

Department of Legislative Services  
Maryland General Assembly  
2014 Session

FISCAL AND POLICY NOTE

House Bill 1264  
Judiciary

(Delegate Swain, *et al.*)

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Public Safety - Removal of Dead Bodies - Police Presence

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This bill requires, upon request of a “mortuary science practitioner,” a “police officer” called to a residence where an individual has died to remain at the residence until the body has been removed by the mortuary science practitioner or the medical examiner.

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Fiscal Summary

**State Effect:** None. The bill does not require any changes to the policies or procedures of the Office of the Chief Medical Examiner (OCME).

**Local Effect:** Minimal. It is assumed that most jurisdictions have similar procedures in place. However, some jurisdictions may need to modify their procedures when a death occurs in the presence of a caregiver or a physician to the extent that police units in the jurisdiction are not now notified of the death.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** A “mortuary science practitioner” means a person licensed by the State as a funeral director, mortician, or surviving spouse licensee to practice mortuary science. The term includes a person acting at the direction of such a licensee.

A “police officer” means a member of a police force of the State or a county or municipality of the State.

**Current Law/Background:** A designated local health department officer may take control of a body that is being kept in a room where an individual lives and that is in a

condition that endangers an individual in the house where the body is kept if (1) at least three individuals living near the house or a physician asks the health officer, in writing, to order final disposition of the body; (2) the health officer issues an order for final disposition, within a time period stated in the order; and (3) final disposition of the body is not made within that time. A person who violates this provision is guilty of a misdemeanor and subject to a maximum fine of \$1,000.

A person may not obstruct the carrying out of an order of a health officer under provisions relating to disposition of a body. A person who violates this provision is guilty of a misdemeanor and subject to maximum penalties of a fine of \$500 or imprisonment for six months.

OCME is the statewide agency designated by law to investigate deaths from injury, homicide, suicide, under unusual or suspicious circumstances, or when a person is not attended by a physician.

There are no statewide statutes in Maryland addressing the proper disposal of a dead body. Typically, when a person dies, a call is made by an attending physician or family member to a licensed mortician, funeral home, or local police station to have the body removed from a residence. A pronouncement of death must be made.

Mortuary science practitioners are licensed by the State under the Health Occupations Article. The State Board of Morticians and Funeral Directors protects the public's health and welfare through proper credentialing, examination, licensure, and discipline of morticians, funeral directors, surviving spouses, apprentices, and funeral establishments in Maryland.

**Local Fiscal Effect:** It is assumed that most jurisdictions already have similar procedures in place. Some jurisdictions, however, may need to modify their procedures to meet the bill's requirements. For example, Montgomery County advises that there is currently a county requirement in place to respond to all *unattended* deaths at a residence. However, if the individual is under current medical care or hospice care, Montgomery County does not respond to the residence, and the body is released to a funeral home at the direction of the attending physician or caregiver. Because the county is generally not notified of these "attended deaths," and, therefore, does not currently respond to such deaths, the bill may pose operational difficulties for law enforcements units in the county.

## Additional Information

**Prior Introductions:** None.

**Cross File:** SB 121 (Senator Benson) - Judicial Proceedings.

**Information Source(s):** Baltimore, Carroll, Cecil, Harford, Montgomery, Queen Anne's, and St. Mary's counties; Department of Health and Mental Hygiene; Department of Legislative Services

**Fiscal Note History:** First Reader - February 19, 2014  
mc/lgc

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Analysis by: Guy G. Cherry

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