

# SENATE BILL 357

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CF HB 313

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By: **Senator Conway**

Introduced and read first time: January 24, 2013

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Morticians and Funeral Directors – Funeral Establishments –**  
3 **Inspections**

4 FOR the purpose of requiring licensees or employees of licensees to give certain access  
5 to certain members or employees of the State Board of Morticians and Funeral  
6 Directors for purposes of conducting certain inspections; requiring the Board to  
7 provide certain results to certain licensees within a certain period of time;  
8 altering the circumstances under which unannounced inspections of funeral  
9 establishments may include advance notice; making certain clarifying changes;  
10 and generally relating to the State Board of Morticians and Funeral Directors,  
11 funeral establishments, and inspections.

12 BY repealing and reenacting, without amendments,  
13 Article – Health Occupations  
14 Section 7–205(a)(8)  
15 Annotated Code of Maryland  
16 (2009 Replacement Volume and 2012 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article – Health Occupations  
19 Section 7–409  
20 Annotated Code of Maryland  
21 (2009 Replacement Volume and 2012 Supplement)

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

24 **Article – Health Occupations**

25 7–205.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In addition to the powers and duties set forth elsewhere in this title, the  
2 Board has the following powers and duties:

3 (8) To inspect licensed funeral establishments;

4 7-409.

5 (a) **[All] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,**  
6 **ALL** inspections of funeral establishments shall be unannounced and may take place  
7 at any time without notice from the Board.

8 (b) An unannounced inspection may include advance notice that [an  
9 investigator] **A BOARD MEMBER OR BOARD EMPLOYEE** may be in the region of the  
10 funeral establishment **FOR PURPOSES OF CONDUCTING AN INSPECTION**, if:

11 (1) The advance notice is no more than 14 days prior to the inspection;

12 (2) No specific date or time is provided for the inspection; and

13 (3) The advance notice is provided solely to ensure that a licensed  
14 mortician or funeral director will be on-site for the inspection.

15 **(C) A LICENSEE OR AN EMPLOYEE OF A LICENSEE SHALL GIVE**  
16 **IMMEDIATE ACCESS TO A BOARD MEMBER OR BOARD EMPLOYEE WHO ARRIVES**  
17 **AT A LICENSED FUNERAL ESTABLISHMENT FOR PURPOSES OF CONDUCTING AN**  
18 **INSPECTION OF THE LICENSED FUNERAL ESTABLISHMENT, INCLUDING ACCESS**  
19 **TO THE PREPARATION AND BODY STORAGE AREAS OF THE LICENSED FUNERAL**  
20 **ESTABLISHMENT.**

21 **(D) WITHIN 24 HOURS AFTER THE COMPLETION OF AN INSPECTION OF**  
22 **A LICENSED FUNERAL ESTABLISHMENT, THE BOARD SHALL PROVIDE THE**  
23 **RESULTS OF THE INSPECTION TO THE HOLDER OF THE FUNERAL**  
24 **ESTABLISHMENT LICENSE OR A LICENSED MORTICIAN OR LICENSED FUNERAL**  
25 **DIRECTOR WHO DIRECTLY SUPERVISES THE LICENSED FUNERAL**  
26 **ESTABLISHMENT IN ACCORDANCE WITH § 7-308(E)(1) OR § 7-308.1(E)(1) OF**  
27 **THIS TITLE.**

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