

# HOUSE BILL 1060

J2, C2, J1

3lr2814

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By: Delegates Kaiser, Charkoudian, Solomon, ~~and Woods~~, Woods, Bagnall, Cullison, Guzzone, Hill, Hutchinson, S. Johnson, Kerr, R. Lewis, Lopez, Martinez, Pena-Melnyk, Rosenberg, Taveras, and White

Introduced and read first time: February 10, 2023

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2023

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

1 AN ACT concerning

2 **Cremations – Natural Organic Reduction – Regulation**

3 FOR the purpose of ~~regulating cremations that reduce human remains to soil through~~  
4 ~~natural organic reduction; specifying that the State Board of Morticians and Funeral~~  
5 ~~Directors has exclusive authority to license and regulate a crematory that only~~  
6 ~~performs cremations that reduce human remains to soil through natural organic~~  
7 ~~reduction~~ authorizing the Director of the Office of Cemetery Oversight and the State  
8 Board of Morticians and Funeral Directors to adopt regulations establishing a  
9 process for regulating crematories that utilize natural organic reduction; and  
10 generally relating to cremation and natural organic reduction.

11 BY repealing and reenacting, without amendments,  
12 Article – Business Regulation  
13 Section 5–101(a) and (f)  
14 Annotated Code of Maryland  
15 (2015 Replacement Volume and 2022 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article – Business Regulation  
18 Section 5–101(e), ~~5–102(b)~~, and 5–204(a)  
19 Annotated Code of Maryland  
20 (2015 Replacement Volume and 2022 Supplement)

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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 BY adding to  
2 Article – Business Regulation  
3 Section 5–101(l–1)  
4 Annotated Code of Maryland  
5 (2015 Replacement Volume and 2022 Supplement)

6 BY repealing and reenacting, with amendments,  
7 Article – Health – General  
8 Section 5–505 ~~and~~, 5–508, and 5–513(a)  
9 Annotated Code of Maryland  
10 (2019 Replacement Volume and 2022 Supplement)

11 BY repealing and reenacting, without amendments,  
12 Article – Health Occupations  
13 Section 7–101(a) ~~and~~, (d), and (i)  
14 Annotated Code of Maryland  
15 (2021 Replacement Volume and 2022 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article – Health Occupations  
18 Section 7–101(h), (t), (u), (v), and (w), ~~7–102(b)~~, and 7–205(c)  
19 Annotated Code of Maryland  
20 (2021 Replacement Volume and 2022 Supplement)

21 BY adding to  
22 Article – Health Occupations  
23 Section 7–101(t) ~~and 7–205(d)~~  
24 Annotated Code of Maryland  
25 (2021 Replacement Volume and 2022 Supplement)

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

28 **Article – Business Regulation**

29 5–101.

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

31 (e) “Cremation” means the process of reducing human remains to:

32 **(1)** bone fragments through intense heat and evaporation, including any  
33 mechanical or thermal process; **OR**

34 **(2)** SOIL THROUGH NATURAL ORGANIC REDUCTION.

1 (f) “Crematory” means a building, portion of a building, or structure that houses  
 2 the necessary appliances and facilities for cremation.

3 (L-1) **“NATURAL ORGANIC REDUCTION” MEANS A CONTROLLED,**  
 4 **ACCELERATED CONVERSION OF HUMAN REMAINS TO SOIL.**

5 ~~5-102.~~

6 (b) ~~This title does not apply to:~~

7 (1) ~~the operation of a funeral establishment, including the sale of burial~~  
 8 ~~goods in the ordinary course of the funeral establishment’s business;~~

9 (2) ~~the operation or ownership of a crematory in which:~~

10 (I) ~~a person who is licensed and regulated under Title 7 of the~~  
 11 ~~Health Occupations Article owns a greater percentage of the crematory than a registered~~  
 12 ~~cemeterian, registered seller, or holder of a permit for the operation of a cemetery or burial~~  
 13 ~~goods business; OR~~

14 (H) ~~ONLY CREMATIONS, AS DEFINED IN § 5-101(E)(2) OF THIS~~  
 15 ~~SUBTITLE, ARE PERFORMED;~~

16 (3) ~~the operation or ownership of a crematory or incinerator at a licensed~~  
 17 ~~medical facility or educational institution;~~

18 (4) ~~a licensed funeral director acting within the scope of the funeral~~  
 19 ~~director’s license; or~~

20 (5) ~~a mortician acting within the scope of the mortician’s license.~~

21 5-204.

22 (a) (1) With the advice of the Advisory Council and after consultation with  
 23 representatives of the cemetery industry, the Director shall adopt:

24 (i) rules and regulations to carry out this title; and

25 (ii) a code of ethics for engaging in the operation of a cemetery or  
 26 crematory or providing burial goods.

27 (2) (I) ~~THIS PARAGRAPH DOES NOT APPLY WITH RESPECT TO A~~  
 28 ~~CREMATORY IN WHICH ONLY CREMATIONS, AS DEFINED IN § 5-101(E)(2) OF THIS~~  
 29 ~~TITLE, ARE PERFORMED.~~

1                   ~~(H)~~ In conjunction with the State Board of Morticians and Funeral  
2 Directors, the Director shall:

3                   [(i)] 1. Establish a process for regulating crematories that  
4 provides for:

5                           [1.] A. registration of crematory operators or issuance of  
6 permits for operating crematories, and renewal;

7                           [2.] B. applications, including certification of ownership  
8 and identification of individuals who will perform cremation;

9                           [3.] C. registration and permit fees;

10                          [4.] D. inspections and oversight;

11                          [5.] E. grounds for discipline and penalties; and

12                          [6.] F. complaints and hearings; and

13                   [(ii)] 2. adopt regulations that are identical to regulations adopted  
14 by the State Board of Morticians and Funeral Directors to:

15                           [1.] A. implement item [(i)] 1 of this [paragraph]  
16 SUBPARAGRAPH; and

17                           [2.] B. ensure public health and safety.

18                   **(II) 1. IN CONJUNCTION WITH THE STATE BOARD OF**  
19 **MORTICIANS AND FUNERAL DIRECTORS, THE DIRECTOR MAY ADOPT REGULATIONS**  
20 **ESTABLISHING A PROCESS FOR REGULATING CREMATORIES THAT USE NATURAL**  
21 **ORGANIC REDUCTION.**

22                           **2. REGULATIONS FOR CREMATORIES THAT USE**  
23 **NATURAL ORGANIC REDUCTION MAY INCLUDE:**

24                           **A. ADDITIONAL OR DIFFERENT REGISTRATION**  
25 **REQUIREMENTS FOR CREMATORY OPERATORS THAT PERFORM NATURAL ORGANIC**  
26 **REDUCTION;**

27                           **B. ADDITIONAL OR DIFFERENT REQUIREMENTS**  
28 **REGARDING THE ISSUANCE OF PERMITS OR PERMIT ENDORSEMENTS FOR**  
29 **OPERATING CREMATORIES THAT PERFORM NATURAL ORGANIC REDUCTION;**

1 C. ANY OPERATING REQUIREMENTS DETERMINED  
 2 NECESSARY FOR CREMATORIES THAT PERFORM NATURAL ORGANIC REDUCTION,  
 3 INCLUDING MINIMUM TRAINING REQUIREMENTS FOR INDIVIDUALS WHO ARE  
 4 RESPONSIBLE FOR OPERATING A CREMATORY OR WHO WILL PERFORM OR  
 5 SUPERVISE CREMATIONS THAT USE NATURAL ORGANIC REDUCTION;

6 D. ALTERNATIVE METHODS FOR THE FINAL PLACEMENT  
 7 OF SOIL PRODUCED AFTER THE COMPLETION OF NATURAL ORGANIC REDUCTION,  
 8 INCLUDING FOR IF THE SOIL PRODUCED IS UNCLAIMED AFTER REASONABLE NOTICE  
 9 IS GIVEN TO THE NEXT OF KIN OF THE DECEASED OR OTHER PERSON WHO  
 10 AUTHORIZED THE CREMATION; AND

11 E. OTHER REASONABLE REQUIREMENTS FOR  
 12 INSPECTION, SOIL TESTING, AND OVERSIGHT AS DETERMINED NECESSARY WITHIN  
 13 THE DIRECTOR'S DISCRETION.

14 3. IF THE STATE BOARD OF MORTICIANS AND FUNERAL  
 15 DIRECTORS ADOPTS REGULATIONS UNDER § 7-205(C)(2) OF THE HEALTH  
 16 OCCUPATIONS ARTICLE, REGULATIONS ADOPTED UNDER THIS SUBPARAGRAPH  
 17 SHALL BE IDENTICAL TO THE REGULATIONS ADOPTED BY THE STATE BOARD OF  
 18 MORTICIANS AND FUNERAL DIRECTORS.

#### 19 Article – Health – General

20 5-505.

21 (a) Except as provided in subsection (b) of this section, a person may not require  
 22 that a cremation be performed with a casket. However, the use of a simple container may  
 23 be required.

24 (b) The person arranging for final disposition of a body may specify that a casket:

25 (1) Be used before cremation;

26 (2) Be consumed during A cremation ~~AS DEFINED IN § 5-508(C)(1) OF~~  
 27 ~~THIS SUBTITLE~~ THAT USES AN INCINERATION PROCESS;

28 (3) Be used after cremation; or

29 (4) Not be used before, during, or after cremation.

30 5-508.

31 (a) In this subtitle the following words have the meanings indicated.

(b) “Authorizing agent” means the individual who has legal authority to arrange for and make decisions regarding the final disposition of a dead human body, including by cremation.

(c) “Cremation” means [the disposition of a dead human body by means of incineration] **THE PROCESS OF REDUCING HUMAN REMAINS TO:**

**(1) BONE FRAGMENTS THROUGH INTENSE HEAT AND EVAPORATION, INCLUDING ANY MECHANICAL OR THERMAL PROCESS; OR**

**(2) SOIL THROUGH NATURAL ORGANIC REDUCTION.**

(d) “Crematory” ~~is~~ **MEANS** ~~a building in which cremations are performed,~~ **PORTION OF A BUILDING, OR STRUCTURE THAT HOUSES THE NECESSARY APPLIANCES AND FACILITIES FOR CREMATION.**

(e) “Decedent” means a dead human being.

**(F) “NATURAL ORGANIC REDUCTION” MEANS A CONTROLLED, ACCELERATED CONVERSION OF HUMAN REMAINS TO SOIL.**

~~[(f)]~~ **(G)** “Practitioner” means a person who is licensed by the State as a funeral director, mortician, or surviving spouse licensee to practice mortuary science.

~~[(g)]~~ **(H)** “Pre-need contract” means an agreement prior to the time of death between a consumer and a practitioner to provide any goods and services regarding the final disposition of a dead human body.

5-513.

(a) On taking custody of the body of a decedent in accordance with all authorizations required by law, a funeral establishment or crematory shall maintain the body in a manner that provides for complete coverage of the body and prevents leakage or spillage except during:

(1) Identification, embalming, or preparation of an unembalmed body for final disposition;

(2) Restoration and dressing of a body in preparation for final disposition;  
[and]

(3) FINAL DISPOSITION USING A CREMATION PROCESS THAT DOES NOT INVOLVE INCINERATION; AND

[(3)] (4) Viewing during a visitation or funeral service.

1 **Article – Health Occupations**

2 7–101.

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

4 (d) “Board” means the State Board of Morticians and Funeral Directors.

5 (h) “Cremation” means the process of reducing human remains to [bone]:

6 (1) **BONE** fragments through intense heat and evaporation, including any  
7 mechanical or thermal process; **OR**

8 (2) **SOIL THROUGH NATURAL ORGANIC REDUCTION.**

9 (i) “Crematory” means a building, portion of a building, or structure that houses  
10 the necessary appliances and facilities for cremation.

11 (T) **“NATURAL ORGANIC REDUCTION” MEANS THE CONTROLLED,**  
12 **ACCELERATED CONVERSION OF HUMAN REMAINS TO SOIL.**

13 [(t)] (U) (1) “Practice funeral direction” means:

14 (i) To operate a funeral establishment;

15 (ii) For compensation, to prepare a dead human body for disposition;

16 or

17 (iii) For compensation, to arrange for or make final disposition of a  
18 dead human body.

19 (2) “Practice funeral direction” does not include:

20 (i) For compensation, disinfecting or preserving a dead human body  
21 or any of its parts by arterial or cavity injection or any other type of preservation; ~~or~~

22 (ii) ~~DISPOSING OF A DEAD HUMAN BODY OR ANY OF ITS PARTS~~  
23 ~~BY NATURAL ORGANIC REDUCTION; OR~~

24 ~~(H)~~ The business of operating a crematory.

25 [(u)] (V) (1) “Practice mortuary science” means:

26 (i) To operate a funeral establishment;

1 (ii) For compensation, to prepare a dead human body for disposition;  
2 or

3 (iii) For compensation, to arrange for or make final disposition of a  
4 dead human body.

5 (2) "Practice mortuary science" includes:

6 (i) The practice of funeral direction; ~~and~~

7 (ii) ~~DISPOSING OF A DEAD HUMAN BODY OR ANY OF ITS PARTS~~  
8 ~~BY NATURAL ORGANIC REDUCTION; AND~~

9 ~~(iii)~~ Disinfecting or preserving a dead human body or any of its parts  
10 by arterial or cavity injection.

11 (3) "Practice mortuary science" does not include:

12 (i) The pickup, removal, or transportation of a dead human body, if  
13 the unlicensed individual is acting under the direction of a licensed mortician or funeral  
14 director; or

15 (ii) The business of operating a crematory.

16 [(v)] (w) "Pre-need contract" means an agreement between a consumer and a  
17 licensed funeral director, licensed mortician, or surviving spouse to provide any goods and  
18 services purchased prior to the time of death. Goods and services shall include:

19 (1) A service, including any form of preservation and disposition or  
20 cremation, that a mortician normally provides in the ordinary course of business; or

21 (2) Merchandise, including a casket, vault, or clothing, that a mortician  
22 normally provides in the ordinary course of business.

23 [(w)] (x) "Surviving spouse" means the legal widow or widower of a licensed  
24 funeral director or licensed mortician, whose license was in good standing at the time of  
25 death, and who at the time of death, wholly or partly owned and operated a mortuary  
26 science business.

27 ~~7-102.~~

28 (b) (1) ~~In this subsection, "registrant or permit holder" means a person~~  
29 ~~regulated under Title 5 of the Business Regulation Article as a registered cemeterian,~~  
30 ~~registered seller, or holder of a permit to operate a cemetery or burial goods business.~~

31 (2) ~~This title does not apply to:~~



1                   (i) ~~The business of operating a cemetery, including the sale of~~  
2 ~~cemetery lots, grave sites, mausoleums, monuments, lawn crypts, or vaults;~~

3                   (ii) ~~The ownership of a crematory or the business of operating a~~  
4 ~~crematory in which:~~

5                   **~~1. CREMATIONS OF BOTH TYPES DESCRIBED IN §~~**  
6 **~~7-101(B) OF THIS SUBTITLE OR ONLY CREMATIONS DESCRIBED IN § 7-101(B)(1) OF~~**  
7 **~~THIS SUBTITLE ARE PERFORMED; AND~~**

8                   ~~[1.] 2. A. A registrant or permit holder owns a greater~~  
9 ~~percentage of the crematory than a person licensed under this title;~~

10                   ~~[2.] B. Ownership is equal between a registrant or permit~~  
11 ~~holder and a person licensed under this title; or~~

12                   ~~[3.] C. Neither a registrant, permit holder, or person~~  
13 ~~licensed under this title has an ownership interest in the crematory; or~~

14                   (iii) ~~The ownership of a crematory or the business of operating a~~  
15 ~~crematory or incinerator at a licensed medical facility or educational institution.~~

16 7-205.

17           (c) **~~(1) THIS SUBSECTION DOES NOT APPLY WITH RESPECT TO A~~**  
18 **~~CREMATORY IN WHICH ONLY CREMATIONS AS DEFINED IN § 5-101(E)(2) ARE~~**  
19 **~~PERFORMED.~~**

20 ~~(2)~~ In conjunction with the Office of Cemetery Oversight, the Board shall:

21 [(1)] (I) Establish a process for regulating crematories that provides for:

22 [(i)] 1. Registration of crematory operators or issuance of permits  
23 for operating crematories, and renewal;

24 [(ii)] 2. Applications, including certification of ownership and  
25 identification of individuals who will perform cremation;

26 [(iii)] 3. Registration or permit fees;

27 [(iv)] 4. Inspections and oversight;

28 [(v)] 5. Grounds for discipline and penalties; and

29 [(vi)] 6. Complaints and hearings; and

1            [(2)] (II) Adopt regulations that are identical to regulations adopted by  
2 the Director of the Office of Cemetery Oversight to:

3            [(i)] 1. Implement item [(1)] (I) of this [subsection]  
4 PARAGRAPH; and

5            [(ii)] 2. Ensure public health and safety.

6            (2) (I) IN CONJUNCTION WITH THE OFFICE OF CEMETERY  
7 OVERSIGHT, THE BOARD MAY ADOPT REGULATIONS ESTABLISHING A PROCESS FOR  
8 REGULATING CREMATORIES THAT USE NATURAL ORGANIC REDUCTION.

9            (II) REGULATIONS FOR CREMATORIES THAT USE NATURAL  
10 ORGANIC REDUCTION MAY INCLUDE:

11            1. ADDITIONAL OR DIFFERENT REGISTRATION OF  
12 CREMATORY OPERATORS THAT PERFORM NATURAL ORGANIC REDUCTION;

13            2. ADDITIONAL OR DIFFERENT REQUIREMENTS  
14 REGARDING THE ISSUANCE OF PERMITS OR PERMIT ENDORSEMENT FOR  
15 OPERATING CREMATORIES THAT PERFORM NATURAL ORGANIC REDUCTION;

16            3. ANY OPERATING REQUIREMENTS DETERMINED  
17 NECESSARY FOR CREMATORIES THAT PERFORM NATURAL ORGANIC REDUCTION,  
18 INCLUDING MINIMUM TRAINING REQUIREMENTS FOR INDIVIDUALS WHO ARE  
19 RESPONSIBLE FOR OPERATING A CREMATORY OR WHO WILL PERFORM OR  
20 SUPERVISE CREMATIONS THAT USE NATURAL ORGANIC REDUCTION;

21            4. ALTERNATIVE METHODS FOR THE FINAL PLACEMENT  
22 OF SOIL PRODUCED AFTER THE COMPLETION OF NATURAL ORGANIC REDUCTION,  
23 INCLUDING FOR IF THE SOIL PRODUCED IS UNCLAIMED AFTER REASONABLE NOTICE  
24 IS GIVEN TO THE NEXT OF KIN OF THE DECEASED OR OTHER PERSON WHO  
25 AUTHORIZED THE CREMATION; AND

26            5. OTHER REASONABLE REQUIREMENTS FOR  
27 INSPECTION, SOIL TESTING, AND OVERSIGHT AS DETERMINED NECESSARY WITHIN  
28 THE BOARD'S DISCRETION.

29            (III) IF THE OFFICE OF CEMETERY OVERSIGHT ADOPTS  
30 REGULATIONS UNDER § 5-204(A)(2)(II) OF THE BUSINESS REGULATION ARTICLE,  
31 REGULATIONS ADOPTED UNDER THIS PARAGRAPH SHALL BE IDENTICAL TO THE  
32 REGULATIONS ADOPTED BY THE OFFICE OF CEMETERY OVERSIGHT.

1           ~~(D) THE BOARD HAS EXCLUSIVE AUTHORITY TO LICENSE AND REGULATE A~~  
2 ~~CREMATORY THAT ONLY PERFORMS CREMATIONS AS DEFINED IN § 7-101(E)(2) OF~~  
3 ~~THIS TITLE.~~

4           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5           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.