

**SB0233/133528/1**

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 233  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “**Cemeteries**” insert “**and Abandoned Cemeteries**”; in line 3, strike “**Requirements for**”; in the same line, strike the first “**or**” and substitute “**;**”; in the same line, after “**Transfer**” insert “**;**”; in the same line, after “**Acquisition**” insert “**and Disposition**”; and strike in their entirety lines 8 through 14, inclusive, and substitute “authorizing certain persons to bring an action when the owner of a property that includes a cemetery proposes the sale, transfer, or alternate use of all or part of a certain cemetery; requiring a court to take certain actions under certain circumstances; authorizing a governmental unit to acquire property on which an abandoned cemetery is located under certain circumstances and for a certain purpose; requiring a governmental unit that acquires property under this Act to make a certain effort to contact certain persons for a certain purpose; authorizing a person or organization to bring an action to request the court to transfer property acquired under this Act to the person or organization; and generally relating to actions for the sale, transfer, or alternate use of cemeteries.”.

On page 2, strike in their entirety lines 12 through 21, inclusive, and substitute:

“BY repealing and reenacting, with amendments,

Article – Business Regulation

Section 5–101 and 5–505

Annotated Code of Maryland

(2024 Replacement Volume and 2025 Supplement)”

BY repealing

Article – Business Regulation

Section 5–506”

**SB0233/133528/01 Economic Matters Committee  
Amendments to SB 233  
Page 2 of 18**

Annotated Code of Maryland  
(2024 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, without amendments,

Article – Business Regulation  
Section 5–805(a)(1) and (2)  
Annotated Code of Maryland  
(2024 Replacement Volume and 2025 Supplement)

BY adding to

Article – Business Regulation  
Section 5–806  
Annotated Code of Maryland  
(2024 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, without amendments,

Article – Real Property  
Section 14–121(a)(1), (3), and (4)  
Annotated Code of Maryland  
(2023 Replacement Volume and 2025 Supplement)

Preamble

WHEREAS, The purpose of a cemetery is to be a permanent place for the disposition of the dead, a sacred ground to memorialize and honor the dead, and to provide a place for visitation by relatives, friends, and others to remember, honor, and grieve and to preserve the history of those interred and their community; now, therefore,”.

AMENDMENT NO. 2

On page 2, after line 24, insert:

**SB0233/133528/01 Economic Matters Committee**  
**Amendments to SB 233**  
**Page 3 of 18**

“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) (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) “Burial goods business” means a business that provides burial goods.

(Over)

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

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

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

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

**(I) “CULTURAL AFFILIATION” HAS THE MEANING STATED IN § 14–121 OF THE REAL PROPERTY ARTICLE.**

**(J) “DESCENDANT COMMUNITY ORGANIZATION” MEANS AN ORGANIZATION THAT HAS MEMBERS WHO HAVE ANCESTORS WHO ARE INTERRED AT A CEMETERY OR WHO HAVE A CULTURAL AFFILIATION WITH THE DECEASED PERSONS INTERRED AT A CEMETERY.**

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

~~[(i)]~~ (L) “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.

**SB0233/133528/01 Economic Matters Committee**  
**Amendments to SB 233**  
**Page 5 of 18**

**[(k)] (M)** (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)] (N)** (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;

(Over)

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

**[(n)] (P)** (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)] (Q)** “Hydrolyzed remains” means the bone fragments produced by the completion of alkaline hydrolysis.

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

(1) earth burial;

(2) mausoleum entombment; and

**SB0233/133528/01 Economic Matters Committee**  
**Amendments to SB 233**  
**Page 7 of 18**

(3) niche or columbarium interment.

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

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

**[(s)] (U)** “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)] (V)** (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)] (W)** (1) “Preneed goods” means burial goods that are sold before the buyer’s death.

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

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

(1) to erect, service, or inscribe burial memorials; or

(2) to sell burial goods.

(Over)

**SB0233/133528/01 Economic Matters Committee**  
**Amendments to SB 233**  
**Page 8 of 18**

**[(w)] (Y)** “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)] (Z)** “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)] (AA)** “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)] (BB)** “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)] (CC)** “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)] (DD)** “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)] (EE)** “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)] (FF)** “Soil remains” means the soil produced at final disposition of a dead human body at a reduction facility by completion of natural organic reduction.

(a) IN THIS SECTION, "PERSON IN INTEREST" HAS THE MEANING STATED IN § 14-121 OF THE REAL PROPERTY ARTICLE.

(b) THIS SECTION DOES NOT APPLY TO PROPERTY ACQUIRED BY THE DEPARTMENT OF TRANSPORTATION THAT IS NECESSARY FOR A PUBLIC PROJECT.

(c) (1) An action may be brought in accordance with the Maryland Rules [and a court may pass a judgment for sale of a burial ground for another purpose if:

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

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

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

(4) it is desirable to dispose of the burial ground for another purpose]  
WHEN THE OWNER OF PROPERTY THAT INCLUDES A CEMETERY PROPOSES THE SALE, TRANSFER, OR ALTERNATE USE OF ALL OR PART OF THE CEMETERY THAT DOES NOT CONFORM WITH THE OPERATION OF A CEMETERY.

(2) AN ACTION UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE BROUGHT BY:

(i) A PERSON WITH A BURIAL RIGHT IN THE CEMETERY;

(ii) A DESCENDANT COMMUNITY ORGANIZATION;

(III) A NONPROFIT ORGANIZATION THAT HAS A PURPOSE OF PRESERVING THE CEMETERY;

(IV) A GOVERNMENTAL UNIT WITH A FINANCIAL, REGULATORY, OR OTHER INTEREST IN THE PROPERTY; OR

(V) A PERSON IN INTEREST.

(3) THE OWNER OF THE PROPERTY THAT INCLUDES THE CEMETERY HAS THE BURDEN OF PROOF IN ANY PROCEEDING REGARDING THE DISPOSITION OF THE PROPERTY AND THE CEMETERY.

(D) AFTER HEARING FROM ANY PERSON DESCRIBED UNDER SUBSECTION (C)(2) OF THIS SECTION WHO WISHES TO BE HEARD ON THE PROPOSED SALE, TRANSFER, OR ALTERNATE USE OF THE CEMETERY UNDER SUBSECTION (C) OF THIS SECTION, THE COURT SHALL:

(1) ALLOW THE PROPOSED SALE, TRANSFER, OR ALTERNATE USE OF ALL OR PART OF THE CEMETERY;

(2) PROHIBIT THE PROPOSED SALE, TRANSFER, OR ALTERNATE USE OF ALL OR PART OF THE CEMETERY; OR

(3) ORDER AN ALTERNATIVE DISPOSITION OF THE CEMETERY.

[(b)] (E) If the court is satisfied that it is [expedient] APPROPRIATE or would be in the interest of [the parties] A PERSON DESCRIBED IN SUBSECTION (C)(2) OF THIS SECTION to sell the [burial ground] CEMETERY, the court SHALL:

SB0233/133528/01 Economic Matters Committee  
Amendments to SB 233  
Page 11 of 18

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

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

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

[(c)] (F) A judgment [for] APPROVING the sale of a [burial ground] passes to the buyer of the burial ground] CEMETERY CONVEYS the title [to the burial ground] OF THE CEMETERY free of the claims of:

(1) the owners of the [burial ground] CEMETERY; and

(2) the holders of burial [lots] RIGHTS IN THE CEMETERY.

(G) IF THE COURT DETERMINES THAT THE SALE OR TRANSFER OF A CEMETERY IS INAPPROPRIATE AND NOT IN THE BEST INTEREST OF A PERSON DESCRIBED IN SUBSECTION (C)(2) OF THIS SECTION, THE COURT SHALL:

(1) (I) APPROVE THE TRANSFER TO A DESCENDANT COMMUNITY ORGANIZATION OR OTHER NONPROFIT ORGANIZATION THAT AGREES TO MAINTAIN AND PRESERVE THE CEMETERY; AND

(II) APPROVE THE PRICE OF THE TRANSFER, INCLUDING A DONATION OR NOMINAL FEE; OR

(Over)

(2) ORDER A NEGOTIATION BETWEEN THE OWNER OF THE CEMETERY AND THE PERSON THAT WISHES TO ACQUIRE THE CEMETERY.

(H) A COURT SHALL MAKE ALL DETERMINATIONS REQUIRED UNDER THIS SECTION FOR THE DISPOSITION OF A PROPERTY THAT INCLUDES A CEMETERY NOT MORE THAN 6 MONTHS AFTER THE ACTION UNDER SUBSECTION (C) OF THIS SECTION IS SERVED.

[5-506.

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

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

(2) burial lots have been sold in the burial ground and deeds executed or other written instruments issued to buyers of the lots without provision being made for perpetual care of the lots; and

(3) more than 75% of the area of the burial ground:

(i) has been abandoned; or

(ii) is harmful to the public health, safety, or welfare.

(b) The action may be brought by:

(1) a person with a property right in the burial ground; or

**SB0233/133528/01 Economic Matters Committee**  
**Amendments to SB 233**  
**Page 13 of 18**

(2) a governmental unit with an interest in ending the conditions that are harmful to the public health, safety, or welfare.

(c) If the court is satisfied that more than 75% of the area of a burial ground has been abandoned or is harmful to the public health, safety, or welfare, the court:

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

(2) may appoint a trustee to sell the burial ground.

(d) The trustee shall distribute the sale proceeds:

(1) first, to pay the expenses of removing any human remains, that, with reasonable care, can be definitely located in the burial ground, buying burial lots in another burial ground, and reburying the remains;

(2) second, to pay expenses of removing any markers that are in good condition from the old lots and relocating the markers on new lots;

(3) third, to pay the expenses of ending conditions that are harmful to the public health, safety, or welfare, unless the contract of sale of the burial ground provides for abatement of those conditions within a reasonable period of time after the sale is completed;

(4) fourth, to pay the costs of necessary legal proceedings, including court costs, trustee's commissions, and legal fees;

(5) fifth, to pay in full any taxes; and

(Over)

**SB0233/133528/01 Economic Matters Committee**  
**Amendments to SB 233**  
**Page 14 of 18**

(6) finally, to pay the balance of the proceeds to the person who, immediately before the sale, had record title to the burial ground in its entirety according to the land records of Baltimore City.

(e) A judgment for the sale of a burial ground or a deed or other conveyancing instrument executed by a trustee under this section passes to the buyer of the burial ground the title to the burial ground free of:

(1) the claims of the owners of the burial ground;

(2) the claims of the holders of burial lots; and

(3) the intended or actual use or dedication of the land in the burial ground for burial.]

5-805.

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

(2) “Abandoned cemetery” means a cemetery for which:

(i) 1. the organization established to engage in the operation of the cemetery has been terminated, has been subject to administrative dissolution by the State, or has otherwise ceased to exist; and

2. title has not been conveyed;

(ii) there is no property owner listed in the records of the State Department of Assessments and Taxation;

(iii) the property has been condemned; or

(iv) no person who is legally responsible for the property can be found and legal ownership of the property cannot be determined.

**5-806.**

**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) "ABANDONED CEMETERY" HAS THE MEANING STATED IN § 5-805 OF THIS SUBTITLE.**

**(3) "CULTURAL AFFILIATION" HAS THE MEANING STATED IN § 14-121 OF THE REAL PROPERTY ARTICLE.**

**(4) "DESCENDANT COMMUNITY ORGANIZATION" MEANS AN ORGANIZATION WHOSE MEMBERS HAVE ANCESTORS WHO ARE INTERRED IN A PARTICULAR CEMETERY OR WHO HAVE A CULTURAL AFFILIATION OR A RACIAL OR ETHNIC AFFINITY WITH THE DECEASED PERSONS INTERRED IN A PARTICULAR CEMETERY.**

**(B) (1) A GOVERNMENTAL UNIT MAY, BY CONDEMNATION, ACQUIRE PROPERTY ON WHICH AN ABANDONED CEMETERY IS LOCATED WITH THE INTENT TO TRANSFER THE PROPERTY TO:**

**(I) THE DESCENDANTS OF THE DECEASED PERSONS INTERRED IN THE CEMETERY;**

**(II) A DESCENDANT COMMUNITY ORGANIZATION;**

**(III) A NONPROFIT ORGANIZATION; OR**

(Over)

(IV) A VETERANS' ORGANIZATION.

(2) A GOVERNMENTAL UNIT USING CONDEMNATION PROCEEDINGS TO ACQUIRE PROPERTY UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL CONDUCT THE CONDEMNATION IN ACCORDANCE WITH MARYLAND RULE 12-204.

(C) (1) A GOVERNMENTAL UNIT THAT ACQUIRES PROPERTY ON WHICH AN ABANDONED CEMETERY IS LOCATED UNDER SUBSECTION (B) OF THIS SECTION SHALL MAKE TIMELY AND REASONABLE EFFORTS AFTER ACQUISITION TO CONTACT DESCENDANTS OF THE DECEASED PERSONS INTERRED IN THE ABANDONED CEMETERY IN ORDER TO IDENTIFY DESCENDANTS, A DESCENDANT COMMUNITY ORGANIZATION, OR A NONPROFIT ORGANIZATION TO WHICH THE PROPERTY MAY BE TRANSFERRED.

(2) (I) A PERSON OR ORGANIZATION LISTED UNDER SUBSECTION (B)(1) OF THIS SECTION MAY BRING AN ACTION REQUESTING THE COURT TO TRANSFER PROPERTY ACQUIRED BY A GOVERNMENTAL UNIT UNDER THIS SECTION TO THE PERSON OR ORGANIZATION.

(II) WITHIN 6 MONTHS AFTER A GOVERNMENTAL UNIT IS SERVED IN AN ACTION BROUGHT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COURT SHALL MAKE A DETERMINATION ON THE DISPOSITION OF THE PROPERTY.

(D) ANY DESCENDANT, DESCENDANT COMMUNITY ORGANIZATION, OR NONPROFIT ORGANIZATION THAT ACQUIRES PROPERTY UNDER SUBSECTION (B)

OF THIS SECTION SHALL MAINTAIN AND PRESERVE THE ABANDONED CEMETERY ON THE PROPERTY.

(E) IF A GOVERNMENTAL UNIT ACQUIRES PROPERTY UNDER SUBSECTION (B) OF THIS SECTION, THE GOVERNMENTAL UNIT:

(1) SHALL MAINTAIN AND PRESERVE THE ABANDONED CEMETERY LOCATED ON THE PROPERTY UNTIL THE GOVERNMENTAL UNIT IS ABLE TO TRANSFER THE PROPERTY TO A PERSON DESCRIBED UNDER SUBSECTION (B)(1) OF THIS SECTION; AND

(2) IF THE GOVERNMENTAL UNIT IS UNABLE TO TRANSFER THE PROPERTY TO A PERSON DESCRIBED UNDER SUBSECTION (B)(1) OF THIS SECTION IN A REASONABLE PERIOD OF TIME, MAY FACILITATE THE REINTERMENT OF ANY HUMAN REMAINS OR PET REMAINS FROM THE CEMETERY ON THE PROPERTY TO AN APPROPRIATE OPERATIONAL CEMETERY.

### Article – Real Property

14–121.

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

(3) “Cultural affiliation” means a relationship of shared group identity that can be reasonably traced historically between a present–day group, tribe, band, or clan and an identifiable earlier group.

(4) “Person in interest” means a person who:

(i) Is related by blood or marriage to the person interred in a burial site;

(Over)

**SB0233/133528/01 Economic Matters Committee**  
**Amendments to SB 233**  
**Page 18 of 18**

(ii) Is a domestic partner, as defined in § 1–101 of the Health – General Article, of a person interred in a burial site;

(iii) Has a cultural affiliation with the person interred in a burial site; or

(iv) Has an interest in a burial site that the Office of the State’s Attorney for the county where the burial site is located recognizes is in the public interest after consultation with a local burial sites advisory board or, if such a board does not exist, the Maryland Historical Trust.”.

On pages 10 through 15, strike in their entirety the lines beginning with line 25 on page 10 through line 29 on page 15, inclusive.