

HOUSE BILL 676

C2

3lr2094

By: **Delegates Wivell, Lehman, Baker, Foley, Hinebaugh, and Valentine**
Introduced and read first time: February 6, 2023
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Cemeteries – Pet Remains – Duty of Perpetual Care**

3 FOR the purpose of providing that a certain registered cemeterian, registered crematory
4 operator, or permit holder who sells or offers to sell to the public certain services for
5 pet remains owes a duty of perpetual care for the cemetery in which certain pet
6 remains are interred; and generally relating to perpetual care for cemeteries that
7 inter pet remains.

8 BY repealing and reenacting, without amendments,
9 Article – Business Regulation
10 Section 5–101(a)
11 Annotated Code of Maryland
12 (2015 Replacement Volume and 2022 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Business Regulation
15 Section 5–101(o) through (u)
16 Annotated Code of Maryland
17 (2015 Replacement Volume and 2022 Supplement)

18 BY adding to
19 Article – Business Regulation
20 Section 5–101(o) and 5–804
21 Annotated Code of Maryland
22 (2015 Replacement Volume and 2022 Supplement)

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

25 **Article – Business Regulation**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 5-101.

2 (a) In this title the following words have the meanings indicated.

3 (O) (1) **“PET REMAINS” MEANS THE BODY OF A DECEASED ANIMAL THAT**
4 **WAS KEPT AS A PET.**

5 (2) **“PET REMAINS” INCLUDES THE BODY OF A PET OR A PART OF A**
6 **PET’S BODY IN ANY STATE OF DECOMPOSITION OR THE BODY OF A PET AFTER**
7 **HAVING BEEN CREMATED.**

8 [(o)] (P) (1) “Preneed goods” means burial goods that are sold before the
9 buyer’s death.

10 (2) “Preneed goods” does not include burial space.

11 [(p)] (Q) “Provide burial goods” means a retail transaction:

12 (1) to erect, service, or inscribe burial memorials; or

13 (2) to sell burial goods.

14 [(q)] (R) “Registered cemeterian” means an individual registered to operate a
15 cemetery as a sole proprietor or on behalf of a sole proprietor or of a permit holder.

16 [(r)] (S) “Registered crematory operator” means an individual registered to
17 operate a crematory as a sole proprietor or on behalf of a sole proprietor or permit holder.

18 [(s)] (T) “Registered seller” means an individual registered to provide burial
19 goods as a sole proprietor or on behalf of a sole proprietor or of a permit holder.

20 [(t)] (U) “Registration” means a registration issued by the Director authorizing
21 an individual to operate a cemetery, to operate a crematory, or to provide burial goods.

22 [(u)] (V) “Responsible party” means a sole proprietor or the individual
23 designated by a partnership, limited liability company, or corporation to be responsible for
24 the operations of a cemetery, crematory, or burial goods business.

25 **5-804.**

26 (A) **IN THIS SECTION, “PERPETUAL CARE” HAS THE MEANING STATED IN §**
27 **5-601 OF THIS TITLE.**

28 (B) **A REGISTERED CEMETERIAN, REGISTERED CREMATORY OPERATOR, OR**
29 **PERMIT HOLDER THAT ENGAGES IN THE OPERATION OF A CEMETERY, CREMATORY,**

1 OR BURIAL GOODS BUSINESS WHO SELLS OR OFFERS TO SELL TO THE PUBLIC
2 CREMATION SERVICES, A BURIAL LOT, OR A BURIAL RIGHT IN A CEMETERY FOR PET
3 REMAINS AS TO WHICH PERPETUAL CARE IS STATED OR IMPLIED OWES A DUTY OF
4 PERPETUAL CARE FOR THE CEMETERY IN WHICH THE PET REMAINS ARE INTERRED.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2023.