and Gladden**

Introduced and read first time: February 15, 2007

Assigned to: Rules

Re-referred to: Finance, February 22, 2007

Committee Report: Favorable

Senate action: Adopted

Read second time: March 21, 2007

CHAPTER _____

1 AN ACT concerning

2 **Business Regulation – Pet Cemeteries**

3 FOR the purpose of prohibiting an owner of a pet cemetery from requiring a pet owner
4 to purchase burial goods from the pet cemetery as a condition of authorizing the
5 interment or inurnment of a pet; prohibiting an owner of a pet cemetery from
6 charging a pet owner a fee for obtaining burial goods from a person other than
7 the owner of the pet cemetery; requiring an owner of a pet cemetery that sells or
8 offers to sell burial goods to the public to provide a certain price list under
9 certain circumstances; requiring an owner of a pet cemetery to maintain certain
10 records in a certain manner; requiring an owner of a pet cemetery to ensure the
11 maintenance of the pet cemetery grounds and certain holding facilities;
12 prohibiting an owner of a pet cemetery from entering into a contract for the sale
13 or lease of pet cemetery grounds, or using the grounds for certain purposes,
14 unless certain conditions are met; requiring the owner of a pet cemetery to give
15 certain notice to certain persons within a certain time period of the pet cemetery
16 owner's intent to sell, lease, or use pet cemetery grounds for certain purposes;
17 specifying the rights of certain persons that receive notice of the pet cemetery
18 owner's intent to sell, lease, or use pet cemetery grounds for certain purposes;
19 requiring the owner of a pet cemetery to relocate certain pet remains to a
20 comparable site in a pet cemetery in the State under certain circumstances;

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 providing that certain provisions of this Act do not apply to a pet cemetery that
2 is sold or leased for a certain purpose; establishing a certain penalty; defining
3 certain terms; and generally relating to the regulation of pet cemeteries.

4 BY adding to

5 Article – Business Regulation

6 Section 5A–101 through 5A–106 to be under the new title “Title 5A. Pet
7 Cemeteries”

8 Annotated Code of Maryland

9 (2004 Replacement Volume and 2006 Supplement)

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

12 **Article – Business Regulation**

13 **TITLE 5A. PET CEMETERIES.**

14 **5A–101.**

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

17 (B) (1) “BURIAL GOODS” MEANS GOODS THAT ARE USED IN
18 CONNECTION WITH A PET BURIAL OR CREMATION.

19 (2) “BURIAL GOODS” INCLUDES:

20 (I) A CASKET;

21 (II) A GRAVE LINER;

22 (III) A MEMORIAL;

23 (IV) A MONUMENT;

24 (V) A SCROLL;

25 (VI) AN URN;

26 (VII) A VASE; AND

1 (VIII) A VAULT.

2 (C) "INTERMENT" MEANS THE FINAL DISPOSITION OF PET REMAINS,
3 INCLUDING:

4 (1) EARTH BURIAL;

5 (2) MAUSOLEUM ENTOMBMENT; AND

6 (3) NICHE OR COLUMBARIUM INTERMENT.

7 (D) "INURNMENT" MEANS THE FINAL DISPOSITION OF CREMATED PET
8 REMAINS, INCLUDING:

9 (1) EARTH BURIAL;

10 (2) MAUSOLEUM ENTOMBMENT;

11 (3) NICHE OR COLUMBARIUM INTERMENT; AND

12 (4) PLACEMENT IN AN URN.

13 (E) "PET" MEANS A DOMESTIC ANIMAL THAT HAS BEEN ADAPTED OR
14 TAMED TO LIVE IN INTIMATE ASSOCIATION WITH PEOPLE.

15 (F) (1) "PET CEMETERY" MEANS ANY LAND, PLACE, STRUCTURE,
16 FACILITY, OR BUILDING PROVIDED BY A PERSON FOR THE PERMANENT
17 INTERMENT OR INURNMENT OF PET REMAINS OR CREMATED PET REMAINS FOR
18 A FEE.

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

21 (G) (1) "PET OWNER" MEANS A PERSON LISTED AS THE OWNER OF A
22 PET ON THE VETERINARY RECORDS OF A VETERINARY PRACTITIONER OR THE
23 RECORDS OF A PET CEMETERY.

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

1 (H) “VETERINARY PRACTITIONER” HAS THE MEANING STATED IN §
2 **2-302 OF THE AGRICULTURE ARTICLE.**

3 **5A-102.**

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

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

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

13 **5A-103.**

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

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

17 (2) THE GRAVE OR BURIAL LOT OWNER’S LAST KNOWN ADDRESS;

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

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

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

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

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

5A-104.

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

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

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

5A-105.

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

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

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

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

(2) EACH OWNER OF AN UNUSED PET BURIAL LOT IN THE PET CEMETERY THAT WILL BE AFFECTED BY THE OWNER'S INTENT TO SELL, LEASE, OR USE PET CEMETERY GROUNDS FOR PURPOSES OTHER THAN AS A PET CEMETERY.

(D) (1) EACH PET OWNER THAT RECEIVES NOTICE UNDER SUBSECTION (C) OF THIS SECTION OF THE PET CEMETERY OWNER'S INTENT TO SELL, LEASE, OR USE PET CEMETERY GROUNDS FOR PURPOSES OTHER THAN AS

1 A PET CEMETERY SHALL HAVE THE OPTION OF RELOCATING THE REMAINS OF
2 THEIR PET TO A COMPARABLE PET CEMETERY IN THE STATE WITH AN
3 AVAILABLE BURIAL LOT AT THE EXPENSE OF THE CURRENT OWNER OF THE PET
4 CEMETERY.

5 (2) EACH OWNER OF AN UNUSED BURIAL LOT THAT RECEIVES
6 NOTICE UNDER SUBSECTION (C) OF THIS SECTION OF THE PET CEMETERY
7 OWNER'S INTENT TO SELL, LEASE, OR USE PET CEMETERY GROUNDS FOR
8 PURPOSES OTHER THAN AS A PET CEMETERY SHALL BE REIMBURSED FOR THE
9 FULL CONTRACT PRICE FOR THE PURCHASE OF THE BURIAL LOT.

10 (E) (1) IF A PET OWNER CANNOT BE LOCATED AFTER 90 DAYS, THE
11 PET REMAINS SHALL BE MOVED TO A COMPARABLE SITE IN A PET CEMETERY IN
12 THE STATE BY THE OWNER OF THE PET CEMETERY.

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

16 **5A-106.**

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 June 1, 2007.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.