

HOUSE BILL 1091

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8lr2875

By: **Delegates Benson, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Montgomery, Nathan-Pulliam, Pena-Melnyk, Reznik, Tarrant, V. Turner, and Weldon**

Introduced and read first time: February 7, 2008

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Task Force to Study Funeral Establishment Licensing**

3 FOR the purpose of establishing the Task Force to Study Funeral Establishment
4 Licensing; providing for the composition, staffing, and compensation of the
5 members of the Task Force; requiring the Task Force to review and assess
6 certain items related to the licensing of funeral establishments; requiring the
7 Task Force to submit a certain report to the Governor and the General
8 Assembly on or before a certain date; providing for the termination of this Act;
9 and generally relating to the Task Force to Study Funeral Establishment
10 Licensing.

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
12 MARYLAND, That:

13 (a) There is a Task Force to Study Funeral Establishment Licensing.

14 (b) The Task Force consists of the following members:

15 (1) two Senators who are members of the Education, Health, and
16 Environmental Affairs Committee, appointed by the President of the Senate;

17 (2) two Delegates who are members of the Health and Government
18 Operations Committee, appointed by the Speaker of the House; and

19 (3) the following eleven members appointed by the Governor:

20 (i) one representative of the Maryland State Funeral Directors
21 Association;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) one representative of the Funeral Directors and Morticians
2 Association of Maryland;

3 (iii) one representative of the Maryland Free State Cemetery
4 and Funeral Association;

5 (iv) one representative of the State Board of Morticians;

6 (v) one representative of the Office of Cemetery Oversight;

7 (vi) one representative of consumer advocacy groups;

8 (vii) one representative of the cemetery industry;

9 (viii) one attorney from the Institute for Justice;

10 (ix) one representative from the Division of Consumer Protection
11 of the Office of the Attorney General; and

12 (x) two representatives from the federal lawsuit filed against
13 the State Board of Morticians.

14 (c) The Governor shall designate the chair of the Task Force.

15 (d) The Department of Legislative Services and the Antitrust Division of the
16 Office of the Attorney General shall provide staff for the Task Force.

17 (e) A member of the Task Force:

18 (1) may not receive compensation as a member of the Task Force; but

19 (2) is entitled to reimbursement for expenses under the Standard
20 State Travel Regulations, as provided in the State budget.

21 (f) The Task Force shall:

22 (1) review and develop options for the licensing of funeral
23 establishments in the State;

24 (2) assess the forms of ownership of funeral home licenses, including:

25 (i) corporations;

26 (ii) professional associations;

27 (iii) partnerships; and

28 (iv) sole proprietorships;

- 1 (3) assess the forms of licensing funeral professionals in other states;
- 2 (4) assess whether ownership of a funeral home by a limited liability
3 corporation provides adequate safeguards to protect Maryland consumers;
- 4 (5) determine whether the injunctive power of the State Board of
5 Morticians should be strengthened;
- 6 (6) review the current composition of the State Board of Morticians,
7 including a determination of whether there should be more consumer representation;
- 8 (7) assess the efficiency of the State Board of Morticians;
- 9 (8) assess the fairness of regulating all licensees of the State Board of
10 Morticians;
- 11 (9) assess the trusting of preneed funds, including a determination of
12 whether current protection is adequate for consumers; and
- 13 (10) propose legislative, regulatory, and other changes required to
14 implement the recommendations of the Task Force.

15 (g) The Task Force shall report its findings and recommendations to the
16 Governor and, in accordance with § 2-1246 of the State Government Article, the
17 General Assembly, on or before December 31, 2008.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 July 1, 2008. It shall remain effective for a period of 6 months and, at the end of
20 December 31, 2008, with no further action required by the General Assembly, this Act
21 shall be abrogated and of no further force and effect.