

# HOUSE BILL 729

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5lr1562  
CF SB 160

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By: **Delegates Angel, Barron, Frush, Gaines, Haynes, Jalisi, Kelly, McComas,  
B. Robinson, Smith, and B. Wilson**

Introduced and read first time: February 13, 2015

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2015

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Board of Morticians and Funeral Directors – Cease and Desist Orders and**  
3 **Injunctive Relief – Authority**

4 FOR the purpose of authorizing the State Board of Morticians and Funeral Directors to  
5 issue a public cease and desist order or ~~obtain injunctive relief~~ impose a civil fine of  
6 no more than a certain amount for certain violations of certain provisions of law  
7 under certain circumstances; ~~making a technical correction~~ providing that each  
8 violation of certain provisions of law is a separate offense under certain  
9 circumstances; and generally relating to the State Board of Morticians and Funeral  
10 Directors.

11 ~~BY repealing and reenacting, with amendments,~~  
12 ~~Article – Health Occupations~~  
13 ~~Section 7–316.1~~  
14 ~~Annotated Code of Maryland~~  
15 ~~(2014 Replacement Volume)~~

16 BY repealing and reenacting, without amendments,  
17 Article – Health Occupations  
18 Section 7–501 and 7–502  
19 Annotated Code of Maryland  
20 (2014 Replacement Volume)

21 BY adding to

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Health Occupations  
 2 Section 7–509  
 3 Annotated Code of Maryland  
 4 (2014 Replacement Volume)

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

7 **Article – Health Occupations**

8 ~~7-316.1.~~

9 ~~(a) THE BOARD MAY ISSUE A CEASE AND DESIST ORDER OR OBTAIN~~  
 10 ~~INJUNCTIVE RELIEF FOR A VIOLATION OF ANY PROVISION OF:~~

11 ~~(1) § 5-513 OF THE HEALTH GENERAL ARTICLE; OR~~

12 ~~(2) THIS TITLE.~~

13 ~~(b) An action may be maintained in the name of the State or the Board to enjoin:~~

14 ~~(1) The unauthorized practice of mortuary science; or~~

15 ~~(2) Conduct that constitutes a ground for disciplinary action under [§~~  
 16 ~~7-315] § 7-316 of this subtitle.~~

17 ~~[(b)] (c) An action under this section may be brought by:~~

18 ~~(1) The Board;~~

19 ~~(2) The Attorney General; or~~

20 ~~(3) A State's Attorney.~~

21 ~~[(c)] (d) An action under this section shall be brought in the county where the~~  
 22 ~~defendant:~~

23 ~~(1) Resides; or~~

24 ~~(2) Engages in the practice of mortuary science.~~

25 ~~[(d)] (e) Proof of actual damage or proof that a person will sustain damage if an~~  
 26 ~~injunction is not granted is not required for an action under this section.~~

1 ~~[(c)] (F) Criminal prosecution for the unauthorized practice of mortuary science~~  
2 ~~under § 7-501 of this title or disciplinary action under § 7-316 of this subtitle does not~~  
3 ~~prohibit an action to enjoin under this section.~~

4 7-501.

5 Except as otherwise provided in this title, a person may not practice, attempt to  
6 practice, offer to practice, or assist in the practice of mortuary science in this State unless  
7 licensed by the Board.

8 7-502.

9 Unless authorized to practice mortuary science under this title, a person may not  
10 represent to the public by title, by description of services, methods, or procedures, or  
11 otherwise, that the person is authorized to practice mortuary science in this State.

12 7-509.

13 (A) SUBJECT TO SUBSECTION (C) OF THIS SECTION AND THE HEARING  
14 PROVISIONS OF § 7-319 OF THIS TITLE, AND IN ADDITION TO ANY OTHER SANCTION  
15 AUTHORIZED FOR A VIOLATION OF § 7-501 OR § 7-502 OF THIS SUBTITLE, THE  
16 BOARD MAY ISSUE A PUBLIC CEASE AND DESIST ORDER, IMPOSE A CIVIL FINE OF  
17 NOT MORE THAN \$5,000 PER OFFENSE, OR BOTH.

18 (B) FOR THE PURPOSES OF THIS SECTION, EACH VIOLATION IS A SEPARATE  
19 OFFENSE IF THE VIOLATION OCCURS:

20 (1) AT A DIFFERENT TIME, DATE, OR LOCATION; OR

21 (2) ON THE SAME DATE AND LOCATION AT A DIFFERENT TIME.

22 (C) THE BOARD MAY NOT ISSUE A PUBLIC CEASE AND DESIST ORDER TO A  
23 FUNERAL ESTABLISHMENT THAT WAS PREVIOUSLY LICENSED BY THE BOARD.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 2015.