HOUSE BILL 1060

J2, C2, J1 3lr2814

By: Delegates Kaiser, Charkoudian, Solomon, and Woods

Introduced and read first time: February 10, 2023 Assigned to: Health and Government Operations

A BILL ENTITLED

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1	AN	ACT	concerning

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Cremations – Natural Org	ganic Reduction – 1	Regulation
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- FOR the purpose of regulating cremations that reduce human remains to soil through natural organic reduction; specifying that the State Board of Morticians and Funeral Directors has exclusive authority to license and regulate a crematory that only performs cremations that reduce human remains to soil through natural organic reduction; and generally relating to cremation and natural organic reduction.
- 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(e), 5–102(b), and 5–204(a)
- 16 Annotated Code of Maryland
- 17 (2015 Replacement Volume and 2022 Supplement)
- 18 BY adding to
- 19 Article Business Regulation
- 20 Section 5–101(l–1)
- 21 Annotated Code of Maryland
- 22 (2015 Replacement Volume and 2022 Supplement)
- 23 BY repealing and reenacting, with amendments,
- 24 Article Health General
- 25 Section 5–505 and 5–508
- 26 Annotated Code of Maryland
- 27 (2019 Replacement Volume and 2022 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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(2)

1 2 3 4 5	BY repealing and reenacting, without amendments, Article – Health Occupations Section 7–101(a) and (d) Annotated Code of Maryland (2021 Replacement Volume and 2022 Supplement)			
6 7 8 9 10	BY repealing and reenacting, with amendments, Article – Health Occupations Section 7–101(h), (t), (u), (v), and (w), 7–102(b), and 7–205(c) Annotated Code of Maryland (2021 Replacement Volume and 2022 Supplement)			
11 12 13 14 15	BY adding to Article – Health Occupations Section 7–101(t) and 7–205(d) Annotated Code of Maryland (2021 Replacement Volume and 2022 Supplement)			
16 17	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND That the Laws of Maryland read as follows:			
18	Article - Business Regulation			
19	5–101.			
20	(a) In this title the following words have the meanings indicated.			
21	(e) "Cremation" means the process of reducing human remains to:			
22 23	(1) bone fragments through intense heat and evaporation, including any mechanical or thermal process; OR			
24	(2) SOIL THROUGH NATURAL ORGANIC REDUCTION.			
25 26	(L-1) "NATURAL ORGANIC REDUCTION" MEANS A CONTROLLED, ACCELERATED CONVERSION OF HUMAN REMAINS TO SOIL.			
27	5–102.			
28	(b) This title does not apply to:			
29 30	(1) the operation of a funeral establishment, including the sale of burial goods in the ordinary course of the funeral establishment's business;			

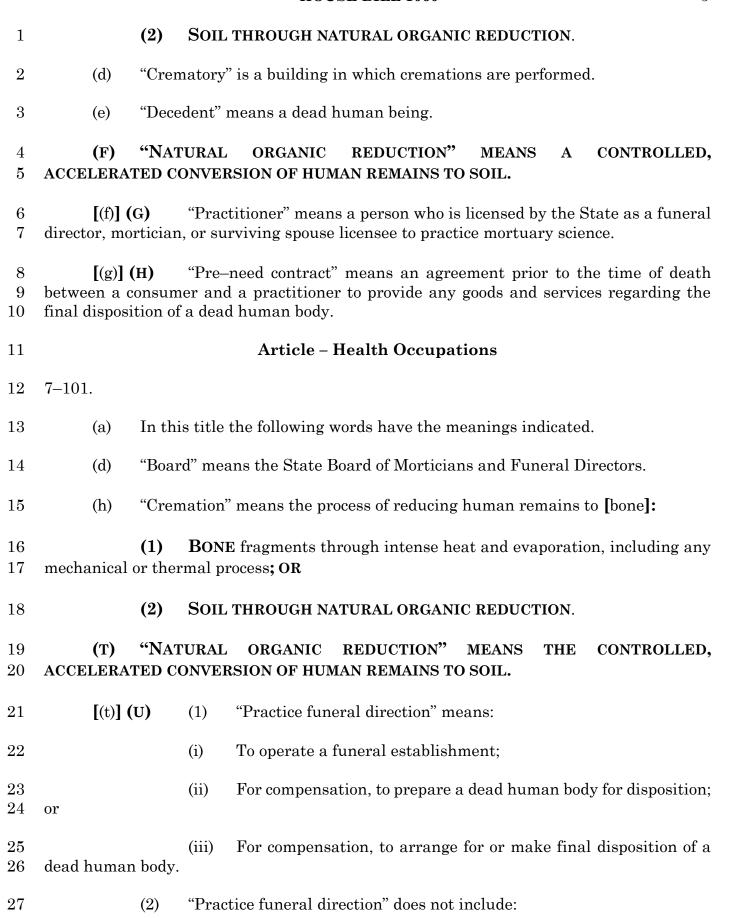
the operation or ownership of a crematory in which:

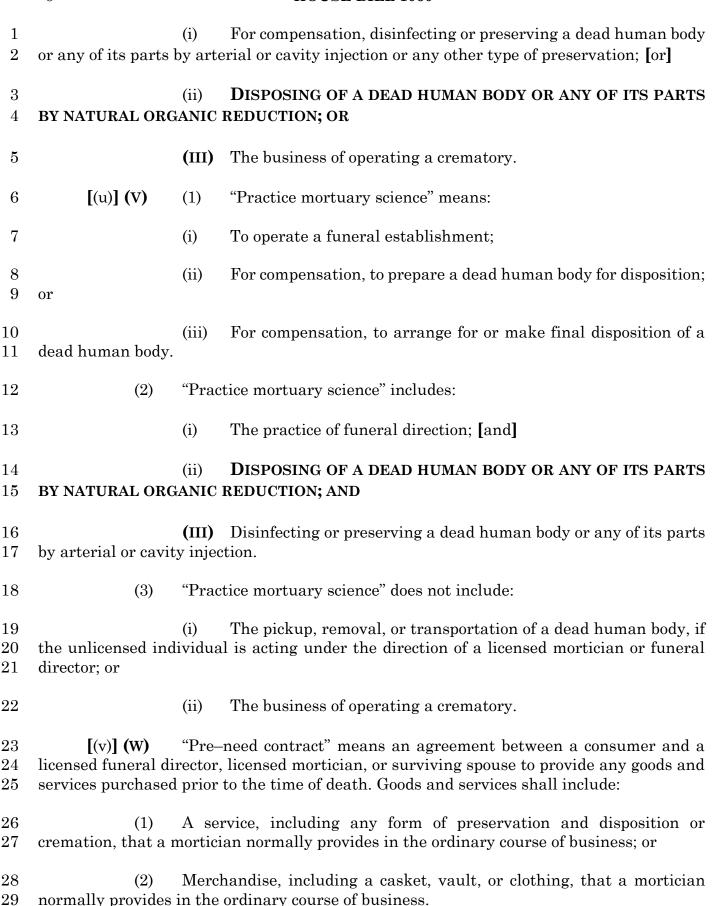
1 2 3 4	(I) a person who is licensed and regulated under Title 7 of the Health Occupations Article owns a greater percentage of the crematory than a registered cemeterian, registered seller, or holder of a permit for the operation of a cemetery or burial goods business; OR			
5 6	(II) ONLY CREMATIONS, AS DEFINED IN § $5-101(E)(2)$ OF THIS SUBTITLE, ARE PERFORMED;			
7 8	(3) the operation or ownership of a crematory or incinerator at a licensed medical facility or educational institution;			
9 10				
11	(5) a mortician acting within the scope of the mortician's license.			
12	5–204.			
13 14	(a) (1) With the advice of the Advisory Council and after consultation with representatives of the cemetery industry, the Director shall adopt:			
15	(i) rules and regulations to carry out this title; and			
16 17	(ii) a code of ethics for engaging in the operation of a cemetery or crematory or providing burial goods.			
18 19 20	(2) (I) This paragraph does not apply with respect to a crematory in which only cremations, as defined in § 5–101(e)(2) of this title, are performed.			
21 22	(II) In conjunction with the State Board of Morticians and Funeral Directors, the Director shall:			
23 24	[(i)] 1. Establish a process for regulating crematories that provides for:			
25 26	[1.] A. registration of crematory operators or issuance of permits for operating crematories, and renewal;			
27 28	[2.] B. applications, including certification of ownership and identification of individuals who will perform cremation;			
29	[3.] C. registration and permit fees;			
30	[4.] D. inspections and oversight;			

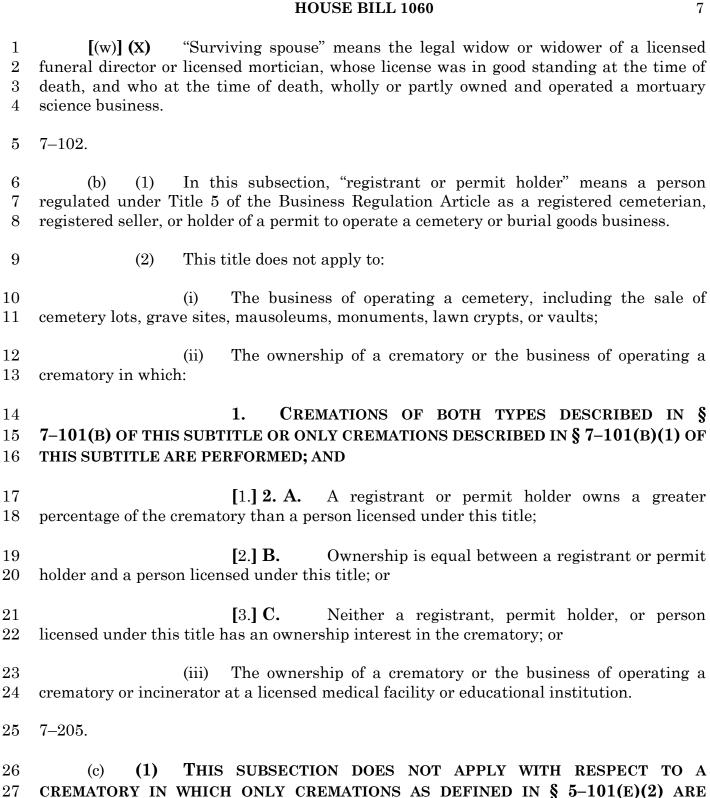
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1	[5.] E. grounds for discipline and penalties; and
2	[6.] F. complaints and hearings; and
3 4	[(ii)] 2. adopt regulations that are identical to regulations adopted by the State Board of Morticians and Funeral Directors to:
5 6	[1.] A. implement item [(i)] 1 of this [paragraph] SUBPARAGRAPH; and
7	[2.] B. ensure public health and safety.
8	Article – Health – General
9	5-505.
$\begin{array}{c} 10 \\ 1 \\ 2 \end{array}$	(a) Except as provided in subsection (b) of this section, a person may not require that a cremation be performed with a casket. However, the use of a simple container may be required.
13	(b) The person arranging for final disposition of a body may specify that a casket
4	(1) Be used before cremation;
15 16	(2) Be consumed during cremation, AS DEFINED IN § 5-508(C)(1) OF THIS SUBTITLE;
17	(3) Be used after cremation; or
8	(4) Not be used before, during, or after cremation.
9	5–508.
20	(a) In this subtitle the following words have the meanings indicated.
21 22 23	(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.
24 25	(c) "Cremation" means [the disposition of a dead human body by means of incineration] THE PROCESS OF REDUCING HUMAN REMAINS TO:
26	(1) BONE FRAGMENTS THROUGH INTENSE HEAT AND EVAPORATION

INCLUDING ANY MECHANICAL OR THERMAL PROCESS; OR







29 **(2)** In conjunction with the Office of Cemetery Oversight, the Board shall:

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PERFORMED.

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

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October 1, 2023.

HOUSE BILL 1060

1 Registration of crematory operators or issuance of permits (i) 1. 2 for operating crematories, and renewal; 3 Applications, including certification of ownership and [(ii)] **2.** identification of individuals who will perform cremation; 4 [(iii)] **3.** 5 Registration or permit fees; 6 [(iv)] **4.** Inspections and oversight; 7 [(v)] 5. Grounds for discipline and penalties; and 8 [(vi)] **6.** Complaints and hearings; and 9 [(2)](II)Adopt regulations that are identical to regulations adopted by the Director of the Office of Cemetery Oversight to: 10 11 (i) 1. Implement [(1)]this [subsection] item (I)of 12 PARAGRAPH; and Ensure public health and safety. 13 [(ii)] **2.** 14 (D) THE BOARD HAS EXCLUSIVE AUTHORITY TO LICENSE AND REGULATE A CREMATORY THAT ONLY PERFORMS CREMATIONS AS DEFINED IN § 7-101(E)(2) OF 15 16 THIS TITLE. 17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect