

HB1555/463620/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1555
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page insert “EMERGENCY BILL”; in the sponsor line, strike “**and Woorman**” and substitute “**Woorman, Alston, Kerr, Reilly, and Szeliga**”; strike beginning with “requiring” in line 5 down through “remains;” in line 8; in line 9, strike “Director” and substitute “Office of Cemetery Oversight”; in the same line, strike “Board” and substitute “State Board of Morticians and Funeral Directors”; in the same line, strike the comma and substitute “and”; in line 10, strike “, and make certain notifications to authorizing agents”; in line 13, after “circumstances;” insert “altering certain provisions of law governing the appointment of officers, removal of members, and the quorum of the Board; establishing the threshold vote required for binding Board action; establishing the authority of the Secretary of Health regarding staff for the Board; authorizing the Executive Director of the Board to direct an immediate investigation of certain complaints; establishing requirements regarding the review of complaints and investigations by the Board; repealing a prohibition against using certain State money to support the State Board of Morticians and Funeral Directors Fund; altering the circumstances under which the Board may take certain disciplinary action; requiring a certain liaison to be assigned to assist in the preparation of certain charges; authorizing the Executive Director of the Board to direct a certain liaison to prepare charges under certain circumstances; repealing a certain requirement to stay an order of suspension or revocation under certain circumstances;”; in line 17, strike “and (i)” and substitute “(i), and (r)”; and in line 22, strike “5–204(a)(2) and (b)” and substitute “5–204(b)”.

On page 2, in line 3, strike “and 5–208”; in line 13, after “(d)” insert “and 7–206(a)”; in line 18, strike “7–205(c) and 7–409” and substitute “7–202(a) and (i), 7–203, 7–204, 7–206(d), 7–316(b)(2), and 7–409(a)”; in line 23, after “Section” insert “7–205.1,”;

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in the same line, strike “7–210, and 7–317.1” and substitute “7–317.1, and 7–318.1”; and after line 25, insert:

“BY repealing

Article - Health Occupations

Section 7–320(c)

Annotated Code of Maryland

(2021 Replacement Volume and 2024 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 33, insert:

“(r) “Office” means the Office of Cemetery Oversight.”.

On page 3, strike in their entirety lines 1 through 23, inclusive; in line 30, strike “(I)”; in the same line, strike “**THE DIRECTOR**” and substitute “**A TRAINED STAFF MEMBER OF THE OFFICE WHO IS QUALIFIED TO DO INSPECTIONS**”; in line 31, strike “**OPERATOR**”; and in line 32, strike “**OPERATOR**” and substitute “**FACILITY THAT HAS BEEN REPRIMANDED UNDER § 5–310 OF THIS TITLE WITHIN THE IMMEDIATELY PRECEDING 5 YEARS**”.

On page 4, strike in their entirety lines 1 through 11, inclusive; strike beginning with the colon in line 13 down through “(1)” in line 14; in line 15, strike “**VIOLATION BY**” and substitute “**DISCIPLINARY ACTION TAKEN BY THE OFFICE UNDER § 5–310 OF THIS SUBTITLE AGAINST**”; in the same line, strike the comma and substitute “**AND**”; in line 16, strike “**, AND COMPLAINT AGAINST**”; and strike beginning with the semicolon in line 16 down through “**TITLE**” in line 21.

On pages 4 and 5, strike in their entirety the lines beginning with line 22 on page 4 down through line 5 on page 5, inclusive.

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On page 6, in line 28, strike “\$50,000” and substitute “\$25,000”.

On pages 8 and 9, strike in their entirety the lines beginning with line 7 on page 8 through line 2 on page 9, inclusive, and substitute:

“7-202.

(a) (1) The Board consists of 11 members.

(2) Of the 11 Board members:

(i) 6 shall be licensed morticians or licensed funeral directors;

and

(ii) 5 shall be consumer members.

(3) All Board members shall be residents of the State.

(4) (I) The Governor shall appoint each member with the advice of the Secretary, and with the advice and consent of the Senate.

(II) THE GOVERNOR SHALL DESIGNATE ONE MEMBER OF THE BOARD TO SERVE AS PRESIDENT.

(5) The Board may not have more than one member who is employed by or affiliated with, directly or indirectly, the same corporation, professional association, or other entity, that owns, directly or through a subsidiary corporation, professional association, or other entity, one or more funeral homes.

(i) (1) The Governor may remove an appointed member:

(i) For [incompetence or misconduct]:

(Over)

1. REFUSING OR BEING UNABLE TO PERFORM BOARD DUTIES IN AN EFFICIENT, RESPONSIBLE, AND PROFESSIONAL MANNER;

2. MISUSING THE MEMBER'S POSITION IN ORDER TO OBTAIN FINANCIAL GAIN OR SEEK PERSONAL ADVANTAGE FOR THE MEMBER OR OTHERS;

3. BEING FOUND GUILTY OR OTHERWISE SANCTIONED IN A FINAL ADJUDICATION OR DETERMINATION BY ANY LAWFUL AUTHORITY FOR ANY VIOLATION OF LAW SUBSTANTIALLY RELATED TO ANY PRACTICE GOVERNED UNDER THIS TITLE; OR

4. ANY JUST AND REASONABLE CAUSE; or

(ii) Who, because of events that occur after the member's appointment or reappointment to the Board, causes the Board to be in violation of the prohibition set forth in subsection (a)(5) of this section.

(2) [Upon] ON the recommendation of the Secretary, the Governor may remove an appointed member whom the Secretary finds to have been absent from [2] TWO successive Board meetings without adequate reason.

7-203.

(a) From among its members, the Board shall elect [a president,] a first vice president[,] and a second vice president.

(b) The Board shall determine:

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- (1) The manner of election of officers;
- (2) The term of office of each officer; and
- (3) The duties of each officer.

7-204.

(a) **(1)** A majority of the [full authorized membership of] MEMBERS THEN SERVING ON the Board is a quorum to do business.

(2) A MAJORITY VOTE OF THE QUORUM PRESENT AT A MEETING OF THE BOARD IS REQUIRED FOR BINDING ACTION OF THE BOARD TO BE TAKEN.

(b) (1) The Board shall meet at least once a year, at the times and places that it sets in its bylaws and rules and regulations.

(2) The Board shall hold special meetings that:

(i) It considers necessary; or

(ii) The Secretary directs.

(c) Each appointed member of the Board is entitled to:

(1) Compensation in accordance with the budget of the Board for each meeting that the member attends; and

(2) Reimbursement for expenses at a rate determined by the Board.

7-205.1.

(Over)

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ON RECEIPT OF A COMPLAINT, BOARD STAFF SHALL PRESENT THE COMPLAINT TO THE BOARD FOR REVIEW.

(B) IF THE EXECUTIVE DIRECTOR DETERMINES THAT A COMPLAINT ALLEGES FACTS THAT, IF TRUE, WOULD POSE AN IMMINENT THREAT TO HUMAN SAFETY, THE EXECUTIVE DIRECTOR MAY DIRECT THE IMMEDIATE INVESTIGATION OF THE COMPLAINT.

(C) A COMPLAINT OPENED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE PRESENTED TO THE BOARD FOR REVIEW AT THE NEXT SCHEDULED MEETING OF THE BOARD.”.

On page 9, strike beginning with the colon in line 4 down through “ESTABLISH” in line 5 and substitute “ESTABLISH”; in line 6, strike “VIOLATION BY” and substitute “DISCIPLINARY ACTION TAKEN BY THE BOARD UNDER § 7-316 OF THIS SUBTITLE AGAINST”; in the same line, strike the comma and substitute “AND”; in line 7, strike “, AND COMPLAINT AGAINST”; strike beginning with the semicolon in line 7 down through “SUBTITLE” in line 12, inclusive; strike in their entirety lines 13 through 23, inclusive, and substitute:

“7-316.

(b) Subject to the hearing provisions of § 7-319 of this subtitle, the Board may deny a license to an applicant for a funeral establishment license, reprimand the holder of a funeral establishment license, place the holder of a funeral establishment license on probation, or suspend or revoke a funeral establishment license if, with the knowledge or at the direction of the funeral establishment:

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(2) An employee of the funeral establishment fails to comply with § 5–513(b) [and] OR (d) of the Health – General Article; or”;

and in line 28, strike “\$50,000” and substitute “\$25,000”.

On page 10, after line 1, insert:

“7–318.1.

(A) IF THE BOARD REFERS A CASE TO THE OFFICE OF THE ATTORNEY GENERAL FOR PROSECUTION, A LIAISON SHALL BE ASSIGNED TO ASSIST THE PROSECUTOR WITH THE PREPARATION OF THE CHARGES.

(B) THE EXECUTIVE DIRECTOR MAY DIRECT THE LIAISON TO PREPARE CHARGES IF THE EXECUTIVE DIRECTOR DETERMINES THAT:

(1) A COMPLAINT THAT HAS BEEN REFERRED FOR PROSECUTION UNDER SUBSECTION (A) OF THIS SECTION ALLEGES FACTS THAT, IF TRUE, WOULD POSE AN IMMINENT THREAT TO HUMAN SAFETY; OR

(2) OTHER EXIGENT CIRCUMSTANCES EXIST.

7–320.

[(c) If a person notes an appeal from an order of suspension or revocation by the Board, the order is stayed.]”;

in line 6, strike “(I)”;

in the same line, strike “THE BOARD” and substitute “A TRAINED STAFF MEMBER OF THE BOARD WHO IS QUALIFIED TO DO INSPECTIONS”; and in

(Over)

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line 7, after “ESTABLISHMENT” insert “THAT IS UNDER PROBATION UNDER § 7-317 OF THIS TITLE”.

On pages 10 and 11, strike in their entirety the lines beginning with line 9 on page 10 through line 21 on page 11, inclusive, and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Health Occupations

7-204.

(d) [(1)] The Board may appoint a Board secretary, who may be a member of the Board.

[(2) The Board may employ inspectors and other staff in accordance with the budget of the Board.]

(E) (1) THE SECRETARY MAY EMPLOY A STAFF FOR THE BOARD IN ACCORDANCE WITH THE STATE BUDGET.

(2) THE SECRETARY MAY DESIGNATE ONE OF THE STAFF AS AN EXECUTIVE DIRECTOR.

(3) THE SECRETARY MAY SET THE COMPENSATION OF AN EMPLOYEE OF THE BOARD IN A POSITION THAT:

(i) IS UNIQUE TO THE BOARD;

(II) REQUIRES SPECIFIC SKILLS OR EXPERIENCE TO PERFORM THE DUTIES OF THE POSITION; AND

(III) DOES NOT REQUIRE THE EMPLOYEE TO PERFORM FUNCTIONS THAT ARE COMPARABLE TO FUNCTIONS PERFORMED IN OTHER UNITS OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

(4) THE SECRETARY OF BUDGET AND MANAGEMENT, IN CONSULTATION WITH THE SECRETARY, SHALL DETERMINE THE POSITIONS FOR WHICH THE SECRETARY MAY SET COMPENSATION UNDER PARAGRAPH (3) OF THIS SUBSECTION.

7-206.

(a) There is a State Board of Morticians and Funeral Directors Fund.

(d) (1) The Fund shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board as provided by the provisions of this article.

(2) The Fund is a continuing, nonlapsing fund, not subject to § 7-302 of the State Finance and Procurement Article.

(3) Any unspent portions of the Fund may not be transferred or revert to the General Fund of the State, but shall remain in the Fund to be used for the purposes specified in this article.

[(4) No other State money may be used to support the Fund.]”.

On page 11, strike lines 22 and 23 in their entirety and substitute:

(Over)

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“SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. Section 2 of this Act shall remain effective through September 30, 2028, and, at the end of September 30, 2028, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.”.