

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

Senate Bill 797

(Senators Stone and Gladden)

Finance

Economic Matters

Business Regulation - Pet Cemeteries

This bill establishes requirements for the operation of pet cemeteries. A violator of these requirements is guilty of 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, 2007.

Fiscal Summary

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

Local Effect: Potential minimal increase in local expenditures due to the imprisonment provision of the bill.

Small Business Effect: Potential meaningful.

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 or leases the cemetery or uses the grounds for other purposes, including providing for the relocation of pet remains or reimbursement of unused burial lot owners. These provisions do not apply if the property will be maintained as a pet cemetery.

Current Law: None applicable.

Background: Rosa Bonheur Memorial Park in Howard County was among the first 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 and at least 20 human pet owners. Complaints have been made about the condition of the property, and pet owners have charged that the services of interment have not been performed. The current owner has closed the facility, and there are concerns that the owner will sell the property to developers.

Virginia regulates pet cemeteries, requiring owners to use land for no other purpose and maintain a perpetual care fund.

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

Small Business Effect: Pet cemeteries that are not in compliance with the provisions of this bill would have to upgrade facilities; depending on the extent of upgrades, 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 and reimburse owners for unused burial lots.

Additional Information

Prior Introductions: A similar bill was introduced in the 2006 session as SB 983 and passed the Senate. The House Economic Matters Committee did not take action on the bill.

Cross File: None.

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

Fiscal Note History: First Reader - March 13, 2007
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