

SENATE BILL 1021

C2

5lr2094
CF HB 1354

By: **Senators C. Jackson and Muse**

Introduced and read first time: February 5, 2025

Assigned to: Rules

Re-referred to: Finance, February 10, 2025

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 28, 2025

CHAPTER _____

1 AN ACT concerning

2 **Business Regulation – Cemeteries – Requirements for Sale or Transfer or**
3 **Government Acquisition**

4 FOR the purpose of prohibiting certain owners of a cemetery from selling or transferring
5 the cemetery without the approval of the Director of the Office of Cemetery
6 Oversight; exempting a certain cemetery owner from the requirement to obtain an
7 approval from the Director; authorizing a governmental unit to acquire an
8 abandoned cemetery under certain circumstances; establishing certain requirements
9 for the sale, transfer, or government acquisition of a cemetery; and generally relating
10 to the sale, transfer, or acquisition of cemeteries.

11 BY repealing

12 Article – Business Regulation
13 Section 5–505
14 Annotated Code of Maryland
15 (2024 Replacement Volume)

16 BY adding to

17 Article – Business Regulation
18 Section 5–505 and 5–507
19 Annotated Code of Maryland
20 (2024 Replacement Volume)

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

3 **Article – Business Regulation**

4 **[5–505.**

5 (a) An action may be brought in accordance with the Maryland Rules and a court
6 may pass a judgment for sale of a burial ground for another purpose if:

7 (1) the ground has been dedicated and used for burial;

8 (2) burial lots have been sold in the burial ground and deeds executed or
9 certificates issued to buyers of the lots;

10 (3) the ground has ceased to be used for burial; and

11 (4) it is desirable to dispose of the burial ground for another purpose.

12 (b) If the court is satisfied that it is expedient or would be in the interest of the
13 parties to sell the burial ground, the court:

14 (1) may pass a judgment for the sale of the burial ground on the terms and
15 notice the court sets;

16 (2) shall order that as much of the proceeds of the sale as necessary be used
17 to pay the expenses of removing any human remains in the burial ground, buying burial
18 lots in another burial ground, and reburying the remains; and

19 (3) shall distribute the remaining proceeds of the sale among the parties
20 according to their interests.

21 (c) A judgment for the sale of a burial ground passes to the buyer of the burial
22 ground the title to the burial ground free of the claims of:

23 (1) the owners of the burial ground; and

24 (2) the holders of burial lots.]

25 **5–505.**

26 **(A) IN THIS SECTION, “CEMETERY OWNER” MEANS:**

27 **(1) A REGISTERED CEMETERIAN;**

28 **(2) A PERMIT HOLDER UNDER SUBTITLE 4 OF THIS TITLE; OR**

1 **(3) AN OWNER OF A CEMETERY THAT IS EXEMPT FROM THE**
2 **REGISTRATION AND PERMITTING REQUIREMENTS UNDER § 5-102 OF THIS TITLE.**

3 **(B) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (G) AND (H) OF THIS**
4 **SECTION, THIS SECTION DOES NOT APPLY TO A RELIGIOUS ORGANIZATION THAT IS**
5 **A CEMETERY OWNER.**

6 **(C) (1) A REGISTERED CEMETERIAN OR PERMIT HOLDER MAY NOT SELL**
7 **OR TRANSFER A CEMETERY, IN WHOLE OR IN PART, TO ANOTHER PERSON FOR A USE**
8 **OTHER THAN AS A CEMETERY WITHOUT THE APPROVAL OF THE DIRECTOR.**

9 **(2) THE OWNER OF A CEMETERY THAT IS EXEMPT FROM THE**
10 **REGISTRATION AND PERMITTING REQUIREMENTS UNDER § 5-102 OF THIS TITLE**
11 **MAY NOT SELL OR TRANSFER THE CEMETERY, IN WHOLE OR IN PART, TO ANOTHER**
12 **PERSON WITHOUT THE APPROVAL OF THE DIRECTOR.**

13 ~~(D)~~ **(D)** BEFORE APPROVING THE SALE OR TRANSFER OF A CEMETERY
14 UNDER THIS SECTION, THE DIRECTOR SHALL:

15 **(1) REQUIRE A CEMETERY OWNER TO SUBMIT TO THE DIRECTOR:**

16 **(I) AN APPLICATION UNDER SUBSECTION ~~(D)~~ (E) OF THIS**
17 **SECTION;**

18 **(II) A COMPLETED PRESERVATION PLAN UNDER SUBSECTION**
19 **~~(E)~~ (F) OF THIS SECTION; AND**

20 **(III) SATISFACTORY EVIDENCE OF COMPLETION OF THE PUBLIC**
21 **NOTICE REQUIREMENTS UNDER SUBSECTION ~~(F)~~ (H) OF THIS SECTION; AND**

22 **(2) REVIEW AND CONSIDER ANY PUBLIC COMMENTS REGARDING THE**
23 **CEMETERY IN ACCORDANCE WITH SUBSECTION ~~(G)~~ (I) OF THIS SECTION.**

24 ~~(D)~~ **(E)** **(1) TO REQUEST APPROVAL TO SELL OR TRANSFER A**
25 **CEMETERY UNDER SUBSECTION ~~(B)~~ (C) OF THIS SECTION, A CEMETERY OWNER**
26 **SHALL SUBMIT AN APPLICATION TO THE DIRECTOR ON THE FORM THAT THE**
27 **DIRECTOR PROVIDES.**

28 **(2) IN ADDITION TO ANY OTHER INFORMATION REQUIRED ON AN**
29 **APPLICATION FORM, THE FORM SHALL REQUIRE:**

30 **(I) THE NAME AND ADDRESS OF EACH CEMETERY OWNER;**

1 (II) NOTICE OF THE INTENT TO SELL OR TRANSFER THE
2 CEMETERY, IN WHOLE OR IN PART;

3 (III) A DESCRIPTION OF THE CEMETERY OR PART OF THE
4 CEMETERY INTENDED FOR SALE OR TRANSFER, INCLUDING THE NAME, LOCATION,
5 SIZE, ESTIMATED NUMBER OF HUMAN REMAINS AND PET REMAINS INTERRED IN THE
6 CEMETERY, AND NUMBER OF UNUSED OR UNSOLD BURIAL SITES;

7 (IV) THE NAME AND CONTACT INFORMATION OF ANY POTENTIAL
8 BUYERS OR TRANSFEREES OF THE CEMETERY, IF KNOWN;

9 (V) AN AGREEMENT TO SUBMIT A PRESERVATION PLAN IN
10 ACCORDANCE WITH SUBSECTION ~~(F)~~ (F) OF THIS SECTION; AND

11 (VI) A COPY OF THE PUBLIC NOTICE REQUIRED UNDER
12 SUBSECTION ~~(F)~~ (H) OF THIS SECTION.

13 ~~(F)~~ (F) (1) A CEMETERY OWNER SHALL, IN CONSULTATION WITH THE
14 DIRECTOR, DEVELOP A PRESERVATION PLAN FOR A CEMETERY THAT THE
15 CEMETERY OWNER INTENDS TO SELL OR TRANSFER.

16 (2) IN DEVELOPING THE PRESERVATION PLAN UNDER PARAGRAPH
17 (1) OF THIS SUBSECTION, THE CEMETERY OWNER SHALL COMPLY WITH SUBSECTION
18 (G) OF THIS SECTION.

19 (G) EACH CEMETERY OWNER, INCLUDING A RELIGIOUS ORGANIZATION
20 THAT IS A CEMETERY OWNER, SHALL ATTEMPT TO IDENTIFY AND CONTACT:

21 ~~(H)~~ (1) ANY DESCENDENT OR DESCENDENT COMMUNITY
22 ORGANIZATION OF AN INDIVIDUAL INTERRED IN THE CEMETERY;

23 ~~(H)~~ (2) ANY INDIVIDUAL OR FAMILY WHO HAS PURCHASED AN
24 UNUSED PLOT IN THE CEMETERY; AND

25 ~~(H)~~ (3) ANY PERSON THAT HAS WORKED TO MAINTAIN THE
26 ABANDONED CEMETERY.

27 ~~(F)~~ (H) (1) BEFORE A CEMETERY OWNER, INCLUDING A RELIGIOUS
28 ORGANIZATION THAT IS A CEMETERY OWNER, MAY SELL OR TRANSFER A CEMETERY
29 UNDER THIS SECTION, THE CEMETERY OWNER SHALL PROVIDE PUBLIC NOTICE OF
30 THE CEMETERY OWNER'S INTENT TO SELL OR TRANSFER THE CEMETERY BY:

1 **(I) PUBLISHING NOTICE OF THE SALE OR TRANSFER IN A**
2 **NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY WHERE THE CEMETERY IS**
3 **LOCATED FOR 9 SUCCESSIVE WEEKS;**

4 **(II) PLACING A WRITTEN NOTICE OF INTENT TO SELL OR**
5 **TRANSFER IN THE CEMETERY AT A CONSPICUOUS LOCATION IN FULL PUBLIC VIEW**
6 **FOR NOT LESS THAN 60 DAYS;**

7 **(III) PROVIDING NOTICE TO LOCAL GENEALOGICAL AND**
8 **HISTORICAL SOCIETIES; AND**

9 **(IV) HOLDING A PUBLIC MEETING AT WHICH PUBLIC TESTIMONY**
10 **MUST BE OFFERED.**

11 **(2) A PUBLIC NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS**
12 **SUBSECTION SHALL INCLUDE:**

13 **(I) THE ADDRESS OF THE CEMETERY;**

14 **(II) THE ESTIMATED SIZE AND NUMBER OF HUMAN REMAINS OR**
15 **PET REMAINS INTERRED IN THE CEMETERY;**

16 **(III) ANY AVAILABLE INFORMATION ABOUT THE CEMETERY**
17 **FROM THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION; AND**

18 **(IV) IF AVAILABLE, THE NAME OF THE LAST KNOWN OWNER OF**
19 **THE CEMETERY.**

20 ~~**(G) (I)**~~ **BEFORE APPROVING THE SALE OR TRANSFER OF A CEMETERY**
21 **UNDER THIS SECTION, THE DIRECTOR SHALL CONSIDER ANY PUBLIC COMMENTS**
22 **ABOUT THE CEMETERY RECEIVED BY THE CEMETERY OWNER AT A PUBLIC HEARING**
23 **UNDER SUBSECTION ~~(F)(1)(IV)~~ (H)(1)(IV) OF THIS SECTION OR BY THE DIRECTOR,**
24 **INCLUDING:**

25 **(1) WHETHER THE CEMETERY OWNER HAS CONSIDERED THE**
26 **CONCERNS OF THE DESCENDANT COMMUNITY, INCLUDING:**

27 **(I) REASONS FOR THE PROPOSED SALE OR TRANSFER AND**
28 **FUTURE PLANS FOR THE PROPERTY;**

29 **(II) WHETHER THE CURRENT LOCATION OF THE CEMETERY**
30 **HOLDS ANY CULTURAL OR HISTORICAL SIGNIFICANCE;**

1 (III) THE COST OF DISINTERMENT AND REINTERMENT OF THE
2 HUMAN REMAINS OR PET REMAINS IN THE CEMETERY AND WHO SHOULD BEAR THE
3 COST; AND

4 (IV) WHERE ANY HUMAN REMAINS OR PET REMAINS
5 DISINTERRED FROM THE CEMETERY WOULD BE RELOCATED; AND

6 (2) WHETHER THE CEMETERY OWNER RECEIVED OTHER EQUIVALENT
7 OFFERS FOR PURCHASE OF THE CEMETERY THAT MAY BE LESS DISRUPTIVE TO THE
8 CEMETERY.

9 ~~(H)~~ (J) THE DIRECTOR SHALL APPROVE THE SALE OR TRANSFER OF A
10 CEMETERY OR PART OF A CEMETERY UNDER THIS SECTION IF:

11 (1) THE CEMETERY OWNER SATISFIES ALL THE REQUIREMENTS OF
12 THIS SECTION; AND

13 (2) THE DIRECTOR DETERMINES THAT IT IS IN THE INTEREST OF ALL
14 THE PARTIES TO SELL OR TRANSFER THE CEMETERY OR PART OF THE CEMETERY.

15 (K) AN ACTION MAY BE BROUGHT IN ACCORDANCE WITH THE MARYLAND
16 RULES AND A COURT MAY PASS JUDGMENT REGARDING THE SALE OF A BURIAL
17 GROUND FOR ANOTHER PURPOSE IF ANY PARTY DISPUTES THE DIRECTOR'S
18 DECISION UNDER SUBSECTION (J) OF THIS SECTION.

19 5-507.

20 (A) IN THIS SECTION, "ABANDONED CEMETERY" MEANS A CEMETERY FOR
21 WHICH:

22 (1) LEGAL OWNERSHIP CANNOT BE DETERMINED;

23 (2) THE PERSON WITH LEGAL RESPONSIBILITY FOR OPERATION AND
24 MAINTENANCE OF THE CEMETERY CANNOT BE DETERMINED;

25 (3) THE ENTITY THAT OPERATED THE CEMETERY HAS CEASED TO
26 OPERATE; OR

27 (4) THE REAL PROPERTY ON WHICH THE CEMETERY IS LOCATED HAS
28 BEEN CONDEMNED.

29 (B) (1) THE STATE, A COUNTY, OR A MUNICIPALITY MAY ACQUIRE AN
30 ABANDONED CEMETERY, INCLUDING OWNERSHIP OF ANY UNOCCUPIED LOTS OR
31 BURIAL SITES, FOR THE PURPOSE OF TRANSFERRING OWNERSHIP OF THE

1 ABANDONED CEMETERY TO A DESCENDANT COMMUNITY ORGANIZATION OR A
2 NONPROFIT ORGANIZATION.

3 (2) A DESCENDENT COMMUNITY ORGANIZATION OR NONPROFIT
4 ORGANIZATION THAT AGREES TO THE TRANSFER OF TITLE OF A CEMETERY UNDER
5 PARAGRAPH (1) OF THIS SUBSECTION SHALL AGREE TO PROPERLY MAINTAIN,
6 PRESERVE, AND PROTECT THE CEMETERY.

7 (C) IF A GOVERNMENTAL ENTITY THAT HAS ACQUIRED AN ABANDONED
8 CEMETERY UNDER SUBSECTION (B) OF THIS SECTION IS UNABLE TO TRANSFER
9 OWNERSHIP OF THE ABANDONED CEMETERY WITHIN A REASONABLE PERIOD OF
10 TIME, THE DIRECTOR MAY FACILITATE THE REINTERMENT OF ANY HUMAN REMAINS
11 OR PET REMAINS FROM THE ABANDONED CEMETERY TO AN OPERATIONAL
12 CEMETERY IN A PROFESSIONAL MANNER.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.