



## DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

Maryland Board of Morticians &  
Funeral Directors  
4201 Patterson Avenue  
Baltimore, MD 21215

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### 2024 SESSION POSITION PAPER

**BILL NO:** HB 1374  
**COMMITTEE:** Environment and Transportation  
**POSITION:** Oppose

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#### **TITLE: Environment – Crematory – Setback Requirements and Permits**

**BILL ANALYSIS:** This proposed legislation will prohibit a person from locating a new crematory or a property with a crematory incinerator within 1,000 feet of an assisted living or nursing facility, a property that primarily serves children, or a residential property that is designed primarily for human habitation; and prohibiting the Department of the Environment from issuing a certain permit to a crematory under certain circumstances.

**POSITION AND RATIONALE:** The Maryland Board of Morticians and Funeral Directors (the “Board”) opposes HB 1374.

The Board’s concern is HB 1374 would have a detrimental impact on current existing crematories as well as individuals in the process of completing their expansions already in progress who have made considerable investments to date. Under current regulation, crematory applicants go through a rigorous application, permitting and testing process from both the Board as well as the Maryland Department of the Environment, not limited to air analysis, emissions testing, fuel consumption and stack testing to name a few. To date, there is no documented evidence regarding the health effects experienced by workers or individuals who live/work near crematories. In addition, there are no studies that have been found that show causal links between crematory emissions and adverse health effects.

NIH-National Library of Medicine, CAN J Public Health 2020 Dec.-Mercury from Crematoriums states: Human health risk assessment an estimate of total emissions in British Columbia...”as in the case of long-term exposure, there is no indication that short-term exposure to peak ground-level mercury vapor concentrations associated with crematorium emissions poses a significant risk to human health”.

Of the 41 crematories the Board regulates and inspects, based on the “facilities, centers or properties” noted, this bill has the potential to affect 63% of those crematories. As written,

modifying or changing their existing crematories require a “new” permit by the Maryland Department of the Environment and as a result, would cease their ability to provide this “in demand” service to their clients which would not only have an adverse effect on their business but would directly impact the needs of the families they serve.

As a result of the COVID pandemic, funeral homes and crematories experienced a significant increase in cremation and the demand for cremation continues to increase exponentially year after year due to the economy and what families are able to afford for their deceased loved ones. This demand has caused many funeral homes and crematoriums to invest in the expansion of their businesses and build their own crematories to meet those demands. HB 1374 will restrict funeral homes and crematories from expanding in their current locations to help keep up with the shift in consumer preferences. Most funeral homes and crematories are community based and located in areas populated with businesses and homeowners. They are located in neighborhoods to be close to the families they serve or in areas that are in significant need of the affordability of cremation. They are revered for the services they offer to their communities and diverse religious faiths that cremation is part of their tradition and require participation and witnessing of cremation as part of the process.

As written HB 1374 would:

- limit consumer choice
- create an economic hardship on families
- prohibit replacement of equipment as needed in existing businesses
- prohibit needed expansion in existing businesses
- impact the sale of funeral homes and or crematories
- create a monopolistic environment by restricting the freedom of entry and exit in the industry
- have an economic impact and disrupt businesses who have begun the building process but have not passed all inspections.

HB 1374 as written does not define “Department,” leaves the word “issue” subject to interpretation and does not address “siting requirements” for possible future development of noted “facilities, centers or properties” near existing or future funeral homes and or crematories.

For all of these reasons, the Board of Morticians and Funeral Directors strongly urges an unfavorable report on HB 1374.

For more information, please contact Michele Kutta, CFSP, Board President at 410-263-4422 or at [michele.kutta@maryland.gov](mailto:michele.kutta@maryland.gov).

*The opinion of the Board expressed in this document does not necessarily reflect that of the Department of Health or the Administration.*