

Department of Legislative Services  
Maryland General Assembly  
2013 Session

FISCAL AND POLICY NOTE

House Bill 906 (Delegates Kach and Reznik)  
Health and Government Operations

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**Public Health - Handling of Human Remains - Transportation**

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This bill authorizes the transportation of the body of a decedent for preparation or storage to a facility that is not within the jurisdiction of the State, licensed by the State Board of Morticians and Funeral Directors, or permitted by the Office of Cemetery Oversight if the facility receiving the body is licensed by a State regulatory board or subject to inspection by an individual authorized by the State.

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**Fiscal Summary**

**State Effect:** The bill does not substantively change State activities or operations.

**Local Effect:** None.

**Small Business Effect:** Potential minimal.

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**Analysis**

**Current Law:** Chapters 500 and 501 of 2012 (SB 415/HB 540) established requirements for the proper handling of the body of a decedent by funeral establishments and crematories. While in the custody of a funeral establishment or crematory, a body may not be transferred for preparation or storage to a facility that is not within the jurisdiction of the State, licensed by the board, or permitted by the office unless the facility has (1) entered into a written agreement with the board or the office allowing the State to make unannounced inspections and (2) the person authorized to arrange for the final disposition of the body has given specified permission for the body to be transported to the facility.

**Background:** The State Board of Morticians and Funeral Directors issues licenses for apprentices, morticians, funeral directors, the surviving spouse of a mortician or funeral director (who continues to operate the funeral establishment in the event of the mortician's or funeral director's death), funeral establishments, and corporations. The Office of Cemetery Oversight registers and regulates the cemetery and burial goods industry in the State. The office regulates independent (or freestanding) crematories, while the board regulates crematories associated with licensed funeral establishments.

**Additional Comments:** The bill is intended to allow a funeral establishment to transport a body, with specified consent, to an *out-of-state* facility provided that the facility is licensed or subject to inspection by *another state*. The board notes that, although a funeral establishment in another state may be licensed or *subject* to inspection, it may not have actually been inspected or meet the requirements intended by Chapters 500 and 501. The Department of Legislative Services notes, however, that the new language added by the bill refers to "*State*" (*i.e.*, Maryland), rather than "*any state*."

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### Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Health and Mental Hygiene; Department of Labor, Licensing, and Regulation; Department of Legislative Services

**Fiscal Note History:** First Reader - March 8, 2013  
ncs/ljm

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Analysis by: Jennifer B. Chasse

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510