



Maryland State Funeral Directors Association, Inc.

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March 25, 2025

Chairwoman Senator Pamela Beidle
Vice-Chair Senator Antonio Hayes
Senate Finance Committee
3 East Miller Senate Office Building
Annapolis, MD 21401

**Re: House Bill 1555 Position – FAVORABLE WITH AMMENDMENTS
Before the Senate Finance Committee**

Dear Members of the Senate Finance Committee:

My name is W. Nathan Malloy Jr., Esquire, and I am the Lobbyist for the Maryland State Funeral Directors Association, Inc. (the “MSFDA”). I write regarding the MSFDA’s Position on House Bill 1555. During the HGO Subcommittee meeting via Zoom on March 14, 2025 @ 7pm, the discussion arose regarding the necessity of an amendment to HB 1555 to clarify (1) what would be published online relating to violations as the result of an inspection, (2) the meaning and definition of “violation”, and (3) how and when a “deficiency” noted as a result of an inspection becomes a violation. It was noted during the discussion that a licensee has up to 30 days to correct a deficiency under COMAR 09.34.07.03 and 10.28.19.03, and the subcommittee did not want to penalize a licensee with the publication of a minor deficiency online.

It was agreed by the committee that only disciplinary action taken against a licensee following an inspection for failing to correct a deficiency should be published online. Lindsay Rowe, Esq. proposed, and the subcommittee adopted the language of “disciplinary action taken by the office under §5-310 of this subtitle” as an amendment to §5-207 and “disciplinary action taken by the Board of Morticians under §7-316” as an amendment to §7-209. When Attorney Rowe submitted the final language for HB 1555, both §5-207 and §7-209 contained a statement requiring the publishing each disciplinary action..., and INSPECTION of...” a crematory and reduction facility under §5-207, and a funeral establishment under §7-209. Unfortunately, allowing the words “, and inspection...” to remain in HB1555, when they should have been removed with the adopted amendment, does not make it clear what details about the inspection, if any should be published online. Consequently, the Maryland State Funeral Directors Association, Inc. proposes the following language to amend House Bill 1555, which was originally corrected with the amendment approved by the subcommittee:

PROPOSED AMENDMENT NO. 1:

BUSINESS REGULATION § 5-207 as proposed in HB 1555 states:

THE OFFICE SHALL:

(4) ESTABLISH AND MAINTAIN A PUBLICLY ACCESSIBLE, ONLINE DATABASE THAT INCLUDES INFORMATION ABOUT EACH ~~VIOLATION BY DISCIPLINARY ACTION TAKEN BY THE OFFICE UNDER §5-310 OF THIS SUBTITLE AGAINST;~~ AND INSPECTION OF, ~~AND COMPLAINT AGAINST~~ A CREMATORY OR REDUCTION FACILITY;”

IN THE INTEREST OF CLARITY, THE MARYLAND STATE FUNERAL DIRECTORS ASSOCIATION, INC. PROPOSES THE FOLLOWING AMENDMENT TO HB 1555:

THE OFFICE SHALL:

(4) ESTABLISH AND MAINTAIN A PUBLICLY ACCESSIBLE, ONLINE DATABASE THAT INCLUDES INFORMATION ABOUT EACH ~~VIOLATION BY DISCIPLINARY ACTION TAKEN BY THE OFFICE UNDER §5-310 OF THIS SUBTITLE AGAINST;~~ AND **THE DATE OF THE LAST** INSPECTION OF, ~~AND COMPLAINT AGAINST~~ A CREMATORY OR REDUCTION FACILITY;”

PROPOSED AMENDMENT NO. 2:

Similar to the Proposed Amendment above, HEALTH OCCUPATIONS § 7-209 as proposed in HB 1555 states:

THE BOARD SHALL

(4) ESTABLISH AND MAINTAIN A PUBLICLY ACCESSIBLE, ONLINE DATABASE THAT INCLUDES INFORMATION REGARDING EACH ~~VIOLATION BY, DISCIPLINARY ACTION TAKEN BY THE BOARD UNDER § 7-316 OF THIS SUBTITLE AGAINST;~~ AND INSPECTION OF, ~~AND COMPLAINT AGAINST~~ EACH FUNERAL ESTABLISHMENT;

IN THE INTEREST OF CLARITY, THE MARYLAND STATE FUNERAL DIRECTORS ASSOCIATION, INC. RESPECTFULLY PROPOSES THE FOLLOWING AMENDMENT TO HB 1555:

THE BOARD SHALL

(4) ESTABLISH AND MAINTAIN A PUBLICLY ACCESSIBLE, ONLINE DATABASE THAT INCLUDES INFORMATION REGARDING EACH ~~VIOLATION BY, DISCIPLINARY ACTION TAKEN BY THE BOARD UNDER § 7-316 OF THIS SUBTITLE AGAINST,~~ AND **THE DATE OF THE LAST** INSPECTION OF, ~~AND COMPLAINT AGAINST~~ EACH FUNERAL ESTABLISHMENT, **CREMATORY, AND REDUCTION FACILITY;**

The most recent unpublished draft of the Bill from Del. Bhandari’s Office (HB1555 with-483524_1.rtf) contained the language to add “Date of the last Inspection” to **BUSINESS REGULATION § 5-207** and **HEALTH OCCUPATIONS § 7-209** and Crematory, and

Reduction Facility to HEALTH OCCUPATIONS § 7-209. It is important to note that since Del. Bhandari has added “Crematory and Reduction Facility” to HEALTH OCCUPATIONS § 7-209, to be consistent throughout Title 7 of HEALTH OCCUPATIONS ARTICLE, the legislature will need to add the words “Crematory and Reduction Facility” at a minimum to the following statutes in Title 7 of HEALTH OCCUPATIONS:

- (1) 7-209(a)(8);
- (2) Create a section numbered 7-205(d) to reference reduction facilities identical to 7-205(c); and
- (3) Change the heading of 7-409 and amend all subsections within 7-409 that reference “funeral establishments” to include the words “Crematories and Reduction Facilities”.

One final note, there may be other statutes in Title 7 of HEALTH OCCUPATIONS and COMAR that are going to need a complete overhaul to amend all references to a “funeral establishment” to include the words “Crematories and Reduction Facilities” since they are permitted and have a separate license based on ownership. I am fully aware that I am suggesting more amendments than you had anticipated, but many of the statutes that reference “funeral establishments” are silent regarding “Crematories, and Reduction Facilities”, especially since Reduction Facilities are a recent addition to the Maryland Law.

Additionally, Business Regulations Title 5, regarding Cemeteries and COMAR are more than likely going to need a similar overhaul to include references to Reduction Facilities since they are a recent addition to the law regarding Cemeteries in Maryland as well

I urge the Senate Finance Committee to make the amendments stated above and issue a REPORT OF FAVORABLE WITH AMENDMENTS. If I may be of further assistance, please do not hesitate to contact me.

Sincerely,



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