

HOUSE BILL 1555

C2, J2

5lr3632

By: **Delegates Bhandari, Allen, Bagnall, Chisholm, Cullison, Guzzone, Hill, Hutchinson, S. Johnson, Kaiser, Kipke, Lopez, Martinez, M. Morgan, Pena–Melnyk, Rosenberg, Ross, Taveras, White Holland, Woods, and Woorman**

Rules suspended

Introduced and read first time: February 26, 2025

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Funeral Establishments, Crematories, and Reduction Facilities – Oversight**
3 **(Ensuring Dignity and Accountability in Crematory and Funeral Home**
4 **Operations Act)**

5 FOR the purpose of requiring the Director of the Office of Cemetery Oversight and the State
6 Board of Morticians and Funeral Directors to adopt regulations that require funeral
7 establishments, crematories, and reduction facilities to maintain adequate
8 refrigerated holding facilities to ensure proper storage of human remains; requiring
9 the Director and the Board to establish and maintain certain online databases,
10 conduct certain inspections, and make certain notifications to authorizing agents;
11 providing that a person who violates certain provisions of law is subject to certain
12 civil and administrative penalties and referral for criminal prosecution under certain
13 circumstances; and generally relating to funeral establishments, crematories, and
14 reduction facilities.

15 BY repealing and reenacting, without amendments,
16 Article – Business Regulation
17 Section 5–101(a), (c), and (i)
18 Annotated Code of Maryland
19 (2024 Replacement Volume)

20 BY repealing and reenacting, with amendments,
21 Article – Business Regulation
22 Section 5–204(a)(2) and (b) and 5–310
23 Annotated Code of Maryland
24 (2024 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 BY adding to
2 Article – Business Regulation
3 Section 5–207 and 5–208
4 Annotated Code of Maryland
5 (2024 Replacement Volume)
- 6 BY repealing and reenacting, without amendments,
7 Article – Health – General
8 Section 5–508(a) and (c)
9 Annotated Code of Maryland
10 (2023 Replacement Volume and 2024 Supplement)
- 11 BY repealing and reenacting, without amendments,
12 Article – Health Occupations
13 Section 7–101(a), (c–1), and (d)
14 Annotated Code of Maryland
15 (2021 Replacement Volume and 2024 Supplement)
- 16 BY repealing and reenacting, with amendments,
17 Article – Health Occupations
18 Section 7–205(c) and 7–409
19 Annotated Code of Maryland
20 (2021 Replacement Volume and 2024 Supplement)
- 21 BY adding to
22 Article – Health Occupations
23 Section 7–209, 7–210, and 7–317.1
24 Annotated Code of Maryland
25 (2021 Replacement Volume and 2024 Supplement)

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

28 **Article – Business Regulation**

29 5–101.

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

31 (c) “Authorizing agent” has the meaning stated in § 5–508 of the Health – General
32 Article.

33 (i) “Director” means the Director of the Office of Cemetery Oversight.

34 5–204.

1 (a) (2) In conjunction with the State Board of Morticians and Funeral
2 Directors, the Director shall:

3 (i) establish a process for regulating crematories and reduction
4 facilities that provides for:

5 1. registration of crematory operators and reduction facility
6 operators or issuance of permits for operating crematories and reduction facilities, and
7 renewal;

8 2. applications, including certification of ownership and
9 identification of individuals who will perform alkaline hydrolysis, cremation, or natural
10 organic reduction;

11 3. registration and permit fees;

12 4. inspections and oversight;

13 5. grounds for discipline and penalties; and

14 6. complaints and hearings; [and]

15 (II) **ADOPT REGULATIONS THAT REQUIRE FUNERAL**
16 **ESTABLISHMENTS, CREMATORIES, AND REDUCTION FACILITIES TO MAINTAIN**
17 **ADEQUATE REFRIGERATED HOLDING FACILITIES TO ENSURE PROPER STORAGE OF**
18 **HUMAN REMAINS; AND**

19 [(ii)] (III) adopt regulations that are identical to regulations adopted
20 by the State Board of Morticians and Funeral Directors to:

21 1. implement [item] ITEMS (i) AND (II) of this paragraph;
22 and

23 2. ensure public health and safety.

24 (b) (1) [Upon] **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON**
25 receipt of a written complaint, or at the discretion of the Director, the Director or the
26 Director's designee may conduct an investigation and an inspection of the records and site
27 of a registered cemeterian, registered crematory operator, registered reduction operator,
28 registered seller, permit holder, or any other person subject to the registration or permit
29 provisions of this title.

30 (2) (I) **EACH YEAR, THE DIRECTOR SHALL CONDUCT AT LEAST**
31 **TWO UNANNOUNCED INSPECTIONS OF EACH REGISTERED CREMATORY OPERATOR**
32 **AND REGISTERED REDUCTION OPERATOR TO ENSURE COMPLIANCE WITH THIS**
33 **TITLE.**

1 **(II) IF A REGISTERED CREMATORY OPERATOR OR REGISTERED**
2 **REDUCTION OPERATOR IS CITED FOR A SANITATION VIOLATION OR THE**
3 **MISHANDLING OF HUMAN REMAINS, THE DIRECTOR SHALL CONDUCT AN**
4 **UNANNOUNCED INSPECTION OF THE REGISTERED CREMATORY OR REGISTERED**
5 **REDUCTION OPERATOR WITHIN 30 DAYS AFTER THE CITATION WAS ISSUED.**

6 **(3) THE DIRECTOR SHALL EMPLOY AT LEAST ONE INSPECTOR TO:**

7 **(I) ENSURE COMPLIANCE WITH REGULATORY REQUIREMENTS;**

8 **(II) CONDUCT ROUTINE AND COMPLAINT-BASED INSPECTIONS;**

9 **AND**

10 **(III) RESPOND TO PUBLIC CONCERNS REGARDING VIOLATIONS**
11 **OF THIS TITLE.**

12 **5-207.**

13 **THE OFFICE SHALL:**

14 **(1) ESTABLISH AND MAINTAIN A PUBLICLY ACCESSIBLE, ONLINE**
15 **DATABASE THAT INCLUDES INFORMATION ABOUT EACH VIOLATION BY, INSPECTION**
16 **OF, AND COMPLAINT AGAINST A CREMATORY OR REDUCTION FACILITY;**

17 **(2) NOTIFY THE AUTHORIZING AGENT WITHIN 24 HOURS AFTER THE**
18 **OFFICE BECOMES AWARE OF A DELAY, AN EQUIPMENT FAILURE, OR A REGULATORY**
19 **VIOLATION THAT INVOLVES A DECEDENT'S REMAINS; AND**

20 **(3) PUBLISH ON ITS WEBSITE EACH REPORT SUBMITTED BY THE**
21 **OFFICE TO THE GENERAL ASSEMBLY UNDER THIS TITLE.**

22 **5-208.**

23 **ON OR BEFORE DECEMBER 31 EACH YEAR, THE OFFICE SHALL SUBMIT A**
24 **REPORT TO THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND**
25 **GOVERNMENT OPERATIONS COMMITTEE, IN ACCORDANCE WITH § 2-1257 OF THE**
26 **STATE GOVERNMENT ARTICLE, THAT INCLUDES:**

27 **(1) THE RESULTS OF INSPECTIONS CONDUCTED UNDER § 5-204(B) OF**
28 **THIS SUBTITLE, INCLUDING ANY VIOLATIONS AND CORRECTIVE ACTIONS TAKEN;**

1 **(2) IN ADDITION TO THE INFORMATION REQUIRED TO BE REPORTED**
2 **UNDER § 5-311(H)(2) OF THIS TITLE, THE NUMBER OF COMPLAINTS RECEIVED AND**
3 **THE RESOLUTIONS OF EACH COMPLAINT; AND**

4 **(3) RECOMMENDATIONS FOR IMPROVING THE REGULATION OF**
5 **CREMATORIES AND REDUCTION FACILITIES.**

6 5-310.

7 (a) Subject to the hearing provisions of § 5-312 of this subtitle, the Director may
8 deny a registration or permit to an applicant, reprimand a person subject to the registration
9 or permit provisions of this title, or suspend or revoke a registration or permit if an
10 applicant, registrant, or permit holder, or an agent, employee, officer, director, or partner
11 of the applicant, registrant, or permit holder:

12 (1) fraudulently or deceptively obtains or attempts to obtain a registration
13 or permit;

14 (2) fraudulently or deceptively uses a registration or permit;

15 (3) under the laws of the United States or of any state, is convicted of a:

16 (i) felony; or

17 (ii) misdemeanor that is directly related to the fitness and
18 qualifications of the applicant, registrant, or permit holder to own or operate a cemetery,
19 crematory, or reduction facility or provide burial goods;

20 (4) fails to provide or misrepresents any information required to be
21 provided under this title;

22 (5) violates this title;

23 (6) violates the code of ethics adopted by the Director;

24 (7) violates a regulation adopted under this title;

25 (8) fails to provide reasonable and adequate supervision of the operation of
26 the cemetery, crematory, or reduction facility or the provision of burial goods by agents,
27 employees, officers, directors, or partners affiliated with a cemetery, crematory, reduction
28 facility, or burial goods business;

29 (9) refuses to allow an inspection required by this title;

30 (10) fails to comply with an order of the Director;

1 (11) fails to comply with any terms of settlement under a binding arbitration
2 agreement;

3 (12) is found guilty by a court in this State of violating an unfair or deceptive
4 trade practices provision under Title 13 of the Commercial Law Article; or

5 (13) fails to comply with § 5-513 of the Health – General Article.

6 (b) (1) If a person is charged with a violation of this title that could result in
7 suspension or revocation of a registration or permit, the Director may seek an immediate
8 restraining order in a circuit court in this State to prohibit the person from engaging in the
9 operation of any cemetery, crematory, reduction facility, or burial goods business.

10 (2) The restraining order is in effect until:

11 (i) the court lifts the order; or

12 (ii) the charges are adjudicated or dismissed.

13 (c) If a person is charged with a violation of this title that could result in
14 suspension or revocation of a registration or permit, the Director may petition a court to:

15 (1) appoint a receiver or trustee to take charge of the assets and operate
16 the business of the person in the event that the registration or permit is suspended or
17 revoked; and

18 (2) take any actions as are appropriate to protect the public interest.

19 (d) Instead of or in addition to reprimanding a person, or suspending or revoking
20 a registration or permit, the Director may impose a civil penalty:

21 (1) not to exceed \$5,000 for each violation of this title or an order of the
22 Director under this title; and

23 (2) not to exceed \$500 for each day a violation continues past the time set
24 for its correction.

25 **(E) IF THE DIRECTOR FINDS THAT A PERSON HAS VIOLATED THIS TITLE**
26 **WITH GROSS NEGLIGENCE, IMPROPERLY HANDLED HUMAN REMAINS, OR**
27 **REPEATEDLY VIOLATED THIS TITLE, THE PERSON IS SUBJECT TO:**

28 **(1) A CIVIL PENALTY NOT EXCEEDING \$50,000;**

29 **(2) PERMANENT REVOCATION OF LICENSURE; AND**

Article – Health Occupations

1
2 7–101.

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

4 (c–1) “Authorizing agent” has the meaning stated in § 5–508 of the Health – General
5 Article.

6 (d) “Board” means the State Board of Morticians and Funeral Directors.

7 7–205.

8 (c) In conjunction with the Office of Cemetery Oversight, the Board shall:

9 (1) Establish a process for regulating crematories and reduction facilities
10 that provides for:

11 (i) Registration of crematory operators and reduction operators or
12 issuance of permits for operating crematories and reduction facilities, and renewal;

13 (ii) Applications, including certification of ownership and
14 identification of individuals who will perform cremation, alkaline hydrolysis, or natural
15 organic reduction;

16 (iii) Registration or permit fees;

17 (iv) Inspections and oversight;

18 (v) Grounds for discipline and penalties; and

19 (vi) Complaints and hearings; [and]

20 **(2) ADOPT REGULATIONS THAT REQUIRE FUNERAL**
21 **ESTABLISHMENTS, CREMATORIES, AND REDUCTION FACILITIES TO MAINTAIN**
22 **ADEQUATE REFRIGERATED HOLDING FACILITIES TO ENSURE PROPER STORAGE OF**
23 **HUMAN REMAINS; AND**

24 **[(2)] (3)** Adopt regulations that are identical to regulations adopted by
25 the Director of the Office of Cemetery Oversight to:

26 (i) Implement [item] **ITEMS (1) AND (2)** of this subsection;

27 (ii) Ensure public health and safety; and

1 (iii) Meet the requirements of § 5–204(a)(3) of the Business
2 Regulation Article.

3 **7–209.**

4 **THE BOARD SHALL:**

5 (1) ESTABLISH AND MAINTAIN A PUBLICLY ACCESSIBLE, ONLINE
6 DATABASE THAT INCLUDES INFORMATION REGARDING EACH VIOLATION BY,
7 INSPECTION OF, AND COMPLAINT AGAINST EACH FUNERAL ESTABLISHMENT;

8 (2) NOTIFY THE AUTHORIZING AGENT WITHIN 24 HOURS AFTER THE
9 BOARD BECOMES AWARE OF A DELAY, AN EQUIPMENT FAILURE, OR A REGULATORY
10 VIOLATION THAT INVOLVES A DECEDENT’S REMAINS; AND

11 (3) PUBLISH ON ITS WEBSITE EACH REPORT SUBMITTED UNDER §
12 7–210 OF THIS SUBTITLE.

13 **7–210.**

14 ON OR BEFORE DECEMBER 31 EACH YEAR, THE BOARD SHALL SUBMIT A
15 REPORT TO THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND
16 GOVERNMENT OPERATIONS COMMITTEE, IN ACCORDANCE WITH § 2–1257 OF THE
17 STATE GOVERNMENT ARTICLE, THAT INCLUDES:

18 (1) THE RESULTS OF INSPECTIONS CONDUCTED UNDER § 7–409 OF
19 THIS TITLE, INCLUDING ANY VIOLATIONS AND CORRECTIVE ACTIONS TAKEN;

20 (2) THE NUMBER OF COMPLAINTS RECEIVED AND THE RESOLUTIONS
21 OF EACH COMPLAINT; AND

22 (3) RECOMMENDATIONS FOR IMPROVING THE REGULATION OF
23 FUNERAL ESTABLISHMENTS.

24 **7–317.1.**

25 IF THE BOARD FINDS THAT A PERSON HAS VIOLATED THIS TITLE WITH GROSS
26 NEGLIGENCE, IMPROPERLY HANDLED HUMAN REMAINS, OR REPEATEDLY VIOLATED
27 THIS TITLE, THE PERSON IS SUBJECT TO:

28 (1) A CIVIL PENALTY NOT EXCEEDING \$50,000;

29 (2) PERMANENT REVOCATION OF LICENSURE; AND

1 **(3) REFERRAL FOR CRIMINAL PROSECUTION.**

2 7-409.

3 (a) **(1)** Except as provided in subsection (b) of this section, all inspections of
4 funeral establishments shall be unannounced and may take place at any time without
5 notice from the Board.

6 **(2) (I) EACH YEAR, THE BOARD SHALL CONDUCT AT LEAST TWO**
7 **UNANNOUNCED INSPECTIONS OF EACH LICENSED FUNERAL ESTABLISHMENT TO**
8 **ENSURE COMPLIANCE WITH THIS TITLE.**

9 **(II) IF A LICENSED FUNERAL ESTABLISHMENT IS CITED FOR A**
10 **SANITATION VIOLATION OR FOR THE MISHANDLING OF HUMAN REMAINS, THE**
11 **BOARD SHALL CONDUCT AN UNANNOUNCED INSPECTION OF THE LICENSED**
12 **FUNERAL ESTABLISHMENT WITHIN 30 DAYS AFTER THE CITATION WAS ISSUED.**

13 **(3) THE BOARD SHALL EMPLOY AT LEAST ONE INSPECTOR TO:**

14 **(I) ENSURE COMPLIANCE WITH REGULATORY REQUIREMENTS;**

15 **(II) CONDUCT ROUTINE AND COMPLAINT-BASED INSPECTIONS;**

16 **AND**

17 **(III) RESPOND TO PUBLIC CONCERNS REGARDING VIOLATIONS**
18 **OF THIS TITLE.**

19 (b) An unannounced inspection may include advance notice that an inspector may
20 be in the region of the funeral establishment for the purpose of conducting an inspection if:

21 (1) The advance notice is no more than 14 days prior to the inspection;

22 (2) No specific date or time is provided for the inspection; and

23 (3) The advance notice is provided solely to ensure that a licensed
24 mortician or funeral director will be on-site for the inspection.

25 (c) (1) This subsection applies to inspections conducted:

26 (i) In response to valid information provided to the Board resulting
27 in a complaint being opened by the Board concerning the preparation or body storage areas
28 of a licensed funeral establishment only if the Board has provided a copy of the complaint
29 to the licensed funeral establishment; or

1 (ii) Of a funeral establishment that the Board has placed on
2 probationary status in accordance with § 7-316(b) of this title.

3 (2) A trained staff member of the Board who is qualified to do inspections
4 may call the supervising mortician of a licensed funeral establishment, as designated under
5 § 7-310(e) of this title, and request immediate access to the preparation and body storage
6 areas of the funeral establishment.

7 (3) If a request is made under paragraph (2) of this subsection, the
8 supervising mortician immediately shall provide the staff member of the Board with the
9 location of the key or access code to the preparation or body storage areas of the funeral
10 establishment.

11 (4) An employee of a licensed funeral establishment is not required to
12 accompany a staff member of the Board while the staff member conducts an inspection of
13 a preparation or body storage area in accordance with this subsection.

14 (d) An unannounced inspection of a licensed funeral establishment shall be
15 conducted during the hours that the business of mortuary science is being conducted at the
16 licensed funeral establishment.

17 (e) Within 24 hours after the completion of an unannounced inspection of a
18 licensed funeral establishment, the Board shall provide the results of the inspection to:

19 (1) The holder of the funeral establishment license; or

20 (2) The supervising mortician for the licensed funeral establishment, as
21 designated under § 7-310(e) of this title.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2025.