

Chapter 187

(Senate Bill 413)

AN ACT concerning

State Board of Morticians and Funeral Directors – Board Operations and Regulation of Crematories and Reduction Facilities

FOR the purpose of transferring the authority to regulate certain crematories and reduction facilities from the Office of Cemetery Oversight to the State Board of Morticians and Funeral Directors; ~~renaming the Board to be the State Board of Morticians, Funeral Directors, and Crematories~~; altering the circumstances under which the Governor may remove an appointed member of the Board; altering the quorum of the Board; specifying that the Board may take action with a simple majority vote of the quorum; and generally relating to the State Board of Morticians and Funeral Directors.

BY repealing and reenacting, with amendments,

Article – Business Regulation

Section 5–101, 5–102(b), 5–201, 5–204(a) and (b), 5–205(b), 5–301, 5–302, 5–303, 5–306, 5–308, 5–310(a) and (b), 5–311(c), 5–401 through 5–403, 5–701(e) and (f), ~~5–702(a)~~, 5–707(f), 5–804, and 5–901 through 5–903

Annotated Code of Maryland

(2024 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, without amendments,

Article – Business Regulation

Section 5–205(a) and 5–701(a)

Annotated Code of Maryland

(2024 Replacement Volume and 2025 Supplement)

BY repealing

Article – Business Regulation

Section 5–803

Annotated Code of Maryland

(2024 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, with amendments,Article – Courts and Judicial ProceedingsSection 5–642Annotated Code of Maryland(2020 Replacement Volume and 2025 Supplement)BY repealing and reenacting, without amendments,Article – Health – GeneralSection 5–508(a)

Annotated Code of Maryland
(2023 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General
 Section ~~5–508(b), (e), (g), (j), and (k)~~
Annotated Code of Maryland
(2023 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations
 Section ~~7–101 and 7–102 to be under the amended title “Title 7. Morticians, Funeral Directors, and Crematories”; 7–201, 7–202(i), 7–204(a), 7–205(c), and 7–206(a) through (c) to be under the amended subtitle “Subtitle 2. State Board of Morticians, Funeral Directors, and Crematories”; and 7–206(b), 7–316(b)(2), 7–320, 7–405(a), (b), and (f), 7–409, 7–501, and 7–502, and 7–701~~
Annotated Code of Maryland
(2021 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, without amendments,

Article – Health Occupations
 Section ~~7–202(a) and 7–206(a) and (c)~~
Annotated Code of Maryland
(2021 Replacement Volume and 2025 Supplement)

BY adding to

Article – Health Occupations
 Section ~~7–204(e); 7–3A–01 through 7–3A–12~~ 7–3A–10 to be under the new subtitle “Subtitle 3A. Registration”; ~~7–3B–01 through 7–3B–09 to be under the new subtitle “Subtitle 3B. Permits and Statement Filings”; and 7–409.1, 7–412, and 7–501.1, and 7–510~~
Annotated Code of Maryland
(2021 Replacement Volume and 2025 Supplement)

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

Article – Business Regulation

5–101.

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

(b) [“Alkaline hydrolysis” means the process of reducing human remains using water, alkaline chemicals, and heat inside a watertight vessel to accelerate decomposition.

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

[(d)] (C) (1) “Burial goods” means goods that are used in connection with burial.

(2) “Burial goods” includes:

- (i) a casket;
- (ii) a grave liner;
- (iii) a memorial;
- (iv) a monument;
- (v) a scroll;
- (vi) an urn;
- (vii) a vase; and
- (viii) a vault.

[(e)] (D) “Burial goods business” means a business that provides burial goods.

[(f)] (E) (1) “Cemetery” means land used or to be used for interment.

(2) “Cemetery” includes a structure used or to be used for interment.

[(g)] (F) “Cremation” means the disposition of a dead human body by means of incineration.

[(h)] (G) “Crematory” means a building, portion of a building, or structure that houses the necessary appliances and facilities for cremation or alkaline hydrolysis.

[(i)] (H) “Director” means the Director of the Office of Cemetery Oversight.

[(j)] (I) “Engage in the operation of a cemetery” means owning, controlling, or managing a cemetery, including performing activities necessary for:

- (1) the establishment, improvement, care, preservation, or embellishment of a cemetery;
- (2) interment; and

- (3) the providing of burial space or burial goods.

[(k)] (1) “Engage in the operation of a crematory” means controlling or managing a crematory.

- (2) “Engage in the operation of a crematory” does not include:

(i) the practice of funeral direction or the practice of mortuary science; or

(ii) 1. assistance in making decisions and filling out forms that are not directly related to cremation;

2. obtaining vital statistics, signatures, and other information necessary to complete a death certificate;

3. transportation of a body to the place of disposition; or

4. any other services regarding the disposition of a body that are not directly related to cremation.

(l) (1) “Engage in the operation of a reduction facility” means controlling or managing a reduction facility.

- (2) “Engage in the operation of a reduction facility” does not include:

(i) the practice of funeral direction or the practice of mortuary science; or

(ii) 1. assistance in making decisions and filling out forms that are not directly related to natural organic reduction;

2. obtaining vital statistics, signatures, and other information necessary to complete a death certificate;

3. transportation of a body to the place of disposition; or

4. any other services regarding the disposition of a body that are not directly related to natural organic reduction.]

[(m)] (J) “Funeral establishment” means a building, structure, or premises from which the business of funeral directing or embalming is conducted.

[(n)] (K) (1) “Human remains” means:

- (i) the body of a deceased person; or

(ii) a part of a body or limb that has been removed from a living person.

(2) “Human remains” includes the body or part of a body or limb in any state of decomposition.

(3) “Human remains” does not include soil remains produced after the completion of natural organic reduction.

[(o) “Hydrolyzed remains” means the bone fragments produced by the completion of alkaline hydrolysis.]

[(p)] (L) “Interment” means all final disposition of human remains or pet remains, including:

- (1) earth burial;
- (2) mausoleum entombment; and
- (3) niche or columbarium interment.

[(q)] (M) “Natural organic reduction” means the contained accelerated conversion of human remains into soil.

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

[(s)] (O) “Permit” means a permit issued by the Director to allow a partnership, limited liability company, or corporation to operate a business through which a registrant may:

- (1) engage in the operation of a cemetery [or crematory]; or
- (2) provide burial goods.

[(t)] (P) (1) “Pet remains” means the body of a deceased animal that was kept as a pet.

(2) “Pet remains” includes the body of a pet or a part of a pet’s body in any state of decomposition or the body of a pet after having been cremated.

[(u)] (Q) (1) “Preneed goods” means burial goods that are sold before the buyer’s death.

- (2) “Preneed goods” does not include burial space.

[(v)] (R) “Provide burial goods” means a retail transaction:

- (1) to erect, service, or inscribe burial memorials; or
- (2) to sell burial goods.

[(w)] “Reduction facility” means a building, portion of a building, or structure that houses the necessary appliances, containers, and facilities for performing natural organic reduction.]

[(x)] (S) “Registered cemeterian” means an individual registered to operate a cemetery as a sole proprietor or on behalf of a sole proprietor or of a permit holder.

[(y)] “Registered crematory operator” means an individual registered to operate a crematory as a sole proprietor or on behalf of a sole proprietor or permit holder.

(z) “Registered reduction operator” means an individual registered to operate a reduction facility as a sole proprietor or on behalf of a sole proprietor or a permit holder.]

[(aa)] (T) “Registered seller” means an individual registered to provide burial goods as a sole proprietor or on behalf of a sole proprietor or of a permit holder.

[(bb)] (U) “Registration” means a registration issued by the Director authorizing an individual to operate a cemetery[, to operate a crematory, to operate a reduction facility,] or to provide burial goods.

[(cc)] (V) “Responsible party” means a sole proprietor or the individual designated by a partnership, limited liability company, or corporation to be responsible for the operations of a cemetery[, crematory, reduction facility,] or burial goods business.

[(dd)] “Soil remains” means the soil produced at final disposition of a dead human body at a reduction facility by completion of natural organic reduction.]

5–102.

(b) This title does not apply to:

(1) the operation of a funeral establishment, including the sale of burial goods in the ordinary course of the funeral establishment’s business;

[(2) the operation or ownership of a crematory in which a person who is licensed and regulated under Title 7 of the Health Occupations Article owns a greater percentage of the crematory than a registered cemeterian, registered seller, or holder of a permit for the operation of a cemetery or burial goods business;]

[(3)] (2) the operation or ownership of a crematory [or], incinerator [at a licensed medical facility or educational institution], **OR REDUCTION FACILITY**;

[(4)] (3) a licensed funeral director acting within the scope of the funeral director's license; or

[(5)] (4) a mortician acting within the scope of the mortician's license.

5-201.

(a) There is an Office of Cemetery Oversight in the Department.

(b) The Office exercises its rights, powers, and duties subject to the authority of the Secretary.

(c) (1) The Secretary shall appoint an Advisory Council on Cemetery Operations.

(2) The Advisory Council consists of [12] 11 members.

(3) Of the [12] 11 members of the Advisory Council:

(i) three shall be registered cemeterians representing the for-profit cemetery industry;

(ii) one shall be a registered cemeterian representing a nonprofit cemetery;

(iii) one shall be a registered seller from a monument company;

(iv) one shall be a representative from a religious cemetery; **AND**

(v) [one shall be a representative from a crematory; and

(vi)] five shall be consumer members.

(4) The Advisory Council shall be convened at least four times a year to give advice to the Secretary and the Director.

(5) In addition to the required meetings, the Advisory Council may meet as necessary.

(d) The term of a member is 3 years.

5-204.

(a) [(1)] With the advice of the Advisory Council and after consultation with representatives of the cemetery industry, the Director shall adopt:

[i] (1) rules and regulations to carry out this title; and

[(ii)] (2) a code of ethics for engaging in the operation of a cemetery[, crematory, or reduction facility] or providing burial goods.

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

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

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

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

3. registration and permit fees;

4. inspections and oversight;

5. grounds for discipline and penalties; and

6. complaints and hearings; and

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

1. implement item (i) of this paragraph; and

2. ensure public health and safety.

(3) The Director shall adopt regulations that:

(i) require a registered reduction operator to notify the authorizing agent in writing and before initiating natural organic reduction that a person who uses or disposes of soil remains is in violation of § 5-514 of the Health – General Article;

(ii) require a reduction facility to monitor and record written verification that the temperature during each instance of a natural organic reduction

process attains a specified minimum internal equipment temperature for a specified minimum period of time;

(iii) establish appropriate standards for training and experience for the registration of reduction operators;

(iv) prohibit the use of natural organic reduction in any instance in which the human remains are known, or reasonably suspected, to be embalmed or to have an infection, disease, or biological condition that renders the process of natural organic reduction or the resulting soil remains unreasonably unsafe, including:

1. Creutzfeldt–Jakob disease or other prion disease;
2. Ebola virus infection;
3. Mycobacterium tuberculosis infection;
4. the presence of diagnostic or therapeutic radioisotopes; or
5. any other infection, disease, or biological condition identified by the Director based on the reasonable recommendation of a federal, State, or local health authority;

(v) establish a mandatory contamination testing program for reduction facilities to ensure the safety of soil remains produced, including the following minimum program elements:

1. collecting routine material samples from soil remains for analysis using:
 - A. a reliable sampling methodology; and
 - B. an appropriate frequency of sampling, as recommended or approved by the U.S. Composting Council or another reliable scientific advisory authority;
2. recording and retaining the results of an analysis of samples from the soil remains conducted by an independent third–party laboratory to identify the presence of heavy metals or microbial pathogens according to the appropriate contamination parameters for biosolids specified by the U.S. Environmental Protection Agency under Title 40 C.F.R. Part 503, Chapter I, Subchapter O;
3. conducting an analysis for each production of soil remains to ensure that the soil remains contain less than 0.01 mg/kg dry weight of specific physical contaminants, which may include intact bone, dental fillings, and medical implants;

4. ensuring that no soil remains are released until the soil remains comply with each of the applicable contamination testing parameters; and

5. periodic reporting of testing results to appropriate State and local health authorities that have requested the results; and

(vi) establish any other reasonable prohibition, rule, or requirement the Director determines is necessary to protect the public health and safety during the process of natural organic reduction.]

(b) [Upon] 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.

5-205.

(a) There is a Cemetery Oversight Fund.

(b) (1) [(i)] By regulation, the Director shall establish reasonable fees and a fee schedule for the issuance and renewal of registrations and permits.

[(ii) The Director may not assess a crematory a per-occurrence cremation fee.]

(2) In establishing the fees, the Director shall consider:

(I) the size of the business[.];

(II) whether the business is for-profit or designated as tax exempt under § 501(c) of the Internal Revenue Code[.];

(III) the volume of business conducted[.]; and

(IV) the type of services provided, including the percentage of preneed contracts written.

5-301.

An individual shall register with the Office before:

(1) engaging in the operation of a cemetery[, crematory, or reduction facility] in this State; or

- (2) providing burial goods in this State.

5–302.

- (a) In order to register, an applicant shall meet the requirements of this section.
- (b) The applicant must be at least 18 years old.
- (c) The applicant must be of good character and reputation.
- (d) The applicant must be affiliated with a cemetery[, crematory, reduction facility,] or burial goods business operated by a registrant or permit holder.
- (e) The cemetery[, crematory, reduction facility,] or burial goods business with which the applicant is affiliated must be financially stable in accordance with § 5–304 of this subtitle.

5–303.

- (a) An applicant shall register by:
 - (1) submitting to the Director an application on the form that the Director provides; and
 - (2) paying a nonrefundable application fee set by the Director.
- (b) The application shall state:
 - (1) the name, date of birth, and residential address of the applicant;
 - (2) the name and fixed address of the affiliated cemetery[, crematory,] or burial goods business;
 - (3) whether the cemetery[, crematory, reduction facility,] or burial goods business with which the applicant is affiliated is owned or controlled by a sole proprietor, partnership, limited liability company, or corporation;
 - (4) if the applicant is designated as the responsible party, the name and residential address of each employee who sells burial space, goods, or services to the public for the business while engaging in the operation of a cemetery[, crematory, reduction facility,] or burial goods business; and
 - (5) any other reasonable information that the Director determines is necessary to carry out this title.

5–306.

(a) While a registration is in effect, it authorizes the registrant to engage in the operation of a cemetery[, crematory, reduction facility,] or burial goods business.

(b) This title does not limit the right of a person to practice funeral direction or mortuary science[, or operate a crematory,] if the person is licensed or otherwise authorized under Title 7 of the Health Occupations Article.

5-308.

Within 1 week after the effective date of the change, the applicant designated as the responsible party or the registered responsible party shall submit to the Director an application form that shows a change in the:

- (1) cemetery[, crematory, reduction facility,] or burial goods business with which a registrant is affiliated;
- (2) individual designated as the responsible party;
- (3) employees of the business who engage in the sale of burial space, goods, or services [or cremation] to the public;
- (4) officers, directors, members, or agents of the permit holder; or
- (5) name or address of the registrant or permit holder.

5-310.

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

- (1) fraudulently or deceptively obtains or attempts to obtain a registration or permit;
- (2) fraudulently or deceptively uses a registration or permit;
- (3) under the laws of the United States or of any state, is convicted of a:
 - (i) felony; or
 - (ii) misdemeanor that is directly related to the fitness and qualifications of the applicant, registrant, or permit holder to own or operate a cemetery[, crematory, or reduction facility] or provide burial goods;

- (4) fails to provide or misrepresents any information required to be provided under this title;
- (5) violates this title;
- (6) violates the code of ethics adopted by the Director;
- (7) violates a regulation adopted under this title;
- (8) fails to provide reasonable and adequate supervision of the operation of the cemetery[, crematory, or reduction facility] or the provision of burial goods by agents, employees, officers, directors, or partners affiliated with a cemetery[, crematory, reduction facility,] or burial goods business;
- (9) refuses to allow an inspection required by this title;
- (10) fails to comply with an order of the Director;
- (11) fails to comply with any terms of settlement under a binding arbitration agreement;
- (12) is found guilty by a court in this State of violating an unfair, **ABUSIVE**, or deceptive trade practices provision under Title 13 of the Commercial Law Article; or
- (13) fails to comply with § 5–513 of the Health – General Article.

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

- (2) The restraining order is in effect until:
 - (i) the court lifts the order; or
 - (ii) the charges are adjudicated or dismissed.

5–311.

(c) (1) The Director or the Director’s designee shall review each complaint and shall attempt to negotiate a settlement of the complaint between the complainant and the registrant, permit holder, or any other person subject to the registration or permit provisions of this title.

(2) Notwithstanding § 5–102 of this title, the Director or the Director’s designee may receive and attempt to negotiate a settlement to resolve complaints concerning persons required to file statements under § 5–405 of this title and in connection with the operation of a cemetery [or crematory] or the sale of preneed goods.

(3) The Director may not take any actions described in subsection (d)(1) and (2) of this section for complaints involving persons exempt under § 5–102 of this title.

5–401.

(a) Subject to the provisions of this section, a registered cemeterian[, registered crematory operator, registered reduction operator,] or registered seller may engage in the operation of a cemetery[, crematory, reduction facility,] or burial goods business as a sole proprietor or through:

(1) a corporation as an officer, director, employee, or agent of the corporation;

(2) a limited liability company as a member, employee, or agent of the limited liability company; or

(3) a partnership as a partner, employee, or agent of the partnership.

(b) Subject to the provisions of this title, a corporation, limited liability company, or partnership may engage in the operation of a cemetery[, crematory, reduction facility,] or burial goods business through a registered cemeterian[, registered crematory operator, registered reduction operator,] or registered seller.

(c) (1) A registered cemeterian who engages in the operation of a cemetery through a corporation, limited liability company, or partnership under this title is subject to all of the provisions of this title that relate to engaging in the operation of a cemetery.

(2) [A registered crematory operator who engages in the operation of a crematory through a corporation, limited liability company, or partnership under this title is subject to all of the provisions of this title that relate to engaging in the operation of a crematory.

(3) A registered reduction operator who engages in the operation of a reduction facility through a corporation, limited liability company, or partnership under this title is subject to all the provisions of this title that relate to engaging in the operation of a reduction facility.

(4)] A registered seller who engages in the operation of a burial goods business through a corporation, limited liability company, or partnership under this title is subject to all of the provisions of this title that relate to providing burial goods services.

(d) (1) A corporation, limited liability company, or partnership that engages in the operation of a cemetery[, crematory, reduction facility,] or burial goods business under this title is not, by its compliance with this title, relieved of any responsibility that the corporation, limited liability company, or partnership may have for an act or an omission by its officer, director, member, partner, employee, or agent.

(2) An individual who engages in the operation of a cemetery[, crematory, reduction facility,] or burial goods business through a corporation, limited liability company, or partnership is not, by reason of the individual's employment or other relationship with the corporation, limited liability company, or partnership, relieved of any individual responsibility that the individual may have regarding that practice.

5-402.

A corporation, limited liability company, or partnership shall obtain a permit issued by the Director, before the corporation, limited liability company, or partnership may engage in the operation of a cemetery[, crematory, reduction facility,] or burial goods business in the State.

5-403.

To qualify for a permit, a corporation, limited liability company, or partnership shall:

(1) designate a separate registered cemeterian[, registered crematory operator, registered reduction operator,] or registered seller as the responsible party for the operations of each affiliated cemetery[, crematory, reduction facility,] or burial goods business;

(2) provide the name and business address of each affiliated cemetery[, crematory, reduction facility,] or burial goods business;

(3) provide a list of the officers, directors, members, partners, agents, and employees of the entity applying for the permit; and

(4) comply with §§ 5-303(b)(4) and 5-304 of this title.

5-701.

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

(e) (1) "Preneed services" means services that are sold:

(i) before the buyer's death; and

(ii) in connection with burial [or cremation].

(2) “Preneed services” includes opening and closing a grave.

(f) “Seller” means a registered cemeterian, [registered crematory operator,] registered seller, or any other person who sells preneed goods or preneed services.

~~5-702.~~

~~(a) This subtitle does not apply to:~~

~~(1) the sale of burial space;~~

~~(2) a preneed contract made by an individual in connection with:~~

~~(I) practicing funeral direction or practicing mortuary science, as those practices are defined in and regulated by the Health Occupations Article; OR~~

~~(II) THE OPERATION OF A CREMATORY OR REDUCTION FACILITY SUBJECT TO REGULATION UNDER THE HEALTH OCCUPATIONS ARTICLE; or~~

~~(3) the preneed sale of burial goods or services by a private family cemetery that does not conduct public sales of burial goods or services.~~

5-707.

(f) A trustee may not use any preneed trust funds required to be held in trust in accordance with this subtitle to:

(1) purchase an interest in any contract or agreement to which the registrant, the permit holder, or any other person subject to the trust requirements of this subtitle, or any entity owned or under the control of a registrant, a permit holder, or any other person subject to the trust requirements of this subtitle, or a spouse, child, parent, or sibling of a registrant or any other person subject to the trust requirements of this subtitle is a party; or

(2) make any loan or direct or indirect investment of any kind:

(i) to any registrant, permit holder, or any other person subject to the trust requirements of this subtitle or to any spouse, child, parent, or sibling of a registrant or any other person subject to the trust requirements of this subtitle;

(ii) to or in any entity or business operations owned or under the control of a registrant, a permit holder, or any other person subject to the trust requirements of this subtitle, or a spouse, child, parent, or sibling of a registrant or any other person subject to the trust requirements of this subtitle;

(iii) on or in any real property of a cemetery [or a crematory] or the buildings or structures appurtenant to the property; or

(iv) in any permanent improvements of a cemetery, [a crematory,] the facilities of a cemetery [or crematory], or the buildings or structures appurtenant to a cemetery [or crematory].

[5-803.

(a) (1) In this section the following words have the meanings indicated.

(2) “Eligible dependent” means a veteran’s spouse, a veteran’s unmarried child under the age of 21 years, or a veteran’s unmarried adult child who before the age of 21 became permanently incapable of self-support because of physical or mental disability.

(3) (i) “Identifying information” means data required by a veterans service organization to verify the eligibility of a veteran or an eligible dependent for burial in a national or state veterans cemetery.

(ii) “Identifying information” includes name, service number, Social Security number, date of birth, date of death, place of birth, and copy of the death certificate.

(4) “Veterans service organization” means an association or other entity organized for the benefit of veterans that has been recognized by the U.S. Department of Veterans Affairs or chartered by Congress and any employee or representative of the association or entity.

(b) (1) If a licensed funeral establishment or a crematory is in possession of cremated human remains or hydrolyzed remains that have been unclaimed for 90 days or more, the licensed funeral establishment or holder of the permit for the business of operating a crematory shall provide identifying information of the unclaimed cremains or hydrolyzed remains to a veterans service organization in order for the veterans service organization to determine if the unclaimed cremains or hydrolyzed remains are those of a veteran or an eligible dependent.

(2) (i) Subparagraph (ii) of this paragraph does not apply if:

1. an authorizing agent directs otherwise; or
2. a reduction facility reasonably concludes based on the identifying information or other evidence that a decedent does not qualify for disposition benefits associated with veterans status.

(ii) A reduction facility in possession of human remains that are being processed by natural organic reduction shall provide identifying information to a veterans service organization within 5 business days after natural organic reduction is initiated to determine if the soil remains are those of a veteran or an eligible dependent.

(c) Within 45 days after receipt of the information required by subsection (b) of this section, the veterans service organization shall notify the licensed funeral establishment, permit holder, or reduction facility:

(1) whether the cremains, hydrolyzed remains, or soil remains are those of a veteran or an eligible dependent; and

(2) if so, whether the veteran or eligible dependent is eligible for burial in a veterans cemetery.

(d) If the unclaimed cremains or hydrolyzed remains are those of a veteran or an eligible dependent, the licensed funeral establishment or permit holder may transfer the cremains to a veterans service organization for the purpose of disposition of the cremains or hydrolyzed remains.

(e) If the unclaimed soil remains are those of a veteran or an eligible dependent, the reduction facility may:

(1) transfer a portion of the soil remains not exceeding 300 cubic inches in volume to a veterans service organization that grants permission for the purpose of disposition; and

(2) if authorized by the cemetery or owner, transfer the balance of soil remains to a cemetery or the owner of a woodland protected under the Forest Conservation Act.

(f) If a veterans service organization does not take possession of unclaimed cremains or hydrolyzed remains that qualify for a plot in a State veterans cemetery under § 9–906 of the State Government Article, within 10 days after the licensed funeral establishment or permit holder receives the notification required under subsection (c) of this section, the licensed funeral establishment or permit holder shall:

(1) notify the Department of Veterans and Military Families of the status of the cremains or hydrolyzed remains for the purpose of the appropriate disposition of the cremains or hydrolyzed remains; and

(2) transfer the cremains or hydrolyzed remains to the Department of Veterans and Military Families for the purpose of the appropriate disposition of the cremains or hydrolyzed remains.

(g) If a veterans service organization does not take possession of a portion of unclaimed soil remains under subsection (e)(1) of this section that qualifies for a plot in a State veterans cemetery under § 9–906 of the State Government Article, within 10 days after the reduction facility receives the notification, the reduction facility shall:

(1) notify the Department of Veterans and Military Families of the status of the soil remains for the purpose of the appropriate disposition of the soil remains;

(2) transfer the soil remains to the Department of Veterans and Military Families for the purpose of the appropriate disposition of the soil remains; and

(3) if authorized by the cemetery or owner, transfer the balance of the soil remains to a cemetery or the owner of a woodland protected under the Forest Conservation Act.]

5–804.

(a) In this section, “perpetual care” has the meaning stated in § 5–601 of this title.

(b) A registered cemeterian[, registered crematory operator,] or permit holder that engages in the operation of a cemetery[, crematory,] or burial goods business who sells or offers to sell to the public [cremation services,] a burial lot[,] or a burial right in a cemetery for pet remains as to which perpetual care is stated or implied owes a duty of perpetual care for the cemetery in which the pet remains are interred.

(c) The Director shall adopt regulations in accordance with § 5–204(a) of this title to enforce the requirements of this section.

5–901.

(a) Except as otherwise provided in this title, an individual may not engage in cemetery operations, attempt to engage in cemetery operations, or provide or offer to provide burial space, goods, and services unless the individual is authorized as a registrant.

(b) Except as otherwise provided in this title, an individual may not engage in a burial goods business or attempt to provide burial goods unless the individual is authorized as a registrant.

[(c) Except as otherwise provided in this title, an individual may not engage in the operation of a crematory, attempt to engage in the operation of a crematory, or provide or offer to provide cremation services unless the individual is authorized as a registrant.

(d) Except as otherwise provided in this title, an individual may not engage in the operation of a reduction facility, attempt to engage in the operation of a reduction facility, or provide or offer to provide natural organic reduction unless the individual is a registered reduction operator.]

5-902.

Except for a registered cemeterian[, registered crematory operator, registered reduction operator,] or registered seller who operates a business as a sole proprietor or a registrant employed by a sole proprietor, a person may not engage in the operation of a cemetery[, crematory, reduction facility,] or burial goods business unless:

(1) the business is a corporation, limited liability company, or partnership;
and

(2) the corporation, limited liability company, or partnership holds a permit issued under this title.

5-903.

Unless a person is authorized as a registrant, a person may not represent to the public, by use of a title, including cemeterian, registered cemeterian, [crematory operator, registered crematory operator, registered reduction operator,] burial goods seller, or registered seller, by description of services, methods, or procedures, or otherwise, that the person is authorized to engage in the operation of a cemetery[, crematory, or reduction facility] or provide burial goods.

Article – Courts and Judicial Proceedings

5-642.

(a) In this section, “veteran” has the meaning stated in § 9-901 of the State Government Article.

(b) A licensed funeral establishment or holder of a permit to engage in the business of a crematory who acts in good faith is not civilly liable for transferring the unclaimed cremated remains of a veteran or an eligible dependent of a veteran to a veterans service organization for purposes of disposition as provided in [§ 5-803 of the Business Regulation Article and] § 7-406 of the Health Occupations Article.

(c) A veterans service organization that acts in good faith is not civilly liable for receiving the unclaimed cremated remains of a veteran or an eligible dependent of a veteran for purposes of disposition as provided in [§ 5-803 of the Business Regulation Article and] § 7-406 of the Health Occupations Article.

Article – Health – General

5-508.

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

(b) “Alkaline hydrolysis” has the meaning stated in [§ 5–101 of the Business Regulation] § 7–101 OF THE HEALTH OCCUPATIONS Article.

(e) “Crematory” has the meaning stated in [§ 5–101 of the Business Regulation] § 7–101 OF THE HEALTH OCCUPATIONS Article.

(g) “Natural organic reduction” has the meaning stated in [§ 5–101 of the Business Regulation] § 7–101 OF THE HEALTH OCCUPATIONS Article.

(j) “Reduction facility” has the meaning stated in [§ 5–101 of the Business Regulation] § 7–101 OF THE HEALTH OCCUPATIONS Article.

(k) “Soil remains” has the meaning stated in [§ 5–101 of the Business Regulation] § 7–101 OF THE HEALTH OCCUPATIONS Article.

Article – Health Occupations

~~Title 7. Morticians [and], Funeral Directors, AND CREMATORIES.~~

7–101.

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

(a–1) “Alkaline hydrolysis” [has the meaning stated in § 5–101 of the Business Regulation Article] **MEANS THE PROCESS OF REDUCING HUMAN REMAINS USING WATER, ALKALINE CHEMICALS, AND HEAT INSIDE A WATERTIGHT VESSEL TO ACCELERATE DECOMPOSITION.**

(b) “Apprentice” means an individual licensed by the Board who assists a licensed mortician or funeral director in the practice of mortuary science or funeral direction, under direct supervision of a licensed mortician or funeral director.

(c) “Apprentice sponsor” means an individual who:

(1) Is a licensed mortician or funeral director whose license is in good standing with the Board;

(2) Has practiced mortuary science as a licensed mortician or funeral director in Maryland at least 1 year immediately prior to accepting the applicant as an apprentice; and

(3) Provides direct supervision to an apprentice.

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

(d) “Board” means the State Board of Morticians ~~and~~, Funeral Directors, ~~AND~~ ~~CREMATORIES.~~

(e) (1) “Business of operating a crematory” means controlling or managing a crematory.

(2) “Business of operating a crematory” does not include:

(i) The practice of funeral direction or the practice of mortuary science; or

(ii) 1. Assistance in making decisions and filling out forms that are not directly related to cremation;

2. Obtaining vital statistics, signatures, and other information necessary to complete a death certificate;

3. Transportation of a body to the place of disposition; or

4. Any other services regarding the disposition of a body that are not directly related to cremation.

(f) (1) “Corporation” means a mortuary science business whose articles of incorporation are in good standing with the Maryland State Department of Assessments and Taxation, or its successor, the initial business for which the license is issued must have been incorporated on or before June 1, 1945 and have “Incorporated”, “Inc.”, or “Corporation” in its name.

(2) “Corporation” does not include, for purposes of issuing a corporation license, a “professional association” (P.A.) or a “professional corporation” (P.C.).

(g) “Courtesy card” means a license issued by the Board to licensed practitioners of mortuary science in other states, to make a removal of a dead human body in this State and to return the body to another state or country, to return dead bodies from another state or country to this State, to fill out the family history portion of the death certificate, and to sign the death certificate in the holder’s capacity as a licensed practitioner of mortuary science.

(h) “Cremation” means disposition of a dead human body by means of incineration.

(i) “Crematory” means a building, portion of a building, or structure that houses the necessary appliances and facilities for cremation or alkaline hydrolysis.

(J) (1) “ENGAGE IN THE OPERATION OF A CREMATORY” MEANS CONTROLLING OR MANAGING A CREMATORY.

(2) “ENGAGE IN THE OPERATION OF A CREMATORY” INCLUDES:

(I) PROVIDING BURIAL GOODS AS DEFINED IN § 5–101 OF THE BUSINESS REGULATION ARTICLE; AND

(II) SELLING PRE–NEED GOODS.

(3) “ENGAGE IN THE OPERATION OF A CREMATORY” DOES NOT INCLUDE:

(I) THE PRACTICE OF FUNERAL DIRECTION OR THE PRACTICE OF MORTUARY SCIENCE; OR

(II) 1. ASSISTANCE IN MAKING DECISIONS AND FILLING OUT FORMS THAT ARE NOT DIRECTLY RELATED TO CREMATION;

2. OBTAINING VITAL STATISTICS, SIGNATURES, AND OTHER INFORMATION NECESSARY TO COMPLETE A DEATH CERTIFICATE;

3. TRANSPORTATION OF A BODY TO THE PLACE OF DISPOSITION; OR

4. ANY OTHER SERVICES REGARDING THE DISPOSITION OF A BODY THAT ARE NOT DIRECTLY RELATED TO CREMATION.

(K) (1) “ENGAGE IN THE OPERATION OF A REDUCTION FACILITY” MEANS CONTROLLING OR MANAGING A REDUCTION FACILITY.

(2) “ENGAGE IN THE OPERATION OF A REDUCTION FACILITY” INCLUDES:

(I) PROVIDING BURIAL GOODS AS DEFINED IN § 5–101 OF THE BUSINESS REGULATION ARTICLE; AND

(II) SELLING PRE–NEED GOODS.

(3) “ENGAGE IN THE OPERATION OF A REDUCTION FACILITY” DOES NOT INCLUDE:

(I) THE PRACTICE OF FUNERAL DIRECTION OR THE PRACTICE OF MORTUARY SCIENCE; OR

(II) 1. ASSISTANCE IN MAKING DECISIONS AND FILLING OUT FORMS THAT ARE NOT DIRECTLY RELATED TO NATURAL ORGANIC REDUCTION;

2. OBTAINING VITAL STATISTICS, SIGNATURES, AND OTHER INFORMATION NECESSARY TO COMPLETE A DEATH CERTIFICATE;

3. TRANSPORTATION OF A BODY TO THE PLACE OF DISPOSITION; OR

4. ANY OTHER SERVICES REGARDING THE DISPOSITION OF A BODY THAT ARE NOT DIRECTLY RELATED TO NATURAL ORGANIC REDUCTION.

[(j)] (L) “Funeral director” means an individual who is licensed by the Board to practice all aspects of mortuary science except for embalming.

[(k)] (M) “Funeral establishment” means any building, structure, or premises from which the business of practicing mortuary science is conducted.

[(l)] (N) (1) “Human remains” means:

(i) The body of a deceased person; or

(ii) A part of a body or limb that has been removed from a living person.

(2) “Human remains” includes the body or part of a body or limb in any state of decomposition.

(3) “Human remains” does not include soil remains produced after the completion of natural organic reduction.

[(l-1)] (O) “Hydrolyzed remains” [has the meaning stated in § 5–101 of the Business Regulation Article] **MEANS THE BONE FRAGMENTS PRODUCED BY THE COMPLETION OF ALKALINE HYDROLYSIS.**

[(m)] (P) (1) “License” means, unless the context requires otherwise, a license issued by the Board.

(2) “License” includes, unless otherwise indicated:

(i) A mortician license;

- (ii) An apprentice license;
- (iii) A funeral director license;
- (iv) A surviving spouse license;
- (v) A corporation license;
- (vi) A funeral establishment license; and
- (vii) A courtesy card.

[(n)] (Q) “Licensed apprentice” means, unless the context requires otherwise, an apprentice who is licensed by the Board to assist a licensed mortician or funeral director in the practice of mortuary science or funeral direction.

[(o)] (R) “Licensed funeral director” means, unless the context requires otherwise, a funeral director who is licensed by the Board to practice funeral direction.

[(p)] (S) “Licensed funeral establishment” means, unless the context requires otherwise, a funeral establishment that is licensed by the Board.

[(q)] (T) “Licensed mortician” means, unless the context requires otherwise, a mortician who is licensed by the Board under this title to practice mortuary science.

[(r)] (U) “Licensee” means an individual or entity licensed by the Board to practice mortuary science to the extent determined by the Board.

[(s)] (V) “Mortician” means an individual who practices mortuary science.

[(s-1)] (W) “Natural organic reduction” **[has the meaning stated in § 5–101 of the Business Regulation Article] MEANS THE CONTAINED ACCELERATED CONVERSION OF HUMAN REMAINS INTO SOIL.**

[(t)] (X) (1) “Practice funeral direction” means:

- (i) To operate a funeral establishment;
- (ii) For compensation, to prepare a dead human body for disposition;
- (iii) For compensation, to arrange for or make final disposition of a

or

dead human body.

(2) “Practice funeral direction” does not include:

(i) For compensation, disinfecting or preserving a dead human body or any of its parts by arterial or cavity injection or any other type of preservation; or

(ii) The business of operating a crematory or reduction facility.

[(u)] (Y) (1) “Practice mortuary science” means:

(i) To operate a funeral establishment;

(ii) For compensation, to prepare a dead human body for disposition;
or

(iii) For compensation, to arrange for or make final disposition of a dead human body.

(2) “Practice mortuary science” includes:

(i) The practice of funeral direction; and

(ii) Disinfecting or preserving a dead human body or any of its parts by arterial or cavity injection.

(3) “Practice mortuary science” does not include:

(i) The pickup, removal, or transportation of a dead human body, if the unlicensed individual is acting under the direction of a licensed mortician or funeral director; or

(ii) The business of operating a crematory or reduction facility.

[(v)] (Z) “Pre-need contract” means an agreement between a consumer and a licensed funeral director, licensed mortician, ~~REGISTERED CREMATORY OPERATOR,~~ ~~REGISTERED REDUCTION OPERATOR,~~ or surviving spouse to provide any goods and services purchased prior to the time of death[. Goods and services shall include], **INCLUDING:**

(1) A service, including any form of preservation and disposition or cremation, that a mortician normally provides in the ordinary course of business; or

(2) Merchandise, including a casket, vault, or clothing, that a mortician normally provides in the ordinary course of business.

(AA) (1) “PRE-NEED GOODS” MEANS BURIAL GOODS THAT ARE SOLD BEFORE THE BUYER’S DEATH.

(2) “PRE-NEED GOODS” DOES NOT INCLUDE BURIAL SPACE.

[(v-1)] **(BB)** “Reduction facility” [has the meaning stated in § 5-101 of the Business Regulation Article] **MEANS A BUILDING, PORTION OF A BUILDING, OR STRUCTURE THAT HOUSES THE NECESSARY APPLIANCES, CONTAINERS, AND FACILITIES FOR PERFORMING NATURAL ORGANIC REDUCTION.**

(CC) “REGISTERED CREMATORY OPERATOR” MEANS AN INDIVIDUAL REGISTERED TO OPERATE A CREMATORY AS A SOLE PROPRIETOR OR ON BEHALF OF A SOLE PROPRIETOR OR PERMIT HOLDER.

[(v-2)] **(DD)** “Registered reduction operator” [has the meaning stated in § 5-101 of the Business Regulation Article] **MEANS AN INDIVIDUAL REGISTERED TO OPERATE A REDUCTION FACILITY AS A SOLE PROPRIETOR OR ON BEHALF OF A SOLE PROPRIETOR OR A PERMIT HOLDER.**

(EE) “REGISTRATION” MEANS A REGISTRATION ISSUED BY THE BOARD AUTHORIZING AN INDIVIDUAL TO OPERATE A CREMATORY OR A REDUCTION FACILITY.

(FF) “RESPONSIBLE PARTY” MEANS A SOLE PROPRIETOR OR THE INDIVIDUAL DESIGNATED BY A PARTNERSHIP, LIMITED LIABILITY COMPANY, OR CORPORATION TO BE RESPONSIBLE FOR THE OPERATIONS OF A CREMATORY OR REDUCTION FACILITY.

[(v-3)] **(GG)** “Soil remains” [has the meaning stated in § 5-101 of the Business Regulation Article] **MEANS THE SOIL PRODUCED AT FINAL DISPOSITION OF A DEAD HUMAN BODY AT A REDUCTION FACILITY BY COMPLETION OF NATURAL ORGANIC REDUCTION.**

[(w)] **(HH)** “Surviving spouse” means the legal widow or widower of a licensed funeral director or licensed mortician, whose license was in good standing at the time of death, and who at the time of death, wholly or partly owned and operated a mortuary science business.

7-102.

(a) This title does not limit the right of an individual to practice a health occupation that the individual is authorized to practice under this article.

(b) [(1) In this subsection, “registrant or permit holder” means a person regulated under Title 5 of the Business Regulation Article as a registered cemeterian,

registered reduction operator, registered seller, or holder of a permit to operate a cemetery, reduction facility, or burial goods business.

(2)] This title does not apply to:

[(i)] (1) The business of operating a cemetery, including the sale of cemetery lots, grave sites, mausoleums, monuments, lawn crypts, or vaults; **OR**

[(ii)] The ownership of a crematory or reduction facility or the business of operating a crematory or reduction facility in which:

1. A registrant or permit holder owns a greater percentage of the crematory or reduction facility than a person licensed under this title;

2. Ownership is equal between a registrant or permit holder and a person licensed under this title; or

3. Neither a registrant, permit holder, or person licensed under this title has an ownership interest in the crematory or reduction facility; or

[(iii)] (2) The ownership of a crematory or the business of operating a crematory or incinerator at a licensed medical facility or educational institution.

~~Subtitle 2. State Board of Morticians [and], Funeral Directors, AND CREMATORIES.~~

~~7-201.~~

~~There is a State Board of Morticians [and], Funeral Directors, AND CREMATORIES in the Department.~~

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

(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)] (1) For incompetence or misconduct; **[or]**

[(ii)] (2) 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;

(3) FOR REPEATED AND UNEXPLAINED ABSENCES; OR

(4) FOR ANY JUST AND REASONABLE CAUSE.

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

7-204.

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

(E) AN ACTION MAY BE TAKEN BY A SIMPLE MAJORITY VOTE OF THE QUORUM.

7-205.

(c) **[In conjunction with the Office of Cemetery Oversight, the] THE** Board shall:

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

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

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

(iii) Registration or permit fees;

- (iv) Inspections and oversight;
- (v) Grounds for discipline and penalties; and
- (vi) Complaints and hearings; ~~and~~

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

- (i) Implement item (1) of this subsection;
- (ii) Ensure public health and safety; [and
- (iii) Meet the requirements of § 5–204(a)(3) of the Business Regulation Article]#

~~(H)~~ **(III) REQUIRE A REGISTERED REDUCTION OPERATOR TO NOTIFY THE AUTHORIZING AGENT IN WRITING AND BEFORE INITIATING NATURAL ORGANIC REDUCTION THAT A PERSON WHO USES OR DISPOSES OF SOIL REMAINS IS IN VIOLATION OF SUBJECT TO § 5–514 OF THE HEALTH – GENERAL ARTICLE;**

~~(H)~~ **(IV) REQUIRE A REDUCTION FACILITY TO MONITOR AND RECORD WRITTEN VERIFICATION THAT THE TEMPERATURE DURING EACH INSTANCE OF A NATURAL ORGANIC REDUCTION PROCESS ATTAINS A SPECIFIED MINIMUM INTERNAL EQUIPMENT TEMPERATURE FOR A SPECIFIED MINIMUM PERIOD OF TIME;**

~~(H)~~ **(V) ESTABLISH APPROPRIATE STANDARDS FOR TRAINING AND EXPERIENCE FOR THE REGISTRATION OF REDUCTION OPERATORS;**

~~(H)~~ **(VI) PROHIBIT THE USE OF NATURAL ORGANIC REDUCTION IN ANY INSTANCE IN WHICH THE HUMAN REMAINS ARE KNOWN, OR REASONABLY SUSPECTED, TO BE EMBALMED OR TO HAVE AN INFECTION, DISEASE, OR BIOLOGICAL CONDITION THAT RENDERS THE PROCESS OF NATURAL ORGANIC REDUCTION OR THE RESULTING SOIL REMAINS UNREASONABLY UNSAFE, INCLUDING:**

1. CREUTZFELDT–JAKOB DISEASE OR OTHER PRION DISEASE;
2. EBOLA VIRUS INFECTION;
3. MYCOBACTERIUM TUBERCULOSIS INFECTION;

4. THE PRESENCE OF DIAGNOSTIC OR THERAPEUTIC RADIOISOTOPES; OR

5. ANY OTHER INFECTION, DISEASE, OR BIOLOGICAL CONDITION IDENTIFIED BY THE BOARD BASED ON THE REASONABLE RECOMMENDATION OF A FEDERAL, STATE, OR LOCAL HEALTH AUTHORITY;

~~(v)~~ (VII) ESTABLISH A MANDATORY CONTAMINATION TESTING PROGRAM FOR REDUCTION FACILITIES TO ENSURE THE SAFETY OF SOIL REMAINS PRODUCED, INCLUDING THE FOLLOWING MINIMUM PROGRAM ELEMENTS:

1. COLLECTING ROUTINE MATERIAL SAMPLES FROM SOIL REMAINS FOR ANALYSIS USING:

A. A RELIABLE SAMPLING METHODOLOGY; AND

B. AN APPROPRIATE FREQUENCY OF SAMPLING, AS RECOMMENDED OR APPROVED BY THE U.S. COMPOSTING COUNCIL OR ANOTHER RELIABLE SCIENTIFIC ADVISORY AUTHORITY;

2. RECORDING AND RETAINING THE RESULTS OF AN ANALYSIS OF SAMPLES FROM THE SOIL REMAINS CONDUCTED BY AN INDEPENDENT THIRD-PARTY LABORATORY TO IDENTIFY THE PRESENCE OF HEAVY METALS OR MICROBIAL PATHOGENS ACCORDING TO THE APPROPRIATE CONTAMINATION PARAMETERS FOR BIOSOLIDS SPECIFIED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY UNDER TITLE 40 C.F.R. PART 503, CHAPTER I, SUBCHAPTER O;

3. CONDUCTING AN ANALYSIS FOR EACH PRODUCTION OF SOIL REMAINS TO ENSURE THAT THE SOIL REMAINS CONTAIN LESS THAN 0.01 MG/KG DRY WEIGHT OF SPECIFIC PHYSICAL CONTAMINANTS, WHICH MAY INCLUDE INTACT BONE, DENTAL FILLINGS, AND MEDICAL IMPLANTS;

4. ENSURING THAT NO SOIL REMAINS ARE RELEASED UNTIL THE SOIL REMAINS COMPLY WITH EACH OF THE APPLICABLE CONTAMINATION TESTING PARAMETERS; AND

5. PERIODIC REPORTING OF TESTING RESULTS TO APPROPRIATE STATE AND LOCAL HEALTH AUTHORITIES THAT HAVE REQUESTED THE RESULTS; AND

~~(VI)~~ **(VIII) ESTABLISH ANY OTHER REASONABLE PROHIBITION, RULE, OR REQUIREMENT THE BOARD DETERMINES IS NECESSARY TO PROTECT THE PUBLIC HEALTH AND SAFETY DURING THE PROCESS OF NATURAL ORGANIC REDUCTION; AND**

(3) ADOPT A CODE OF ETHICS FOR ENGAGING IN THE OPERATION OF A CREMATORY OR REDUCTION FACILITY.

7-206.

(a) There is a State Board of Morticians ~~and~~, Funeral Directors, ~~AND~~ ~~CREMATORIES~~ Fund.

(b) (1) The Board may set reasonable fees for its services.

(2) The fees charged shall be set so as to approximate the cost of maintaining the Board.

(3) Funds to cover the compensation and expenses of the Board members shall be generated by fees set under this section.

(4) THE BOARD MAY NOT ASSESS A CREMATORY A PER-OCCURRENCE CREMATION FEE.

(c) (1) The Board shall pay all funds collected under this title to the Comptroller of the State.

(2) The Comptroller shall distribute the fees to the State Board of Morticians ~~and~~, Funeral Directors, ~~AND~~ ~~CREMATORIES~~ Fund.

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:

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

7-320.

(a) Except as provided in this section for an action against any health care professional under § 7-316 of this subtitle, any person aggrieved by a final decision of the

Board in a contested case, as defined in the Administrative Procedure Act, may petition for judicial review as allowed by the Administrative Procedure Act.

(b) Any health care professional aggrieved by a final decision of the Board under § 7–316 of this subtitle may not appeal to the Secretary but may take a direct judicial appeal as provided in the Administrative Procedure Act.

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

SUBTITLE 3A. REGISTRATION.

7–3A–01.

AN INDIVIDUAL SHALL REGISTER WITH THE BOARD BEFORE THE INDIVIDUAL MAY ENGAGE IN THE OPERATION OF A CREMATORY OR REDUCTION FACILITY IN THE STATE.

7–3A–02.

(A) IN ORDER TO REGISTER, AN APPLICANT ~~SHALL MEET THE REQUIREMENTS OF THIS SECTION.~~

~~(B) THE APPLICANT MUST BE~~ MUST:

(1) BE AT LEAST 18 YEARS OLD.

~~(C) THE APPLICANT MUST BE;~~

(2) BE OF GOOD MORAL CHARACTER AND REPUTATION.

~~(D) THE APPLICANT MUST BE;~~

(3) ACHIEVE:

(1) CERTIFICATION AS A CREMATORY OPERATOR FROM:

1. THE CREMATION ASSOCIATION OF NORTH AMERICA (CANA); OR

2. THE INTERNATIONAL CEMETERY, CREMATION, AND FUNERAL ASSOCIATION (ICCF); OR

(II) AN EQUIVALENT CERTIFICATION RECOGNIZED BY THE BOARD;

(4) BE AFFILIATED WITH A CREMATORY OR REDUCTION FACILITY OPERATED BY A REGISTRANT OR PERMIT HOLDER;

~~(E) THE CREMATORY OR REDUCTION FACILITY WITH WHICH THE APPLICANT IS AFFILIATED MUST BE FINANCIALLY STABLE IN ACCORDANCE WITH § 7-3A-04 OF THIS SUBTITLE.~~

~~7-3A-03;~~ AND

(5) SUCCESSFULLY COMPLETE ANY OTHER TRAINING RELATED TO THE OPERATION OF A CREMATORY OR REDUCTION FACILITY REQUIRED BY THE BOARD IN REGULATION.

~~(A)~~ (B) AN APPLICANT SHALL REGISTER BY:

(1) SUBMITTING TO THE BOARD AN APPLICATION ON THE FORM THAT THE BOARD PROVIDES; AND

(2) PAYING A NONREFUNDABLE APPLICATION FEE AND ANY OTHER APPLICABLE FEE SET BY THE BOARD.

~~(B) THE APPLICATION SHALL STATE:~~

~~(1) THE NAME, DATE OF BIRTH, AND RESIDENTIAL ADDRESS OF THE APPLICANT;~~

~~(2) THE NAME AND FIXED ADDRESS OF THE AFFILIATED CREMATORY;~~

~~(3) WHETHER THE CREMATORY OR REDUCTION FACILITY WITH WHICH THE APPLICANT IS AFFILIATED IS OWNED OR CONTROLLED BY A SOLE PROPRIETOR, PARTNERSHIP, LIMITED LIABILITY COMPANY, OR CORPORATION;~~

~~(4) IF THE APPLICANT IS DESIGNATED AS THE RESPONSIBLE PARTY, THE NAME AND RESIDENTIAL ADDRESS OF EACH EMPLOYEE WHO SELLS BURIAL SPACE, GOODS, OR SERVICES TO THE PUBLIC FOR THE BUSINESS WHILE ENGAGING IN THE OPERATION OF A CREMATORY OR REDUCTION FACILITY; AND~~

~~(5) ANY OTHER REASONABLE INFORMATION THAT THE BOARD DETERMINES IS NECESSARY TO CARRY OUT THIS TITLE.~~

~~7-3A-04.~~

~~(A) EACH APPLICANT DESIGNATED AS THE RESPONSIBLE PARTY SHALL DEMONSTRATE THE FINANCIAL STABILITY OF THE BUSINESS WITH WHICH THE APPLICANT IS AFFILIATED BY PROVIDING THE BOARD WITH A FINANCIAL STATEMENT OR OTHER REPORTS REQUIRED UNDER SUBSECTION (E) OF THIS SECTION WITH THE APPLICATION FOR REGISTRATION.~~

~~(B) IF THE BUSINESS IS CO-LOCATED AT A CEMETERY THAT SELLS BURIAL GOODS AND IS AN EXISTING BUSINESS, THE FINANCIAL STATEMENT SHALL:~~

~~(1) BE ON THE FORM THAT THE BOARD REQUIRES;~~

~~(2) CONTAIN A STATEMENT BY A CERTIFIED PUBLIC ACCOUNTANT RETAINED BY THE BUSINESS, DETAILING THE ASSETS AND LIABILITIES OF THE CEMETERY FOR THE LAST FISCAL YEAR; AND~~

~~(3) CONTAIN A REVIEW BY THE CERTIFIED PUBLIC ACCOUNTANT AS TO THE FINANCIAL STABILITY OF THE CEMETERY.~~

~~(C) IF THE BUSINESS IS CO-LOCATED AT AN EXISTING CEMETERY THAT DOES NOT SELL BURIAL GOODS OR AN EXISTING BURIAL GOODS BUSINESS NOT AFFILIATED WITH A CEMETERY, THE APPLICANT SHALL:~~

~~(1) COMPLETE A FORM THAT THE BOARD REQUIRES; AND~~

~~(2) SATISFY CRITERIA THAT THE BOARD ADOPTS UNDER SUBSECTION (E) OF THIS SECTION.~~

~~(D) IF THE BUSINESS IS A NEW BUSINESS, THE APPLICANT SHALL:~~

~~(1) COMPLETE A FORM THAT THE BOARD REQUIRES; AND~~

~~(2) SATISFY CRITERIA THAT THE BOARD ADOPTS UNDER SUBSECTION (E) OF THIS SECTION.~~

~~(E) (1) THE BOARD SHALL MAKE A DETERMINATION OF THE FINANCIAL STABILITY OF EACH APPLICANT BASED ON CRITERIA THAT THE BOARD ADOPTS FOR EACH CLASS OF BUSINESS.~~

~~(2) THE BOARD SHALL ADOPT SEPARATE CRITERIA TO DETERMINE THE FINANCIAL STABILITY OF APPLICANTS THAT ARE NEW BUSINESSES OR EXISTING BUSINESSES.~~

~~(3) THE BOARD SHALL REQUIRE THAT ALL FINANCIAL STATEMENTS OF A NEW CEMETERY SUBMITTED UNDER SUBSECTION (D) OF THIS SECTION BE PREPARED BY A CERTIFIED PUBLIC ACCOUNTANT RETAINED BY THE BUSINESS.~~

~~7-3A-05.~~

~~(A)~~ (C) (1) THE BOARD SHALL ISSUE A REGISTRATION TO AN APPLICANT WHO MEETS THE REQUIREMENTS OF THIS ~~SUBTITLE~~ SECTION.

~~(B)~~ (2) A REGISTRATION ISSUED BY THE BOARD UNDER THIS ~~SUBTITLE~~ SUBSECTION MAY NOT BE TRANSFERRED FROM ONE INDIVIDUAL TO ANOTHER.

~~7-3A-06.~~ 7-3A-03.

(A) WHILE A REGISTRATION IS IN EFFECT, THE REGISTRATION AUTHORIZES THE REGISTRANT TO ENGAGE IN THE OPERATION OF A CREMATORY OR REDUCTION FACILITY ~~OR BURIAL GOODS BUSINESS.~~

(B) THIS SUBTITLE DOES NOT LIMIT THE RIGHT OF A PERSON TO PRACTICE FUNERAL DIRECTION OR MORTUARY SCIENCE IF THE PERSON IS LICENSED OR OTHERWISE AUTHORIZED UNDER THIS TITLE.

~~7-3A-07.~~ 7-3A-04.

(A) UNLESS A REGISTRATION IS RENEWED AS PROVIDED IN THIS SECTION, THE REGISTRATION EXPIRES ON THE SECOND ANNIVERSARY OF ITS EFFECTIVE DATE.

(B) (1) AT LEAST 90 DAYS BEFORE A REGISTRATION EXPIRES, THE BOARD SHALL MAIL OR ELECTRONICALLY TRANSMIT TO THE REGISTRANT:

(I) A RENEWAL APPLICATION FORM; AND

(II) A NOTICE THAT STATES:

1. THE DATE ON WHICH THE CURRENT REGISTRATION EXPIRES; AND

2. THE AMOUNT OF THE RENEWAL FEE.

(2) IF AN ELECTRONIC TRANSMISSION UNDER PARAGRAPH (1) OF THIS SUBSECTION IS RETURNED TO THE BOARD AS UNDELIVERABLE, THE BOARD

SHALL MAIL TO THE REGISTRANT, AT THE LAST KNOWN ADDRESS OF THE REGISTRANT, THE MATERIALS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION WITHIN 10 BUSINESS DAYS AFTER THE DATE THE BOARD RECEIVED THE NOTICE THAT THE ELECTRONIC TRANSMISSION WAS UNDELIVERABLE.

(C) BEFORE A REGISTRATION EXPIRES, THE REGISTRANT PERIODICALLY MAY RENEW IT FOR AN ADDITIONAL 2-YEAR TERM, IF THE REGISTRANT:

- (1) IS OTHERWISE ENTITLED TO BE REGISTERED;
- (2) MEETS THE QUALIFICATIONS SET FORTH FOR AN ORIGINAL REGISTRATION;
- (3) PAYS THE RENEWAL FEE SET BY THE BOARD; ~~AND~~
- (4) SUBMITS TO THE BOARD A RENEWAL APPLICATION ON THE FORM THAT THE BOARD PROVIDES; AND
- (5) ANY OTHER DOCUMENTATION THAT THE BOARD REQUIRES.

(D) THE BOARD SHALL RENEW THE REGISTRATION OF EACH REGISTRANT WHO MEETS THE REQUIREMENTS OF THIS SECTION.

~~7-3A-08.~~

7-3A-05.

THE BOARD SHALL REINSTATE THE REGISTRATION OF AN INDIVIDUAL WHO HAS FAILED TO RENEW A CREMATORY OR REDUCTION FACILITY OPERATOR REGISTRATION FOR ANY REASON, IF THE INDIVIDUAL:

- (1) REQUESTS THAT THE BOARD REINSTATE THE REGISTRATION;
- (2) MEETS THE APPLICABLE REGISTRATION RENEWAL REQUIREMENTS UNDER § 7-3A-04 OF THIS SUBTITLE;
- (3) PAYS THE REINSTATEMENT FEE SET BY THE BOARD; AND
- (4) SUBMITS TO THE BOARD AN AFFIDAVIT STATING THAT THE INDIVIDUAL, WHILE THE INDIVIDUAL'S REGISTRATION WAS EXPIRED, DID NOT ENGAGE IN THE FOLLOWING IN THE STATE:

- (I) OPERATE A CREMATORY OR REDUCTION FACILITY; OR

(II) ACT AS A REGISTERED CREMATORY OR REDUCTION FACILITY OPERATOR.

7-3A-06.

WITHIN 1 WEEK AFTER THE EFFECTIVE DATE OF THE CHANGE, THE APPLICANT DESIGNATED AS THE RESPONSIBLE PARTY OR THE REGISTERED RESPONSIBLE PARTY SHALL SUBMIT TO THE BOARD AN APPLICATION FORM THAT SHOWS A CHANGE IN:

- (1) THE CREMATORY OR REDUCTION FACILITY WITH WHICH A REGISTRANT IS AFFILIATED;
- (2) THE INDIVIDUAL DESIGNATED AS THE RESPONSIBLE PARTY;
- (3) THE EMPLOYEES OF THE BUSINESS WHO ENGAGE IN THE SALE OF CREMATION SERVICES TO THE PUBLIC;
- (4) THE OFFICERS, BOARDS, MEMBERS, OR AGENTS OF THE PERMIT HOLDER; OR
- (5) THE NAME OR ADDRESS OF THE REGISTRANT OR PERMIT HOLDER.

~~7-3A-09.~~ 7-3A-07.

EACH REGISTRANT SHALL DISPLAY THE REGISTRATION CONSPICUOUSLY AT THE BUSINESS ADDRESS OF THE REGISTRANT.

~~7-3A-10.~~ 7-3A-08.

(A) SUBJECT TO THE HEARING PROVISIONS OF ~~§ 7-3A-12~~ § 7-3A-10 OF THIS SUBTITLE, THE BOARD MAY DENY A REGISTRATION TO AN APPLICANT, REPRIMAND A PERSON SUBJECT TO THE REGISTRATION PROVISIONS OF THIS TITLE, OR SUSPEND OR REVOKE A REGISTRATION IF AN APPLICANT, A REGISTRANT, OR AN AGENT, AN EMPLOYEE, AN OFFICER, A DIRECTOR, OR A PARTNER OF THE APPLICANT OR REGISTRANT:

- (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A REGISTRATION;
- (2) FRAUDULENTLY OR DECEPTIVELY USES A REGISTRATION;

(3) UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE, IS CONVICTED OF:

(I) A FELONY; OR

(II) A MISDEMEANOR THAT IS DIRECTLY RELATED TO THE FITNESS AND QUALIFICATIONS OF THE APPLICANT OR REGISTRANT TO OWN OR OPERATE A CREMATORY OR REDUCTION FACILITY;

(4) FAILS TO PROVIDE OR MISREPRESENTS ANY INFORMATION REQUIRED TO BE PROVIDED UNDER THIS TITLE;

(5) VIOLATES THIS TITLE;

(6) VIOLATES THE CODE OF ETHICS ADOPTED BY THE BOARD;

(7) VIOLATES A REGULATION ADOPTED UNDER THIS TITLE;

(8) FAILS TO PROVIDE REASONABLE AND ADEQUATE SUPERVISION OF THE OPERATION OF THE CREMATORY OR REDUCTION FACILITY;

(9) REFUSES TO ALLOW AN INSPECTION REQUIRED BY THIS TITLE;

(10) FAILS TO COMPLY WITH AN ORDER OF THE BOARD;

~~**(11) FAILS TO COMPLY WITH ANY TERMS OF SETTLEMENT UNDER A BINDING ARBITRATION AGREEMENT;**~~

~~**(12)**~~ **(11) IS FOUND GUILTY BY A COURT IN THE STATE OF VIOLATING AN UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICES PROVISION UNDER TITLE 13 OF THE COMMERCIAL LAW ARTICLE; OR**

~~**(13)**~~ **(12) FAILS TO COMPLY WITH § 5-513 OF THE HEALTH - GENERAL ARTICLE.**

~~**(B) (1) IF A PERSON IS CHARGED WITH A VIOLATION OF THIS TITLE THAT COULD RESULT IN SUSPENSION OR REVOCATION OF A REGISTRATION, THE BOARD MAY SEEK AN IMMEDIATE RESTRAINING ORDER IN A CIRCUIT COURT IN THE STATE TO PROHIBIT THE PERSON FROM ENGAGING IN THE OPERATION OF ANY CREMATORY OR REDUCTION FACILITY.**~~

~~**(2) THE RESTRAINING ORDER IS IN EFFECT UNTIL:**~~

~~(I) THE COURT LIFTS THE ORDER; OR~~

~~(II) THE CHARGES ARE ADJUDICATED OR DISMISSED.~~

~~(C) IF A PERSON IS CHARGED WITH A VIOLATION OF THIS TITLE THAT COULD RESULT IN SUSPENSION OR REVOCATION OF A REGISTRATION, THE BOARD MAY PETITION A COURT TO:~~

~~(1) APPOINT A RECEIVER OR TRUSTEE TO TAKE CHARGE OF THE ASSETS AND OPERATE THE BUSINESS OF THE PERSON IN THE EVENT THAT THE REGISTRATION IS SUSPENDED OR REVOKED; AND~~

~~(2) TAKE ANY ACTIONS AS ARE APPROPRIATE TO PROTECT THE PUBLIC INTEREST.~~

~~(D)~~ (B) INSTEAD OF OR IN ADDITION TO REPRIMANDING A PERSON, OR SUSPENDING OR REVOKING A REGISTRATION, THE BOARD MAY IMPOSE A CIVIL PENALTY:

(1) NOT TO EXCEED ~~\$5,000~~ \$10,000 FOR EACH VIOLATION OF THIS TITLE OR AN ORDER OF THE BOARD UNDER THIS TITLE; AND

(2) NOT TO EXCEED ~~\$500~~ \$1,000 FOR EACH DAY A VIOLATION CONTINUES PAST THE TIME SET FOR ITS CORRECTION.

~~(E)~~ (C) TO DETERMINE THE AMOUNT OF THE PENALTY IMPOSED UNDER THIS SECTION, THE BOARD SHALL CONSIDER:

(1) THE SERIOUSNESS OF THE VIOLATION;

(2) THE HARM CAUSED BY THE VIOLATION;

(3) THE GOOD FAITH EFFORTS OF THE PERSON; AND

(4) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE PERSON.

~~(F)~~ (D) ANY CIVIL PENALTIES COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE GENERAL FUND OF THE STATE.

~~(G)~~ (E) THE BOARD SHALL CONSIDER THE FOLLOWING FACTS IN THE GRANTING, DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A REGISTRATION OR THE REPRIMAND OF A REGISTRANT WHEN AN APPLICANT OR A REGISTRANT, OR AN AGENT, AN EMPLOYEE, AN OFFICER, OR A PARTNER OF AN APPLICANT OR A

REGISTRANT, IS CONVICTED OF A FELONY OR MISDEMEANOR DESCRIBED IN SUBSECTION (A)(3) OF THIS SECTION:

- (1) THE NATURE OF THE CRIME;
- (2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED BY THIS TITLE;
- (3) THE LENGTH OF TIME SINCE THE CONVICTION; AND
- (4) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR REGISTRANT, OR ANY AGENT, EMPLOYEE, OFFICER, BOARD, OR PARTNER OF AN APPLICANT OR A REGISTRANT, BEFORE AND AFTER THE CONVICTION.

~~7-3A-11. 7-3A-09.~~

(A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD OR THE BOARD'S DESIGNEE SHALL COMMENCE PROCEEDINGS ON A COMPLAINT REGARDING A VIOLATION OF THIS SUBTITLE MADE BY ANY PERSON TO THE BOARD.

(B) A COMPLAINT SHALL:

- (1) BE IN WRITING; AND
- (2) STATE SPECIFICALLY THE FACTS ON WHICH THE COMPLAINT IS BASED; AND
- (3) ~~BE MADE UNDER OATH BY THE PERSON WHO SUBMITS THE COMPLAINT.~~

~~(C) THE BOARD OR THE BOARD'S DESIGNEE SHALL REVIEW EACH COMPLAINT AND SHALL ATTEMPT TO NEGOTIATE A SETTLEMENT OF THE COMPLAINT BETWEEN THE COMPLAINANT AND THE REGISTRANT OR ANY OTHER PERSON SUBJECT TO THE REGISTRATION PROVISIONS OF THIS TITLE.~~

~~(D) IF THE BOARD OR THE BOARD'S DESIGNEE IS UNABLE TO NEGOTIATE A SETTLEMENT OF THE COMPLAINT, THE BOARD MAY:~~

- ~~(1) AT THE REQUEST OF EITHER PARTY, REFER THE COMPLAINT TO THE OFFICE OF THE ATTORNEY GENERAL OR THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BINDING ARBITRATION, IF BOTH PARTIES AGREE TO BINDING ARBITRATION;~~

~~(2) INITIATE AN INVESTIGATION; OR~~

~~(3) DISMISS THE COMPLAINT.~~

~~(E)~~ (C) IF, AFTER INVESTIGATION, THE BOARD DETERMINES THAT THERE IS A REASONABLE BASIS TO BELIEVE THAT THERE ARE GROUNDS FOR DISCIPLINARY ACTION UNDER ~~§ 7-3A-10~~ § 7-3A-08 OF THIS SUBTITLE, THE BOARD SHALL PROVIDE THE PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED NOTICE AND AN OPPORTUNITY FOR A HEARING UNDER ~~§ 7-3A-12~~ § 7-3A-10 OF THIS SUBTITLE.

~~(F)~~ (D) ~~(1)~~ IF, AFTER INVESTIGATION, THE BOARD DETERMINES THAT THERE IS NOT A REASONABLE BASIS TO BELIEVE THAT THERE ARE GROUNDS FOR DISCIPLINARY ACTION, THE BOARD SHALL DISMISS THE COMPLAINT.

~~(2) ANY PARTY AGGRIEVED BY THE DISMISSAL MAY TAKE A JUDICIAL APPEAL IN ACCORDANCE WITH THE PROVISIONS OF TITLE 10 OF THE STATE GOVERNMENT ARTICLE.~~

~~(G) ONCE A COMPLAINT HAS BEEN REFERRED FOR BINDING ARBITRATION, THE REGISTRANT OR ANY OTHER PERSON SUBJECT TO THE REGISTRATION OF THIS TITLE SHALL COMPLY WITH THE TERMS OF THE SETTLEMENT.~~

~~(H)~~ (E) (1) THE BOARD SHALL ADOPT GUIDELINES THAT ESTABLISH A SCHEDULE FOR THE PROMPT AND TIMELY PROCESSING AND RESOLUTION OF EACH COMPLAINT MADE TO THE BOARD REGARDING A VIOLATION OF THIS SUBTITLE.

(2) ON OR BEFORE DECEMBER 31 EACH YEAR, BEGINNING IN 2028, THE BOARD SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON:

(I) THE NUMBER OF COMPLAINTS RESOLVED WITHIN THE SCHEDULE ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION;

(II) THE NUMBER OF COMPLAINTS BY THE TYPE OF REGISTRANT OR EXEMPTION FROM THE REGISTRATION REQUIREMENTS OF THIS TITLE;

(III) THE NUMBER OF COMPLAINTS BY PERSONS SUBJECT TO, BUT NOT IN COMPLIANCE WITH, THE REGISTRATION REQUIREMENTS OF THIS TITLE;

(IV) THE NATURE OF COMPLAINTS, INCLUDING WHETHER COMPLAINTS ARE RELATED TO THE ILLEGAL RECYCLING OF GRAVES;

(V) THE TYPE OF PURCHASE, FOCUS OF DISSATISFACTION, AND TYPE OF RESOLUTION FOR COMPLAINTS;

(VI) ~~WHETHER~~ THE METHOD USED TO RESOLVE THE COMPLAINTS REPORTED UNDER ITEM (I) OF THIS PARAGRAPH WERE RESOLVED THROUGH NEGOTIATION, BINDING ARBITRATION, OR ANOTHER METHOD; AND

(VII) ANY DISCIPLINARY OR ENFORCEMENT ACTIONS TAKEN AGAINST A REGISTRANT OR A PERSON SUBJECT TO, BUT NOT IN COMPLIANCE WITH, THE REGISTRATION REQUIREMENTS OF THIS TITLE.

~~(3) THE BOARD SHALL PROVIDE A COPY OF THE ANNUAL REPORT REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION TO EACH MEMBER OF THE ADVISORY COUNCIL.~~

~~7-3A-12.~~ 7-3A-10.

(A) (1) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES A FINAL ACTION UNDER THIS SUBTITLE, THE BOARD SHALL PROVIDE THE PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED NOTICE OF THE BOARD'S PROPOSED ACTION AND THE OPPORTUNITY TO REQUEST A HEARING BEFORE THE BOARD.

(2) A PERSON SHALL FILE A REQUEST FOR A HEARING NOT LATER THAN 30 DAYS AFTER THE DATE THE NOTICE PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS MAILED.

(B) THE BOARD SHALL PROVIDE NOTICE AND CONDUCT THE HEARING IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(C) THE BOARD MAY ADMINISTER OATHS IN CONNECTION WITH A PROCEEDING UNDER THIS SECTION.

(D) THE HEARING NOTICE PROVIDED TO THE PERSON UNDER SUBSECTION (A)(1) OF THIS SECTION SHALL BE SENT BY CERTIFIED MAIL TO THE LAST KNOWN ADDRESS OF THE PERSON AT LEAST 10 DAYS BEFORE THE HEARING.

(E) IF A HEARING IS NOT REQUESTED WITHIN THE TIME PERIOD SPECIFIED UNDER SUBSECTION (A)(2) OF THIS SECTION OR IF THE PERSON FAILS TO APPEAR FOR THE HEARING AFTER REQUESTING A HEARING, THE PROPOSED ACTION OF THE BOARD SHALL BE AFFIRMED.

(F) THE PERSON MAY BE REPRESENTED AT THE HEARING BY COUNSEL.

(G) (1) THE BOARD MAY ISSUE SUBPOENAS IN CONNECTION WITH A PROCEEDING UNDER THIS SECTION.

(2) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER THIS SUBSECTION, ON PETITION OF THE BOARD, A CIRCUIT COURT MAY COMPEL COMPLIANCE WITH THE SUBPOENA.

(H) IF, AFTER A HEARING, THE PROPOSED ACTION BY THE BOARD IS UPHeld, THE APPELLANT SHALL PAY THE HEARING COSTS, AS SPECIFIED BY THE ~~OFFICE IN ITS REGULATIONS~~ BOARD IN REGULATION.

SUBTITLE 3B. PERMITS ~~AND STATEMENT FILINGS~~.

7-3B-01.

(A) SUBJECT TO THE PROVISIONS OF THIS SECTION, A REGISTERED CREMATORY OPERATOR OR REGISTERED REDUCTION OPERATOR MAY ENGAGE IN THE OPERATION OF A CREMATORY OR REDUCTION FACILITY AS A SOLE PROPRIETOR OR THROUGH:

(1) A CORPORATION AS AN OFFICER, A BOARD, AN EMPLOYEE, OR AN AGENT OF THE CORPORATION;

(2) A LIMITED LIABILITY COMPANY AS A MEMBER, AN EMPLOYEE, OR AN AGENT OF THE LIMITED LIABILITY COMPANY; OR

(3) A PARTNERSHIP AS A PARTNER, AN EMPLOYEE, OR AN AGENT OF THE PARTNERSHIP.

(B) SUBJECT TO THE PROVISIONS OF THIS TITLE, A CORPORATION, LIMITED LIABILITY COMPANY, OR PARTNERSHIP MAY ENGAGE IN THE OPERATION OF A CREMATORY OR REDUCTION FACILITY THROUGH A REGISTERED CREMATORY OPERATOR OR REGISTERED REDUCTION OPERATOR.

(C) (1) A REGISTERED CREMATORY OPERATOR WHO ENGAGES IN THE OPERATION OF A CREMATORY THROUGH A CORPORATION, LIMITED LIABILITY COMPANY, OR PARTNERSHIP UNDER THIS TITLE IS SUBJECT TO ALL OF THE PROVISIONS OF THIS TITLE THAT RELATE TO ENGAGING IN THE OPERATION OF A CREMATORY.

(2) A REGISTERED REDUCTION OPERATOR WHO ENGAGES IN THE OPERATION OF A REDUCTION FACILITY THROUGH A CORPORATION, LIMITED LIABILITY COMPANY, OR PARTNERSHIP UNDER THIS TITLE IS SUBJECT TO ALL OF THE PROVISIONS OF THIS TITLE THAT RELATE TO ENGAGING IN THE OPERATION OF A REDUCTION FACILITY.

(D) (1) A CORPORATION, LIMITED LIABILITY COMPANY, OR PARTNERSHIP THAT ENGAGES IN THE OPERATION OF A CREMATORY OR REDUCTION FACILITY UNDER THIS TITLE IS NOT, BY ITS COMPLIANCE WITH THIS TITLE, RELIEVED OF ANY RESPONSIBILITY THAT THE CORPORATION, LIMITED LIABILITY COMPANY, OR PARTNERSHIP MAY HAVE FOR AN ACT OR AN OMISSION BY ITS OFFICER, BOARD, MEMBER, PARTNER, EMPLOYEE, OR AGENT.

(2) AN INDIVIDUAL WHO ENGAGES IN THE OPERATION OF A CREMATORY OR REDUCTION FACILITY THROUGH A CORPORATION, LIMITED LIABILITY COMPANY, OR PARTNERSHIP IS NOT, BY REASON OF THE INDIVIDUAL'S EMPLOYMENT OR OTHER RELATIONSHIP WITH THE CORPORATION, LIMITED LIABILITY COMPANY, OR PARTNERSHIP, RELIEVED OF ANY INDIVIDUAL RESPONSIBILITY THAT THE INDIVIDUAL MAY HAVE REGARDING THAT PRACTICE.

7-3B-02.

A CORPORATION, LIMITED LIABILITY COMPANY, OR PARTNERSHIP SHALL OBTAIN A PERMIT ISSUED BY THE BOARD BEFORE THE CORPORATION, LIMITED LIABILITY COMPANY, OR PARTNERSHIP MAY ENGAGE IN THE OPERATION OF A CREMATORY OR REDUCTION FACILITY IN THE STATE.

7-3B-03.

(A) TO QUALIFY FOR A PERMIT, A CORPORATION, LIMITED LIABILITY COMPANY, OR PARTNERSHIP SHALL:

(1) DESIGNATE A SEPARATE REGISTERED CREMATORY OPERATOR OR REGISTERED REDUCTION OPERATOR AS THE RESPONSIBLE PARTY FOR THE OPERATIONS OF EACH AFFILIATED CREMATORY OR REDUCTION FACILITY;

(2) PROVIDE THE NAME AND BUSINESS ADDRESS OF EACH AFFILIATED CREMATORY OR REDUCTION FACILITY;

(3) PROVIDE A LIST OF THE OFFICERS, BOARDS, MEMBERS, PARTNERS, AGENTS, AND EMPLOYEES OF THE ENTITY APPLYING FOR THE PERMIT; AND

~~(4) COMPLY WITH §§ 7-3A-03(B)(4) AND 7-3A-04 OF THIS TITLE~~
PROVIDE A CERTIFICATE OF STATUS ISSUED BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION THAT:

(I) INDICATES THE ENTITY IS IN GOOD STANDING, OR ITS EQUIVALENT AS DETERMINED BY THE BOARD; AND

(II) IS DATED NOT MORE THAN 30 DAYS BEFORE THE DATE ON WHICH THE APPLICATION WAS SUBMITTED.

~~7-3B-04.~~

(B) AN APPLICANT FOR A PERMIT SHALL SUBMIT TO THE BOARD:

(1) AN APPLICATION ON THE FORM THAT THE BOARD PROVIDES; AND

(2) AN APPLICATION FEE AS SET BY THE BOARD; AND

~~**(3) DOCUMENTATION VERIFYING THE NUMBER OF SALES CONTRACTS SUBJECT TO THE SALES CONTRACT FEE ENTERED INTO WITHIN THE BUSINESS'S LAST 2 FISCAL YEARS.**~~

~~7-3B-05.~~ **7-3B-04.**

(A) UNLESS A PERMIT IS RENEWED AS PROVIDED IN THIS SECTION, THE PERMIT EXPIRES ON THE SECOND ANNIVERSARY OF ITS EFFECTIVE DATE.

(B) (1) AT LEAST 90 DAYS BEFORE A PERMIT EXPIRES, THE BOARD SHALL MAIL OR ELECTRONICALLY TRANSMIT TO THE PERMIT HOLDER:

(I) A RENEWAL APPLICATION FORM; AND

(II) A NOTICE THAT STATES:

1. THE DATE ON WHICH THE CURRENT PERMIT EXPIRES;

AND

2. THE AMOUNT OF THE RENEWAL FEE.

(2) IF AN ELECTRONIC TRANSMISSION UNDER PARAGRAPH (1) OF THIS SUBSECTION IS RETURNED TO THE BOARD AS UNDELIVERABLE, THE BOARD SHALL MAIL TO THE PERMIT HOLDER, AT THE LAST KNOWN ADDRESS OF THE PERMIT HOLDER, THE MATERIALS REQUIRED UNDER PARAGRAPH (1) OF THIS

SUBSECTION WITHIN 10 BUSINESS DAYS AFTER THE DATE THE BOARD RECEIVED THE NOTICE THAT THE ELECTRONIC TRANSMISSION WAS UNDELIVERABLE.

(C) BEFORE A PERMIT EXPIRES, THE PERMIT HOLDER PERIODICALLY MAY RENEW IT FOR AN ADDITIONAL 2-YEAR TERM, IF THE PERMIT HOLDER:

- (1) IS OTHERWISE ENTITLED TO RECEIVE A PERMIT;**
- (2) MEETS THE QUALIFICATIONS SET FORTH FOR AN ORIGINAL PERMIT;**
- (3) PAYS THE RENEWAL FEE SET BY THE BOARD; AND**
- (4) SUBMITS TO THE BOARD ~~A~~:**
 - (I) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD PROVIDES; AND**
 - (II) ANY OTHER DOCUMENTATION THE BOARD REQUIRES.**

(D) THE BOARD SHALL RENEW THE PERMIT OF EACH PERMIT HOLDER WHO MEETS THE REQUIREMENTS OF THIS SECTION.

7-3B-05.

THE BOARD SHALL REINSTATE THE PERMIT OF A CREMATORY OR REDUCTION FACILITY THAT HAS FAILED TO RENEW ITS PERMIT FOR ANY REASON, IF THE PERMIT HOLDER:

- (1) REQUESTS THAT THE BOARD REINSTATE THE PERMIT;**
- (2) MEETS THE APPLICABLE PERMIT RENEWAL REQUIREMENTS UNDER THIS SUBTITLE;**
- (3) PAYS THE REINSTATEMENT FEE SET BY THE BOARD; AND**
- (4) SUBMITS TO THE BOARD AN AFFIDAVIT STATING THAT THE PERMIT HOLDER DID NOT ENGAGE IN THE OPERATION OF A CREMATORY OR REDUCTION FACILITY IN THE STATE WHILE ITS PERMIT WAS EXPIRED.**

7-3B-06.

EACH PERMIT HOLDER SHALL DISPLAY THE PERMIT CONSPICUOUSLY AT THE BUSINESS ADDRESS OF THE PERMIT HOLDER.

7-3B-07.

(A) SUBJECT TO THE HEARING PROVISIONS OF § 7-3B-09 OF THIS SUBTITLE, THE BOARD MAY DENY A PERMIT TO AN APPLICANT, REPRIMAND A PERSON SUBJECT TO THE PERMIT PROVISIONS OF THIS TITLE, OR SUSPEND OR REVOKE A PERMIT IF AN APPLICANT, A PERMIT HOLDER, OR AN AGENT, AN EMPLOYEE, AN OFFICER, A DIRECTOR, OR A PARTNER OF THE APPLICANT OR PERMIT HOLDER:

(1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A PERMIT;

(2) FRAUDULENTLY OR DECEPTIVELY USES A PERMIT;

(3) UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE, IS CONVICTED OF:

(i) A FELONY; OR

(ii) A MISDEMEANOR THAT IS DIRECTLY RELATED TO THE FITNESS AND QUALIFICATIONS OF THE APPLICANT OR PERMIT HOLDER TO OWN OR OPERATE A CREMATORY OR REDUCTION FACILITY;

(4) FAILS TO PROVIDE OR MISREPRESENTS ANY INFORMATION REQUIRED TO BE PROVIDED UNDER THIS TITLE;

(5) VIOLATES THIS TITLE;

(6) VIOLATES THE CODE OF ETHICS ADOPTED BY THE BOARD;

(7) VIOLATES A REGULATION ADOPTED UNDER THIS TITLE;

(8) FAILS TO PROVIDE REASONABLE AND ADEQUATE SUPERVISION OF THE OPERATION OF THE CREMATORY OR REDUCTION FACILITY;

(9) REFUSES TO ALLOW AN INSPECTION REQUIRED BY THIS TITLE;

(10) FAILS TO COMPLY WITH AN ORDER OF THE BOARD;

~~(11) FAILS TO COMPLY WITH ANY TERMS OF SETTLEMENT UNDER A BINDING ARBITRATION AGREEMENT;~~

~~(12)~~ (11) IS FOUND GUILTY BY A COURT IN THIS STATE OF VIOLATING AN UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICES PROVISION UNDER TITLE 13 OF THE COMMERCIAL LAW ARTICLE; OR

~~(13)~~ (12) FAILS TO COMPLY WITH § 5-513 OF THE HEALTH - GENERAL ARTICLE.

(B) (1) IF A PERSON IS CHARGED WITH A VIOLATION OF THIS TITLE THAT COULD RESULT IN SUSPENSION OR REVOCATION OF A PERMIT, THE BOARD MAY SEEK AN IMMEDIATE RESTRAINING ORDER IN A CIRCUIT COURT IN THIS STATE TO PROHIBIT THE PERSON FROM ENGAGING IN THE OPERATION OF ANY CREMATORY OR REDUCTION FACILITY.

(2) THE RESTRAINING ORDER IS IN EFFECT UNTIL:

(I) THE COURT LIFTS THE ORDER; OR

(II) THE CHARGES ARE ADJUDICATED OR DISMISSED.

~~(C) IF A PERSON IS CHARGED WITH A VIOLATION OF THIS TITLE THAT COULD RESULT IN SUSPENSION OR REVOCATION OF A PERMIT, THE BOARD MAY PETITION A COURT TO:~~

~~(1) APPOINT A RECEIVER OR TRUSTEE TO TAKE CHARGE OF THE ASSETS AND OPERATE THE BUSINESS OF THE PERSON IN THE EVENT THAT THE PERMIT IS SUSPENDED OR REVOKED; AND~~

~~(2) TAKE ANY ACTIONS AS ARE APPROPRIATE TO PROTECT THE PUBLIC INTEREST.~~

~~(D)~~ (C) INSTEAD OF OR IN ADDITION TO REPRIMANDING A PERSON, OR SUSPENDING OR REVOKING A PERMIT, THE BOARD MAY IMPOSE A CIVIL PENALTY:

(1) NOT TO EXCEED ~~\$5,000~~ \$10,000 FOR EACH VIOLATION OF THIS TITLE OR AN ORDER OF THE BOARD UNDER THIS TITLE; AND

(2) NOT TO EXCEED ~~\$500~~ \$1,000 FOR EACH DAY A VIOLATION CONTINUES PAST THE TIME SET FOR ITS CORRECTION.

~~(F)~~ **(D)** TO DETERMINE THE AMOUNT OF THE PENALTY IMPOSED UNDER THIS SECTION, THE BOARD SHALL CONSIDER:

- (1) THE SERIOUSNESS OF THE VIOLATION;**
- (2) THE HARM CAUSED BY THE VIOLATION;**
- (3) THE GOOD FAITH EFFORTS OF THE PERSON; AND**
- (4) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE PERSON.**

~~(F)~~ **(E)** ANY CIVIL PENALTIES COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE GENERAL FUND OF THE STATE.

~~(G)~~ **(F)** THE BOARD SHALL CONSIDER THE FOLLOWING FACTS IN THE GRANTING, DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A PERMIT OR THE REPRIMAND OF A PERMIT HOLDER WHEN AN APPLICANT OR A PERMIT HOLDER, OR AN AGENT, AN EMPLOYEE, AN OFFICER, OR A PARTNER OF AN APPLICANT OR A PERMIT HOLDER, IS CONVICTED OF A FELONY OR MISDEMEANOR DESCRIBED IN SUBSECTION (A)(3) OF THIS SECTION:

- (1) THE NATURE OF THE CRIME;**
- (2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED BY THIS TITLE;**
- (3) THE LENGTH OF TIME SINCE THE CONVICTION; AND**
- (4) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR PERMIT HOLDER, OR ANY AGENT, EMPLOYEE, OFFICER, OR PARTNER OF AN APPLICANT OR A PERMIT HOLDER, BEFORE AND AFTER THE CONVICTION.**

7-3B-08.

(A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD OR THE BOARD'S DESIGNEE SHALL COMMENCE PROCEEDINGS ON A COMPLAINT REGARDING A VIOLATION OF THIS SUBTITLE MADE BY ANY PERSON TO THE BOARD.

(B) A COMPLAINT SHALL:

- (1) BE IN WRITING; AND**

(2) STATE SPECIFICALLY THE FACTS ON WHICH THE COMPLAINT IS BASED;~~AND~~

~~(3) BE MADE UNDER OATH BY THE PERSON WHO SUBMITS THE COMPLAINT.~~

~~(C) THE BOARD OR THE BOARD'S DESIGNEE SHALL REVIEW EACH COMPLAINT AND SHALL ATTEMPT TO NEGOTIATE A SETTLEMENT OF THE COMPLAINT BETWEEN THE COMPLAINANT AND THE PERMIT HOLDER, OR ANY OTHER PERSON SUBJECT TO THE PERMIT PROVISIONS OF THIS TITLE.~~

~~(D) IF THE BOARD OR THE BOARD'S DESIGNEE IS UNABLE TO NEGOTIATE A SETTLEMENT OF THE COMPLAINT, THE BOARD MAY:~~

~~(1) AT THE REQUEST OF EITHER PARTY, REFER THE COMPLAINT TO THE OFFICE OF THE ATTORNEY GENERAL OR THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BINDING ARBITRATION, IF BOTH PARTIES AGREE TO BINDING ARBITRATION;~~

~~(2) INITIATE AN INVESTIGATION; OR~~

~~(3) DISMISS THE COMPLAINT.~~

~~(E) (C)~~ IF, AFTER INVESTIGATION, THE BOARD DETERMINES THAT THERE IS A REASONABLE BASIS TO BELIEVE THAT THERE ARE GROUNDS FOR DISCIPLINARY ACTION UNDER § 7-3B-07 OF THIS SUBTITLE, THE BOARD SHALL PROVIDE THE PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED NOTICE AND AN OPPORTUNITY FOR A HEARING UNDER § 7-3B-09 OF THIS SUBTITLE.

~~(F) (D)~~ ~~(1)~~ IF, AFTER INVESTIGATION, THE BOARD DETERMINES THAT THERE IS NOT A REASONABLE BASIS TO BELIEVE THAT THERE ARE GROUNDS FOR DISCIPLINARY ACTION, THE BOARD SHALL DISMISS THE COMPLAINT.

~~(2) ANY PARTY AGGRIEVED BY THE DISMISSAL MAY TAKE A JUDICIAL APPEAL IN ACCORDANCE WITH THE PROVISIONS OF TITLE 10 OF THE STATE GOVERNMENT ARTICLE.~~

~~(G) ONCE A COMPLAINT HAS BEEN REFERRED FOR BINDING ARBITRATION, THE REGISTRANT, PERMIT HOLDER, OR ANY OTHER PERSON SUBJECT TO THE REGISTRATION OR PERMIT PROVISIONS OF THIS TITLE SHALL COMPLY WITH THE TERMS OF THE SETTLEMENT.~~

~~(H)~~ (E) (1) THE BOARD SHALL ADOPT GUIDELINES THAT ESTABLISH A SCHEDULE FOR THE PROMPT AND TIMELY PROCESSING AND RESOLUTION OF EACH COMPLAINT MADE TO THE BOARD REGARDING A VIOLATION OF THIS SUBTITLE.

(2) ON OR BEFORE DECEMBER 31 EACH YEAR, BEGINNING IN 2028, THE BOARD SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON:

(I) THE NUMBER OF COMPLAINTS RESOLVED WITHIN THE SCHEDULE ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION;

(II) THE NUMBER OF COMPLAINTS BY THE TYPE OF PERMIT HOLDER, OR EXEMPTION FROM THE PERMIT REQUIREMENTS OF THIS TITLE;

(III) THE NUMBER OF COMPLAINTS BY PERSONS SUBJECT TO, BUT NOT IN COMPLIANCE WITH, THE PERMIT REQUIREMENTS OF THIS TITLE;

(IV) THE NATURE OF COMPLAINTS, INCLUDING WHETHER COMPLAINTS ARE RELATED TO THE ILLEGAL RECYCLING OF GRAVES;

(V) THE TYPE OF PURCHASE, FOCUS OF DISSATISFACTION, AND TYPE OF RESOLUTION FOR COMPLAINTS;

(VI) ~~WHETHER~~ THE METHOD USED TO RESOLVE THE COMPLAINTS REPORTED UNDER ITEM (I) OF THIS PARAGRAPH ~~WERE RESOLVED THROUGH NEGOTIATION, BINDING ARBITRATION, OR ANOTHER METHOD;~~ AND

(VII) ANY DISCIPLINARY OR ENFORCEMENT ACTIONS TAKEN AGAINST A PERMIT HOLDER, OR A PERSON SUBJECT TO, BUT NOT IN COMPLIANCE WITH, THE PERMIT REQUIREMENTS OF THIS TITLE.

~~(3) THE BOARD SHALL PROVIDE A COPY OF THE ANNUAL REPORT REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION TO EACH MEMBER OF THE ADVISORY COUNCIL.~~

7-3B-09.

(A) (1) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES A FINAL ACTION UNDER THIS SUBTITLE, THE BOARD SHALL PROVIDE THE PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED NOTICE OF THE BOARD'S PROPOSED ACTION AND THE OPPORTUNITY TO REQUEST A HEARING BEFORE THE BOARD.

(2) A PERSON SHALL FILE A REQUEST FOR A HEARING NOT LATER THAN 30 DAYS AFTER THE DATE THE NOTICE PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS MAILED.

(B) THE BOARD SHALL PROVIDE NOTICE AND CONDUCT THE HEARING IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(C) THE BOARD MAY ADMINISTER OATHS IN CONNECTION WITH A PROCEEDING UNDER THIS SECTION.

(D) THE HEARING NOTICE PROVIDED TO THE PERSON UNDER SUBSECTION (A)(1) OF THIS SECTION SHALL BE SENT BY CERTIFIED MAIL TO THE LAST KNOWN ADDRESS OF THE PERSON AT LEAST 10 DAYS BEFORE THE HEARING.

(E) IF A HEARING IS NOT REQUESTED WITHIN THE TIME PERIOD SPECIFIED UNDER SUBSECTION (A)(2) OF THIS SECTION OR IF THE PERSON FAILS TO APPEAR FOR THE HEARING AFTER REQUESTING A HEARING, THE PROPOSED ACTION OF THE BOARD SHALL BE AFFIRMED.

(F) THE PERSON MAY BE REPRESENTED AT THE HEARING BY COUNSEL.

(G) (1) THE BOARD MAY ISSUE SUBPOENAS IN CONNECTION WITH A PROCEEDING UNDER THIS SECTION.

(2) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER THIS SUBSECTION, ON PETITION OF THE BOARD, A CIRCUIT COURT MAY COMPEL COMPLIANCE WITH THE SUBPOENA.

(H) IF, AFTER A HEARING, THE PROPOSED ACTION BY THE BOARD IS UPHOLD, THE APPELLANT SHALL PAY THE HEARING COSTS, AS SPECIFIED BY THE ~~OFFICE IN ITS REGULATIONS~~ BOARD IN REGULATION.

~~7-405.~~

~~(a) (1) In this section the following words have the meanings indicated.~~

~~(2) "Beneficiary" means a person for whose benefit a pre-need contract is purchased and who will receive the merchandise or services offered under the contract.~~

~~(3) "Buyer" means a person that purchases a pre-need contract.~~

~~(4) "Guaranteed contract" means a written pre-need contract that:~~

~~(i) Is signed by the consumer and a licensee of a licensed funeral establishment, A REGISTERED CREMATORY OPERATOR, OR A REGISTERED REDUCTION OPERATOR; and~~

~~(ii) Guarantees in whole the price of goods and services and cash advance items specified in the contract.~~

~~(5) “Guaranteed in part contract” means a written pre-need contract that:~~

~~(i) Is signed by the consumer and a licensee of a licensed funeral establishment, A REGISTERED CREMATORY OPERATOR, OR A REGISTERED REDUCTION OPERATOR; and~~

~~(ii) Guarantees in part the price of goods and services and cash advance items specified in the contract.~~

~~(6) “Nonguaranteed contract” means a written pre-need contract:~~

~~(i) That is signed by the consumer and a licensee of a licensed funeral establishment, A REGISTERED CREMATORY OPERATOR, OR A REGISTERED REDUCTION OPERATOR;~~

~~(ii) That does not guarantee the price of any specific goods and services or cash advance items; and~~

~~(iii) For which any funds or benefits paid under the contract are only a deposit or partial payment to be applied toward the final cost, determined at the time of death, of the goods, services, or cash advance items.~~

~~(7) “Seller” means a person who agrees to provide services or merchandise, directly or indirectly, under a pre-need contract.~~

~~(8) “Trustee” means a person that has responsibility for making pre-need arrangements in a manner that entitles the beneficiary to be eligible for benefits that restrict assets.~~

~~(b) (1) Only a licensed mortician, a licensed funeral director, A REGISTERED CREMATORY OPERATOR, A REGISTERED REDUCTION OPERATOR, or a holder of a surviving spouse license may offer or agree, directly or indirectly, to provide services or merchandise under a pre-need contract.~~

~~(2) Notwithstanding the provisions of paragraph (1) of this subsection, a licensed mortician or a licensed funeral director who is employed by a funeral establishment may execute pre-need contracts on behalf of the funeral establishment with which the mortician or funeral director is employed.~~

~~(3) Any funeral establishment on whose behalf pre-need contracts are executed under this subsection must comply with the requirements of this section.~~

~~(f) (1) A pre-need contract is not subject to the Retail Installment Sales Act.~~

~~(2) The making of a pre-need contract by a licensed mortician, a licensed funeral director, A REGISTERED CREMATORY OPERATOR, A REGISTERED REDUCTION OPERATOR, or a holder of a surviving spouse license is not the practice of insurance business.~~

~~(3) (i) A pre-need contract that is a guaranteed contract, a guaranteed in-part contract, or a nonguaranteed contract may be funded by a life insurance policy or an annuity contract if:~~

~~1. The mortician, funeral director, licensed funeral establishment, REGISTERED CREMATORY OPERATOR, REGISTERED REDUCTION OPERATOR, or surviving spouse is not the owner of or beneficiary under the life insurance policy or annuity contract;~~

~~2. An irrevocable assignment of benefits to the licensed funeral establishment:~~

~~A. May be transferred at any time by the owner of the life insurance policy or annuity contract to any other licensed funeral establishment; and~~

~~B. May not be transferred to the consumer; and~~

~~3. Any benefits payable under the life insurance policy or annuity contract in excess of the amount necessary to pay the total price, as determined at the time of death of the insured, of the services and merchandise agreed on in the pre-need contract are paid to the beneficiary under the life insurance policy or annuity contract.~~

~~(ii) A pre-need contract that is funded by a life insurance policy or an annuity contract shall terminate if the assignment of benefits to the mortician, funeral director, REGISTERED CREMATORY OPERATOR, REGISTERED REDUCTION OPERATOR, or surviving spouse is revoked by the owner of the life insurance policy or annuity contract.~~

~~(iii) 1. The offer, sale, or assignment of a life insurance policy or annuity contract to fund a pre-need contract is not subject to this section.~~

~~2. A pre-need contract funded by a life insurance policy or an annuity contract is not subject to subsection (d) or (e) of this section.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) The holder of the funeral establishment license; or
- (2) The supervising mortician for the licensed funeral establishment, as designated under § 7-310(e) of this title.

(F) THE BOARD SHALL EMPLOY AT LEAST TWO INSPECTORS TO PERFORM INSPECTIONS UNDER THIS SUBTITLE.

7-409.1.

ON RECEIPT OF A WRITTEN COMPLAINT, OR AT THE DISCRETION OF THE BOARD, THE BOARD OR THE BOARD'S DESIGNEE MAY CONDUCT AN INVESTIGATION AND AN INSPECTION OF THE RECORDS AND SITE OF A REGISTERED CREMATORY OPERATOR OR REGISTERED REDUCTION OPERATOR OR ANY OTHER PERSON SUBJECT TO THE REGISTRATION OR PERMIT PROVISIONS OF THIS TITLE.

7-412.

(A) THIS SECTION DOES NOT APPLY TO:

(1) A CIVIL ACTION BROUGHT BY A PARTY TO THE PROCEEDINGS OF THE BOARD WHO CLAIMS TO BE AGGRIEVED BY THE DECISION OF THE BOARD; OR

(2) ANY RECORD OR DOCUMENT THAT IS CONSIDERED BY THE BOARD AND THAT OTHERWISE WOULD BE SUBJECT TO DISCOVERY AND INTRODUCTION INTO EVIDENCE IN A CIVIL TRIAL.

(B) (1) EXCEPT AS PROVIDED IN SUBSECTION (A) OF THIS SECTION, THE PROCEEDINGS, RECORDS, AND FILES OF THE BOARD ARE NOT DISCOVERABLE AND ARE NOT ADMISSIBLE IN EVIDENCE IN ANY CIVIL ACTION.

(2) THE PROCEEDINGS, RECORDS, AND FILES OF THE BOARD ARE CONFIDENTIAL AND ARE NOT DISCOVERABLE AND ARE NOT ADMISSIBLE IN EVIDENCE IN ANY CIVIL ACTION ARISING OUT OF MATTERS THAT ARE BEING REVIEWED AND EVALUATED BY THE BOARD IF REQUESTED BY THE FOLLOWING:

(I) THE DEPARTMENT TO ENSURE COMPLIANCE WITH THE PROVISIONS OF § 19-319 OF THE HEALTH – GENERAL ARTICLE;

(II) A HEALTH MAINTENANCE ORGANIZATION TO ENSURE COMPLIANCE WITH THE PROVISIONS OF TITLE 19, SUBTITLE 7 OF THE HEALTH – GENERAL ARTICLE AND APPLICABLE REGULATIONS;

(III) A HEALTH MAINTENANCE ORGANIZATION TO ENSURE COMPLIANCE WITH THE NATIONAL COMMITTEE FOR QUALITY ASSURANCE (NCQA) CREDENTIALING REQUIREMENTS; OR

(IV) AN ACCREDITING ORGANIZATION TO ENSURE COMPLIANCE WITH ACCREDITATION REQUIREMENTS OR THE PROCEDURES AND POLICIES OF THE ACCREDITING ORGANIZATION.

(3) IF THE PROCEEDINGS, RECORDS, AND FILES OF THE BOARD ARE REQUESTED BY ANY PERSON FROM ANY OF THE ENTITIES IN PARAGRAPH (2) OF THIS SUBSECTION:

(I) THE PERSON SHALL GIVE THE BOARD NOTICE BY CERTIFIED MAIL OF THE NATURE OF THE REQUEST AND THE BOARD SHALL BE GRANTED A PROTECTIVE ORDER PREVENTING THE RELEASE OF ITS PROCEEDINGS, RECORDS, AND FILES; AND

(II) THE ENTITIES LISTED IN PARAGRAPH (2) OF THIS SUBSECTION MAY NOT RELEASE ANY OF THE PROCEEDINGS, RECORDS, AND FILES OF THE BOARD.

(C) (1) A PERSON SHALL HAVE THE IMMUNITY FROM LIABILITY DESCRIBED UNDER § 5-637 OF THE COURTS ARTICLE FOR ANY ACTION AS A MEMBER OF THE BOARD OR FOR GIVING INFORMATION TO, PARTICIPATING IN, OR CONTRIBUTING TO THE FUNCTION OF THE BOARD.

(2) A CONTRIBUTION TO THE FUNCTION OF THE BOARD INCLUDES ANY STATEMENT BY ANY PERSON, REGARDLESS OF WHETHER IT IS A DIRECT COMMUNICATION WITH THE BOARD, THAT IS MADE WITHIN THE CONTEXT OF THE PERSON'S EMPLOYMENT OR IS MADE TO A PERSON WITH A PROFESSIONAL INTEREST IN THE FUNCTIONS OF A MEDICAL REVIEW COMMITTEE AND IS INTENDED TO LEAD TO REDRESS OF A MATTER WITHIN THE SCOPE OF THE BOARD'S FUNCTIONS.

7-501.

(A) Except as otherwise provided in this title, a person may not practice, attempt to practice, offer to practice, or assist in the practice of mortuary science in this State unless licensed by the Board.

(B) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL MAY NOT ENGAGE IN THE OPERATION OF A CREMATORY, ATTEMPT TO ENGAGE IN THE OPERATION OF A CREMATORY, OR PROVIDE OR OFFER TO PROVIDE CREMATION SERVICES UNLESS THE INDIVIDUAL IS AUTHORIZED AS A REGISTRANT.

(C) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL MAY NOT ENGAGE IN THE OPERATION OF A REDUCTION FACILITY, ATTEMPT TO ENGAGE IN THE OPERATION OF A REDUCTION FACILITY, OR PROVIDE OR OFFER TO PROVIDE NATURAL ORGANIC REDUCTION UNLESS THE INDIVIDUAL IS A REGISTERED REDUCTION OPERATOR.

7-501.1.

EXCEPT FOR A REGISTERED CREMATORY OPERATOR, OR A REGISTERED REDUCTION OPERATOR WHO OPERATES A BUSINESS AS A SOLE PROPRIETOR OR A REGISTRANT EMPLOYED BY A SOLE PROPRIETOR, A PERSON MAY NOT ENGAGE IN THE OPERATION OF A CREMATORY OR REDUCTION FACILITY UNLESS:

(1) THE BUSINESS IS A CORPORATION, LIMITED LIABILITY COMPANY, OR PARTNERSHIP; AND

(2) THE CORPORATION, LIMITED LIABILITY COMPANY, OR PARTNERSHIP HOLDS A PERMIT ISSUED UNDER THIS TITLE.

7-502.

(A) Unless authorized to practice mortuary science under this title, a person may not represent to the public by title, by description of services, methods, or procedures, or otherwise, that the person is authorized to practice mortuary science in this State.

(B) UNLESS A PERSON IS AUTHORIZED AS A REGISTRANT, A PERSON MAY NOT REPRESENT TO THE PUBLIC, BY USE OF A TITLE, INCLUDING CREMATORY OPERATOR, REGISTERED CREMATORY OPERATOR, REGISTERED REDUCTION OPERATOR, OR ~~REGISTERED SELLER~~ REDUCTION OPERATOR, BY DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE PERSON IS AUTHORIZED TO ENGAGE IN THE OPERATION OF A CREMATORY OR REDUCTION FACILITY.

~~**7-701.**~~

~~This title may be cited as the "Maryland Morticians [and], Funeral Directors, AND CREMATORIES Act".~~

7-510.

(A) (1) IF A PERSON REGULATED BY THE BOARD IS CHARGED WITH A VIOLATION OF THIS TITLE FOR WHICH A LICENSE, REGISTRATION, OR PERMIT MAY BE SUSPENDED OR REVOKED, THE BOARD MAY SEEK AN INJUNCTION OR

RESTRAINING ORDER IN A COURT OF COMPETENT JURISDICTION IN THE STATE TO PROHIBIT THE PERSON FROM:

(I) PRACTICING MORTUARY SCIENCE OR FUNERAL DIRECTION;
OR

(II) OPERATING A CREMATORY OR REDUCTION FACILITY.

(2) AN INJUNCTION OR RESTRAINING ORDER ISSUED UNDER THIS SUBSECTION SHALL REMAIN EFFECTIVE UNTIL:

(I) THE COURT LIFTS THE INJUNCTION OR RESTRAINING ORDER; OR

(II) THE CHARGES ARE FULLY ADJUDICATED OR DISMISSED.

(B) IF THE HOLDER OF AN ESTABLISHMENT LICENSE OR PERMIT THAT IS REGULATED BY THE BOARD IS CHARGED WITH A VIOLATION OF THIS TITLE FOR WHICH THE LICENSE OR PERMIT MAY BE SUSPENDED OR REVOKED, THE BOARD MAY PETITION A COURT OF COMPETENT JURISDICTION TO:

(1) APPOINT A RECEIVER OR TRUSTEE TO TAKE CHARGE OF THE ASSETS AND OPERATE THE BUSINESS OF THE ESTABLISHMENT LICENSEE OR PERMIT HOLDER IN THE EVENT THAT THE LICENSE OR PERMIT IS SUSPENDED OR REVOKED; AND

(2) TAKE ANY OTHER ACTION AUTHORIZED BY LAW TO PROTECT THE PUBLIC INTEREST.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) Except as provided in this section, on ~~October~~ July 1, 2026:

(1) the responsibility for regulating crematories and reduction facilities currently in the Office of Cemetery Oversight shall be transferred to the State Board of ~~Morticians, Funeral Directors, and Crematories~~ Morticians and Funeral Directors; and

(2) all the functions, powers, duties, books, and records (including electronic records) of the Office of Cemetery Oversight related to the regulation of crematories and reduction facilities shall be transferred to the State Board of ~~Morticians, Funeral Directors, and Crematories~~ Morticians and Funeral Directors.

(b) The Office of Cemetery Oversight shall retain jurisdiction over:

(1) complaints regarding crematories and reduction facilities filed with the Office before the effective date of this Act until the complaint is closed or otherwise resolved; and

(2) persons who are the subject of the complaints described in item (1) of this subsection to the extent necessary to close or otherwise resolve the complaint.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) A person registered as a crematory operator or reduction operator or who holds a permit to engage in the operation of a crematory or reduction facility issued by the Office of Cemetery Oversight is considered for all purposes to be registered or a permit holder for the duration of the term for which the registration or permit was issued and may renew the authorization in accordance with the appropriate renewal provisions provided under this Act.

(b) A person that was originally registered or issued a permit under a provision of law that has been repealed by this Act as obsolete or inconsistent continues to meet the requirements of the registration to the same extent as though that provision had not been repealed.

SECTION 4. AND BE IT FURTHER ENACTED, That, beginning in fiscal year 2028, a Position Identification Number (PIN) shall be created in the State Board of Morticians and Funeral Directors for a full-time inspector position.

SECTION 5. AND BE IT FURTHER ENACTED, That:

(a) The State Board of Morticians and Funeral Directors shall convene a stakeholder workgroup that includes representatives from the Maryland State Funeral Directors Association and the Maryland Cemetery and Cremation Association to review the statutes in and the regulations adopted in accordance with Title 7 of the Health Occupations Article, as enacted by Section 1 of this Act.

(b) On or before December 31, 2026, the State Board of Morticians and Funeral Directors shall report to the Senate Finance Committee and the House Health Committee, in accordance with § 2-1257 of the State Government Article, on any findings and recommended changes that result from the stakeholder workgroup.

~~SECTION 6.~~ SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect October July 1, 2026.

Approved by the Governor, April 28, 2026.