

SENATE BILL 835

C2

4lr0700

By: **Senator Young**

Introduced and read first time: January 31, 2014

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Office of Cemetery Oversight – Cemeteries – Exemption From Regulation**

3 FOR the purpose of exempting from regulation by the Office of Cemetery Oversight a
4 cemetery that was incorporated under a certain law and that has been in
5 continuous existence and operation for a certain period of time; and generally
6 relating to cemeteries exempt from regulation by the Office of Cemetery
7 Oversight.

8 BY repealing and reenacting, with amendments,
9 Article – Business Regulation
10 Section 5–102
11 Annotated Code of Maryland
12 (2010 Replacement Volume and 2013 Supplement)

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

15 **Article – Business Regulation**

16 5–102.

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

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

20 (2) a cemetery owned by a not for profit organization created before
21 1900 by an act of the General Assembly;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3) A CEMETERY THAT WAS INCORPORATED UNDER CHAPTER 221**
2 **OF THE ACTS OF THE GENERAL ASSEMBLY OF 1852 AND HAS BEEN IN**
3 **CONTINUOUS EXISTENCE AND OPERATION FOR AT LEAST 150 YEARS;**

4 **[(3)] (4)** a county, city, or municipal corporation that owns and
5 operates a cemetery in the State;

6 **[(4)] (5)** a veterans' cemetery operated by the State; or

7 **[(5)] (6)** a private family cemetery that does not conduct public sales.

8 (b) This title does not apply to:

9 (1) the operation of a funeral establishment, including the sale of
10 burial goods in the ordinary course of the funeral establishment's business;

11 (2) the operation or ownership of a crematory in which a person who is
12 licensed and regulated under Title 7 of the Health Occupations Article owns a greater
13 percentage of the crematory than a registered cemeterian, registered seller, or holder
14 of a permit for the operation of a cemetery or burial goods business;

15 (3) the operation or ownership of a crematory or incinerator at a
16 licensed medical facility or educational institution;

17 (4) a licensed funeral director acting within the scope of the funeral
18 director's license; or

19 (5) a mortician acting within the scope of the mortician's license.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 June 1, 2014.