

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 905 (Delegate Kach, *et al.*)
Health and Government Operations Education, Health, and Environmental Affairs

Health Occupations - Funeral Establishments - Preparation and Holding Rooms

This bill specifies that a funeral establishment that uses a central preparation room at another funeral establishment is not required to have its own preparation or holding room.

Fiscal Summary

State Effect: The bill does not materially affect State finances.

Local Effect: None.

Small Business Effect: Potential meaningful for funeral establishments that use a central preparation room at another funeral establishment and would benefit from a reduced regulatory requirement under the bill.

Analysis

Current Law: A funeral establishment must be licensed by the board before the establishment may be used for the preparation of the remains, viewing, and conducting of services. The licensee may be restricted to operations as determined by the board.

Board regulations require that, *if embalming will take place at the funeral establishment*, the funeral establishment must maintain on the premises a preparation room that must be adequately equipped and maintained in a sanitary manner for the preservation and care of dead human bodies. If embalming will *not* take place at the funeral establishment, the funeral establishment must maintain on the premises a holding room that must be adequately equipped for the holding of dead human bodies. The holding room must be kept in a clean and sanitary manner and used exclusively for the holding and storage of

dead human bodies. The minimal requirements for the holding room are: (1) the floors, walls, and ceilings must be smooth and made of tile or other high gloss, impervious, washable material; (2) the floors, walls, and ceilings must be in a clean and sanitary condition; (3) the lighting must be adequate; (4) the ventilation must be in accordance with current Occupational Safety and Health Administration regulations; (5) doors to the holding room must be tight closing and the windows maintained to obstruct any view into the holding room; and (6) the holding room must be a minimum of 120 square feet.

Background: According to the board, many funeral establishments outsource transportation, storage, and embalming services to central clearinghouses. Currently, 85 funeral establishments in Maryland are “restricted establishments” that must lease space from a full-service establishment for storage and preparation services. Thirty funeral establishments do not have holding rooms. In total, there are 297 funeral establishments in Maryland.

Additional Information

Prior Introductions: None.

Cross File: SB 335 (Senator Klausmeier, *et al.*) - Education, Health, and Environmental Affairs.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

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