

SB0413/713627/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 413
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “renaming” in line 6 down through “Crematories;” in line 7; and in line 16, strike “5-702(a).”.

On page 2, in line 3, strike “and” and substitute a comma; strike beginning with “to” in line 3 down through “7-201” in line 4; strike beginning with the second “and” in line 4 down through the second “and” in line 6 and substitute “7-206(b).”; in lines 6 and 7, strike “7-405(a), (b), and (f).”; in line 7, after the third comma insert “and”; in the same line, strike “, and 7-701”; in line 17, strike “7-3A-12” and substitute “7-3A-10”; in line 12, after “7-202(a)” insert “and 7-206(a) and (c)”; in line 19, strike “and Statement Filings”; in the same line, strike the third “and”; and in line 20, after “7-501.1” insert “, and 7-510”.

AMENDMENT NO. 2

On pages 15 and 16, strike in their entirety the lines beginning with line 22 on page 15 through line 4 on page 16, inclusive.

On page 20, strike line 5 in its entirety; in line 24, strike the brackets; in the same line, strike the first comma; and in lines 24 and 25, strike “, **AND CREMATORIES**”.

On page 21, in line 27, after “**(2)**” insert “**“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)".

On page 22, in line 9, after "**(2)**" insert: "**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)".

On page 25, in lines 2 and 3, strike "**REGISTERED CREMATORY OPERATOR, REGISTERED REDUCTION OPERATOR,**".

On page 26, strike in their entirety lines 25 through 28, inclusive.

On page 28, in line 11, strike the second "and"; in line 13, after "to" insert a closing bracket; in line 15, after "safety;" insert an opening bracket; in line 17, strike the colon; and in lines 18, 22, 27, and 29, strike "**(I)**", "**(II)**", "**(III)**", and "**(IV)**", respectively, and substitute "**(III)**", "**(IV)**", "**(V)**", and "**(VI)**", respectively.

On page 29, in line 13, strike "**(V)**" and substitute "**(VII)**".

On page 30, in line 7, strike "**(VI)**" and substitute "**(VIII)**"; in line 14, strike the brackets; in the same line, strike the first comma; in lines 14 and 15, strike "**, AND CREMATORIES**"; in line 26, strike the brackets; and in the same line, strike the first comma; and in the same line, strike "**, AND CREMATORIES**".

On page 31, strike beginning with “SHALL” in line 12 down through “BE” in line 14 and substitute “MUST:”

(1) BE”;

strike beginning with the period in line 14 down through “BE” in line 15 and substitute “;”

(2) BE”;

in line 15, after “GOOD” insert “MORAL”; strike beginning with “AND” in line 15 down through “BE” in line 16 and substitute “;”

(3) ACHIEVE:

(I) CERTIFICATION AS A CREMATORY OPERATOR FROM:

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

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

(II) AN EQUIVALENT CERTIFICATION RECOGNIZED BY THE BOARD;

(4) BE”;

strike beginning with the period in line 17 down through the period in line 21 and substitute “; **AND**”

(Over)

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

in line 22, strike “(A)” and substitute “(B)”; and in line 25, after “FEE” insert “**AND ANY OTHER APPLICABLE FEE**”.

On pages 31 through 33, strike in their entirety the lines beginning with line 27 on page 31 through line 16 on page 33, inclusive.

On page 33, in line 17, strike “(A)” and substitute “(C) (1)”; in line 18, strike “SUBTITLE” and substitute “**SECTION**”; in line 19, strike “(B)” and substitute “(2)”; in the same line, strike “SUBTITLE” and substitute “**SUBSECTION**”; in line 24, strike “OR BURIAL GOODS BUSINESS”; and in lines 21 and 28, strike “7-3A-06.” and “7-3A-07.”, respectively, and substitute “**7-3A-03.**” and “**7-3A-04.**”, respectively.

On page 34, in line 22, strike “AND”; in line 24, after “PROVIDES” insert: “**;** AND

(5) ANY OTHER DOCUMENTATION THAT THE BOARD REQUIRES;

and strike line 27 in its entirety and substitute:

“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.”.

On page 35, in lines 11 and 14, strike “7-3A-09.” and “7-3A-10.”, respectively, and substitute “7-3A-07.” and “7-3A-08.”, respectively; and in line 15, strike “§ 7-3A-12” and substitute “§ 7-3A-10”.

On pages 36 and 37, strike in their entirety the lines beginning with line 17 on page 36 through line 5 on page 37, inclusive.

On page 37, in line 6, strike “(D)” and substitute “(B)”; in line 9, strike “\$5,000” and substitute “\$10,000”; in line 11, strike “\$500” and substitute “\$1,000”; and in lines 13, 19, and 21, strike “(E)”, “(F)”, and “(G)”, respectively, and substitute “(C)”, “(D)”, and “(E)”, respectively.

(Over)

On page 38, in line 5, strike “**7-3A-11.**” and substitute “**7-3A-09.**”; in line 10, after “**WRITING;**” insert “**AND**”; strike beginning with “**;** **AND**” in line 12 down through “**COMPLAINT**” in line 26; in line 27, strike “**(E)**” and substitute “**(C)**”; in line 29, strike “**§ 7-3A-10**” and substitute “**§ 7-3A-08**”; and in line 31, strike “**§ 7-3A-12**” and substitute “**§ 7-3A-10**”.

On page 39, in line 1, strike “**(F)**” and substitute “**(D)**”; in the same line, strike “**(1)**”; strike in their entirety lines 4 through 9, inclusive; and in line 10, strike “**(H)**” and substitute “**(E)**”.

On page 40, strike beginning with “**(3)**” in line 4 down through “**7-3A-12.**” in line 7 and substitute: “**7-3A-10.**”.

On page 41, in line 3, strike “**OFFICE IN ITS REGULATIONS**” and substitute “**BOARD IN REGULATION**”; and in line 4, strike “**AND STATEMENT FILINGS**”.

On page 42, in line 16, before “**TO**” insert “**(A)**”; in line 26, strike “**COMPLY WITH §§ 7-3A-03(B)(4) AND 7-3A-04 OF THIS TITLE**” and substitute “**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”;

strike line 27 in its entirety; in line 28, before “**AN**” insert “**(B)**”; and in line 29, after “**PROVIDES;**” insert “**AND**”.

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On pages 42 and 43, strike beginning with “; AND” in line 30 on page 42 down through “YEARS” in line 3 on page 43.

On page 43, in line 4, strike “~~7-3B-05.~~” and substitute “7-3B-04.”; in line 26, strike “A” and substitute “:

(I) A”;

in line 27, after “PROVIDES” insert “; AND

(II) ANY OTHER DOCUMENTATION THE BOARD REQUIRES”;

and after line 29, insert:

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.”.

(Over)

On page 45, strike in their entirety lines 17 through 24, inclusive; in line 25, strike “(D)” and substitute “(C)”; in line 27, strike “\$5,000” and substitute “\$10,000”; and in line 29, strike “\$500” and substitute “\$1,000”.

On page 46, in lines 1, 7, and 9, strike “(E)”, “(F)”, and “(G)”, respectively, and substitute “(D)”, “(E)”, and “(F)”, respectively; and in line 27, after “WRITING;” insert “AND”.

On page 47, strike beginning with “; AND” in line 2 down through “COMPLAINT” in line 16; in line 17, strike “(E)” and substitute “(C)”; in line 22, strike “(F)” and substitute “(D)”; in the same line, strike “(1)”; and strike in their entirety lines 25 through 31, inclusive.

On page 48, in line 1, strike “(H)” and substitute “(E)”; and strike in their entirety lines 23 through 25, inclusive.

On page 49, in line 23, strike “OFFICE IN ITS REGULATIONS” and substitute “BOARD IN REGULATION”.

On pages 49 through 51, strike in their entirety the lines beginning with line 24 on page 49 through line 32 on page 51, inclusive.

On page 55, in line 22, strike “REGISTERED SELLER” and substitute “REDUCTION OPERATOR”; strike in their entirety lines 25 through 27, inclusive; and after line 27, insert:

“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.”;

in line 29, strike “October” and substitute “July”; in line 32, strike “Morticians, Funeral Directors, and Crematories” and substitute “Morticians and Funeral Directors”.

On page 56, in lines 3 and 4, strike “Morticians, Funeral Directors, and Crematories” and substitute “Morticians and Funeral Directors”; after line 21, insert:

“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.”;

in line 22, strike “4.” and substitute “6.”; and in line 23, strike “October” and substitute “July”.