

SENATE BILL 46

P1, C2, J2

6lr0727

(PRE-FILED)

By: **Senator Simonaire**

Requested: August 22, 2025

Introduced and read first time: January 14, 2026

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **State Veterans' Cemeteries – Interment**

3 FOR the purpose of defining the term “interment location” for the purposes of provisions of
4 law governing the interment of individuals in State veterans’ cemeteries; requiring
5 the Department of Veterans and Military Families to provide an outer burial
6 receptacle, rather than a grave liner, or a columbarium niche and marker at no cost
7 with each interment location at a State veterans’ cemetery; and generally relating to
8 interment in State veterans’ cemeteries.

9 BY repealing and reenacting, without amendments,
10 Article – Business Regulation
11 Section 5–101(a)
12 Annotated Code of Maryland
13 (2024 Replacement Volume and 2025 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Business Regulation
16 Section 5–101(p) and 5–803
17 Annotated Code of Maryland
18 (2024 Replacement Volume and 2025 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Health Occupations
21 Section 7–406
22 Annotated Code of Maryland
23 (2021 Replacement Volume and 2025 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article – State Government
26 Section 9–901, 9–905.1, 9–906(a) and (e) through (i), and 9–907

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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.

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

(1) earth burial;

(2) mausoleum entombment; and

(3) niche or columbarium [interment] **INURNMENT**.

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] **INTERMENT** 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] **AN INTERMENT LOCATION** 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] **AN INTERMENT LOCATION** 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.

Article – Health Occupations

7–406.

(a) A licensee shall maintain a complete file for each cremation and each alkaline hydrolysis or natural organic reduction that is initiated that includes the signature of the next of kin, person identifying the body, or person responsible for disposition, time of death, and the date and time of cremation or the time that the alkaline hydrolysis or natural organic reduction was initiated.

(b) (1) (i) In this subsection the following words have the meanings indicated.

(ii) “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.

(iii) 1. “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.

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

(iv) **“INTERMENT” HAS THE MEANING STATED IN § 9–901 OF THE STATE GOVERNMENT ARTICLE.**

(v) “Veteran” has the meaning stated in § 9–901 of the State Government Article.

[(v)] (vi) “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.

(2) (i) 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.

(ii) 1. Subsubparagraph 2 of this subparagraph does not apply if:

A. An authorizing agent directs otherwise; or

B. A reduction facility reasonably concludes based on the identifying information or other evidence that a decedent does not qualify for disposition benefits associated with veteran status.

2. 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.

(3) Within 45 days after receipt of the information required under paragraph (2) of this subsection, the veterans service organization shall notify the licensed funeral establishment, permit holder, or reduction facility:

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

(ii) If so, whether the veteran or eligible dependent is eligible for [burial] **INTERMENT** in a veterans cemetery.

(4) 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 or hydrolyzed remains to a veterans service organization for the purpose of the appropriate disposition of the cremains or hydrolyzed remains.

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

(i) 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

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

(6) If a veterans service organization does not take possession of unclaimed cremains or hydrolyzed remains that qualify for [a plot] **AN INTERMENT LOCATION** 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 paragraph (3) of this subsection, the licensed funeral establishment or permit holder shall:

(i) 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

(ii) 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.

(7) If a veterans service organization does not take possession of a portion of unclaimed soil remains under paragraph (5)(i) of this subsection that qualifies for [a plot] **AN INTERMENT LOCATION** in a State veterans' cemetery under § 9–906 of the State Government Article within 10 days after the reduction facility receives the notification required under paragraph (3) of this subsection, the reduction facility shall:

(i) Notify the Department of Veterans and Military Families of the status of the soil remains for the purpose of the appropriate disposition of the portion of soil remains;

(ii) Transfer the portion of soil remains to the Department of Veterans and Military Families for the purpose of the appropriate disposition of the portion of the soil remains; and

(iii) 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.

Article – State Government

9–901.

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

(b) “Active duty” has the meaning stated in 37 U.S.C. § 101.

(c) “Active service member” means an individual who is:

(1) an active duty member of the uniformed services; or

(2) serving in a reserve component of the uniformed services on active duty orders.

(d) “Armed forces” has the meaning stated in 10 U.S.C. § 101.

(e) “Board” means the Board of Trustees of the Maryland Veterans Trust.

(f) “Department” means the Department of Veterans and Military Families.

(G) “INTERMENT” MEANS ALL FINAL DISPOSITION OF HUMAN REMAINS, INCLUDING:

(1) EARTH BURIAL; AND

(2) NICHE OR COLUMBARIUM.

(H) “INTERMENT LOCATION” MEANS A GRAVE PLOT OR NICHE IN A COLUMBARIUM.

[(g)] (I) “Military family” includes the spouse and dependent children of a service member or veteran related by blood, marriage, or adoption.

[(h)] (J) “Reserve component” has the meaning stated in 37 U.S.C. § 101.

[(i)] (K) “Secretary” means the Secretary of Veterans and Military Families.

[(j)] (L) “Service member” means an individual who is a member of:

(1) the uniformed services; or

1 (2) a reserve component of the uniformed services.

2 [(k)] (M) “Trust” means the Maryland Veterans Trust.

3 [(l)] (N) “Uniformed services” has the meaning stated in 37 U.S.C. § 101.

4 [(m)] (O) Except as otherwise provided in this subtitle, “veteran” has the
5 meaning stated in 38 U.S.C. § 101.

6 9–905.1.

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

8 (2) “Advertisement” means:

9 (i) a written or printed communication made for the purpose of
10 soliciting business for veterans benefits appeals services;

11 (ii) a directory listing for a person that is offering veterans benefits
12 appeals services; or

13 (iii) a radio, television, computer network or airwave, or electronic
14 transmission that solicits business for or promotes a person offering veterans benefits
15 appeals services.

16 (3) “Veterans benefits appeals services” means any services that a veteran
17 might reasonably require in order to appeal a denial of federal, state, or local veterans
18 benefits, including denials of disability, limited income, home loan, insurance, education
19 and training, health care, [burial] INTERMENT and memorial, and dependent and survivor
20 benefits.

21 (4) “Veterans benefits services” means any services a veteran or a family
22 member of a veteran might reasonably use in order to obtain federal, state, or local veterans
23 benefits.

24 (b) (1) Before entering into an agreement with an individual for the provision
25 of veterans benefits services or veterans benefits appeals services, a person who charges a
26 fee for those services shall:

27 (i) provide a written disclosure statement to each individual; and

28 (ii) obtain the individual’s signature on the written disclosure
29 statement acknowledging that the individual understands the disclosure statement.

30 (2) The written disclosure statement shall:

(i) be on a form approved by the Secretary; and

(ii) state that veterans benefits services and veterans benefits appeals services are offered at no cost by the Department and other veterans services organizations accredited by the U.S. Department of Veterans Affairs.

(c) A person who charges a fee for providing veterans benefits appeals services shall provide in any advertisement for appeals services notice that appeals services are also offered at no cost by the Department and other veterans services organizations accredited by the U.S. Department of Veterans Affairs.

(d) (1) A person who violates the provisions of this section is subject to a civil penalty of not more than \$1,000 for each violation.

(2) Civil penalties shall be in an amount ordered by the District Court in an action brought by the Attorney General.

(3) Each day a violation continues is a separate violation.

(4) Any civil penalty collected shall be deposited in the Maryland Veterans Trust Fund.

9–906.

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

(2) “American braille tactile flag” means a tactile flag designed to allow blind people to experience the American flag, including a flag created by the Kansas Braille Transcription Institute.

(3) In this section and in § 9–907 of this subtitle, “eligible decedent” means:

(i) a veteran;

(ii) a qualified reserve member; or

(iii) an eligible spouse or dependent.

(4) “Eligible dependent” means:

(i) a child who meets the requirements stated in 38 C.F.R. § 38.620(e);

(ii) a parent who meets the requirements stated in 38 C.F.R. § 38.620(i); or

(iii) a parent or child related by blood, marriage, or adoption of a qualified reserve member.

(5) “Eligible spouse” means:

(i) a spouse who meets the requirements stated in 38 C.F.R. § 38.620(e); or

(ii) a spouse of a qualified reserve member.

(6) “Qualified reserve member” means a reserve component member who does not meet the requirements for [burial] **INTERMENT** at a national veterans’ cemetery but served other than dishonorably and completed the individual’s contractual obligation of service.

(7) “State veterans’ cemetery” means a cemetery that the Department establishes under this section.

(8) “Washington Cemetery” means the Civil War cemetery grounds authorized by Chapter 213 of the Acts of the General Assembly of 1870.

(e) The Department shall provide [a plot] **AN INTERMENT LOCATION** in a State veterans’ cemetery, without charge, to a veteran or a veteran’s eligible spouse or dependent who meets the requirements of this section.

(f) To qualify for [a plot] **AN INTERMENT LOCATION** in a State veterans’ cemetery:

(1) the eligible decedent must be:

(i) a veteran who meets the requirements for [burial] **INTERMENT** at a national veterans’ cemetery;

(ii) a qualified reserve member; or

(iii) an eligible spouse or dependent who meets the requirements of this subsection; and

(2) if a qualified reserve member, the qualified reserve member must also have been a resident of the State:

(i) when the qualified reserve member entered the reserve component;

(ii) when the qualified reserve member died; or

(iii) for 2 years, unless, for a reason that the Department finds compelling, the Department waives the time period.

(g) To obtain [a plot] **AN INTERMENT LOCATION** in a State veterans' cemetery, an applicant shall submit to the Department an application on the form that the Department provides.

(h) (1) In [a plot] **AN INTERMENT LOCATION** that is allotted to a veteran or a qualified reserve member, the Department shall [bury] **INTER**:

(i) the veteran or qualified reserve member; and

(ii) any member of the immediate family who is an eligible spouse or dependent if the family member can be [buried] **INTERRED** in a space above or below the veteran or qualified reserve member or in the next available [plot] **INTERMENT LOCATION**.

(2) With each [plot] **INTERMENT LOCATION**, the Department shall provide [a grave liner] **AN OUTER BURIAL RECEPTACLE OR COLUMBARIUM NICHE AND MARKER** at no cost for the veteran or the veteran's eligible spouse or dependent.

(i) (1) Except as provided in paragraph (2) of this subsection, the Department may not charge a veteran or a veteran's eligible spouse or dependent for [burial] **INTERMENT**.

(2) If the individual being [buried] **INTERRED** is a qualified reserve member or a qualified reserve member's eligible spouse or dependent, the Department shall collect at the time of [burial] **INTERMENT** a fee that is equal to the annual [plot] **INTERMENT LOCATION** allowance established by the National Cemetery Administration.

9–907.

The Department shall keep a registry of the [graves] **INTERMENT LOCATIONS** of eligible decedents who are [buried] **INTERRED** in the State veterans' cemeteries.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2026.