

## Chapter 376

(House Bill 529)

AN ACT concerning

### State Board of Morticians and Funeral Directors – Apprentice Sponsors, Funeral Establishment Licenses, and Supervising Morticians

FOR the purpose of ~~requiring that a licensed mortician or licensed funeral director have certain approval by the State Board of Morticians and Funeral Directors before an apprenticeship begins;~~ clarifying the requirements for certain apprentice sponsors and a certain process for seeking approval by the State Board of Morticians and Funeral Directors for an apprentice license; requiring certain evidence and death certificates to be submitted to the Board as proof of the completion of certain apprentice requirements; altering certain practical experience requirements for an apprentice; altering the qualifications that must be met for issuance of a funeral establishment license; requiring certain licensed funeral establishments to have a supervising mortician; providing for the qualifications, ~~approval process~~ registration, responsibilities, and scope of supervising authority for certain supervising morticians; altering a certain definition; and generally relating to the State Board of Morticians and Funeral Directors, apprentice sponsors, funeral establishments, and supervising morticians.

BY repealing and reenacting, without amendments,  
Article – Health Occupations  
Section 7–101(a), (b), (d), (j), (k), and (m) through (u)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,  
Article – Health Occupations  
Section 7–101(c), 7–306, and 7–310  
Annotated Code of Maryland  
(2009 Replacement Volume and 2012 Supplement)

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

#### Article – Health Occupations

7–101.

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

(b) “Apprentice” means an individual licensed by the Board who assists a licensed mortician or funeral director in the practice of mortuary science or funeral direction, under direct supervision of a licensed mortician or funeral director.

(c) “Apprentice sponsor” means [a person] **AN INDIVIDUAL** who:

(1) Is a licensed mortician or funeral director [practicing] **WHOSE LICENSE IS IN GOOD STANDING WITH THE BOARD;**

**(2) HAS PRACTICED** mortuary science as a licensed mortician or funeral director in Maryland at least 1 year immediately prior to accepting the applicant as an apprentice; ~~and~~

~~**(3) THE BOARD HAS APPROVED IN ACCORDANCE WITH § 7-306 OF THIS SUBTITLE; AND**~~

[(2)] ~~(4)~~ **(3)** Provides direct supervision to an apprentice.

(d) “Board” means the Maryland State Board of Morticians and Funeral Directors.

(j) “Funeral director” means an individual who is licensed by the Board to practice all aspects of mortuary science except for embalming.

(k) “Funeral establishment” means any building, structure, or premises from which the business of practicing mortuary science is conducted.

(m) (1) “License” means, unless the context requires otherwise, a license issued by the Board.

(2) “License” includes, unless otherwise indicated:

- (i) A mortician license;
- (ii) An apprentice license;
- (iii) A funeral director license;
- (iv) A surviving spouse license;
- (v) A corporation license;
- (vi) A funeral establishment license; and

(vii) A courtesy card.

(n) "Licensed apprentice" means, unless the context requires otherwise, an apprentice who is licensed by the Board to assist a licensed mortician or funeral director in the practice of mortuary science or funeral direction.

(o) "Licensed funeral director" means, unless the context requires otherwise, a funeral director who is licensed by the Board to practice funeral direction.

(p) "Licensed funeral establishment" means, unless the context requires otherwise, a funeral establishment that is licensed by the Board.

(q) "Licensed mortician" means, unless the context requires otherwise, a mortician who is licensed by the Board under this title to practice mortuary science.

(r) "Licensee" means an individual or entity licensed by the Board to practice mortuary science to the extent determined by the Board.

(s) "Mortician" means an individual who practices mortuary science.

(t) (1) "Practice funeral direction" means:

(i) To operate a funeral establishment;

(ii) For compensation, to prepare a dead human body for disposition; or

(iii) For compensation, to arrange for or make final disposition of a dead human body.

(2) "Practice funeral direction" does not include:

(i) For compensation, disinfecting or preserving a dead human body or any of its parts by arterial or cavity injection or any other type of preservation; or

(ii) The business of operating a crematory.

(u) (1) "Practice mortuary science" means:

(i) To operate a funeral establishment;

(ii) For compensation, to prepare a dead human body for disposition; or

(iii) For compensation, to arrange for or make final disposition of a dead human body.

(2) “Practice mortuary science” includes:

(i) The practice of funeral direction; and

(ii) Disinfecting or preserving a dead human body or any of its parts by arterial or cavity injection.

(3) “Practice mortuary science” does not include:

(i) The pickup, removal, or transportation of a dead human body, if the unlicensed individual is acting under the direction of a licensed mortician or funeral director; or

(ii) The business of operating a crematory.

7-306.

(a) An individual shall obtain an apprentice license from the Board ~~AND A LICENSED MORTICIAN OR LICENSED FUNERAL DIRECTOR SHALL BE APPROVED BY THE BOARD AS AN APPRENTICE SPONSOR FOR THE INDIVIDUAL~~ before ~~[beginning]~~ an apprenticeship ~~BEGINS~~ in this State.

(b) (1) [An applicant for a] A mortician apprentice [license] shall have [a] AN APPRENTICE sponsor [with] WHO:

(I) ~~WITH a current mortician license THAT IS A LICENSED MORTICIAN WHOSE LICENSE IS IN GOOD STANDING WITH THE BOARD; AND~~

(II) ~~WHO HAS BEEN APPROVED BY THE BOARD IS EMPLOYED BY THE SAME FUNERAL ESTABLISHMENT THAT EMPLOYS THE APPRENTICE.~~

(2) [An applicant for a] A funeral director [license] APPRENTICE shall have [a] AN APPRENTICE sponsor [with a] WHO HAS:

(I) ~~A current mortician or funeral director license THAT IS A LICENSED MORTICIAN OR FUNERAL DIRECTOR WHOSE LICENSE IS IN GOOD STANDING WITH THE BOARD; AND~~

(II) ~~BEEN APPROVED BY THE BOARD IS EMPLOYED BY THE SAME FUNERAL ESTABLISHMENT THAT EMPLOYS THE APPRENTICE.~~

**(3) AN APPRENTICE MAY HAVE MORE THAN ONE APPRENTICE SPONSOR.**

(c) An applicant for an apprentice license shall pay to the Board a fee set by the Board.

(d) (1) Prior to an individual appearing before the Board for approval of an apprentice license, the individual must complete two-thirds of the academic credits for a mortuary science program at a school accredited by the American Board of Funeral Service or approved by the Board, with a 2.0 grade point average or higher that is verified with a certified copy of the college transcript.

(2) The applicant **AND A LICENSED MORTICIAN OR LICENSED FUNERAL DIRECTOR** shall appear before the Board [with the applicant's sponsor] **TO SEEK THE BOARD'S APPROVAL FOR:**

~~(I) AN AN APPRENTICE LICENSE FOR THE APPLICANT; AND~~

~~(II) THE LICENSED MORTICIAN OR LICENSED FUNERAL DIRECTOR TO BECOME THE APPRENTICE SPONSOR FOR THE APPLICANT.~~

~~(3) [The] TO BE APPROVED AS AN APPRENTICE sponsor, A LICENSED MORTICIAN OR LICENSED FUNERAL DIRECTOR shall [hold]:~~

~~(I) HOLD a current valid mortician OR FUNERAL DIRECTOR license in Maryland THAT IS IN GOOD STANDING WITH THE BOARD; and~~

~~(II) [shall be] BE employed by the same funeral [home] ESTABLISHMENT that employs the apprentice.~~

~~(4)~~ **(3) ON TERMINATION OF THE SPONSOR-APPRENTICE RELATIONSHIP, BOTH THE SPONSOR AND THE APPRENTICE SHALL INDEPENDENTLY NOTIFY THE BOARD IN WRITING OF:**

**(I) THE DATE OF TERMINATION;**

**(II) THE NAME, DATE OF DEATH, DATE OF SERVICE, AND EVIDENCE OF THE SERVICE FOR EACH DECEDENT FOR WHOM A FUNERAL SERVICE WAS CONDUCTED UNDER SUBSECTION (E)(1)(I) OF THIS SECTION IN WHICH THE APPRENTICE PARTICIPATED; AND**

**(III) THE NAME, DATE OF DEATH, DATE OF THE PREPARATION FOR DISPOSITION, AND A COPY OF THE DECEDENT'S FILED**

**DEATH CERTIFICATE FOR EACH DECEDENT FOR WHOM THE APPRENTICE ASSISTED IN ACCORDANCE WITH SUBSECTION (E)(1)(II) OF THIS SECTION.**

~~(5)~~ **(4) PRIOR APPROVAL MUST BE GRANTED BY THE BOARD BEFORE A CHANGE OF SPONSORSHIP OCCURS.**

~~[(3)]~~ **(E) (1)** The practical experience of an apprentice shall include:

- (i) Participation in at least 20 funerals;
- (ii) Except as provided in paragraph ~~[(4)]~~ **(2)** of this subsection, assistance in the preparation **AND EMBALMING** of at least 20 dead human bodies for final disposition; and
- (iii) Completion of 1,000 working hours in a licensed funeral establishment under the direct supervision of ~~[a licensed mortician or funeral director. Supervision may include instruction by other licensed morticians or funeral directors employed or supervised by the sponsor]~~ **THE APPRENTICE SPONSOR.**

~~[(4)]~~ **(2)** For an apprentice funeral director, the practical experience under paragraph ~~[(3)(ii)]~~ **(1)(II)** of this subsection may not include embalming.

**(3) FOR PURPOSES OF PARAGRAPH (1)(III) OF THIS SUBSECTION, DIRECT SUPERVISION MAY INCLUDE INSTRUCTION BY A LICENSED MORTICIAN OR FUNERAL DIRECTOR EMPLOYED OR SUPERVISED BY THE APPRENTICE SPONSOR THAT IS OBSERVED IN PERSON BY THE APPRENTICE SPONSOR.**

~~[(5)]~~ On termination of the sponsor–apprentice relationship, both the sponsor and the apprentice shall independently notify the Board in writing of:

- (i) The date of termination;
- (ii) The name, date of death, and date of service for each decedent for whom a funeral service was conducted under paragraph (3)(i) of this subsection in which the apprentice participated; and
- (iii) The name, date of death, and date of the preparation for disposition of each decedent for whom the apprentice assisted in accordance with paragraph (3)(ii) of this subsection.

**(6) Prior approval must be granted by the Board before a change of sponsorship occurs.]**

**[(e)] (F)** While the license is effective, an apprentice license authorizes the licensee to assist a licensed mortician or funeral director in the practice of mortuary science or funeral direction only as part of a training program to become a licensed mortician or funeral director.

7-310.

(a) (1) A funeral establishment shall be licensed by the Board before the establishment may be used for the preparation of the remains, viewing, **[and] OR** conducting of services.

(2) The licensee may be restricted to operations as determined by the Board.

(b) (1) To apply for a funeral establishment license, an applicant shall:

(i) Submit an application to the Board on the form that the Board requires; and

(ii) Pay to the Board:

1. An application fee set by the Board; and

2. The fee established under § 7-4A-05(a) of this title.

(2) An application for a funeral establishment license shall be signed by a licensed individual who is not an apprentice but is the owner or co-owner of the establishment to be licensed.

(c) The Board shall issue a funeral establishment license to a funeral establishment that:

(1) Has complied with all applicable State and local laws; **AND**

(2) Will be owned and operated in accordance with this title by at least one **[licensed]:**

**(I) LICENSED** mortician **[or one licensed];**

**(II) LICENSED** funeral director**[, or a holder];**

**(III) HOLDER** of a surviving spouse **LICENSE; ~~or~~**

**(IV) HOLDER OF A** corporation license**[: and]; OR**

**(V) HOLDER OF AN EXECUTOR LICENSE.**

[(3) Will be held responsible for any and all activities performed on the premises.]

(d) Signs and advertisements of a funeral establishment shall display the name that appears on the establishment license.

(E) (1) EACH LICENSED FUNERAL ESTABLISHMENT SHALL HAVE A SUPERVISING MORTICIAN.

(2) A LICENSED FUNERAL ESTABLISHMENT SHALL DESIGNATE A LICENSED MORTICIAN WHOSE LICENSE IS IN GOOD STANDING WITH THE BOARD TO BE THE SUPERVISING MORTICIAN FOR THE FUNERAL ESTABLISHMENT.  
~~SHALL BE A LICENSED MORTICIAN WHO:~~

~~(I) HAS A LICENSE IN GOOD STANDING WITH THE BOARD;~~  
AND

~~(II) HAS BEEN APPROVED BY THE BOARD TO BE A SUPERVISING MORTICIAN.~~

(3) ~~TO BECOME APPROVED AS A SUPERVISING MORTICIAN, A~~ A LICENSED MORTICIAN:

~~(I) SHALL~~ DESIGNATED TO BE THE SUPERVISING MORTICIAN FOR A FUNERAL ESTABLISHMENT SHALL COMPLETE THE APPLICATION REGISTRATION REQUIRED BY THE BOARD; AND

~~(II) MAY BE REQUIRED TO APPEAR BEFORE THE BOARD.~~

(4) ~~THE BOARD MAY NOT APPROVE AS A SUPERVISING MORTICIAN A LICENSED~~ A MORTICIAN:

~~(I) WHOSE~~ WHOSE LICENSE IS NOT IN GOOD STANDING IN THE STATE OR ANY OTHER JURISDICTION MAY NOT BE A SUPERVISING MORTICIAN; OR

~~(II) WHOM THE BOARD HAD PREVIOUSLY DISCIPLINED AND WHO CONTINUES TO POSE A RISK TO PUBLIC WELFARE IN THE STATE.~~

(5) THE SUPERVISING MORTICIAN FOR A FUNERAL ESTABLISHMENT SHALL BE:



(I) HELD RESPONSIBLE FOR ALL ACTIVITIES PERFORMED ON BEHALF OF THE FUNERAL ESTABLISHMENT WITH THE KNOWLEDGE OR AT THE DIRECTION OF THE SUPERVISING MORTICIAN; AND

(II) ~~LIMITED~~ EXCEPT AS PROVIDED IN PARAGRAPH (6) OF THIS SUBSECTION, LIMITED TO SUPERVISING:

1. ONE FUNERAL ESTABLISHMENT WITH AN EMBALMING FACILITY; ~~OR AND~~

2. ~~Two~~ NO MORE THAN THREE FUNERAL ESTABLISHMENTS TOTAL THAT ARE WITHIN CLOSE ENOUGH PROXIMITY TO EACH OTHER TO ALLOW FOR OVERSIGHT OF EACH FUNERAL ESTABLISHMENT.

(6) THE LIMITS ON THE NUMBER OF FUNERAL ESTABLISHMENTS A SUPERVISING MORTICIAN MAY SUPERVISE AS PROVIDED FOR IN PARAGRAPH (5)(II) OF THIS SUBSECTION DO NOT APPLY IF A FUNERAL ESTABLISHMENT PREPARES FOR THE DISPOSITION OF LESS THAN 75 BODIES IN A CALENDAR YEAR.

~~(6)~~ (7) IF A SUPERVISING MORTICIAN FOR A FUNERAL ESTABLISHMENT RELINQUISHES THE SUPERVISING MORTICIAN'S RESPONSIBILITY UNDER PARAGRAPH (5)(I) OF THIS SUBSECTION FOR ANY REASON:

(I) ~~THE,~~ THE FUNERAL ESTABLISHMENT SHALL NAME AN INTERIM SUPERVISING MORTICIAN WHO SHALL BE HELD RESPONSIBLE FOR ALL ACTIVITIES PERFORMED ON BEHALF OF THE FUNERAL ESTABLISHMENT, WITH THE KNOWLEDGE OR AT THE DIRECTION OF THE INTERIM SUPERVISING MORTICIAN, UNTIL A NEW SUPERVISING MORTICIAN FOR THE FUNERAL ESTABLISHMENT ~~IS APPROVED BY~~ REGISTERS WITH THE BOARD; AND

~~(II) THE INTERIM SUPERVISING MORTICIAN OR ANOTHER LICENSED MORTICIAN IMMEDIATELY SHALL APPLY TO THE BOARD TO BECOME THE NEW SUPERVISING MORTICIAN FOR THE FUNERAL ESTABLISHMENT.~~

~~(7) THE BOARD SHALL EXPEDITE THE APPLICATION OF A NEW SUPERVISING MORTICIAN WHO APPLIES IN ACCORDANCE WITH PARAGRAPH (6)(II) OF THIS SUBSECTION.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2013.

Approved by the Governor, May 2, 2013.