

HOUSE BILL 1555

C2, J2

EMERGENCY BILL

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~~ Woorman, Alston, Kerr, Reilly, and Szeliga**

Rules suspended

Introduced and read first time: February 26, 2025

Assigned to: Rules and Executive Nominations

Re-referred to: Health and Government Operations, February 27, 2025

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 6, 2025

CHAPTER _____

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 Office of Cemetery Oversight and the Board State Board of Morticians
10 and Funeral Directors to establish and maintain certain online databases, and
11 conduct certain inspections, and make certain notifications to authorizing agents;
12 providing that a person who violates certain provisions of law is subject to certain
13 civil and administrative penalties and referral for criminal prosecution under certain
14 circumstances; altering certain provisions of law governing the appointment of
15 officers, removal of members, and the quorum of the Board; establishing the
16 threshold vote required for binding Board action; establishing the authority of the
17 Secretary of Health regarding staff for the Board; authorizing the Executive Director
18 of the Board to direct an immediate investigation of certain complaints; establishing
19 requirements regarding the review of complaints and investigations by the Board;
20 repealing a prohibition against using certain State money to support the State Board

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 of Morticians and Funeral Directors Fund; altering the circumstances under which
 2 the Board may take certain disciplinary action; requiring a certain liaison to be
 3 assigned to assist in the preparation of certain charges; authorizing the Executive
 4 Director of the Board to direct a certain liaison to prepare charges under certain
 5 circumstances; repealing a certain requirement to stay an order of suspension or
 6 revocation under certain circumstances; and generally relating to funeral
 7 establishments, crematories, and reduction facilities.

8 BY repealing and reenacting, without amendments,

9 Article – Business Regulation

10 Section 5–101(a), (c), ~~and (i)~~ (i), and (r)

11 Annotated Code of Maryland

12 (2024 Replacement Volume)

13 BY repealing and reenacting, with amendments,

14 Article – Business Regulation

15 Section ~~5–204(a)(2) and (b)~~ 5–204(b) and 5–310

16 Annotated Code of Maryland

17 (2024 Replacement Volume)

18 BY adding to

19 Article – Business Regulation

20 Section 5–207 ~~and 5–208~~

21 Annotated Code of Maryland

22 (2024 Replacement Volume)

23 BY repealing and reenacting, without amendments,

24 Article – Health – General

25 Section 5–508(a) and (c)

26 Annotated Code of Maryland

27 (2023 Replacement Volume and 2024 Supplement)

28 BY repealing and reenacting, without amendments,

29 Article – Health Occupations

30 Section 7–101(a), (c–1), and (d) and 7–206(a)

31 Annotated Code of Maryland

32 (2021 Replacement Volume and 2024 Supplement)

33 BY repealing and reenacting, with amendments,

34 Article – Health Occupations

35 Section ~~7–205(e) and 7–409~~ 7–202(a) and (i), 7–203, 7–204, 7–206(d), 7–316(b)(2),
 36 and 7–409(a)

37 Annotated Code of Maryland

38 (2021 Replacement Volume and 2024 Supplement)

39 BY adding to

40 Article – Health Occupations

1 Section ~~7-205.1, 7-209, 7-210, and 7-317.1~~ 7-317.1, and 7-318.1
 2 Annotated Code of Maryland
 3 (2021 Replacement Volume and 2024 Supplement)

4 BY repealing

5 Article – Health Occupations
 6 Section 7-320(c)
 7 Annotated Code of Maryland
 8 (2021 Replacement Volume and 2024 Supplement)

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

11 **Article – Business Regulation**

12 5-101.

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

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

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

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

18 5-204.

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

21 ~~(i) establish a process for regulating crematories and reduction~~
 22 ~~facilities that provides for:~~

23 ~~1. registration of crematory operators and reduction facility~~
 24 ~~operators or issuance of permits for operating crematories and reduction facilities, and~~
 25 ~~renewal;~~

26 ~~2. applications, including certification of ownership and~~
 27 ~~identification of individuals who will perform alkaline hydrolysis, cremation, or natural~~
 28 ~~organic reduction;~~

29 ~~3. registration and permit fees;~~

30 ~~4. inspections and oversight;~~

31 ~~5. grounds for discipline and penalties; and~~

~~6. complaints and hearings; [and]~~

~~(H) ADOPT REGULATIONS THAT REQUIRE FUNERAL ESTABLISHMENTS, CREMATORIES, AND REDUCTION FACILITIES TO MAINTAIN ADEQUATE REFRIGERATED HOLDING FACILITIES TO ENSURE PROPER STORAGE OF HUMAN REMAINS; AND~~

~~[(i)] (H) adopt regulations that are identical to regulations adopted by the State Board of Morticians and Funeral Directors to:~~

~~1. implement [item] ITEMS (i) AND (H) of this paragraph;~~
~~and~~

~~2. ensure public health and safety.~~

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

(2) ~~(H)~~ EACH YEAR, ~~THE DIRECTOR~~ A TRAINED STAFF MEMBER OF THE OFFICE WHO IS QUALIFIED TO DO INSPECTIONS SHALL CONDUCT AT LEAST TWO UNANNOUNCED INSPECTIONS OF EACH REGISTERED CREMATORY OPERATOR AND REGISTERED REDUCTION OPERATOR FACILITY THAT HAS BEEN REPRIMANDED UNDER § 5-310 OF THIS TITLE WITHIN THE IMMEDIATELY PRECEDING 5 YEARS TO ENSURE COMPLIANCE WITH THIS TITLE.

~~(H) IF A REGISTERED CREMATORY OPERATOR OR REGISTERED REDUCTION OPERATOR IS CITED FOR A SANITATION VIOLATION OR THE MISHANDLING OF HUMAN REMAINS, THE DIRECTOR SHALL CONDUCT AN UNANNOUNCED INSPECTION OF THE REGISTERED CREMATORY OR REGISTERED REDUCTION OPERATOR WITHIN 30 DAYS AFTER THE CITATION WAS ISSUED.~~

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

~~(I) ENSURE COMPLIANCE WITH REGULATORY REQUIREMENTS;~~

~~(II) CONDUCT ROUTINE AND COMPLAINT-BASED INSPECTIONS;~~

~~AND~~

~~(III) RESPOND TO PUBLIC CONCERNS REGARDING VIOLATIONS OF THIS TITLE.~~

1 5-207.

2 THE OFFICE SHALL:

3 (1) ESTABLISH AND MAINTAIN A PUBLICLY ACCESSIBLE, ONLINE
4 DATABASE THAT INCLUDES INFORMATION ABOUT EACH VIOLATION BY
5 DISCIPLINARY ACTION TAKEN BY THE OFFICE UNDER § 5-310 OF THIS SUBTITLE
6 AGAINST, AND INSPECTION OF, AND COMPLAINT AGAINST A CREMATORY OR
7 REDUCTION FACILITY;

8 (2) NOTIFY THE AUTHORIZING AGENT WITHIN 24 HOURS AFTER THE
9 OFFICE 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 BY THE
12 OFFICE TO THE GENERAL ASSEMBLY UNDER THIS TITLE.

13 ~~5-208.~~

14 ~~ON OR BEFORE DECEMBER 31 EACH YEAR, THE OFFICE 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 § 5-204(B) OF~~
19 ~~THIS SUBTITLE, INCLUDING ANY VIOLATIONS AND CORRECTIVE ACTIONS TAKEN;~~

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

23 (3) ~~RECOMMENDATIONS FOR IMPROVING THE REGULATION OF~~
24 ~~CREMATORIES AND REDUCTION FACILITIES.~~

25 5-310.

26 (a) Subject to the hearing provisions of § 5-312 of this subtitle, the Director may
27 deny a registration or permit to an applicant, reprimand a person subject to the registration
28 or permit provisions of this title, or suspend or revoke a registration or permit if an
29 applicant, registrant, or permit holder, or an agent, employee, officer, director, or partner
30 of the applicant, registrant, or permit holder:

31 (1) fraudulently or deceptively obtains or attempts to obtain a registration
32 or permit;

- 1 (2) fraudulently or deceptively uses a registration or permit;
- 2 (3) under the laws of the United States or of any state, is convicted of a:
- 3 (i) felony; or
- 4 (ii) misdemeanor that is directly related to the fitness and
5 qualifications of the applicant, registrant, or permit holder to own or operate a cemetery,
6 crematory, or reduction facility or provide burial goods;
- 7 (4) fails to provide or misrepresents any information required to be
8 provided under this title;
- 9 (5) violates this title;
- 10 (6) violates the code of ethics adopted by the Director;
- 11 (7) violates a regulation adopted under this title;
- 12 (8) fails to provide reasonable and adequate supervision of the operation of
13 the cemetery, crematory, or reduction facility or the provision of burial goods by agents,
14 employees, officers, directors, or partners affiliated with a cemetery, crematory, reduction
15 facility, or burial goods business;
- 16 (9) refuses to allow an inspection required by this title;
- 17 (10) fails to comply with an order of the Director;
- 18 (11) fails to comply with any terms of settlement under a binding arbitration
19 agreement;
- 20 (12) is found guilty by a court in this State of violating an unfair or deceptive
21 trade practices provision under Title 13 of the Commercial Law Article; or
- 22 (13) fails to comply with § 5-513 of the Health – General Article.
- 23 (b) (1) If a person is charged with a violation of this title that could result in
24 suspension or revocation of a registration or permit, the Director may seek an immediate
25 restraining order in a circuit court in this State to prohibit the person from engaging in the
26 operation of any cemetery, crematory, reduction facility, or burial goods business.
- 27 (2) The restraining order is in effect until:
- 28 (i) the court lifts the order; or
- 29 (ii) the charges are adjudicated or dismissed.

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

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

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

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

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

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

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

16 **(1) A CIVIL PENALTY NOT EXCEEDING ~~\$50,000~~ \$25,000;**

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

18 **(3) REFERRAL UNDER § 5-905(A)(2) OF THIS TITLE FOR CRIMINAL**
19 **PROSECUTION.**

20 **[(e)] (F)** To determine the amount of the penalty imposed under this
21 **[subsection] SECTION**, the Director shall consider:

22 (1) the seriousness of the violation;

23 (2) the harm caused by the violation;

24 (3) the good faith efforts of the person; and

25 (4) any history of previous violations by the person.

26 **[(f)] (G)** Any civil penalties collected under this section shall be paid into the
27 General Fund of the State.

28 **[(g)] (H)** The Director shall consider the following facts in the granting, denial,
29 renewal, suspension, or revocation of a registration or permit or the reprimand of a

1 registrant or permit holder when an applicant, registrant, or permit holder, or an agent,
 2 employee, officer, director, or partner of an applicant, registrant, or permit holder is
 3 convicted of a felony or misdemeanor described in subsection (a)(3) of this section:

4 (1) the nature of the crime;

5 (2) the relationship of the crime to the activities authorized by this title;

6 (3) with respect to a felony, the relevance of the conviction to the fitness
 7 and qualifications of the applicant, registrant, or permit holder, or agent, employee, officer,
 8 director, or partner to operate a cemetery or provide burial goods;

9 (4) the length of time since the conviction; and

10 (5) the behavior and activities of the applicant, registrant, or permit
 11 holder, or any agent, employee, officer, director, or partner before and after the conviction.

12 Article – Health – General

13 5–508.

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

15 (c) “Authorizing agent” means the individual who has legal authority to arrange
 16 for and make decisions regarding the final disposition of a dead human body, including by
 17 cremation, alkaline hydrolysis, or natural organic reduction.

18 Article – Health Occupations

19 7–101.

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

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

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

24 ~~7–205.~~

25 ~~(e) In conjunction with the Office of Cemetery Oversight, the Board shall:~~

26 ~~(1) Establish a process for regulating crematories and reduction facilities~~
 27 ~~that provides for:~~

28 ~~(i) Registration of crematory operators and reduction operators or~~
 29 ~~issuance of permits for operating crematories and reduction facilities, and renewal;~~

1 (ii) ~~Applications, including certification of ownership and~~
 2 ~~identification of individuals who will perform cremation, alkaline hydrolysis, or natural~~
 3 ~~organic reduction;~~

4 (iii) ~~Registration or permit fees;~~

5 (iv) ~~Inspections and oversight;~~

6 (v) ~~Grounds for discipline and penalties; and~~

7 (vi) ~~Complaints and hearings; [and]~~

8 ~~(2) ADOPT REGULATIONS THAT REQUIRE FUNERAL~~
 9 ~~ESTABLISHMENTS, CREMATORIES, AND REDUCTION FACILITIES TO MAINTAIN~~
 10 ~~ADEQUATE REFRIGERATED HOLDING FACILITIES TO ENSURE PROPER STORAGE OF~~
 11 ~~HUMAN REMAINS; AND~~

12 ~~[(2)] (3) Adopt regulations that are identical to regulations adopted by~~
 13 ~~the Director of the Office of Cemetery Oversight to:~~

14 ~~(i) Implement [item] ITEMS (1) AND (2) of this subsection;~~

15 ~~(ii) Ensure public health and safety; and~~

16 ~~(iii) Meet the requirements of § 5-204(a)(3) of the Business~~
 17 ~~Regulation Article.~~

18 7-202.

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

20 (2) Of the 11 Board members:

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

22 (ii) 5 shall be consumer members.

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

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

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

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

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

6 (i) For [incompetence or misconduct]:

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

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

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

16 **4. ANY JUST AND REASONABLE CAUSE; or**

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

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

23 7-203.

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

26 (b) The Board shall determine:

27 (1) The manner of election of officers;

28 (2) The term of office of each officer; and

29 (3) The duties of each officer.

30 7-204.

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

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

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

7 (2) The Board shall hold special meetings that:

8 (i) It considers necessary; or

9 (ii) The Secretary directs.

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

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

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

14 **7-205.1.**

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

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

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

25 **7-209.**

26 **THE BOARD SHALL:**

27 (1) ~~ESTABLISH~~ ESTABLISH AND MAINTAIN A PUBLICLY ACCESSIBLE,
28 ONLINE DATABASE THAT INCLUDES INFORMATION REGARDING EACH VIOLATION BY
29 DISCIPLINARY ACTION TAKEN BY THE BOARD UNDER § 7-316 OF THIS SUBTITLE

1 ~~AGAINST, AND INSPECTION OF, AND COMPLAINT AGAINST~~ EACH FUNERAL
2 ESTABLISHMENT;

3 ~~(2) NOTIFY THE AUTHORIZING AGENT WITHIN 24 HOURS AFTER THE~~
4 ~~BOARD BECOMES AWARE OF A DELAY, AN EQUIPMENT FAILURE, OR A REGULATORY~~
5 ~~VIOLATION THAT INVOLVES A DECEDENT'S REMAINS; AND~~

6 ~~(3) PUBLISH ON ITS WEBSITE EACH REPORT SUBMITTED UNDER §~~
7 ~~7-210 OF THIS SUBTITLE.~~

8 ~~7-210.~~

9 ~~ON OR BEFORE DECEMBER 31 EACH YEAR, THE BOARD SHALL SUBMIT A~~
10 ~~REPORT TO THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND~~
11 ~~GOVERNMENT OPERATIONS COMMITTEE, IN ACCORDANCE WITH § 2-1257 OF THE~~
12 ~~STATE GOVERNMENT ARTICLE, THAT INCLUDES:~~

13 ~~(1) THE RESULTS OF INSPECTIONS CONDUCTED UNDER § 7-409 OF~~
14 ~~THIS TITLE, INCLUDING ANY VIOLATIONS AND CORRECTIVE ACTIONS TAKEN;~~

15 ~~(2) THE NUMBER OF COMPLAINTS RECEIVED AND THE RESOLUTIONS~~
16 ~~OF EACH COMPLAINT; AND~~

17 ~~(3) RECOMMENDATIONS FOR IMPROVING THE REGULATION OF~~
18 ~~FUNERAL ESTABLISHMENTS.~~

19 7-316.

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

25 (2) An employee of the funeral establishment fails to comply with §
26 5-513(b) [and] OR (d) of the Health – General Article; or

27 7-317.1.

28 **IF THE BOARD FINDS THAT A PERSON HAS VIOLATED THIS TITLE WITH GROSS**
29 **NEGLIGENCE, IMPROPERLY HANDLED HUMAN REMAINS, OR REPEATEDLY VIOLATED**
30 **THIS TITLE, THE PERSON IS SUBJECT TO:**

31 **(1) A CIVIL PENALTY NOT EXCEEDING ~~\$50,000~~ \$25,000;**

1 (2) PERMANENT REVOCATION OF LICENSURE; AND

2 (3) REFERRAL FOR CRIMINAL PROSECUTION.

3 7-318.1.

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

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

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

12 (2) OTHER EXIGENT CIRCUMSTANCES EXIST.

13 7-320.

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

16 7-409.

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

20 (2) ~~(I)~~ EACH YEAR, THE BOARD A TRAINED STAFF MEMBER OF THE
 21 BOARD WHO IS QUALIFIED TO DO INSPECTIONS SHALL CONDUCT AT LEAST TWO
 22 UNANNOUNCED INSPECTIONS OF EACH LICENSED FUNERAL ESTABLISHMENT THAT
 23 IS UNDER PROBATION UNDER § 7-317 OF THIS TITLE TO ENSURE COMPLIANCE WITH
 24 THIS TITLE.

25 ~~(II) IF A LICENSED FUNERAL ESTABLISHMENT IS CITED FOR A~~
 26 ~~SANITATION VIOLATION OR FOR THE MISHANDLING OF HUMAN REMAINS, THE~~
 27 ~~BOARD SHALL CONDUCT AN UNANNOUNCED INSPECTION OF THE LICENSED~~
 28 ~~FUNERAL ESTABLISHMENT WITHIN 30 DAYS AFTER THE CITATION WAS ISSUED.~~

29 ~~(3) THE BOARD SHALL EMPLOY AT LEAST ONE INSPECTOR TO:~~

30 ~~(I) ENSURE COMPLIANCE WITH REGULATORY REQUIREMENTS;~~

1 ~~(H) CONDUCT ROUTINE AND COMPLAINT-BASED INSPECTIONS;~~
2 ~~AND~~

3 ~~(H) RESPOND TO PUBLIC CONCERNS REGARDING VIOLATIONS~~
4 ~~OF THIS TITLE.~~

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

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

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

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

11 ~~(e) (1) This subsection applies to inspections conducted:~~

12 ~~(i) In response to valid information provided to the Board resulting~~
13 ~~in a complaint being opened by the Board concerning the preparation or body storage areas~~
14 ~~of a licensed funeral establishment only if the Board has provided a copy of the complaint~~
15 ~~to the licensed funeral establishment; or~~

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

18 ~~(2) A trained staff member of the Board who is qualified to do inspections~~
19 ~~may call the supervising mortician of a licensed funeral establishment, as designated under~~
20 ~~§ 7-310(e) of this title, and request immediate access to the preparation and body storage~~
21 ~~areas of the funeral establishment.~~

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

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

29 ~~(d) An unannounced inspection of a licensed funeral establishment shall be~~
30 ~~conducted during the hours that the business of mortuary science is being conducted at the~~
31 ~~licensed funeral establishment.~~

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

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

2 ~~(2) The supervising mortician for the licensed funeral establishment, as~~
 3 ~~designated under § 7-310(c) of this title.~~

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

6 Article – Health Occupations

7 7-204.

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

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

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

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

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

18 (I) IS UNIQUE TO THE BOARD;

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

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

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

28 7-206.

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

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

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

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

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

10 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
 11 ~~October 1, 2025.~~

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.