



March 11, 2025

**SB 1021**

**Business Regulation – Cemeteries – Requirements for Sale of Transfer or Government Acquisition**

**Senate Finance Committee**

**Position: Favorable with Amendment**

The Maryland Catholic Conference requests a Favorable with Amendment report on Senate Bill 1021. The Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals and numerous charities combine to form our state's second largest social service provider network, behind only our state government.

Senate Bill 1021 would prohibit certain owners of a cemetery from selling or transferring the cemetery without the approval of the Director of the Office of Cemetery Oversight. While we support the intent of this legislation to ensure transparency and accountability in cemetery transactions, we urge the Committee to **amend the bill to explicitly exclude bona fide religious, nonprofit cemeteries**, which have historically been and should continue to be outside the jurisdiction of the Office of Cemetery Oversight.

#### **Religious and Nonprofit Cemeteries Are Not Currently Regulated by the State**

Under existing law, religious and nonprofit cemeteries operate independently of the Office of Cemetery Oversight. This distinction acknowledges the unique mission of faith-based and nonprofit cemetery operators, which are often maintained for religious and charitable purposes rather than commercial interests. Including these cemeteries under the proposed regulation would be an unnecessary government intrusion into religious affairs and could set a troubling precedent for state oversight of religious institutions.

#### **Government Intrusion into Religious Affairs**

Many religious traditions consider the care of the deceased and the management of sacred burial grounds to be a fundamental part of their faith practice. Subjecting religious cemeteries to state oversight in matters of sale or transfer would entangle government authority in religious operations, raising serious concerns about religious liberty and autonomy. The First Amendment and longstanding legal precedent affirm that religious organizations should not be subjected to unnecessary state interference in the exercise of their faith-based responsibilities.

### **Proposed Amendment**

To ensure that religious and nonprofit cemeteries remain exempt from unnecessary government oversight, I respectfully propose the following amendment:

**"Nothing in this Act shall apply to bona fide religious, nonprofit cemeteries that are currently not regulated by the Office of Cemetery Oversight under § 5–102."**

While ensuring responsible cemetery management is a worthwhile goal, religious and nonprofit cemeteries should not be swept into a regulatory framework that has never applied to them. These institutions have faithfully served their communities for generations without state intervention, and there is no justification for imposing new government oversight where it is neither needed nor appropriate.

For these reasons, I respectfully request a **favorable report with amendment** on SB 1021. Thank you for your time and consideration.