

SB0415/704036/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 415
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Robey” and substitute “Robey, and Stone”; and in line 4, after “decedent” insert “in accordance with all authorizations required by law”; in line 8, after “Directors” insert “or the Office of Cemetery Oversight”; in line 18, strike “Board” and substitute “State Board of Morticians and Funeral Directors and the Office of Cemetery Oversight”; and in line 19, after “licensee” insert “or permit holder”.

On page 1, after line 21, insert:

“BY repealing and reenacting, without amendments,

Article - Business Regulation

Section 5-101(a) and (g)

Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article - Business Regulation

Section 5-310(a)(11) and (12)

Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)

BY adding to

Article - Business Regulation

Section 5-310(a)(13)

Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)”.

(Over)

AMENDMENT NO. 2

On page 2, in line 18, after “DECEDENT” insert “IN ACCORDANCE WITH ALL AUTHORIZATIONS REQUIRED BY LAW”; in line 28, strike “72” and substitute “48”; and in lines 30 and 31, strike “LOWER THAN 44 DEGREES FAHRENHEIT” and substitute “DETERMINED BY REGULATION”.

AMENDMENT NO. 3

On page 3, in line 2, after “DIRECTORS” insert “OR THE OFFICE OF CEMETERY OVERSIGHT”; strike beginning with the second “A” in line 19 down through “CREMATORY” in line 21 and substitute “:

(1) A FUNERAL ESTABLISHMENT LICENSED UNDER TITLE 7 OF THE HEALTH OCCUPATIONS ARTICLE;

(2) A CREMATORY LICENSED UNDER TITLE 7 OF THE HEALTH OCCUPATIONS ARTICLE;

(3) A CREMATORY PERMITTED UNDER TITLE 5 OF THE BUSINESS REGULATION ARTICLE; OR

(4) ANOTHER FACILITY THAT HAS PASSED AN INSPECTION WITH THE STATE BOARD OF MORTICIANS AND FUNERAL DIRECTORS OR THE OFFICE OF CEMETERY OVERSIGHT WITHIN THE PAST 2 YEARS”;

in line 29, strike “OR” and substitute a comma; and in line 30, after “DIRECTORS” insert “, OR PERMITTED BY THE OFFICE OF CEMETERY OVERSIGHT”.

AMENDMENT NO. 4

On page 4, in line 1, strike “OR” and substitute a comma; in line 2, after “DIRECTORS” insert “, OR PERMITTED BY THE OFFICE OF CEMETERY OVERSIGHT”; in line 5, after “DIRECTORS” insert “OR THE OFFICE OF CEMETERY OVERSIGHT”; in line 8, strike “HAS” and substitute “:

1. HAS;

and in line 9, after “FACILITY” insert “; OR

2. A. HAS GIVEN ORAL PERMISSION FOR THE BODY TO BE TRANSPORTED TO THE FACILITY; AND

B. WITHIN 36 HOURS AFTER GIVING ORAL PERMISSION, PROVIDES WRITTEN VERIFICATION OF THE ORAL PERMISSION”.

AMENDMENT NO. 5

On page 2, after line 15, insert:

“Article – Business Regulation

5–101.

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

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

5–310.

(a) Subject to the hearing provisions of § 5–312 of this subtitle, the Director may deny a registration or permit to an applicant, reprimand a person subject to the registration or permit provisions of this title, or suspend or revoke a registration or

(Over)

permit if an applicant, registrant, or permit holder, or an agent, employee, officer, director, or partner of the applicant, registrant, or permit holder:

(11) fails to comply with any terms of settlement under a binding arbitration agreement; [or]

(12) is found guilty by a court in this State of violating an unfair or deceptive trade practices provision under Title 13 of the Commercial Law Article; OR

(13) FAILS TO COMPLY WITH § 5-513 OF THE HEALTH – GENERAL ARTICLE.”.