

Chapter 591

(House Bill 676)

AN ACT concerning

Cemeteries – Interment – Pet Remains – ~~Duty of Perpetual Care~~

FOR the purpose of making certain provisions of law governing cemeteries applicable to pet cemeteries; providing that a certain registered cemeterian, registered crematory operator, or permit holder who sells or offers to sell to the public certain services for pet remains owes a duty of perpetual care for the cemetery in which certain pet remains are interred; requiring the Director of the Office of Cemetery Oversight to adopt regulations to enforce certain provisions of this Act; and generally relating to ~~perpetual care for cemeteries that inter~~ the interment of pet remains.

BY repealing and reenacting, without amendments,

Article – Business Regulation

Section 5–101(a)

Annotated Code of Maryland

(2015 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,

Article – Business Regulation

Section ~~5–101(o) through (u)~~ 5–101(l) and (o) through (u), 5–704(a), and 5–708(d)(1)

Annotated Code of Maryland

(2015 Replacement Volume and 2022 Supplement)

BY adding to

Article – Business Regulation

Section 5–101(o) and 5–804

Annotated Code of Maryland

(2015 Replacement Volume and 2022 Supplement)

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

Article – Business Regulation

5–101.

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

(l) “Interment” means all final disposition of human remains OR PET REMAINS, including:

(1) earth burial;

(2) *mausoleum entombment; and*

(3) *niche or columbarium interment.*

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

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

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

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

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

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

(2) to sell burial goods.

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

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

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

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

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

5-704.

(a) A preneed burial contract shall contain:

(1) the name of the buyer;

(2) the name of the seller;

(3) the name of each individual, other than the buyer, as to whom the preneed goods or preneed services are to be furnished;

(4) **THE NAME OF THE PET, IF APPLICABLE;**

(5) a description of the preneed goods or preneed services; and

~~[(5)]~~ (6) the amount of the buyer's financial obligation.

5-708.

(d) (1) If a preneed burial contract provides, for 2 or more individuals **OR PETS**, preneed goods or preneed services to which the trust requirements of this subtitle apply, a seller may designate in the seller's records the consideration paid for each individual **OR PET**.

5-804.

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

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

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

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

Approved by the Governor, May 8, 2023.