

SENATE BILL 160

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5lr0744
CF 5lr1562

By: **Senators Montgomery, Benson, Guzzone, Kelley, and Raskin**

Introduced and read first time: January 30, 2015

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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 cease and desist order or obtain injunctive relief for certain violations of
6 certain provisions of law; making a technical correction; and generally relating to the
7 State Board of Morticians and Funeral Directors.

8 BY repealing and reenacting, with amendments,

9 Article – Health Occupations

10 Section 7–316.1

11 Annotated Code of Maryland

12 (2014 Replacement Volume)

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

15 **Article – Health Occupations**

16 7–316.1.

17 (a) **THE BOARD MAY ISSUE A CEASE AND DESIST ORDER OR OBTAIN**
18 **INJUNCTIVE RELIEF FOR A VIOLATION OF ANY PROVISION OF:**

19 **(1) § 5–513 OF THE HEALTH – GENERAL ARTICLE; OR**

20 **(2) THIS TITLE.**

21 **(B)** An action may be maintained in the name of the State or the Board to enjoin:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 (2) Conduct that constitutes a ground for disciplinary action under [§
3 7-315] § 7-316 of this subtitle.

4 [(b)] (C) An action under this section may be brought by:

5 (1) The Board;

6 (2) The Attorney General; or

7 (3) A State's Attorney.

8 [(c)] (D) An action under this section shall be brought in the county where the
9 defendant:

10 (1) Resides; or

11 (2) Engages in the practice of mortuary science.

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

14 [(e)] (F) Criminal prosecution for the unauthorized practice of mortuary science
15 under § 7-501 of this title or disciplinary action under § 7-316 of this subtitle does not
16 prohibit an action to enjoin under this section.

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