

Chapter 481

(House Bill 756)

AN ACT concerning

General Provisions – State Flag – Casket of an Eligible Decedent

FOR the purpose of requiring the Secretary of State to furnish a State flag to drape the casket of an eligible decedent; establishing the process for a State flag to be claimed after burial; prohibiting the Secretary of State from procuring a certain flag; and generally relating to the burial of an eligible decedent.

BY adding to

Article – General Provisions

Section 7–207

Annotated Code of Maryland

(2019 Replacement Volume and 2023 Supplement)

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

Article – General Provisions**7–207.**

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “ELIGIBLE DECEDENT” MEANS:

(I) AN EMPLOYEE OF THE STATE OR ANY POLITICAL SUBDIVISION WHO DIED AS A RESULT OF:

1. AN ACCIDENTAL INJURY THAT AROSE OUT OF AND IN THE COURSE OF EMPLOYMENT WITH THE STATE OR POLITICAL SUBDIVISION; OR

2. AN INJURY CAUSED BY A WILLFUL OR NEGLIGENT ACT OF A THIRD PERSON, DIRECTED AGAINST THE EMPLOYEE IN THE COURSE OF EMPLOYMENT WITH THE STATE OR POLITICAL SUBDIVISION;

(II) A CURRENT OR FORMER CONSTITUTIONAL OFFICER, AS DEFINED IN § 29–305 OF THE STATE PERSONNEL AND PENSIONS ARTICLE;

(III) A CURRENT OR FORMER MEMBER OF THE GENERAL ASSEMBLY;

(IV) A CURRENT OR FORMER GOVERNOR OF THE STATE;

~~(IV)~~ (V) A JUDGE, AS DEFINED IN § 1-101 OF THE COURTS ARTICLE;

~~(V)~~ (VI) AN INDIVIDUAL WHO CURRENTLY HOLDS OR FORMERLY HELD ANY OF THE POSITIONS IDENTIFIED IN § 29-304 OF THE STATE PERSONNEL AND PENSIONS ARTICLE; OR

~~(VI)~~ (VII) ANY OTHER INDIVIDUAL WHOM THE GOVERNOR DESIGNATES THROUGH AN EXECUTIVE ORDER.

(3) “POLITICAL SUBDIVISION” HAS THE MEANING STATED IN § 4-101 OF THIS ARTICLE.

(4) “WHOLLY PRODUCED IN THE UNITED STATES” MEANS A FLAG THAT CONTAINS ONLY:

(I) MATERIALS AND COMPONENTS THAT ARE GROWN, MANUFACTURED, OR CREATED ENTIRELY IN THE UNITED STATES;

(II) PROCESSING COMPONENTS, INCLUDING SPINNING, WEAVING, DYEING, AND FINISHING, THAT ARE PERFORMED ENTIRELY IN THE UNITED STATES; AND

(III) MATERIALS THAT HAVE BEEN MANUFACTURED AND ASSEMBLED ENTIRELY IN THE UNITED STATES.

(B) (1) ~~THE~~ ON REQUEST, THE SECRETARY OF STATE SHALL FURNISH A STATE FLAG TO DRAPE THE CASKET OF AN ELIGIBLE DECEDENT.

(2) THE SECRETARY OF STATE SHALL ADOPT REGULATIONS ESTABLISHING A PROCESS TO:

(I) SUBMIT A REQUEST UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND

(II) VERIFY THAT A REQUEST UNDER PARAGRAPH (1) OF THIS SUBSECTION IS BEING MADE ON BEHALF OF AN ELIGIBLE DECEDENT.

(C) (1) AFTER THE BURIAL OF AN ELIGIBLE DECEDENT, THE FLAG SHALL BE:

(I) CLAIMED BY AND PROVIDED TO THE ELIGIBLE DECEDENT'S NEXT OF KIN; OR

(II) PROVIDED TO A CLOSE FRIEND OR AN ASSOCIATE, IF IT IS NOT CLAIMED BY THE ELIGIBLE DECEDENT'S NEXT OF KIN.

(2) ONLY ONE FLAG MAY BE PROVIDED FOR THE DEATH OF AN ELIGIBLE DECEDENT UNDER THIS SECTION.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE SECRETARY OF STATE MAY NOT PROCURE ANY FLAG UNDER THIS SECTION UNLESS IT IS WHOLLY PRODUCED IN THE UNITED STATES.

(2) THE SECRETARY OF STATE MAY WAIVE THE REQUIREMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION IF IT CANNOT BE MET REASONABLY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.

Approved by the Governor, May 9, 2024.