

Department of Legislative Services  
 Maryland General Assembly  
 2024 Session

FISCAL AND POLICY NOTE  
 Third Reader

House Bill 152 (Delegate Boyce, *et al.*)  
 Health and Government Operations Education, Energy, and the Environment

Department of the Environment - Study on Deathcare and Funeral Practices

This bill requires the Maryland Department of the Environment (MDE), in consultation with the Maryland Department of Health (MDH) and the Maryland Department of Labor (MDL), to conduct a study of the impacts of deathcare and funeral practices on the environment and public health of the State. The study must examine the environmental and public health impacts of (1) casket and vault burial; (2) mausoleum burial; (3) casket only burial; (4) natural or green burial; (5) cremation; (6) alkaline hydrolysis or water cremation; (7) resomation or natural water cremation; and (8) natural organic reduction. MDE may consult trade groups or organizations and academic institutions to complete the study. MDE must report its findings and recommendations to the Governor and the General Assembly by October 1, 2025. **The bill takes effect July 1, 2024.**

Fiscal Summary

**State Effect:** General fund expenditures increase by \$100,000 in FY 2025 for MDE to hire a consultant to conduct the study. Revenues are not affected.

(in dollars)	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	100,000	0	0	0	0
Net Effect	(\$100,000)	\$0	\$0	\$0	\$0

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** None.

**Small Business Effect:** None.

## Analysis

### Current Law:

#### *Final Disposition of a Decedent*

Generally, the body of a decedent may not be embalmed or artificially preserved without the express permission of the person authorized to arrange for the final disposition of the body or a court order. A funeral establishment or crematory must store the body of a decedent until final disposition at (1) a licensed funeral establishment; (2) a licensed or permitted crematory; or (3) another facility that has passed inspection by the State Board of Morticians and Funeral Directors or the Office of Cemetery Oversight (OCO) within the previous two years.

An individual may not bury or dispose of a body except (1) in a family burial plot or other area allowed by a local ordinance; (2) in a crematory; (3) in a cemetery; (4) by donating the body to medical science; or (5) by removing the body to another state for final disposition in accordance with the laws of the other state.

#### *Office of Cemetery Oversight*

The primary objective of OCO is to register and monitor individuals and businesses engaged in the operation of cemeteries and burial goods businesses in Maryland. This includes individuals and companies that sell funerary monuments and memorials on a retail basis. OCO also regulates and provides registration for crematories under its jurisdiction: those with 50% or more ownership by a licensee of the office.

Responsibilities of OCO include the investigation and mediation of consumer complaints involving registrants and permit holders. To protect Maryland citizens from unfair and unscrupulous practices, OCO determines and enforces the ethical standards related to the operation of cemeteries and those related to the provision of burial goods and services within the State. OCO also regulates and monitors the funds held in perpetual care and preneed trusts by its licensees.

#### *Board of Morticians and Funeral Directors*

The primary purpose of the Board of Morticians and Funeral Directors is the protection of the public's health and welfare through proper credentialing; examination; licensure; and discipline of morticians, funeral directors, corporations, crematory operators, apprentices, surviving spouses, mortuary transport services, transporters, courtesy card holders, and holders of an executor license in Maryland. The board also licenses, permits, and inspects funeral establishments and specified crematories for compliance with all applicable federal,

State, and local laws and takes disciplinary action against such establishments where warranted. The board has jurisdiction over crematories that are majority-owned by its licensees.

*Maryland Department of the Environment*

Any operation or equipment that discharges emissions to the outside air, such as a traditional crematory, requires an air quality permit to construct from MDE. MDE advises that all water cremation systems the department has encountered use electricity for heat and are closed with no stack emission point. Those systems do not require an air quality permit and would only require a permit if the vessel used to heat the remains used a fuel source instead of electricity. MDE also oversees local pretreatment programs for the disposal of embalming fluid and related chemicals used by funeral homes.

**State Expenditures:** General fund expenditures increase by \$100,000 in fiscal 2025 for MDE to hire a consultant to conduct the study. MDE advises that existing staff can facilitate the study protocols with the contractor, coordinate with MDH and MDL, review data, and finalize the report. MDL and MDH can consult with MDE on the study with existing budgeted resources.

---

**Additional Information**

**Recent Prior Introductions:** Similar legislation has been introduced within the last three years. See HB 869 of 2023.

**Designated Cross File:** None.

**Information Source(s):** Maryland Department of the Environment; Maryland Department of Health; Maryland Department of Labor; Department of Legislative Services

**Fiscal Note History:** First Reader - January 17, 2024  
km/lgc Third Reader - March 1, 2024

---

Analysis by: Stephen M. Ross

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510