

# HOUSE BILL 676

C2

3lr2094

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By: Delegates Wivell, Lehman, Baker, Foley, Hinebaugh, and ~~Valentine~~ Valentine, Alston, Bagnall, Bhandari, Chisholm, Cullison, Guzzone, Hill, Hutchinson, S. Johnson, Kaiser, Kerr, Kipke, R. Lewis, Lopez, Martinez, M. Morgan, Pena-Melnyk, Reilly, Rosenberg, Szeliga, Taveras, White, and Woods

Introduced and read first time: February 6, 2023

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2023

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

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; requiring the Director of the Office of Cemetery Oversight to  
7 adopt regulations to enforce this Act; and generally relating to perpetual care for  
8 cemeteries that inter pet remains.

9 BY repealing and reenacting, without amendments,  
10 Article – Business Regulation  
11 Section 5–101(a)  
12 Annotated Code of Maryland  
13 (2015 Replacement Volume and 2022 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article – Business Regulation  
16 Section 5–101(o) through (u)  
17 Annotated Code of Maryland  
18 (2015 Replacement Volume and 2022 Supplement)

19 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 – Business Regulation  
2 Section 5–101(o) and 5–804  
3 Annotated Code of Maryland  
4 (2015 Replacement Volume and 2022 Supplement)

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

7 **Article – Business Regulation**

8 5–101.

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

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

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

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

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

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

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

20 **(2) to sell burial goods.**

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

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

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

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

1 [(u)] (v) "Responsible party" means a sole proprietor or the individual  
2 designated by a partnership, limited liability company, or corporation to be responsible for  
3 the operations of a cemetery, crematory, or burial goods business.

4 **5-804.**

5 (A) IN THIS SECTION, "PERPETUAL CARE" HAS THE MEANING STATED IN §  
6 **5-601 OF THIS TITLE.**

7 (B) A REGISTERED CEMETERIAN, REGISTERED CREMATORY OPERATOR, OR  
8 PERMIT HOLDER THAT ENGAGES IN THE OPERATION OF A CEMETERY, CREMATORY,  
9 OR BURIAL GOODS BUSINESS WHO SELLS OR OFFERS TO SELL TO THE PUBLIC  
10 CREMATION SERVICES, A BURIAL LOT, OR A BURIAL RIGHT IN A CEMETERY FOR PET  
11 REMAINS AS TO WHICH PERPETUAL CARE IS STATED OR IMPLIED OWES A DUTY OF  
12 PERPETUAL CARE FOR THE CEMETERY IN WHICH THE PET REMAINS ARE INTERRED.

13 (C) THE DIRECTOR SHALL ADOPT REGULATIONS IN ACCORDANCE WITH §  
14 **5-204(A) OF THIS TITLE TO ENFORCE THE REQUIREMENTS OF THIS SECTION.**

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.