

# SENATE BILL 282

C2

(2lr0570)

## *ENROLLED BILL*

— *Finance/Health and Government Operations* —

Introduced by **Chair, Finance Committee**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

#### 2 **Office of Cemetery Oversight – Sunset Extension and Program Evaluation**

3 FOR the purpose of continuing the Office of Cemetery Oversight in accordance with  
4 the provisions of the Maryland Program Evaluation Act (Sunset Law) by  
5 extending to a certain date the termination provisions relating to statutory and  
6 regulatory authority of the Office; exempting private family cemeteries that do  
7 not conduct public sales from certain permitting and registration, perpetual  
8 care, and preneed contract requirements of the Maryland Cemetery Act;  
9 altering the membership of the Advisory Council on Cemetery Operations;  
10 increasing the number of times the Advisory Council is required to convene each  
11 year; requiring the Director of the Office of Cemetery Oversight to include  
12 certain information regarding the number of registrants and permit holders in a  
13 certain annual report; requiring the Director to provide a copy of certain annual  
14 reports to each member of the Advisory Council; requiring the Director, at  
15 certain times, to deliver to each member of the Advisory Council certain

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#### 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.

*Italics* indicate opposite chamber/conference committee amendments.



1 paperwork; requiring the Advisory Council to respond to issues raised in certain  
 2 annual reports and develop a plan to study ongoing issues; authorizing a certain  
 3 registration to be transferred under certain circumstances; requiring a certain  
 4 annual report to include certain information on the number of inquiries received  
 5 by the Office; requiring an applicant for a permit to submit certain  
 6 documentation to the Director; requiring certain reports to be accompanied by  
 7 certain statements that include certain information; requiring a certain  
 8 disclosure to be made in a certain manner; requiring the Office to provide a  
 9 report on the implementation of certain recommendations to certain committees  
 10 of the General Assembly on or before a certain date; requiring the Advisory  
 11 Council to develop a plan for consumer outreach, study recordkeeping practices  
 12 for cemeteries in a certain manner, and develop a legislative proposal on  
 13 recordkeeping practices; requiring the Director and the Advisory Council to  
 14 develop certain orientation materials and study the issue of the increasing rate  
 15 of cremations and its effect on the Office's finances; requiring the Director and a  
 16 committee formed of members of the Advisory Council to update the Office  
 17 newsletter and develop a certain plan for updating the newsletter; making  
 18 stylistic and technical changes; and generally relating to the Office of Cemetery  
 19 Oversight and the operation of cemeteries and burial goods businesses in the  
 20 State.

21 BY repealing and reenacting, with amendments,  
 22 Article – Business Regulation  
 23 Section 5–102(a), 5–201(c), 5–204(i) and (l), 5–305(b), 5–311(h), 5–404,  
 24 5–602(a), ~~5–606(b)~~, 5–702(a), ~~5–710(b)~~, 5–801, and 5–1002  
 25 Annotated Code of Maryland  
 26 (2010 Replacement Volume and 2011 Supplement)

27 BY adding to  
 28 Article – Business Regulation  
 29 Section 5–204(m) and 5–204.1  
 30 Annotated Code of Maryland  
 31 (2010 Replacement Volume and 2011 Supplement)

32 BY repealing and reenacting, without amendments,  
 33 Article – State Government  
 34 Section 8–403(a)  
 35 Annotated Code of Maryland  
 36 (2009 Replacement Volume and 2011 Supplement)

37 BY repealing and reenacting, with amendments,  
 38 Article – State Government  
 39 Section 8–403(b)(10)  
 40 Annotated Code of Maryland  
 41 (2009 Replacement Volume and 2011 Supplement)

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

3 **Article – Business Regulation**

4 5–102.

5 (a) The registration and permitting provisions of this title do not apply to:

6 (1) a person that owns and operates a bona fide religious–nonprofit  
7 cemetery in this State;

8 (2) a cemetery owned by a not for profit organization created before  
9 1900 by an act of the General Assembly;

10 (3) a county, city, or municipal corporation that owns and operates a  
11 cemetery in the State; [or]

12 (4) a veterans' cemetery operated by the State; **OR**

13 **(5) A PRIVATE FAMILY CEMETERY THAT DOES NOT CONDUCT**  
14 **PUBLIC SALES.**

15 5–201.

16 (c) (1) The Secretary shall appoint an Advisory Council on Cemetery  
17 Operations.

18 (2) The Advisory Council consists of [eleven] **12** members.

19 (3) Of the [eleven] **12** members of the **ADVISORY** Council:

20 (i) three shall be registered cemeterians representing the  
21 for–profit cemetery industry;

22 (ii) one shall be a registered cemeterian representing a  
23 nonprofit cemetery;

24 (iii) one shall be a registered seller from a monument company;

25 (iv) one shall be a representative from a religious cemetery;

26 [and]

27 **(V) ONE SHALL BE A REPRESENTATIVE FROM A**  
28 **CREMATORY; AND**

1                                    **[(v)] (VI)**     five shall be consumer members.

2                                    (4)     The Advisory Council shall be convened at least **[once] FOUR**  
3 **TIMES** a year to give advice to the Secretary and the Director.

4                                    (5)     In addition to the **[annual meeting] REQUIRED MEETINGS**, the  
5 Advisory Council may meet as necessary.

6     5–204.

7                    (i)     (1)     For each fiscal year, the Director shall maintain a list of:

8                                    (i)     all registrants and permit holders;

9                                    (ii)    all for–profit cemeteries and nonreligious–nonprofit  
10 cemeteries associated with a registrant or permit holder; and

11                                   (iii)   all bona fide religious–nonprofit cemeteries, veterans’  
12 cemeteries, and local government–owned cemeteries that have filed a statement or  
13 report required under §§ 5–405, 5–606, and 5–710 of this title.

14                                   (2)     All lists maintained by the Director shall be open to inspection by  
15 any person.

16                                   **(3)     BASED ON THE LIST MAINTAINED BY THE DIRECTOR UNDER**  
17 **PARAGRAPH (1)(I) OF THIS SUBSECTION, THE DIRECTOR SHALL INCLUDE IN**  
18 **THE ANNUAL REPORT TO THE GENERAL ASSEMBLY REQUIRED UNDER**  
19 **SUBSECTION (L)(3) OF THIS SECTION THE FOLLOWING INFORMATION AS OF**  
20 **JUNE 30 OF THE YEAR THAT IS THE SUBJECT OF THE REPORT:**

21                                   **(I)     THE TOTAL NUMBER OF REGISTRANTS AND PERMIT**  
22 **HOLDERS; AND**

23                                   **(II)    THE NUMBER OF REGISTRANTS AND PERMIT HOLDERS**  
24 **FOR EACH LICENSING CATEGORY.**

25                                   (1)     (1)     Beginning with a report due on December 1, 2008, the Director  
26 shall conduct an inventory of all known burial sites in the State and shall update the  
27 inventory and report every 5 years to the General Assembly, in accordance with §  
28 2–1246 of the State Government Article, on the number of for–profit cemeteries,  
29 nonreligious–nonprofit cemeteries, bona fide religious–nonprofit cemeteries, veterans’  
30 cemeteries, and local government–owned cemeteries.

31                                   (2)     Beginning December 1, 2008, the Director shall annually assess  
32 the rate of compliance with the registration, permit, and reporting requirements of  
33 this title by comparing the lists required under subsection (i)(1)(ii) and (iii) of this

1 section with the most recent inventory of all known burial sites conducted under  
2 paragraph (1) of this subsection.

3 (3) Beginning with a report due on January 31, 2009, for fiscal year  
4 2008, the Director shall report annually to the General Assembly, in accordance with §  
5 2–1246 of the State Government Article, on the implementation of an action plan, if  
6 appropriate, to address any noncompliance issues identified by the assessment  
7 required under paragraph (2) of this subsection.

8 (4) **THE DIRECTOR SHALL PROVIDE A COPY OF THE ANNUAL**  
9 **REPORT REQUIRED UNDER PARAGRAPH (3) OF THIS SUBSECTION TO EACH**  
10 **MEMBER OF THE ADVISORY COUNCIL.**

11 (M) **AT THE TIME OF APPOINTMENT OF NEW MEMBERS AND BEFORE**  
12 **REAPPOINTMENT OF EXISTING MEMBERS OF THE ADVISORY COUNCIL, THE**  
13 **DIRECTOR SHALL DELIVER TO EACH MEMBER THE PAPERWORK NECESSARY TO**  
14 **DISCLOSE ANY INTEREST OR EMPLOYMENT HELD BY THE MEMBER AT THE TIME**  
15 **OF APPOINTMENT AS REQUIRED BY THE MARYLAND PUBLIC ETHICS LAW.**

16 **5–204.1.**

17 **THE ADVISORY COUNCIL SHALL RESPOND TO ISSUES RAISED BY THE**  
18 **DIRECTOR IN THE ANNUAL REPORT REQUIRED UNDER § 5–204 OF THIS**  
19 **SUBTITLE AND § 5–311 OF THIS TITLE AND DEVELOP A PLAN TO STUDY**  
20 **ONGOING ISSUES DURING THE YEAR FOLLOWING THE ISSUANCE OF THE**  
21 **REPORT.**

22 **5–305.**

23 (b) A registration issued by the Director under this title [is not transferable]:

24 (1) **MAY NOT BE TRANSFERRED FROM ONE INDIVIDUAL TO**  
25 **ANOTHER; BUT**

26 (2) **MAY BE TRANSFERRED FOR THE SAME INDIVIDUAL FROM ONE**  
27 **CEMETERY TO ANOTHER.**

28 **5–311.**

29 (h) (1) The Director shall adopt guidelines that establish a schedule for  
30 the prompt and timely processing and resolution of each complaint made to the  
31 Director.

1           (2) Beginning December 31, 1998, and on or before December 31 of  
2 each year thereafter, the Director shall report, subject to § 2-1246 of the State  
3 Government Article, to the General Assembly on:

4                   (i) the number of complaints resolved within the schedule  
5 adopted under paragraph (1) of this subsection;

6                   (ii) the number of complaints **AND THE NUMBER OF**  
7 **INQUIRIES** received under subsection (c)(2) of this section by the type of registrant,  
8 permit holder, or exemption from the registration and permit requirements of this  
9 title;

10                   (iii) the number of complaints **AND THE NUMBER OF**  
11 **INQUIRIES** received under subsection (c)(2) of this section by persons subject to, but  
12 not in compliance with, the registration and permit requirements of this title;

13                   (iv) the nature of complaints **AND INQUIRIES** received under  
14 subsection (c)(2) of this section, including whether complaints are related to the illegal  
15 recycling of graves;

16                   **(V) THE TYPE OF PURCHASE, FOCUS OF DISSATISFACTION,**  
17 **AND TYPE OF RESOLUTION FOR BOTH COMPLAINTS AND INQUIRIES;**

18                   [[v)] **(VI)** whether complaints reported under item (i) of this  
19 paragraph were resolved through negotiation, binding arbitration, or another method;  
20 and

21                   [[vi)] **(VII)** any disciplinary or enforcement actions taken against  
22 a registrant, permit holder, or a person subject to, but not in compliance with, the  
23 registration and permit requirements of this title.

24                   **(3) THE DIRECTOR SHALL PROVIDE A COPY OF THE ANNUAL**  
25 **REPORT REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION TO EACH**  
26 **MEMBER OF THE ADVISORY COUNCIL.**

27 5-404.

28 An applicant for a permit shall submit to the Director:

29           (1) an application on the form that the Director provides; [and]

30           (2) an application fee as set by the Director; **AND**

1           **(3) DOCUMENTATION ~~SHOWING~~ VERIFYING THE NUMBER OF**  
 2 **SALES CONTRACTS SUBJECT TO THE SALES CONTRACT FEE ENTERED INTO**  
 3 **WITHIN THE BUSINESS' LAST TWO FISCAL YEARS.**

4 5-602.

5           (a) This subtitle does not apply to a cemetery that:

6           (1) has less than 1 acre available for burial; or

7           (2) is owned and operated by:

8           (i) a county;

9           (ii) a municipal corporation;

10           (iii) a church;

11           (iv) a synagogue;

12           (v) a religious organization;

13           (vi) a not for profit organization created before 1900 by an act of  
 14 the General Assembly; [or]

15           **(VII) A FAMILY AND DOES NOT CONDUCT PUBLIC SALES; OR**

16           [(vii)] **(VIII) a State veterans agency.**

17 5-606.

18           **(b) (1) Each sole proprietor registered cemeterian, permit holder, or any**  
 19 **other person subject to the trust requirements of this subtitle shall submit a report to**  
 20 **the Director within 120 days after the close of each calendar or other fiscal year chosen**  
 21 **by the sole proprietor registered cemeterian, permit holder, or any other person subject**  
 22 **to the trust requirements of this subtitle.**

23           **(2) The report shall:**

24           **(i) be on the form that the Director requires;**

25           **(ii) be certified as to correctness by a certified public accountant**  
 26 **retained by the cemetery;**

27           **(iii) be accompanied by a trustee's ANNUAL summary statement**  
 28 **of assets FOR THE REPORTING PERIOD THAT INCLUDES:**

1 1. THE AMOUNT OF MONEY IN THE PERPETUAL CARE  
 2 TRUST FUND AT THE BEGINNING OF THE REPORTING PERIOD;

3 2. AN INVESTMENT PORTFOLIO SUMMARY  
 4 DESCRIBING THE ASSET AND THE MARKET VALUE FOR EACH INVESTMENT  
 5 CLASS;

6 3. A TRANSACTION SUMMARY OF THE PERPETUAL  
 7 CARE TRUST FUND CONTAINING:

8 A. TRUST ACCOUNT EARNINGS, INCLUDING  
 9 INTEREST, DIVIDENDS, AND REALIZED GAINS OR LOSSES;

10 B. MONEY DEPOSITED;

11 C. TOTAL RECEIPTS;

12 D. ADMINISTRATIVE EXPENSES;

13 E. DISBURSEMENTS OF INCOME FOR CEMETERY  
 14 CARE, MAINTENANCE, ADMINISTRATION, AND EMBELLISHMENT;

15 F. OTHER DISBURSEMENTS; AND

16 G. TOTAL DISBURSEMENTS; AND

17 4. THE AMOUNT OF MONEY IN THE PERPETUAL CARE  
 18 TRUST FUND AT THE END OF THE REPORTING PERIOD;

19 *(iv) be accompanied by a fee of \$25; and*

20 *(v) include:*

21 1. the name of the sole proprietor registered cemeterian,  
 22 permit holder, or any other person subject to the trust requirements of this subtitle;

23 2. each location of the sole proprietor registered  
 24 cemeterian, permit holder, or any other person subject to the trust requirements of this  
 25 subtitle;

26 3. the amount of money in each perpetual care trust fund  
 27 at the beginning of the calendar or other fiscal year chosen by the sole proprietor  
 28 registered cemeterian, permit holder, or any other person subject to the trust  
 29 requirements of this subtitle;



1                   4.     the amount of money that the sole proprietor registered  
 2 cemeterian, permit holder, or any other person subject to the trust requirements of this  
 3 subtitle received during that year that is subject to the trust requirements of this  
 4 subtitle;

5                   5.     the amount of money actually deposited into each  
 6 perpetual care trust fund in that year;

7                   6.     the amount of money spent during that year to provide  
 8 care, maintenance, administration, and embellishment of each cemetery, except for  
 9 money used for the care of monuments and memorials; and

10                  7.     the name and address of each trustee.

11                   **(3) IF THE DIRECTOR DETERMINES, AFTER A REVIEW OF THE**  
 12 **REPORT AND ANNUAL SUMMARY STATEMENT OF ASSETS REQUIRED BY THIS**  
 13 **SUBSECTION, THAT ADDITIONAL DOCUMENTATION IS REQUIRED, A SOLE**  
 14 **PROPRIETOR REGISTERED CEMETERIAN, PERMIT HOLDER, OR ANY OTHER**  
 15 **PERSON SUBJECT TO THE TRUST REQUIREMENTS OF THIS SUBTITLE SHALL**  
 16 **PROVIDE THE ADDITIONAL DOCUMENTATION TO THE DIRECTOR.**

17                   ~~[(3)](4)~~     A sole proprietor registered cemeterian, permit holder, or any  
 18 other person subject to the trust requirements of this subtitle who stops selling burial  
 19 lots or burial rights in a cemetery as to which perpetual care is stated or implied shall  
 20 notify the Director in the required report for the year in which sales stop.

21                   ~~[(4)](5)~~     The Director may require a sole proprietor registered  
 22 cemeterian, permit holder, or any other person subject to the trust requirements of this  
 23 subtitle to correct any underfunding, including interest, due to the perpetual care trust  
 24 fund.

25     5-702.

26           (a)     This subtitle does not apply to:

27                   (1)     the sale of burial space; [or]

28                   (2)     a preneed contract made by an individual in connection with  
 29 practicing funeral direction or practicing mortuary science, as those practices are  
 30 defined in and regulated by the Health Occupations Article; OR

31                   **(3) THE PRENEED SALE OF BURIAL GOODS OR SERVICES BY A**  
 32 **PRIVATE FAMILY CEMETERY THAT DOES NOT CONDUCT PUBLIC SALES OF**  
 33 **BURIAL GOODS OR SERVICES.**

1 5-710.

2 (b) (1) Each seller subject to the trust requirements of this subtitle shall  
3 submit a report to the Director within 120 days after the close of each calendar or other  
4 fiscal year chosen by the seller.

5 (2) The report shall:

6 (i) be on the form that the Director requires;

7 (ii) be certified by a certified public accountant retained by the  
8 seller;

9 (iii) be accompanied by a trustee's ANNUAL summary statement  
10 of assets FROM THE TRUSTEE FOR THE REPORTING PERIOD WHICH INCLUDES:

11 1. THE AMOUNT OF MONEY IN THE PRENEED TRUST  
12 FUND AT THE BEGINNING OF THE REPORTING PERIOD;

13 2. AN INVESTMENT PORTFOLIO SUMMARY  
14 DESCRIBING THE ASSET AND THE MARKET VALUE FOR EACH INVESTMENT  
15 CLASS;

16 3. A TRANSACTION SUMMARY OF THE PRENEED  
17 TRUST FUND CONTAINING:

18 A. TRUST ACCOUNT EARNINGS;

19 B. MONEY DEPOSITED;

20 C. TOTAL RECEIPTS;

21 D. ADMINISTRATIVE EXPENSES;

22 E. WITHDRAWALS FROM THE TRUST ACCOUNT FOR  
23 CANCELED CONTRACTS;

24 F. WITHDRAWALS FROM THE TRUST ACCOUNT FOR  
25 DELIVERY OF MERCHANDISE FOR USE OR STORAGE, AND FOR SERVICES  
26 PERFORMED, INCLUDING THE PRINCIPAL AND EARNINGS;

27 G. OTHER DISBURSEMENTS; AND

28 H. TOTAL DISBURSEMENTS; AND

1                                   **4. THE AMOUNT OF MONEY IN THE PRENEED TRUST**  
2 **FUND AT THE END OF THE REPORTING PERIOD;**

3                                   (iiv) be accompanied by a fee of \$25; and

4                                   (v) include:

5   1. the name of the seller;

6   2. each location of the seller;

7   3. the amount of money that the seller received during  
8 that year that is subject to the trust requirements of this subtitle;

9   4. the amount of money actually deposited into trust  
10 accounts in that year;

11                                        5. the amount of money required to be disbursed from the  
12 trust accounts in that year;

13                                        6. the amount of money actually disbursed from the trust  
14 accounts in that year; and

15                                        7. the name and address of the trustee.

16                                   **(3) IF THE DIRECTOR DETERMINES, AFTER A REVIEW OF THE**  
17 **REPORT AND ANNUAL SUMMARY STATEMENT OF ASSETS REQUIRED BY THIS**  
18 **SUBSECTION, THAT ADDITIONAL DOCUMENTATION IS REQUIRED, A SELLER**  
19 **SUBJECT TO THE TRUST REQUIREMENTS OF THIS SUBTITLE SHALL PROVIDE THE**  
20 **ADDITIONAL DOCUMENTATION TO THE DIRECTOR.**

21                                   ~~[(3)](4)~~ (i) A seller of preneed goods or preneed services that sells  
22 its business, files a petition in bankruptcy, or ceases to operate shall provide written  
23 notice within 15 days:

24   1. to the Director, detailing the changes and the  
25 arrangements the seller has made for carrying out the preneed burial contracts and the  
26 disbursement of any moneys held in an escrow or trust account; and

27   2. to each buyer of a preneed burial contract, advising the  
28 buyer of the buyer's options under State law in regard to the preneed contract.

29                                   (ii) Nothing in this paragraph exempts a seller of preneed goods  
30 or services that sells its business, files a petition in bankruptcy, or ceases to operate  
31 from filing the annual report required under this section.

1 5-801.

2 (a) At the time of entering into a contract with a consumer for the sale of  
3 burial goods or services, registrants, permit holders, or any other person subject to the  
4 provisions of this title shall make the following written disclosures:

5 (1) the itemized cost for each service performed under the contract;

6 (2) a list of services incidental to burial that are not covered by the  
7 contract;

8 (3) a statement regarding the cemetery's policy on the use of  
9 independent monument companies; and

10 (4) the name, address, and telephone number for the State Office of  
11 Cemetery Oversight.

12 (b) **(1)** The disclosures **REQUIRED UNDER SUBSECTION (A)(1), (2), AND**  
13 **(3) OF THIS SECTION** shall be conspicuously incorporated in the contract in 12-point  
14 type.

15 **(2) THE DISCLOSURE REQUIRED UNDER SUBSECTION (A)(4) OF**  
16 **THIS SECTION SHALL BE ON A FORM SEPARATE FROM THE CONTRACT AND MUST**  
17 **BE SEPARATELY SIGNED AND DATED BY THE CONSUMER.**

18 (c) The disclosure must be signed and dated by the consumer.

19 (d) The consumer must be provided with a copy of the contract **AND A COPY**  
20 **OF THE FORM REQUIRED UNDER SUBSECTION (B)(2) OF THIS SECTION** at the  
21 time of purchasing the burial goods or services.

22 (e) The disclosure shall occur:

23 (1) not later than the first scheduled face-to-face contact with the  
24 purchaser or party representing the purchaser; or

25 (2) if no face-to-face contact occurs, at the time of the execution of the  
26 contract by the purchaser or party representing the purchaser.

27 (f) The Director [may], by regulation, **MAY** prescribe the form and wording  
28 of the disclosure.

29 (g) If the purchase by the consumer includes a cemetery plot, the registered  
30 cemetarian, permit holder, or any other person subject to the provisions of this title  
31 shall provide the consumer with a copy of a location survey, performed by a licensed

1 land surveyor, which indicates the location of the purchased plot within the cemetery,  
2 or by any other means approved by the Director.

3 (h) Registrants, permit holders, or any other person subject to the provisions  
4 of this title shall provide each buyer or prospective buyer with a general price list for  
5 the buyer or prospective buyer to keep which shall include:

6 (1) specific prices for:

7 (i) ground opening and closing;

8 (ii) extra depth interment;

9 (iii) interment of cremated remains; and

10 (iv) mausoleum entombment; and

11 (2) general price ranges for burial space or burial goods.

12 5–1002.

13 Subject to the evaluation and reestablishment provisions of the Maryland  
14 Program Evaluation Act, the Office of Cemetery Oversight, the provisions in this title  
15 relating to the Office, and all regulations adopted by the Office shall terminate and be  
16 of no effect after July 1, [2013] **2023**.

## 17 Article – State Government

18 8–403.

19 (a) On or before December 15 of the 2nd year before the evaluation date of a  
20 governmental activity or unit, the Legislative Policy Committee, based on a  
21 preliminary evaluation, may waive as unnecessary the evaluation required under this  
22 section.

23 (b) Except as otherwise provided in subsection (a) of this section, on or before  
24 the evaluation date for the following governmental activities or units, an evaluation  
25 shall be made of the following governmental activities or units and the statutes and  
26 regulations that relate to the governmental activities or units:

27 (10) Cemetery Oversight, Office of (§ 5–201 of the Business Regulation  
28 Article: July 1, [2012] **2022**);

29 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1,  
30 2013, the Office of Cemetery Oversight shall report to the Senate Finance Committee  
31 and the House Health and Government Operations Committee, in accordance with §  
32 2–1246 of the State Government Article, on the implementation status of nonstatutory

1 recommendations of the Department of Legislative Services contained in the sunset  
2 evaluation report dated October 2011.

3 SECTION 3. AND BE IT FURTHER ENACTED, That the Advisory Council on  
4 Cemetery Operations shall:

5 (1) develop a plan to improve consumer outreach, including an  
6 approach to disseminating the consumer information pamphlet to key locations  
7 around the State, such as nursing homes, churches, the offices of estate lawyers,  
8 consumer protection agencies of every county, and other locations;

9 (2) study recordkeeping practices for cemeteries in relation both to  
10 best practices and for disaster preparedness, including pandemics and natural  
11 disasters, with the intention of developing legislation to address this issue;

12 (3) develop a legislative proposal on recordkeeping practices for  
13 introduction no later than the 2014 regular session of the General Assembly; and

14 (4) in developing the proposal under item (3) of this section, determine  
15 the categories of cemeteries to which any recordkeeping requirements developed  
16 should be applied and consider the possibility of phasing in requirements to limit the  
17 economic impact on cemeteries.

18 SECTION 4. AND BE IT FURTHER ENACTED, That the Director of the Office  
19 of Cemetery Oversight and the Advisory Council on Cemetery Operations shall:

20 (1) collaborate on the development of orientation materials for new  
21 members appointed to the Advisory Council, which shall include information on the  
22 requirements of the Public Ethics Laws applicable to Advisory Council members;

23 (2) study the issue of the increasing rate of cremations within the  
24 death care industry, including whether the rate of cremations will continue to rise at  
25 the same rate and the possible effect this trend may have on the Office's finances.

26 SECTION 5. AND BE IT FURTHER ENACTED, That the Director of the Office  
27 of Cemetery Oversight and a committee formed of members of the Advisory Council on  
28 Cemetery Operations shall update the Office newsletter and develop a plan to ensure  
29 that the newsletter continues to be updated on a regular basis.

30 SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 July 1, 2012.