

SB957 - Morticians and Funeral Directors – Not-For

Uploaded by: Adrian Gardner

Position: FAV

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February 21, 2025

The Honorable Pamela Beidle, Chair
Senate of Maryland Finance Committee
3 East Miller Senate Office Building
Annapolis, Maryland 21401

RE: SB957 - Morticians and Funeral Directors – Not-For-Profit Funeral Establishments
SUPPORT

Dear Chair Beidle:

This letter is to register our **support** for SB 957 - Morticians and Funeral Directors – Not-For-Profit Funeral Establishments.

For various reasons, Maryland law has developed a blanket prohibition against corporate ownership of funeral establishment licenses – that is, except for 58 licenses which the state grandfathered in 1945. *Brown v. Hovatter*, 561 F.3d 357 (4th Cir. 2009), *cert. denied* 130 S. Ct. 741 (2009). SB 957 would create a new exception to this rule to allow funeral establishment licensing for public charities, private foundations, or private operating foundations that qualify for tax exemption under Section 501(c)(3) of the Internal Revenue Code.

As a business organization that aspires to deliver earth-friendly – i.e., “green” – funeral options for families in the DMV, we support measures that enable families to select green faith-based options, which many conventional funeral homes simply do not provide. In our view, the legislation will give funeral consumers more options and serves the public interest for that reason.

We accordingly urge your favorable report on SB 957.

Sincerely,



Adrian R. Gardner
Co-Founder and Managing Member

FCAME testimony on SB957 2.21.25.pdf

Uploaded by: Barbara Blaylock

Position: FAV



Funeral Consumers Alliance of Maryland and Environs

Protecting a consumer's right to a meaningful, dignified, and affordable funeral.

**Senate Finance Committee, Maryland General Assembly
Testimony on SB0957 – Morticians and Funeral Directors – Not -For-Profit Funeral Establishments**

Position: Support Hearing date February 25, 2025

Thank you for the opportunity to provide testimony from the Funeral Consumers Alliance of Maryland and Environs (FCAME) in support of Senate Bill 0957, which would allow not-for-profit funeral homes in Maryland.

Currently, members of religious groups who wish to adhere to the traditional funeral practices of their belief system by practicing rituals such as preparing and sitting with the body, as is the tradition in the Jewish faith, must arrange to do so by contracting with a traditional for-profit funeral establishment that will allow the use of its facilities for this activity. This results in higher costs than are necessary. We are aware of the fact that this is the case for the Jewish Funeral Practices Committee of Greater Washington, whose mission is to provide simple, hands-on services for members of their community. Allowing groups such as theirs to establish their own funeral establishments would enable them to control their costs and the environment in which their after-death care takes place, resulting in more personalized care consistent with their beliefs and traditions.

For centuries, members of local communities typically cared for their own dead, usually in their own homes, according to the practices and beliefs familiar and meaningful to them. It is only within the last 150 years that caring for the dead became something that was externalized to a business, with removal of the body to a place outside the home, and the normalization of practices such as embalming and preparation of the body by strangers, with costly caskets and vaults. It should be possible for local, religious, or otherwise defined communities willing to provide more traditional, simple, hands-on, personalized, and environmentally friendly funeral practices to do so under the auspices of their own establishments. SB0957 would allow that.

FCAME is concerned with providing grieving families with individual and affordable choices that allow them to do what they believe is best for their loved ones. We ask the committee to report favorably on this bill.

Testimony submitted by Barbara Blaylock, President of FCAME.

FCAME is the volunteer-run, regional chapter of the non-profit Funeral Consumers Alliance (FCA), the oldest and largest consumer protection organization focused solely on guarding the rights and wallets of grieving consumers. FCA and its affiliates take no money from the death care industry or the government.

Funeral Consumers Alliance of Maryland & Environs

<https://www.mdfunerals.org>

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P.O. Box 34177, Bethesda, MD 20827



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SB0957 - zinner testimony.pdf

Uploaded by: David Zinner

Position: FAV

In Support of SB0957

I'm David Zinner, Vice-President of the Jewish Funeral Practices Committee of Greater Washington. I've been a member of our Board for 25 years and I am part of the team that negotiates contracts with funeral homes, the most recent of which has been with Hines Rinaldi Funeral Home, owned by Service Corporation International. I also coordinate Shmira (ritual guarding of the deceased) at Hines Rinaldi.

I'm a death care educator in the Jewish community. I'm the founder and past Executive Director of Kavod v'Nichum (Honor and Comfort) & co-founder of the Gamliel Institute, teaching about Jewish end of life practices, providing training on care for the dead including taharah (ritual washing and dressing) at funeral homes. I'm also the chair of the taharah team in my Columbia Maryland synagogue that provides this service to our members.

For over a dozen years I've been a religious, and then a consumer, representative on the Maryland State Advisory Council on Cemetery Operations, although I am not representing the Council or the Office of Cemetery Oversight.

I also coordinate the PRINCE (Preservation and Rehabilitation Initiative for Neglected Cemetery Entities). We have an MOU with the Department of Corrections to bring incarcerated citizens to cemeteries to do cleanups and learn cemetery care skills.

I chair the Jewish Association for Death Education (JADE) where we provide educational tools for funeral homes and other death care providers.

Last but not least, I coordinate the Maryland Cemetery Legislative Advocates (MCLA). MCLA is a new group, formed in July of 2024. We bring our real world experience to proposing improvements to Maryland cemetery laws.

SB0957 adds a new category (non-profit funeral home) of funeral establishment license to one of the existing four types allowed in Health Occupations Article 7-101

1. Groups of funeral directors, morticians or surviving spouses
2. Individual funeral directors, morticians or surviving spouses
3. Executor license holders
4. Corporate license holders

A funeral establishment license is required to be the owner of the funeral home business. A license holder may only operate a funeral home if they hire licensed

morticians or funeral directors to work for them, regardless of the type of establishment license that they have.

Corporate licenses are an interesting Maryland creation. They are like taxicab medallions that only hold their value if no new ones are created. At my last count Maryland allowed 56 corporate licenses. One company controlled 17 of them or 30%. Another six control 16 additional licenses. So seven corporations control 59% of the corporate licenses.

It's not clear to the average consumer how much a corporate license costs. There are no new licenses, there is no open market and these licenses don't often change hands.

A Not-For-Profit Corporation that has received recognition from the IRS as a § 501(C)(3) organization, organized or operated primarily for religious, charitable, scientific, educational, or similar purposes, under this bill is eligible to apply for a funeral establishment license.

Why is this new category needed?

1. To allow religious organizations to provide funeral services for their members.
2. To provide funeral services to parts of the state where there are significant distances to the closest funeral home
3. To increase competition in the funeral industry

In the Jewish community there is a long tradition of non-profit ownership of funeral homes and cemeteries. This tradition dates back to the biblical Abraham who insisted on a purchase of his wife's burial plot. Throughout Jewish history, Chevrah Kadisha societies (that cared for the dead) and landsmanshaftn (societies of folks who came from the same community) provided funeral services and owned cemeteries.

It has only been in the last 165 years that commercial funeral homes existed in the United States. Funeral homes and cemeteries in most other countries tend to be non-profits.

Will there be opposition to this bill? Yes, from existing funeral homes. They may assert that non-profit organizations are not as skilled at managing funeral directors. Clearly this is not true.

Other states allow non-profit funeral homes to exist and employ licensed funeral directors. These non-profits not only provide great service to their customers, but they

do extensive community education and offer counseling services. Here are a few examples.

- Sinai Memorial Chapel, a 123 year old Jewish non-profit funeral home in San Francisco has three branch locations and owns three cemeteries. It has five funeral directors.
- Plaza Jewish Community Chapel, a non-profit funeral home in Manhattan, has a 51 person board made up of Jewish clergy, executives of social service agencies and community lay leaders. They have eight funeral directors.
- Since 1921 Jewish Memorial Chapel, a New Jersey non-profit funeral home, has had a 30 person board made up of congregational representatives.

In all of these examples, the non-profit board sets policy, and hires licensed staff to do the work. The nature of the ownership is not important as long as they hire qualified, licensed personnel.

I urge your support of SB0957.

Syed Testimony.pdf

Uploaded by: Syed Naqvi

Position: FAV

From

Syed M Naqvi
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Testimony Bill NO: SB957

Morticians and Funeral Directors - Not-For-Profit Funeral Establishments

I am a member of Idara-e-Jaferia, a non-profit organization in Burtonsville, MD. For the past 35 years, I have been honored to offer my services by washing bodies as part of our community's funeral rites. This sacred duty allows me to support and uphold our traditions and provide comfort to grieving families.

I believe that the approval of this bill will further enable us to continue our vital work and make a positive impact on our community. I wholeheartedly support this bill and urge for its approval.

Thank you.

Syed M naqvi

Syed M Naqvi
Cell 301-252-3045

Opposition of SB0957.pdf

Uploaded by: Albert Bloomfield

Position: UNF



February 21, 2025

I'm writing to officially oppose Senate Bill 0957 for the following reasons.

1. This bill has been proposed by Mr. Gidon van Emden who is also a consumer board member of the Maryland Board of Morticians & Funeral Directors. This clearly presents a conflict of interest that should have been disclosed to the two legislators, Delegate Anne Kaiser and Senator Jeff Waldstreicher. Additionally, his proposal of this bill is clearly an ethical violation as a sitting board member of the State Board of Morticians and Funeral Directors.
2. Mr. van Emden acted with the sole purpose of perpetuating low-cost funerals to the Jewish community of Maryland and the DMV. He claims Maryland funeral costs are "among the most expensive in the nation on average". He has no care or concern for the other citizens of the state of Maryland, only the Jewish ones, which we find disheartening. Maryland has many funeral homes that already offer competitive pricing options, and many are below the national average, demonstrating that for-profit funeral homes can balance financial viability with affordability. By introducing not-for-profit funeral homes, there's a risk that the market dynamics may be altered in a way that disrupts the current competitive environment, potentially driving up costs for families in the long term. There is no strong indication that the public is dissatisfied with their current funeral home options, which raises the question of whether the proposed change is necessary. There is uncertainty about whether a not-for-profit funeral home can sustain itself at the low price point it aims for, which could lead to financial instability or hidden costs down the line.
3. Maryland funeral directors have voiced significant concerns regarding the possibility of a religiously oriented not-for-profit organization owning and controlling funeral homes and crematories. Critics worry that such an entity might seek religious exemptions to avoid adhering to the same stringent state laws that bind all other operators. This exemption, if granted, could create an unjust competitive advantage, undermining the regulatory framework established to protect consumers and public health.

The recent closure of Heaven Bound Cremation Services in Charles County—shut down for violations, inadequate funding, and mismanagement—serves as a cautionary tale. It underscores the critical need for diligent oversight and financially robust, responsible management in this sensitive industry. While the mission of a not-for-profit is to offer low-cost disposition options, the financial constraints inherent to such models, particularly in a high-cost area like Montgomery County, may jeopardize operational standards and consumer safety.

www.SagelBloomfield.com

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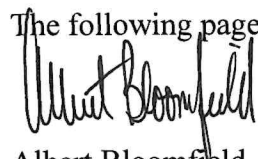
In contrast, for-profit funeral homes are compelled to comply with rigorous consumer protection laws and industry standards that ensure transparency, accountability, and the consistent delivery of high-quality services. Their financial stability and access to greater resources typically enable them to invest in the necessary personnel, equipment, and oversight to maintain these standards. Ultimately, while the intent to provide affordable, community-focused services is admirable, the regulatory framework is designed to ensure that all operators—regardless of their profit orientation—adhere to the same high standards, thereby safeguarding both consumer interests and public health.

4. Not-for-profit does not equate to zero profit. Mr. Van Emden who lacks any direct experience in operating funeral homes, assert that he can successfully run a funeral home while charging fees well below the national average—and approximately 43% less than the average of 5 Jewish funeral homes in other states. Mr. Van Emden claims, “The bill will save Marylanders money by lowering the cost of funerals for those who seek not-for-profit options and will cost the state of Maryland nothing to implement.” We completely disagree with this assessment. The proposed shift to not-for-profit funeral homes could have unforeseen adverse effects on the local economy, particularly through diminished tax revenue. For-profit funeral homes play a significant role in bolstering the local economy by contributing taxes and creating jobs. Transitioning to a not-for-profit model risks shrinking the tax base and curbing job growth in the funeral services sector. Moreover, the majority of existing funeral homes in Maryland are longstanding, well-established entities that are deeply integrated into the state’s economic fabric. They provide stable employment to thousands and contribute significantly to the local tax revenues. The introduction of not-for-profit funeral homes could potentially undermine these established economic contributions by introducing operational inefficiencies that might reduce both local employment and tax income.
5. The State Board of Morticians and Funeral Directors has recently come under fire in the wake of the Heaven Bound crematory incident. The board is widely perceived as falling short in its duty to enforce laws equitably and effectively, hindered by systemic dysfunction and an inability to keep pace with the demands of oversight, inspections, and enforcement. Introducing not-for-profit funeral homes into this already strained environment would only further burden the board, potentially destabilizing Maryland's entire funeral industry. Moreover, considering that the proponent of this bill is a member of this very board, serious questions arise about whether his judgment on the industry's operations can be trusted.

6. Where is the proof to support the need for this bill? Where is the compelling research? Despite the proposed bill's claims, there is a striking absence of comprehensive, data-driven evidence that demonstrates a genuine need for not-for-profit funeral homes. There is no clear research showing that these models would necessarily benefit Maryland's communities more than the current, well-established for-profit providers. Moreover, how do other faith groups—who have maintained long-standing, mutually beneficial relationships with their local funeral providers—feel about this proposed change? Their voices seem notably absent from the conversation. For decades, Maryland funeral homes have earned the trust and respect of local families through consistent, high-quality service. Their long-standing presence is a testament not only to their professional expertise but also to their deep commitment to serving each family with fairness, respect, and compassion. These funeral homes play a critical role in their communities, offering more than just services—they are integral community pillars known for their philanthropic support and personal engagement. Introducing not-for-profit funeral homes could jeopardize these time-honored practices. By shifting the competitive landscape, the bill risks undermining the economic and relational foundation upon which these local institutions have built their reputations. Additionally, if some religious institutions become direct competitors, they might inadvertently divert financial support from existing funeral homes, thereby weakening the overall community framework that has sustained these services for so long. Without solid research and broad-based support from all faith communities, the rationale for this bill appears unconvincing and potentially disruptive to Maryland's trusted funeral industry.

Closing Argument: Maryland's funeral home industry is meticulously regulated to protect the best interests of families while fostering a competitive and robust market. For-profit funeral homes, especially those with decades of trusted service, have demonstrated their ability to provide affordable, compassionate care under rigorous standards. The proposed shift toward not-for-profit models threatens to disrupt this delicate balance by potentially compromising consumer protections, reducing employment opportunities, and inadvertently driving up costs. With careful oversight already ensuring that current practices meet the highest benchmarks, the existing structure best serves Maryland's families.

The following pages show the backup to my arguments.



Albert Bloomfield
Owner



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Board of Morticians & Funeral
Directors



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Members and Staff

About the Board

The State Board of Morticians and Funeral Directors was established as the State Board of Undertakers of Maryland in 1902 (Chapter 160, Acts of 1902). Renamed the State Board of Funeral Directors and Embalmers in 1937, then the Board of Morticians in 1981. The Board received its present name in 2007 (Chapter 186 Acts of 2007).

The purpose of the State Board of Morticians and Funeral Directors is to carry out the duties mandated under Title 7 of the Health Occupations Article. The primary purpose is the protection of the public's health and welfare through appropriate credentialing, examination, licensure, and discipline of morticians, funeral directors, surviving spouses, apprentices, and funeral establishments in Maryland. The Board also inspects and licenses funeral establishments upon proof of compliance with all applicable Federal, State, and local laws.

The Board issues eleven (11) classifications of licenses and permits: Apprentice, Courtesy Card, Registered Crematory Operator, Funeral Director, Mortician, Surviving Spouse, Registered Transporter, Funeral Establishment, Crematory Permit, Mortuary Transport Company Permit, and Corporate License Renewals.

The Board of Morticians and Funeral Directors interacts cooperatively with other agencies such as the Federal Trade Commission, Office of the Attorney General, Division of Consumer Protection, MDH Office of the Secretary, Office of Cemetery Oversight of the Department of Labor, Licensing and Regulation, MDH Office of the Medical Examiner, and the State Anatomy Board where the Mortician's practical examination is administered.

The Board became self-funded in October of 1993. The revenue collected from licensing fees ensures the operating costs of the Board. The Board is comprised of 11 volunteer members.

Board Members



Kenyatta Clinton, Licensed Mortician, President

Charlotte Hoffman, Consumer Member, 1st Vice President

Bishop Richard A. Mosley, Sr., Consumer Member, 2nd Vice President

Brittney Greene, Licensed Mortician, Secretary

Dr. James Kalshoven, Consumer Member

Gidon van Emden, Consumer Member

Board Staff



Public Information Requests





Maryland Department of Health
201 W. Preston Street, Baltimore, MD 21201
(410) 787-6500 or (410) 465-3465

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How much does a funeral cost? A complete breakdown

THE MEDIAN FUNERAL COSTS \$7,848 FOR A VIEWING AND BURIAL, WHILE A FUNERAL WITH CREMATION COSTS \$6,970.



By [Susan Meyer](#) ⓘ

Updated April 19, 2024

Edited By [Ross Martin](#) ⓘ



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[Funeral costs by state](#)

[Funeral costs to know](#)

[How to pay for a funeral](#)[Know your funeral rights](#)[How to keep funeral costs down](#)[What if you can't afford a funeral?](#)

How expensive is a funeral?

Dealing with end-of-life affairs for yourself or a loved one is a challenging and emotional process. Much like you'd put thought and care into saving for a new child or buying your [first home](#), arranging a funeral requires careful planning and financial preparation. Whether you're organizing your own funeral in advance or making arrangements for someone else, it's important to be familiar with the expected costs so you can put a financial plan in place.

The national median cost for a funeral with a viewing and burial is \$7,848, and it costs \$6,971 for a funeral and cremation.^[1] Using this guide to funeral costs, you can account for expenses ahead of time by taking steps to budget your costs or purchase a [life insurance policy](#) to help with payments. When all the funeral finances are taken care of, you can better navigate the grieving process and your loved ones can shift their focus to celebrating your life.

Funeral costs by state

Although the national median price of a funeral is nearly \$8,000, costs can fluctuate based on your location. To help you estimate the cost of a funeral where you live, we've broken down the median burial and cremation costs by state for 2021.

State	Median burial cost	Median cremation cost
Alabama	\$7,271	\$6,314
Alaska	\$7,225	\$6,028
Arizona	\$6,888	\$5,694
Arkansas	\$7,334	\$6,405
California	\$7,225	\$6,028
Colorado	\$6,888	\$5,694
Connecticut	\$7,881	\$7,069
Delaware	\$7,800	\$7,070
Florida	\$7,800	\$7,070
Georgia	\$7,800	\$7,070
Hawaii	\$7,225	\$6,028
Idaho	\$6,888	\$5,694
Illinois	\$7,868	\$6,953
Indiana	\$7,868	\$6,953
Iowa	\$8,500	\$7,560
Kansas	\$8,500	\$7,560
Kentucky	\$7,271	\$6,314
Louisiana	\$7,334	\$6,405
Maine	\$7,881	\$7,069

State	Median burial cost	Median cremation cost
Maryland	\$7,800	\$7,070
Massachusetts	\$7,881	\$7,069
Michigan	\$7,868	\$6,953
Minnesota	\$8,500	\$7,560
Mississippi	\$7,271	\$6,314
Missouri	\$8,500	\$7,560
Montana	\$6,888	\$5,694
Nebraska	\$8,500	\$7,560
Nevada	\$6,888	\$5,694
New Hampshire	\$7,881	\$7,069
New Jersey	\$8,093	\$7,463
New Mexico	\$6,888	\$5,694
New York	\$8,093	\$7,463
North Carolina	\$7,800	\$7,070
North Dakota	\$8,500	\$7,560
Ohio	\$7,868	\$6,953
Oklahoma	\$7,334	\$6,405
Oregon	\$7,225	\$6,028
Pennsylvania	\$8,093	\$7,463

State	Median burial cost	Median cremation cost
Rhode Island	\$7,881	\$7,069
South Carolina	\$7,800	\$7,070
South Dakota	\$8,500	\$7,560
Tennessee	\$7,271	\$6,314
Texas	\$7,334	\$6,405
Utah	\$6,888	\$5,694
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Funeral costs to know

What exactly makes up the cost of a funeral? There are a number of services that factor into the overall cost. According to the National Funeral Directors Association, the price of a funeral and burial has risen by nearly 8% in the past five years. As such, each individual funeral expense has also seen an increase in price, with the exception of service vehicles, which stayed the same cost. To see a breakdown of all the common costs involved in a funeral, check out our list of services and average prices below.

Common funeral expenses

Expense	Cost
Funeral service fee:	\$2,300

Expense	Cost
Funeral facilities for viewing:	\$450
Funeral facilities for ceremony:	\$515
Metal casket:	\$2,500
Wood casket:	\$3,000
Cremation:	\$368
Urn:	\$295
Transfer of remains:	\$350
Embalming:	\$775

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Can life insurance cover funeral costs?

You or your loved ones can ensure that funeral costs will be taken care of by purchasing a life insurance policy. As long as the monthly premiums are paid, the [beneficiaries](#) of the policy will receive financial compensation in the form of the death benefit after the policyholder passes. The money that comes from the death benefit can be used to pay for funeral costs or any other outstanding debts, helping to ease any financial burden.

Get a quote from [Ethos](#), a life insurance company that offers affordable whole and term life insurance policies and an easy, seamless online experience. It only takes 10 minutes!

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NFDA News Releases

2023 NFDA General Price List Study Shows Inflation Increasing Faster than the Cost of a Funeral

December 06, 2023

[Download a PDF of this press release.](#)

For Immediate Release: December 8, 2023

Brookfield, Wis. – In spite of concerns about inflation in the United States – and skyrocketing costs for goods and services – according to the National Funeral Directors Association's (NFDA) 2023 Member General Price List Study, funeral costs have not risen as fast as the rate of inflation. The overall rate of inflation over the past two years was 13.6%. According to NFDA's study, the median cost of a funeral with casket and burial has increased only 5.8% over the past two years (from \$7,848 to \$8,300) and the median cost of a funeral with cremation, including alternative cremation casket and urn, has increased 8.1% over the past two years (from \$5,810 to \$6,280).

"Funeral homes offer a wide variety of options to meet the needs and wishes. The primary role of funeral directors remains helping families understand the many options available to help them honor the life of a loved one in meaningful way," said NFDA Research Manager Deana Gillespie. "Every funeral home offers unique services and pricing. Families should look for a funeral home that has a strong reputation with licensed funeral directors who understand their emotional needs and will be sensitive to their budget."

National Median Cost of an Adult Funeral with Viewing and Burial

Since the 1960s, NFDA has calculated the national median cost of a funeral with burial by totaling the cost of the following items: basic services fee, removal/transfer of remains to funeral home, embalming and other preparation of the body (e.g., casketing, cosmetology, dressing and grooming), a metal casket, use of facilities and staff for viewing and funeral ceremony, use of a hearse, use of a service car/van, and a basic memorial printed package (e.g., memorial cards, register book, etc.). The cost does not take into account interment in a cemetery, monument or grave marker costs, or cash-advance charges, such as for flowers or an obituary.

Item	2023	2021	% Change
Nondeclinable basic services fee	\$2,495	\$2,300	8.5%
Removal/transfer of remains to funeral home	\$395	\$350	12.9%
Embalming	\$845	\$775	9.0%
Other preparation of the body	\$295	\$275	7.3%
Use of facilities/staff for viewing	\$475	\$450	5.6%
Use of facilities/staff for funeral ceremony	\$550	\$515	6.8%
Hearse	\$375	\$350	7.1%
Service car/van	\$175	\$150	16.7%
Basic memorial printed package	\$195	\$183	6.8%
Metal burial casket	\$2,500	\$2,500	0.0%
Median Cost of a Funeral with Viewing and Burial	\$8,300	\$7,848	5.8%
<i>Vault</i>	<i>\$1,695</i>	<i>\$1,572</i>	<i>7.8%</i>
<i>Total with vault</i>	<i>\$9,995</i>	<i>\$9,420</i>	<i>6.1%</i>

National Median Cost of an Adult Funeral with Viewing and Cremation

NFDA calculates the national median cost of a cost of a funeral with cremation by totaling the cost of the following items: basic services fee, removal/transfer of remains to funeral home, embalming and other preparation of the body, use of facilities and staff for viewing and a funeral ceremony, use of a service car/van, basic memorial printed package, cremation fee, alternative cremation container, and urn. The median cost does not include the price of interment in a cemetery, monument or grave marker costs or cash advance charges.

Item	2023	2021	% Change
Nondeclinable basic services fee	\$2,495	\$2,300	8.5%
Removal/transfer of remains to funeral home	\$395	\$350	12.9%
Embalming	\$845	\$775	9.0%
Other preparation of the body	\$295	\$275	7.3%
Use of facilities/staff for viewing	\$475	\$450	5.6%
Use of facilities/staff for funeral ceremony	\$550	\$515	6.8%
Service car/van	\$175	\$150	16.7%
Basic memorial printed package	\$195	\$183	6.8%
Cremation fee	\$400	\$368	8.8%
Alternative cremation container	\$160	\$150	6.7%
Urn	\$295	\$295	0.0%
Median Cost of a Funeral with Viewing and Cremation	\$6,280	\$5,810	8.1%

Regional Costs

Costs for goods and services vary by region. Many factors contribute to the final determination of how an individual funeral home prices its goods and services, including the firm's business philosophy and the market in which it operates.

	Median Cost of an Adult Funeral with Viewing and Ceremony Followed by Burial	Median Cost of an Adult Funeral with Viewing and Cremation
New England <i>CT, ME, MA, NH, RI, VT</i>	\$8,985	\$7,023
Middle Atlantic <i>NJ, NY, PA</i>	\$8,573	\$6,498
South Atlantic <i>DE, FL, GA, MD, NC, SC, WV, VA</i>	\$8,023	\$6,103
East South Central <i>AL, KY, MS, TN</i>	\$7,615	\$5,858
West South Central <i>AR, LA, OK, TX</i>	\$7,912	\$5,890
East North Central <i>IL, IN, MI, OH, WI</i>	\$8,280	\$6,120
West North Central <i>IA, MN, KS, MO, ND, SD, NE</i>	\$8,755	\$6,713
Mountain <i>AZ, CO, ID, MT, NV, NM, UT, WY</i>	\$7,390	\$5,505
Pacific <i>AK, CA, HI, OR, WA</i>	\$7,835	\$5,812

Survey Methodology

A survey was mailed to 5,219 NFDA-member funeral homeowners on July 7, 2023, to gather General Price List and other related data. Members also had the option of completing the survey online. A link to complete the survey was emailed to all main contacts with a valid email address, posted three times in the NFDA Bulletin (electronic newsletter), and a reminder to complete the survey was emailed to all main contacts as well.

Of the potential respondents, 809 members anonymously completed the survey (474 mail and 335 online), which accurately reflects NFDA's total membership (with 95% confidence) within a range of +/- 3.4%. Responses also accurately reflect NFDA's membership by U.S. census district.

Order the 2023 GPL Survey Report

Funeral professionals interested in purchasing a digital copy of the survey report should call NFDA at 800-228-6332 or visit www.nfda.org/store. The full report is free to NFDA members and \$175 for nonmembers.

About NFDA

NFDA is the world's leading and largest funeral service association, serving more than 20,000 individual members who represent nearly 11,000 funeral homes in the United States and 49 countries around the world. NFDA is the trusted leader, beacon for ethics and the strongest advocate for the profession. NFDA is the association of choice because it offers funeral professionals comprehensive educational resources, tools to manage successful businesses, guidance to become pillars in their communities and the expertise to foster future generations of funeral professionals. NFDA is headquartered in Brookfield, Wis., and has an office in Washington, D.C. For more information, visit www.nfda.org.

#

Media Contact: Jessica Koth, 262-814-1536, jkoth@nfda.org



Year

1. 2025
2. 2024
3. 2023
4. 2022
5. 2021
6. 2020
7. 2019
8. 2018

NFDA MISSION STATEMENT

The National Funeral Directors Association is the world's leading, largest and most trusted association to support funeral professionals. We provide our members with critical information, industry tools, resources and the professional community they need to serve families, run sustainable businesses and become pillars in their communities.

CONNECT WITH US



Toll-free: **800-228-6332**
Phone: **262-789-1880**

QUICK LINKS +

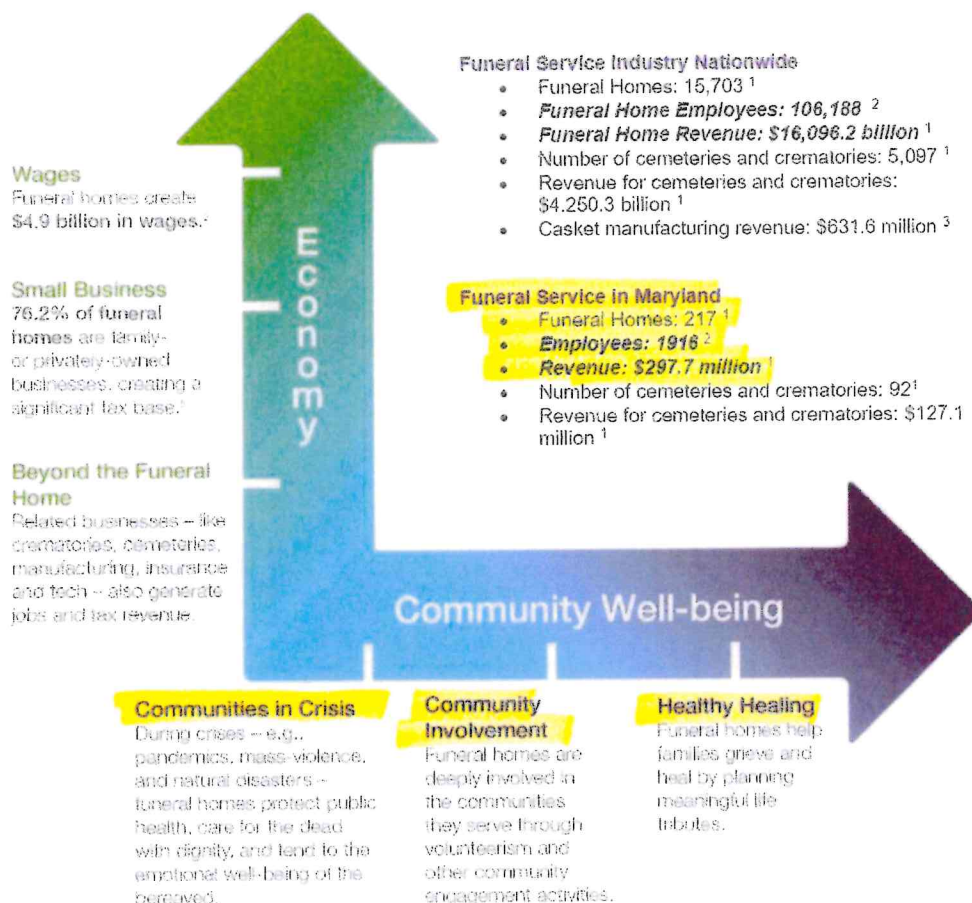
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The Economic Power and Influence of the Funeral Service Profession in America

Funeral homes are vital businesses that contribute to our nation and communities in ways both seen and unseen. As small businesses, they are part of the economic heartbeat of local communities and our nation. As caregivers, funeral service professionals help sustain a community's health and well-being.



[The Value of Funerals and Funeral Directors](#)



[Funeral Directors Helping Communities Heal After](#)



[Remembering A Life](#)

Sources:

1 U.S. Department of Commerce: Sundale Research (September 2023)

2 Bureau of Labor Statistics: 2022 Annual Averages: Quarterly Census of Employment and Wages (QCEW)

3 IBISWorld Industry Report OD5365 Coffin & Casket Manufacturing in the U.S. (June 2023)

4 IBISWorld Industry Report OD4415 Cremation Services (June 2023)

5 IBISWorld Industry Report 61221 Funeral Homes in the U.S. (September 2023)

I identified 5 Not-for-Profit Jewish Funeral Homes from across the country representing the following locations, San Francisco California, Seattle Washington, Detroit Michigan, Passaic and Surrounding Counties in New Jersey and NYC New York.

We compared the cost for a Graveside service, with taharah, shroud and a Plain Pine Casket.

The least expensive was in Seattle at \$5,000.00 and the most was San Francisco at \$7,400.00. The contract that JFPGW contract in Maryland is \$3,330.00. That is \$1,670.00 less than the least expensive not-for-profit and 43% less than the average of the 5 not-for-profit, which is \$5,864.40

That is not something our community should be proud of.

In contrast, I also gathered information from 15 Jewish funeral homes across the country, mostly independent and some corporate. The states include, CA, MO, FL, MD, NJ, NY, IL, MA, DC, OH, PA, and CO. The average cost for the same package is \$7,679. In Maryland, the average for Levinsons, Torchinsky and Sagel Bloomfield is \$7,775.

When you look at all 20 funeral homes in the study I did, the difference between the Not-for-Profit average and the For-Profit average is \$1,815.00. Not-for-profits are 24% less than their For-Profit counterparts. In sharp contrast, the JFPGW contract price of \$3,330.00 is approximately 43% less than the average of the Not-For-Profits in the study and approximately 57% less than the average of For-Profit funeral homes and approximately 57.5% less than the average of the combined average of Levinson, Torchinsky and Sagel Bloomfield.

According to ChatGPT, Not-for-profit funeral homes can save families 20-30%. There are obviously a large variations regarding services and merchandise selected but it gives us a framework. This helps to show the disparity between the JFPGW contract amount with the reality of the Jewish funeral industry across the country. The JFPGW has nothing to base their contract price on, they have no facility or staff to pay, no cost of goods or other bills to pay. They simply work off an antiquated number that we have shown has not been kept up to industry averages.

A not-for-profit Jewish funeral home in the DMV charging in the ballpark of the JFPGW contract price will not survive. They would need to charge much more and maybe that is a better solution for them to realize now rather than requesting laws be changed to meet their unjustifiable price point.

Funeral Home Name	City/State	Ownership Type	Package:	Basic		Taharah		Plain Pine		Total		
				Services	Refrigeration	Removal	side Super room/fees	Hearse	Casket		Shroud	
Bloomfield-Cooper	Ocean, NJ	Corporate		\$4,370.00	\$595.00	\$795.00	\$1,320.00	\$505.00	\$650.00	\$1,095.00	\$285.00	\$9,615.00
Berger Memorial Chapel	St. Louis, MO	Corporate		\$3,170.00	\$595.00	\$770.00	\$1,045.00	\$395.00	\$395.00	\$1,195.00	\$125.00	\$7,690.00
Beth Israel Memorial	South Florida	Corporate	\$7,195.00	Included	Included	Included	Included	Included	Included	Included	Included	\$7,195.00
SBDG	Rockville, MD	Independent	\$6,700.00	Included	Included	Included	Included	\$100.00	Included	\$1,895.00	\$325.00	\$8,417.00
The Gardens of Boca Raton	Boca Raton, FL	Independent		\$2,895.00	\$600.00	\$600.00	\$1,295.00	\$350.00	\$600.00	\$2,395.00	\$175.00	\$8,910.00
Brezniak	Boston, MA	Independent		\$3,995.00	\$795.00	\$795.00	\$1,130.00	\$460.00	\$895.00	\$395.00	\$250.00	\$8,715.00
Schlossberg	Canton, MA	Independent		\$3,975.00	\$695.00	\$795.00	\$725.00	\$495.00	\$795.00	\$975.00	\$225.00	\$8,680.00
Hodroff-Epstein	Minneapolis, MN	Independent	\$6,705.00	Included	Included	Included	Included	Included	Included	\$1,755.00	included	\$8,460.00
Levinson-Regular	Baltimore, MD	Independent	\$6,700.00	Included	Included	Included	Included	Included	Included	\$1,350.00	\$200.00	\$7,725.00
Torchinsky	Washington DC	Independent		\$2,995.00	\$200.00	\$670.00	\$750.00	\$595.00	\$600.00	\$1,225.00	\$150.00	\$7,185.00
Shalom Memorial FH	Arlington Heights, IL	Independent		\$5,350.00	Included	Included	Included	Included	Included	\$1,595.00	\$195.00	\$7,140.00
Epstein Funeral Home	Columbus, OH	Independent	\$5,315.00	Included	Included	Included	Included	Included	Included	\$1,755.00	included	\$7,070.00
Ralph Schugar	Pittsburgh, PA	Independent	\$6,340.00	Included	Included	Included	Included	\$300.00	Included	included	\$125.00	\$6,765.00
Eden Memorial Services	Miami, FL	Independent		\$3,595.00	Included	Included	Included	\$290.00	Included	\$1,195.00	\$175.00	\$5,255.00
Feldman Mortuary	Denver CO	Independent		\$2,975.00	\$580.00	\$510.00	\$425.00	\$205.00	\$405.00	\$1,125.00	\$150.00	\$6,375.00
Sinai Memorial	San Fran, CA	Not-For-Profit		\$2,950.00	\$600.00	\$625.00	\$625.00	\$0.00	\$625.00	\$1,975.00		\$7,400.00
Plaza Memorial	NYC, NY	Not-For-Profit		\$2,195.00	\$475.00	\$765.00	\$595.00	\$435.00	\$695.00	\$895.00	\$250.00	\$6,305.00
Jewish Memorial Chapel	Clifton, NJ	Not-For-Profit		\$5,500.00	Included	Included	Included	Included	included	included	included	\$5,500.00
Hebrew Memorial	Detroit, MI	Not-For-Profit	\$5,117.00	Included	Included	Included	Included	Included	Included	included	included	\$5,117.00
Seattle Jewish Chapel	Seattle, WA	Not-For-Profit	\$5,000.00	Included	Included	Included	Included	Included	included	included	included	\$5,000.00

\$144,519.00 \$7,225.95

OPPOSITION TO SENATE BILL 0957.pdf

Uploaded by: Earl Canapp

Position: UNF

OPPOSITION TO SENATE BILL 0957

. Maryland funeral directors have voiced significant concerns regarding the possibility of a religiously oriented not-for-profit organization owning and controlling funeral homes and crematories. Critics worry that such an entity might seek religious exemptions to avoid adhering to the same stringent state laws that bind all other operators. This exemption, if granted, could create an unjust competitive advantage, undermining the regulatory framework established to protect consumers and public health.

‘ Senate Bill 0957 will permit unlicensed individuals to operate a Not-for-Profit Corporation as a funeral establishment in violation of Section 7-309 of Health Occupations of the Annotated Code of Maryland.

. The Maryland Legislature intentionally banned the formation of new corporations for the purpose of owning a funeral establishment to protect the consumer.

. It is important to note that Not-for-Profit corporations do not have owners or shareholders.

. Not-for-Profit corporations are controlled and governed by a Board of Directors.

. Individuals with a criminal history can, and often do, form Not-for-Profit entities..

Individuals with a criminal history can start a Not-for-Profit and serve on the Board of Directors of the Not-for-Profit. Does Maryland really want unlicensed individuals who have not been educated or trained in funeral service to run and control funeral establishments.

. If unlicensed individuals wish to own a funeral home, they can go to mortuary science school, educate themselves in human anatomy, microbiology, thanatology, business management, mortuary law, business law, funeral principles, funeral customs and practices, serve an apprenticeship for a year, go through a criminal background check, apply to the Board of Morticians to determine if they have the requisite knowledge, character, and fitness to become a licensed funeral service provider. Once they have completed all of the education, training, and licensing, they can open a funeral establishment and operate it without q profit, if that is their desire.

. Senate Bill 0957 is a matter of individuals not wanting to dedicate their entire life to funeral service. Instead, the proponents of the bill are trying to find a short-cut to achieve the benefits of what has taken those of us in the profession a lifetime to accomplish.

. Maryland's funeral home industry is meticulously regulated to protect the best interests of families while fostering a competitive and robust market. For-Profit funeral homes-especially those with decades of trusted service-have demonstrated their ability to provide affordable, compassionate care under rigorous standards. The proposed shift toward not-for-profit models threatens to disrupt this delicate balance by potentially compromising consumer protections, reducing employment opportunities, and inadvertently driving up costs. With careful oversight already ensuring that current practices meet the highest benchmarks, it is clear that the existing structure best serves Maryland's families.

Thank you,

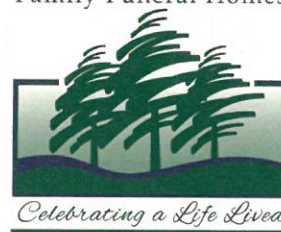
Earl L. Canapp, CFSP

Maryland State Funeral Directors Association

2025 testimony Not for Profit FH opposition.pdf

Uploaded by: Holly McComas

Position: UNF



**Opposition Testimony Before the Maryland Legislature
Regarding Senate Bill 0957 and House Bill 1051**

**Presented by Holly K. McComas, McComas Funeral Home, P.A. Date: February 25, 2025
(Senate Finance Committee) & March 7, 2025 (House Health Government Occupations
Committee)**

Chairperson, Members of the Committee,

Thank you for the opportunity to provide testimony in opposition to Senate Bill 0957 and House Bill 1051, which propose to allow the establishment of not-for-profit funeral homes in Maryland. While the stated intent of these bills is to expand funeral service options and affordability, there are significant concerns that merit the Legislature's careful consideration.

1. Maryland's Funeral Home Market Already Ensures Affordability & Competition

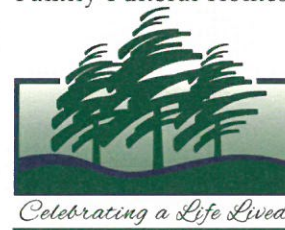
- Maryland funeral homes currently offer pricing that is competitive and often below the national average. This demonstrates that for-profit funeral homes are already balancing financial viability with affordability.
- The introduction of not-for-profit funeral homes risks altering market dynamics in a way that could drive up long-term costs rather than reduce them.
- There is no strong indication of widespread public dissatisfaction with existing funeral services, making the necessity of this legislation unclear.

2. Regulatory & Consumer Protection Concerns

- Maryland funeral directors have voiced significant concerns regarding the potential for religiously affiliated not-for-profit organizations to operate funeral homes and crematories while seeking religious exemptions from key regulations.
- If such exemptions were granted, it would create an unfair competitive advantage, weakening the regulatory framework designed to protect consumers and ensure public health and safety.
- The closure of Heaven Bound Cremation Services in Charles County due to mismanagement and financial instability serves as a cautionary example of why rigorous oversight and financial stability are crucial in this industry.

3. Risk of Lower Standards and Financial Instability

- For-profit funeral homes are required to meet strict consumer protection laws, ensuring high-quality service, transparency, and accountability.
-
-



- Not-for-profit funeral homes may lack the financial resilience necessary to sustain long-term operations, particularly in high-cost areas like Montgomery County. Financial instability could lead to reduced service quality or hidden costs for families.
- Without licensed funeral director/mortician ownership accountability, not-for-profit funeral homes could become susceptible to mismanagement or ethical concerns, jeopardizing consumer trust.

4. Economic & Employment Impacts

- For-profit funeral homes contribute significantly to Maryland's economy through taxes and job creation. The transition to a not-for-profit model could diminish tax revenues and employment opportunities in the funeral services sector.
- The majority of Maryland's existing funeral homes are long-standing businesses that provide stable jobs and are integral parts of their communities. The McComas Funeral Home was established in 1808, 217 years ago. We currently employ 14 full time and over 51 part time employees. Disrupting this economic fabric could have unintended consequences for both employees and local economies.
- Many local for-profit businesses give back to their communities, both financially and through volunteer efforts. These contributions support local charities, community programs, and public initiatives. In contrast, not-for-profit businesses do not provide the same level of community reinvestment, which could place additional financial burdens on the government to increase funding for local nonprofits.

5. Lack of Compelling Evidence Supporting This Bill

- There is no comprehensive research or data demonstrating an unmet need for not-for-profit funeral homes in Maryland.
- The bill does not account for the perspectives of faith-based groups that have successfully partnered with existing funeral homes for decades.
- Maryland's existing regulatory framework has been upheld in federal court (*Brown III v. Hovatter*, 2009) as a reasonable and effective means of ensuring accountability in the funeral services industry.

6. Serious Concerns Regarding Licensing and Accountability

- Senate Bill 0957 and House Bill 1051 would allow unlicensed individuals to operate funeral homes, violating Section 7-309 of the Maryland Health Occupations Code.
- The Maryland Legislature has previously restricted funeral home ownership to licensed professionals for valid public health and consumer protection reasons.
-

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mccomasfuneralhome.com

- Not-for-profit entities have no owners or shareholders, and their governance structures can include individuals with no training in mortuary science.
- The proposed legislation would open the door for individuals with criminal histories to establish and control funeral establishments, posing risks to consumer funds and operational integrity.
- *If individuals wish to own and operate a funeral home, they can pursue proper education, training, and licensure, rather than bypassing established professional requirements through this proposed legislation.*

Conclusion: Preserve Maryland's Strong Consumer Protections and Economic Stability

- Maryland's funeral home industry is already well-regulated to protect families while fostering competition and affordability.
- The proposed shift toward not-for-profit funeral homes threatens to introduce financial instability, reduce accountability, and create unnecessary disruptions in an industry that has successfully served Maryland residents for generations.
- Given the absence of compelling evidence supporting this bill and the significant risks associated with its passage, we strongly urge the Legislature to oppose Senate Bill 0957 and House Bill 1051.

Thank you for your time and consideration.

Respectfully submitted,

A handwritten signature in black ink that reads "Holly K. McComas". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Holly K. McComas
7th Generation Funeral Director, Est. 1808

McComas Funeral Home

1317 Cokesbury Road

Abingdon, MD 21009

(410)688-6746 cell

(410)676-4600 funeral home

Maryland HB1051 and SB0957 Opposition Letter.pdf

Uploaded by: Jonathan Holloway

Position: UNF

501 Snow Hill Road
Salisbury, MD 21804
(410) 742-5141



107 Vine Street
Pocomoke City, MD 21851
(410) 957-0224

February 21, 2025

**Committee on Health and Government Operations
Maryland House of Delegates**

6 Bladen Street
Annapolis, MD 21401

**Committee on Finance
Maryland Senate**

11 Bladen Street
Annapolis, MD 21401

Subject: Opposition to House Bill 1051 and Senate Bill 957

Dear Members of the Maryland General Assembly,

I am writing to express my strong opposition to House Bill 1051 and Senate Bill 957, which propose allowing not-for-profit organizations to obtain licensure as funeral establishments in the State of Maryland. As a funeral service professional and owner of a funeral home that has been serving our community for 142 years, I am deeply concerned about the unintended consequences these bills would have on consumer protection, fair competition, and the integrity of funeral services in our state.

The funeral service profession is highly regulated to ensure that families receive dignified and ethical care during some of the most difficult moments of their lives. Introducing not-for-profit entities into the industry creates an unfair regulatory imbalance, as these organizations would not be subject to the same financial responsibilities, tax obligations, and operational constraints as private funeral homes. Traditional funeral homes, which invest significantly in staff training, facilities, and compliance with state and federal laws, would be placed at a distinct disadvantage if these bills were enacted.

Furthermore, the inclusion of not-for-profit organizations in funeral services raises concerns about transparency, consumer choice, and accountability. Unlike traditional funeral homes, these organizations may operate with different financial structures that could limit oversight and create inconsistencies in service quality. Additionally, allowing not-for-profits to enter the industry could lead to predatory pricing models that ultimately harm small, family-owned businesses that have served Maryland families for generations.

The Maryland funeral profession has long upheld the highest standards of service, ensuring that families receive compassionate care without unnecessary financial pressures. I urge you to reject HB 1051 and SB 957 to maintain the integrity of our profession and protect Maryland consumers.

Thank you for your time and consideration. I welcome any further discussion on this matter and am available for testimony if needed.

Sincerely,

Jonathan R. Holloway

Maryland Mortician License #: M01897

Jonathan@HollowayFH.com

20250221111249248.pdf

Uploaded by: Matt Levinson

Position: UNF

February 21, 2025

Dear Finance Committee,

I am writing to express my strong opposition to Senate Bill 0957 (2025), which seeks to allow not-for-profit corporations to own and operate funeral establishments in Maryland. While I understand the intent to provide affordable funeral services, I have significant concerns that this bill could cause problems for both consumers and the funeral industry.

Here are the main reasons for my opposition:

1. **Unlicensed Funeral Homes Will Cause Problems:** Allowing unlicensed individuals to own and operate funeral homes could lead to serious issues, as we have seen in other states like Colorado. In Colorado, where unlicensed operators were allowed to open funeral homes, there have been significant problems with mismanagement, poor consumer protection, and lack of regulatory oversight. These issues resulted in harm to consumers and created an unstable environment in the funeral service industry. Maryland should not take a step backward by allowing similar problems to occur here. For example: <https://www.npr.org/2024/01/12/1224371053/colorado-funeral-home-bodies-maggots-fluids>
2. **Risk to Consumer Funds:** The bill would allow unlicensed individuals to manage pre-need funeral funds, a significant financial responsibility. The potential mismanagement of these funds by non-licensed individuals poses a serious risk to consumers and undermines public trust in the funeral service industry. Consumers entrust funeral homes with substantial amounts of money for future services, and we cannot afford to jeopardize those funds by allowing individuals without the necessary training and oversight to manage them.
3. **Availability of Low-Cost Providers:** Maryland already has many funeral homes that provide competitive and affordable services. Funeral providers across the state offer a wide range of pricing options, including low-cost choices, which ensures that families can access affordable services without the need for new, unlicensed funeral homes to enter the market. The current system is already functioning well, with established providers meeting the needs of the community.

4. **The State Board's Current Transition:** The Maryland State Board of Morticians and Funeral Directors is currently undergoing a period of transition. Given this, I believe now is not the time to allow more funeral homes to open without proper funeral service experience. The board's focus should be on enhancing its ability to oversee and regulate the existing funeral homes in the state, rather than expanding the industry to include unlicensed operators. It is essential to strengthen the board's oversight to ensure that the high standards we currently expect in funeral service continue to be met.

For these reasons, I respectfully urge you to oppose Senate Bill 0957 (2025). Allowing unlicensed individuals to operate funeral homes would introduce unnecessary risks, increase the burden on the already transitioning state board, and could create problems similar to what has been seen in other states. Additionally, the mismanagement of consumer funds by unlicensed operators is a significant concern that must not be overlooked. Instead, the focus should be on improving oversight and support for the established funeral homes that are already serving Maryland families.

Thank you for your time and consideration. I would be happy to discuss these concerns further should you have any questions or need additional information. If so, please give me a call on my personal number, 410-456-0002.

Sincerely,

Matt Levinson

Matt Levinson, President

Sol Levinson Funeral Services

8900 Reisterstown Road, Pikesville, MD 21208

410-653-8900

VCM Testimony SB0957.pdf

Uploaded by: Victor March Sr

Position: UNF



February 21, 2025

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

**Re: OPPOSITION to Senate Bill 0957 – Not-for-Profit Funeral
 Establishments**

Dear Chairwoman Beidle, Vice-Chair Hayes, and Members of the Senate Finance Committee:

My name is Victor C. March, and I am the Chief Executive Officer of March Funeral Home East, Inc., March Funeral Home West, Inc., March-Life Tribute Center - P.A. - Randallstown, March Life Tribute Center – Laurel, P.A., Marshall-March Funeral Home of Maryland, Inc., Marshall-March Funeral Home LLC, March Funeral Homes of Virginia, Inc., and King Memorial Park, Inc. Our companies employ more than 130 employees in Maryland throughout Baltimore City, Baltimore County, and Prince George's County.

I write to express my **STRONG OPPOSITION** to **Senate Bill 0957**.

Senate Bill 0957 is a violation of Health Occupations Article §7-309

As the past president of the Maryland Board of Morticians and Funeral Directors, I am knowledgeable of the regulations pertaining to funeral service in Maryland. Not-for-profit corporations do not have owners. Not-for-profit corporations have a Board of Directors that direct, control, and operate the Not-for-profit corporation. Senate Bill 0957 would permit individuals, uneducated and untrained in funeral service, to control and operate a funeral establishment and their respective preneed funds in Maryland, to the severe detriment of the Maryland consumer. Health Occupations 7-309 of the Annotated Code of Maryland is written to intentionally restrict ownership of funeral establishments to individuals educated and trained in funeral service in order to protect the consumer. Health Occupations Article §7-309 restricts ownership of funeral establishments to (1) licensed funeral directors and morticians, (2) executor licensees, (3) spousal licensees, and (4) corporate licensees in existence prior to 1946, who have continually renewed their license. Senate Bill 0957 attempts to dismiss the protections to the consumer contained in Health Occupations Article §7-309 and unnecessarily exposes the Maryland consumer to unnecessary risks of unlicensed individuals uneducated and untrained in funeral service to control and operate a funeral establishment through the guise of a Not-for-Profit corporation.

Senate Bill 0957 will cause the price of the average funeral to increase in Maryland.

If Senate Bill 0957 is passed, Not-for-profit funeral establishments will be allowed to unfairly compete with For-profit funeral establishments. There are a finite number of funerals each year. If Not-for-Profit corporations and For-profit funeral establishments must compete for the same volume of funeral business each year, there will be a decline in the case volume at a For-Profit funeral establishment. Declining case volume will have a snowball effect and require management of For-

Profit funeral homes to either (a) increase prices to service their existing debt structure, or (b) necessitate the reduction in work force, through layoffs, or both. Senate Bill 0957 will not only harm the consumer, but it will injure numerous individuals who work in funeral service in Maryland and their families.

Senate Bill 0957 will decimate my family's investment of \$750,000 in three corporate licenses, and every other Marylander's investment in corporate licenses.

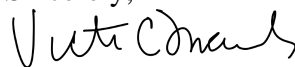
As a family of funeral service providers in Maryland who have had to work hard, plan, and save our money to purchase three corporate licenses in effect since 1946, We are abhorred at the possibility that Senate Bill 0957 could erase from our balance sheet the years of investment to acquire a corporate license, which has a market value of no less than \$250,000.00 each. Many Maryland family owned and operated funeral service corporations carry their corporate licenses as an asset on their balance sheets to assist with financing and investment in new vehicles, infrastructure, and improvements to quality facilities consumers of funeral service have come to expect. If Senate Bill 0957 were to pass, my family would immediately lose \$750,000 from our balance sheet. Senate Bill 0957 could potentially create devastating financial losses for many Maryland corporate licensees from which they may never recover.

Senate Bill 0957 relaxes current regulatory standards, which unnecessarily exposes the Maryland consumer to potential negligence and risk of harm.

Corporations, by their very nature, are structured to prevent liability to the owners and operators of the corporate entity. Senate Bill 0957 would relax the regulatory standards of Title 7 of Health Occupations and permit unlicensed individuals to control the operations of a funeral establishment under the guise of being Not-for-profit. Individuals with a criminal history can form a Not-for-Profit Corporation to own a funeral establishment and sit on the Board of Directors. Does Maryland really want such individuals controlling hundreds of thousands of dollars in Pre-Need revenue? We must ask what risk does the Not-for-Profit Corporation pose to the Maryland Consumer? The Not-for-Profit status of a corporation is not a compelling reason to overturn Health Occupations §7-309 and allow individuals, unlicensed and uneducated in funeral service, to control and run a funeral establishment and subsequent Pre-need monies collected from Marylanders. The lack of education, training, and licensure by individuals who desire to open and run a Not-for-Profit funeral establishment unnecessarily exposes Marylanders to a greater risk of negligence, injury, and harm. The laws of Maryland should protect the consumer and their families, not place them in harm's way.

My written testimony is not intended to be an exhaustive list of the numerous reasons Senate Bill 0957 is dangerous to the Maryland consumer of funeral and death care services. Please accept the enclosed testimony as just a few of the reasons why **I STRONGLY OPPOSE Senate Bill 0957 (2025)**. I wish I could be present to testify against Senate Bill 0957, but I am unable to attend the hearing due to an unavoidable conflict in my schedule. My brother Erich March, President of March Funeral Homes, plans to testify on behalf of our companies. If there are any questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Victor C. March".

Victor C. March

President/CEO

E-mail: vmarch@marchfh.com

Telephone: (410) 435-0500

MSFDA SB0957 Position 20250221.pdf

Uploaded by: Walter Nathan Malloy Jr.

Position: UNF



Maryland State Funeral Directors Association, Inc.

519 Mabe Drive, Woodbine, MD 21797

Phone: 410-553-7706

Email: msfda@msfda.net ▪ Web Site: www.msfda.net

Senate Bill 0957 (2025)

Morticians and Funeral Directors – Not-For-Profit Funeral Establishments

Position of the Maryland State Funeral Directors Association, Inc.: UNFAVORABLE

- Since 1919 The Maryland State Funeral Directors Association Inc. has been dedicated to professionalism, integrity, and the highest ethical standards in funeral service in Maryland.
- Senate Bill 0957 (2025) seeks to inappropriately relax regulatory standards and set aside years of legislation specifically enacted to protect the consumers of Maryland.
- Funeral Service is a profession, not a hobby. It is not a profession individuals should enter whimsically. Professional funeral service requires years of education, training and commitment before licensure. Senate Bill 0957 seeks to remove the requirement of years of education, training, criminal background checks, licensure and commitment required to operate a funeral establishment in Maryland.
- Funeral Service Professionals undergo, at minimum, 2-3 years of education in mortuary sciences, business management, mortuary and business law, ethics, and federal and state regulations. Funeral Service Professionals dedicate their lives to ensuring the highest standards of professionalism and integrity.
- Senate Bill 0957 (2025) attempts to disavow the consumer protections created in 1981 by Health Occupations Article §7-309 of the Annotated Code of Maryland, which states in pertinent part, that a corporation may not operate a mortuary science business and the Board may not issue a license to or list any corporation as licensed to operate a mortuary science business” unless the corporation held a license on June 1, 1945, and it has been continually renewed since June 1, 1945.¹
- The State of Maryland’s right to restrict ownership of funeral establishments to (1) licensed funeral directors and morticians, (2) executor licensees, (3) spousal licensees, and (4) corporate licensees in existence on June 1, 1945, who have continually renewed their license is within the police powers of the State of Maryland.
- Unlicensed individuals, desiring to own a funeral establishment in Maryland, challenged the restrictions contained in Health Occupations Article §7-309 in federal court. The US

¹ Added as Health Occupations § 6-309 by Acts 1981



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Court of Appeals for the 4th Circuit ultimately ruled in *Brown III, et. al. v. Hovateer, et. al.* in 2009,

“In sum, any individual may practice mortuary science in Maryland, own a funeral establishment in Maryland, or own the stock of a grandfathered corporation holding a Maryland license to operate a funeral establishment. The only restrictions that are imposed by the Morticians Act relate to professional education, experience, and accountability. Thus, entry into the Maryland funeral services market is limited only by the choices of the individual as to how best to allocate his or her time and resources.”²

- The US Court of Appeals for the Fourth Circuit explained in *Brown III*, [the] “Maryland General Assembly had a rational basis for believing that “limiting funeral home licenses to licensed individuals would foster a greater degree of accountability to regulators than would the continued licensing of corporations, which are inherently designed to limit the personal responsibility of owners. That rational legislative judgment could reasonably be expected to yield putative benefits by allowing the [Morticians'] Board to better ‘protect the health and welfare of the public.’”
- Not-for-profit corporations do not have owners. There are no owners, licensed or otherwise, to hold accountable for negligent acts. Corporations are created specifically for the purpose of limiting liability. As the court in *Brown III* noted, “limiting funeral home licenses to licensed individuals would foster a greater degree of accountability to regulators than would the continued licensing of corporations, which are inherently designed to limit the personal responsibility of owners”.³ (See Attached)
- Not-for-profit corporations are controlled and governed by a Board of Directors. Individuals with a criminal history can, and often do, form Not-for-Profit entities. Individuals with a criminal history can start a Not-for-Profit and serve on the Board of Directors of the Not-for-profit corporation. Does Maryland really want unlicensed individuals, who have not been educated or trained in funeral service, to run and control funeral establishments?
- Does Maryland really want unlicensed individuals who have not been educated or trained in funeral service to control hundreds of thousands, even millions of dollars, in pre-need funds? In theory this bill would allow anyone, including individuals with a criminal past,

² *Brown III v. Hovatter*, Docket 08-1121, 08-1125, (US Court of Appeals, 4th Circuit), (March 27, 2009).

³ *Id.*



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to form a Not-for-Profit and own a funeral establishment as long as they hire a supervising mortician.

- Senate Bill 0957 attempts to undo the safeguards specifically created to protect the consumer through years of legislation. Senate Bill 0957 would enable unlicensed individuals, uneducated in funeral service, mortuary sciences, business management, and mortuary laws, to own and operate funeral establishments.
- Under Senate Bill 0957, will allow those same unlicensed individuals to control hundreds of thousands of dollars, even millions, in money received from consumers in the form of pre-need deposits, without having passed a background check, taken an accounting class, or even passed the mortuary law exam in the State of Maryland.
- Senate Bill 0957 will cause the price of the average funeral to increase in Maryland. Senate Bill 0957 will allow Not-for-profit funeral establishments to unfairly compete with For-profit funeral establishments. There are a finite number of funerals each year. If Not-for-Profit corporations and For-profit funeral establishments must compete for the same volume of funeral business each year, there will be a decline in the case volume at a For-Profit funeral establishment. Declining case volume will have a snowball effect and require management of For-Profit funeral homes to either (a) increase prices to service their existing debt structure, or (b) necessitate the reduction in work force, through layoffs, or both. Senate Bill 0957 will not only harm the consumer, but it will injure numerous individuals who work in funeral service in Maryland and their families.
- Senate Bill 0957 Will Decimate Pre-existing Corporate Establishment's Investment In Corporate Licenses. Senate Bill 0957 could erase from the balance sheet the \$250,000 plus in financial investment to acquire a corporate license. Many Maryland family owned and operated funeral service corporations carry their corporate licenses as an asset on their balance sheets to assist with securing financing to invest in new vehicles, infrastructure, and improvements to facilities consumers of funeral service have come to expect. Senate Bill 0957 could create devastating financial losses for many Maryland corporate licensees, from which they may never recover.

The reasons why the MSFDA opposes Senate Bill 0957 are too numerous to list. Many members have expressed their opposition to Senate Bill 0957 separately to the Committee. For the foregoing reasons, the Maryland State Funeral Directors Association, Inc. opposes Senate Bill 0957.

(Please read the attached *Brown III v. Hovatter* Case from the US Court of Appeals for the Fourth Circuit, 2009).

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BROWN III v. HOVATTER (2009)

United States Court of Appeals, Fourth Circuit.

Charles BROWN; Joseph B. Jenkins, III; Brian Chisholm; Gail Manuel, Plaintiffs-Appellants, v. David HOVATTER; Faye Peterson; Michael Ruck, Sr.; Gladys Sewell; Donald V. Borgwardt; Marshall Jones, Jr.; Michael Kruger; Brian Haight; Robert Bradshaw; Jeffrey Pope; Vernon Strayhorn, Sr., in their official capacities as members of the Maryland State Board of Morticians, Defendants-Appellees.

Charles Brown; Joseph B. Jenkins, III; Brian Chisholm; Gail Manuel, Plaintiffs-Appellees, v. David Hovatter; Faye Peterson; Michael Ruck, Sr.; Gladys Sewell; Marshall Jones, Jr.; Michael Kruger; Donald V. Borgwardt; Robert Bradshaw; Jeffrey Pope; Brian Haight; Vernon Strayhorn, Sr., in their official capacities as members of the Maryland State Board of Morticians, Defendants-Appellants.

Nos. 08-1121, 08-1125.

Decided: March 27, 2009

Before NIEMEYER, TRAXLER, and SHEDD, Circuit Judges.

ARGUED: Clark Neily, Institute for Justice, Arlington, Virginia, for Appellants/Cross-Appellees. Steven Marshall Sullivan, Office of the Attorney General of Maryland, Baltimore, Maryland, for Appellees/Cross-Appellants. **ON BRIEF:** William H. Mellor, Jeffrey T. Rowes, Institute for Justice, Arlington, Virginia, for Appellants/Cross-Appellees. Douglas F. Gansler, Attorney General of Maryland, Kathleen A. Ellis, Assistant Attorney General, Grant D. Gerber, Assistant Attorney General, Office of the Attorney General of Maryland, Baltimore, Maryland, for Appellees/Cross-Appellants.

OPINION

Charles Brown, Joseph Jenkins, Brian Chisholm, and Gail Manuel, who refer to themselves as “funeral and cemetery entrepreneurs,” commenced this action to strike down as unconstitutional the Maryland Morticians and Funeral Directors Act (the “Morticians Act”), Md. Health Occ.Code § 7-101 et seq. They contend that the Act, insofar as it prohibits corporate ownership of mortician's licenses and funeral establishments (except for 58 corporations grandfathered into the Act in 1945) and unlicensed individual ownership of funeral establishments (except for surviving spouses and executors of licensed morticians), violates the Equal Protection Clause, the Due Process Clause, and the dormant Commerce Clause of the U.S. Constitution. They argue: “Effectively shielded from most out-of-state competition, Maryland funeral industry members profit handsomely from the most blatantly anti-competitive funeral regulation in the nation, [effectively] add[ing] nearly \$800 to the cost of a funeral in Maryland.” (Internal quotation marks and record references omitted). They claim that they are unable to participate equitably in Maryland's funeral industry because of Maryland's anticompetitive restrictions on funeral establishment ownership.

The district court, ruling on motions for summary judgment, concluded that the Morticians Act did not violate either the Equal Protection Clause or the Due Process Clause, but that it did violate the dormant Commerce Clause. In support of its dormant Commerce Clause ruling, the court said that the Act's “corporate [ownership] prohibition severely limits the ability of out-of-state businesses from opening a funeral home in Maryland.” The parties filed cross-appeals.

For the reasons that follow, we affirm the district court's conclusions with respect to the Equal Protection Clause and the Due Process Clause for substantially the same reasons given by the district court. And because Maryland's licensing requirements do not unjustifiably burden interstate commerce, we reverse the district court's dormant Commerce Clause ruling. At bottom, we conclude that the Morticians Act is constitutional as to each of the plaintiffs' challenges.

The Morticians Act requires individuals who wish to “practice mortuary science in [Maryland],” to be licensed by the Maryland State Board of Morticians. Md. Health Occ.Code § 7-301(a). To qualify for a license, an individual must be of good moral character; must have completed an apprenticeship; must have a specified educational background; and must have passed national and Maryland examinations. Id. § 7-303(b).

The Act also requires any individual who owns a “funeral establishment” to license the establishment, i.e., “building, structure, or premises from which the business of practicing mortuary science is conducted.” Id. §§ 7-310, 7-101(h). Unlicensed individuals may not own a funeral establishment, except for spouses and executors of deceased licensed individuals. Id. §§ 7-310(c)(2), 7-308, 7-308.1.

Corporations, except those grandfathered in as of 1945, may not be licensed as morticians or funeral directors, id. § 7-309, and may not own a funeral establishment, see id. § 7-310. Under the grandfather clause, enacted in 1945, a corporation, that held a license on June 1, 1945, that has been continually renewed, may own and operate a funeral establishment and continue to do so as long as the corporation exists, provided that “any practice of mortuary science that is conducted for the corporation is practiced by a licensed individual.” Id. § 7-309(b), (d). The parties agree that there are 58 corporations grandfathered under § 7-309(b), that are licensed to engage in the business or profession of “funeral directing or embalming,” allowing them to own and operate funeral establishments, and the stock of these corporations is freely transferable by its owners. Currently, the stock of 3 of the 58 corporations remains in the hands of the original owners, and the stock of 30 of those corporations is held by out-of-state public corporations and national chains. The plaintiffs claim that it can cost up to \$250,000 to purchase the stock of a corporation grandfathered to hold a license.

The four plaintiffs wish to own and operate funeral establishments through the corporate form without being individually licensed. Brown is a Maryland resident who owns a cemetery in Hagerstown, Maryland, and who built a funeral home that is now operated by his son. Because Brown is not licensed under the Morticians Act, he cannot own the funeral home he built, but he would like to do so through a corporation.

Jenkins is a Maryland resident who is licensed as a mortician. He is the supervising mortician of a funeral establishment in Prince George's County, Maryland, which was built by his family. He indicates that he would like to own his own funeral establishment through a corporation. He asserts that he cannot afford to buy the stock of a grandfathered corporation that owns a license because the going rate is “up to \$250,000.”

Chisholm is a former Maryland resident who now resides in Florida. He is licensed by Maryland as a mortician and owns a licensed funeral establishment in Timonium, Maryland. Since relocating to Florida in 2005, he states that his business has been operated by a “subcontractor . as the supervising mortician.” He would like to expand his funeral business in Maryland as an “ordinary business corporation.”

Manuel is a Maryland resident who, through a corporation, owns a cemetery in Waldorf, Maryland. Although she is not a licensed mortician, Manuel would like to own and operate, through a corporation, a funeral establishment on the grounds of her cemetery because “owning a business through a corporation is the best way to operate.” She states, however, that her plans cannot include paying the “exorbitant price, as much as \$250,000,” for the stock of a grandfathered corporation.

In short, each of the plaintiffs wants to engage in the practice of mortuary science through a corporation, and two wish to do so without becoming individually licensed. Therefore each is challenging Maryland's right to bar corporations from being licensed as morticians and owning licensed funeral establishments and to require the owner of a funeral establishment to be a “licensed individual.”

The plaintiffs commenced this action against the Maryland State Board of Morticians and Funeral Directors (“Maryland”) to declare the restrictions unconstitutional and to enjoin their enforcement. In their complaint, the plaintiffs allege that they have been denied equal protection of the law, in violation of the Equal Protection Clause of the Fourteenth Amendment, because there is no rational reason why they are not permitted to own funeral homes either through a corporate form when grandfathered corporations can do so or as unlicensed individuals when surviving spouses and executors can do so. They also contend that the Morticians Act denies them the right “to earn an honest living in the occupation of their choice by imposing restrictions on the ownership of funeral homes that are not rationally related to any legitimate public purpose,” in violation of the Due Process Clause of the Fourteenth Amendment. Finally, they allege that but for Maryland's restrictions on corporate and unlicensed individual ownership of funeral homes, persons and companies outside of the State “would pursue funeral home business opportunities in Maryland that they are not currently pursuing because of the restriction[s]. This substantial barrier to entry into the Maryland funeral home industry imposes an undue burden on interstate commerce in comparison with the legitimate local interests protected by the law, which in fact are none” and that therefore the restrictions on corporate and unlicensed individual ownership violate the dormant Commerce Clause.

On cross-motions for summary judgment, the district court rejected the plaintiffs' challenges to the Morticians Act under the Equal Protection and Due Process Clauses, concluding that “the Maryland General Assembly could have rationally determined that the public's health, safety and welfare are furthered by requiring that a licensed mortician own the funeral home where mortuary science is practiced.”

The court, however, sustained the plaintiffs' challenge to the Act's corporate ownership prohibition under the dormant Commerce Clause, concluding that it is "a protectionist piece of legislation" that is "clearly anti-competitive." The court reasoned:

The corporate prohibition severely limits the ability of out-of-state businesses from opening a funeral home in Maryland. Even if one of the fifty-eight licenses does become available, a prospective out-of-state purchaser must pay an inflated price for the license. The undisputed record in this case indicates that these burdens are intolerable and clearly excessive in relation to any benefits proffered by [Maryland].

The district court also held that the Morticians Act's requirement that funeral establishments be owned by licensed individuals was not properly challenged under the dormant Commerce Clause and that Maryland could require corporations wishing to own funeral establishments to be themselves owned by licensed funeral directors or morticians.

The plaintiffs appeal from the portion of the district court's judgment upholding the Maryland Morticians Act against equal protection and due process challenges, as well as the court's refusal to consider the licensed individual ownership requirement under the dormant Commerce Clause. And Maryland appeals from the portion of the judgment ruling that the corporate ownership restriction of the Morticians Act violates the dormant Commerce Clause. Because the district court struck down the Morticians Act under the dormant Commerce Clause, we begin our analysis by addressing that issue.

II

The plaintiffs claim the following to support their argument that the Morticians Act's restrictions on corporate and unlicensed individual ownership of funeral establishments violate the dormant Commerce Clause: (1) that as a result of the restrictions, "the rate of out-of-state investment in the Maryland funeral industry is significantly lower than it would be absent the challenged restrictions"; (2) that the restrictions effectively exclude out-of-state funeral industry entrepreneurs "from the Maryland funeral market, despite their strong desire to enter it," because "the only practical way for out-of-state investors to own funeral homes in Maryland is through corporate ownership"; and (3) that "Maryland funeral industry insiders fought indefatigably for over a decade to prevent the General Assembly from eliminating these restrictions that suppress competition and supply the industry [in Maryland] with windfall profits." They conclude that in these ways the restrictions "impose significant burdens on interstate commerce without any countervailing public benefits," in violation of the dormant Commerce Clause.

Maryland responds that the restrictions on corporate and unlicensed individual ownership do not burden interstate commerce, “even if [they] result[] in greater costs or inefficiencies for certain companies.” It notes that “differences between Maryland's concededly ‘even handed’ and nondiscriminatory corporate licensure statute and the laws of other states are to be expected, and should not be mistaken for a ‘burden’ on interstate commerce.” Maryland argues that the restrictions on funeral establishment ownership are rationally justified because the use of corporations “causes such business to be owned by people who do not know anything about” the business and because the restrictions foster a greater degree of accountability to regulators. It claims that the Maryland General Assembly had a rational basis for believing that “limiting funeral home licenses to licensed individuals would foster a greater degree of accountability to regulators than would the continued licensing of corporations, which are inherently designed to limit the personal responsibility of owners.

That rational legislative judgment could reasonably be expected to yield putative benefits by allowing the [Morticians'] Board to better ‘protect the health and welfare of the public.’ ” (Quoting Md. Health Occ.Code § 7-103).

The Commerce Clause states, “The Congress shall have Power . To regulate Commerce . among the several States,” U.S. Const. art. I, § 8, cl. 3, and it is well-established that this affirmative grant of authority implies a “negative” or “dormant” constraint on the power of the States to enact legislation that interferes with or burdens interstate commerce. See *Dennis v. Higgins*, 498 U.S. 439, 447, 111 S.Ct. 865, 112 L.Ed.2d 969 (1991) (“It is also clear, however, that the Commerce Clause does more than confer power on the Federal Government; it is also a substantive restriction on permissible state regulation of interstate commerce” (internal quotation marks and citation omitted)); *Healy v. Beer Inst.*, 491 U.S. 324, 326 n. 1, 109 S.Ct. 2491, 105 L.Ed.2d 275 (1989) (“This Court long has recognized that this affirmative grant of authority to Congress also encompasses an implicit or ‘dormant’ limitation on the authority of the States to enact legislation affecting interstate commerce”). As the Supreme Court recently observed, “The modern law of what has come to be called the dormant Commerce Clause is driven by concern about economic protectionism—that is, regulatory measures designed to benefit in-state economic interests by burdening out-of-state competitors.” *Dep't of Revenue of Ky. v. Davis*, ---U.S. ---, ---, 128 S.Ct. 1801, 1808, 170 L.Ed.2d 685 (2008) (internal quotation marks and citation omitted). The dormant Commerce Clause walks a narrow path leading courts to “rebuff[] attempts of states to advance their own commercial interests by curtailing the movement of articles of commerce, either into or out of the state, while generally supporting their right to impose even burdensome regulations in the interest of local health and safety.” *H.P. Hood & Sons, Inc. v. Du Mond*, 336 U.S. 525, 535, 69 S.Ct. 657, 93 L.Ed. 865 (1949). Thus, not all economic harms or anticompetitive choices are remedied through the application of the dormant Commerce Clause, but rather only those that unjustifiably burden inter-state commerce.

The analysis for determining whether a state law violates the dormant Commerce Clause proceeds on two tiers. On the first tier, it inquires whether the state law discriminates against interstate commerce. Unless discrimination is demonstrably justified by a factor

unrelated to economic protectionism, a “discriminatory law is virtually per se invalid.” Davis, 128 S.Ct. at 1808 (internal quotation marks and citation omitted); see also *Yamaha Motor Corp., U.S.A. v. Jim's Motorcycle, Inc.*, 401 F.3d 560, 567 (4th Cir.2005). If there is no discrimination, a court will consider on the second tier whether the state laws “unjustifiably . burden the interstate flow of articles of commerce.” *Oregon Waste Sys., Inc. v. Dep't of Env'tl. Quality of Oregon*, 511 U.S. 93, 98, 114 S.Ct. 1345, 128 L.Ed.2d 13 (1994); see also *Yamaha*, 401 F.3d at 567. In addressing whether a state law unjustifiably burdens interstate commerce, the courts generally apply the so-called Pike test, under which the challenged law “will be upheld unless the burden imposed on [interstate] commerce is clearly excessive in relation to the putative local benefits.” *Pike v. Bruce Church, Inc.*, 397 U.S. 137, 142, 90 S.Ct. 844, 25 L.Ed.2d 174 (1970).

In this case, no contention is made that the Morticians Act discriminates against interstate commerce, and the district court concluded that there was no evidence of any discriminatory purpose. Rather, the issue presented is whether the corporate and individual licensure restrictions in the Morticians Act burden interstate commerce, and, if so, whether the burden is “clearly excessive” and not justified by putative local benefits. We begin that inquiry by identifying the commerce implicated and how the Morticians Act purportedly burdens it.

The Morticians Act regulates the practice of mortuary science in Maryland, which includes the operation of funeral establishments, the preparation of dead bodies for disposition, and the arrangement for final disposition of dead bodies. See Md. Health Occ.Code §§ 7-301(a), 7-302, 7-101(p),(q). The practice of mortuary science is inherently a local profession, typically used by relatives to have the bodies of dead family members prepared for burial or other disposition and to provide a facility for visitation, mourning, and services. Indeed, other than providing out-of-state caskets, which are not in any way regulated by the Morticians Act, the service provided through the practice of mortuary science begins and ends within the State.

In licensing the profession and the establishments at which it is practiced, the Maryland Morticians Act does not purport to regulate activity outside of Maryland, and it focuses only on the services provided in Maryland at a funeral establishment in Maryland. Importantly, the regulation does not address, nor thereby affect, the flow of any goods or articles of commerce across state lines. The regulation concerns itself only with the provision of services from a physical establishment in the State. Thus, the Morticians Act purports to regulate an industry that is inherently local, not interstate, in nature.

Moreover, the Morticians Act does not treat persons from out-of-state any differently than persons in-state. Any person-out-of-state or in-state may obtain a license to practice mortuary science and own and operate a funeral establishment in Maryland, and there is no limit on the number of licenses that the State may issue. Likewise, with respect to the 58 grandfathered corporations owning licenses, any person

or corporation, out-of-state or in-state, may own the stock. Indeed, over one-half of the grandfathered corporations are owned by publicly-held out-of-state corporations.

In sum, any individual may practice mortuary science in Maryland, own a funeral establishment in Maryland, or own the stock of a grandfathered corporation holding a Maryland license to operate a funeral establishment. The only restrictions that are imposed by the Morticians Act relate to professional education, experience, and accountability. Thus, entry into the Maryland funeral services market is limited only by the choices of the individual as to how best to allocate his or her time and resources.

The dormant Commerce Clause is implicated by burdens placed on the flow of interstate commerce—the flow of goods, materials, and other articles of commerce across state lines. See *Oregon Waste Sys.*, 511 U.S. at 98, 114 S.Ct. 1345 (stating that the dormant Commerce Clause “denies the States the power unjustifiably to discriminate against or burden the interstate flow of articles of commerce”); *Hughes v. Alexandria Scrap Corp.*, 426 U.S. 794, 803, 96 S.Ct. 2488, 49 L.Ed.2d 220 (1976) (noting that it is “well established by the history of the Commerce Clause, that this Nation is a common market in which state lines cannot be made barriers to the free flow of both raw materials and finished goods in response to the economic laws of supply and demand”). And it is a trade barrier to the free flow of goods, materials, and other articles of commerce across state lines that violates the dormant Commerce Clause. The Clause does not purport to restrict or limit intrastate commerce, nor protect the participants in intrastate or interstate markets, nor the participants’ chosen way of doing business. See *Exxon Corp. v. Governor of Md.*, 437 U.S. 117, 127, 98 S.Ct. 2207, 57 L.Ed.2d 91 (1978) (“We cannot . accept appellants’ underlying notion that the Commerce Clause protects the particular structure or methods of operation in a retail market” or “particular interstate firms”).

Yet, it is precisely the particular structure or methods of operation in the Maryland retail market for funeral services about which the plaintiffs in this case complain, not about a burden on the flow of articles of commerce across state lines. Their complaints about the regulation center around either the inconveniences presented to them personally or the restrictions on how they would prefer to run their businesses when operating in Maryland.

They assert that corporate ownership of funeral establishments would facilitate financing, would protect them from personal liability, and would enable them to pass the business on to others, particularly family members. In addition, they state that operating through a corporation would simply be a preferable way of doing business. Brown states, “I want to own and operate a funeral establishment on the grounds of Rest Haven Cemetery, but I do not want to become a licensed mortician.” Jenkins states, “It is no coincidence that the largest funeral establishments in Maryland . are set up through the 58 special corporate licenses under the ‘grandfather’ clause. I simply want to

be able to do what the law allows those businesses and businesspeople to do.” Chisholm, who is a mortician licensed in Maryland but who lives in Florida, states, “[T]he challenges of running a Maryland business from Florida, particularly with respect to financing and liability, make corporate ownership essential if I am to expand Chisholm Funeral Services according to my plans.” And Manuel states: “Neither my husband nor I want to devote the time and money to becoming licensed funeral directors or morticians. . . Ideally, we want to own and operate our proposed funeral home as an ordinary business corporation . [but] [o]ur plans do not allow us to pay the exorbitant price, as much as \$250,000, that one of these ‘grandfather’ corporations cost.”

In short, the plaintiffs are challenging the way Maryland authorizes them to do business within the State in a profession regulated by the State. Their complaints do not involve burdens placed on the interstate movement of goods, materials, or other articles of commerce, and the matters of which they complain-the manner of professional practice in Maryland-are not matters protected by the dormant Commerce Clause. As the Supreme Court stated in *Exxon*, “We cannot . accept appellants' underlying notion that the Commerce Clause protects the particular structure or methods of operation in a retail market. [T]he Clause protects the interstate market, not particular interstate firms, from prohibitive or burdensome regulations.” *Exxon*, 437 U.S. at 127-28, 98 S.Ct. 2207.

In *Exxon*, a Maryland statute provided that producers or refiners of petroleum products, such as Exxon and Shell, could not operate retail service stations within Maryland. Exxon and other petroleum producers and refiners challenged the statute on constitutional grounds, including the dormant Commerce Clause, pointing to evidence that the statute's divestiture requirements would cause at least three refiners to stop selling gasoline in Maryland, depriving consumers of competition and even certain special services. The Supreme Court rejected the argument, noting that “interstate commerce is not subjected to an impermissible burden simply because an otherwise valid regulation causes some business to shift from one interstate supplier to another,” even if it will “change the market structure by weakening independent refiners.” *Exxon*, 437 U.S. at 127, 98 S.Ct. 2207. The Court explained:

[T]he Clause protects the interstate market, not particular interstate firms, from prohibitive or burdensome regulations. It may be true that the consuming public will be injured by the loss of the high-volume, low-priced stations operated by the independent refiners, but again that argument relates to the wisdom of the statute, not to its burden on commerce.

Id. at 127-28, 98 S.Ct. 2207.

Likewise in the case before us, the Morticians Act “does not prohibit the flow of interstate goods, place added costs upon them, or distinguish between in-state and out-of-state companies in the retail market.” *Exxon*, 437 U.S. at 126, 98 S.Ct. 2207. In fact, large funeral

home conglomerates have a presence in the Maryland funeral services market, albeit not as large as they would like. But the fact that the burden of this permissible state regulation falls on corporations that may have interstate operations “does not, by itself, establish a [violation of the dormant Commerce Clause].” *Id.*

Further, just like the oil companies in *Exxon*, the plaintiffs complain that the Morticians Act hurts Maryland consumers and drives up the costs of funerals. The burden of this regulation, however, falls on Maryland consumers, not on interstate commerce, and a complaint about this burden “relates to the wisdom of the [Maryland] statute, not to its burden on [inter-state] commerce.” *Exxon*, 437 U.S. at 128, 98 S.Ct. 2207 (emphasis added).

The plaintiffs rely heavily on our decision in *Yamaha Motor Corp., U.S.A. v. Jim's Motorcycle, Inc.*, 401 F.3d 560 (4th Cir.2005), to support their claim that the Morticians Act violates the dormant Commerce Clause. They assert that Yamaha, which struck down a Virginia statute under the dormant Commerce Clause, is “directly on-point and provided the legal basis for the district court's commerce clause ruling” in this case.

In *Yamaha*, the Virginia statute at issue provided protection to existing motorcycle dealers in Virginia against the creation of new dealerships by motorcycle manufacturers and distributors such as Yamaha and Harley-Davidson, by giving the existing dealers the right to protest the creation of a new dealership through a process that “could take years to resolve,” even if the protest were “frivolous.” *Yamaha*, 401 F.3d at 571 (internal quotation marks and citation omitted). Moreover, a dealer could protest the appointment of a new dealer even if the new dealership were across the State, some 500 miles away and indisputably outside of the relevant market of the protesting dealer for selling motorcycles. *Id.* *Yamaha*, an out-of-state manufacturer and distributor of motorcycles, challenged the statute under the dormant Commerce Clause, arguing that the Virginia statute created an unjustifiable burden on interstate commerce by burdening Yamaha's ability to distribute motorcycles in Virginia. Agreeing with Yamaha's claim, we concluded that the Virginia statute did indeed “create[] a significant barrier to market entry . because of the virtual certainty of a protest whenever a manufacturer attempts to authorize a new dealership.” *Id.* (internal quotation marks and citations omitted). Because the delay in costs in the face of increasing demand in Virginia for motorcycles caused Yamaha and Harley-Davidson to forego establishing new dealers, we concluded that the Virginia statute imposed “heavy burdens predominantly on out-of-state interests” and thus “unduly burden[ed] commerce.” *Id.* at 573.

Thus, Yamaha invalidated a statute that was aimed at the interstate flow of motorcycles into Virginia. Unlike in *Yamaha*, however, the Maryland Morticians Act is not aimed at any interstate flow of goods, materials, or articles of commerce. The Morticians Act is a local regulation of a localized profession where services are performed for clients entirely in Maryland. Rather than aiming at the interstate

flow of commerce, the Morticians Act is aimed at making morticians and funeral directors in Maryland directly accountable to clients who come to them in Maryland to provide funeral services at their funeral establishments in Maryland. Yamaha does not advance the plaintiffs' argument that the Morticians Act imposes an unjustified burden on interstate commerce.

Because the Morticians Act does not place a barrier or burden on the flow of interstate commerce, it does not violate the dormant Commerce Clause. But even if it was considered to place an incidental burden on commerce, that incidental burden would not be excessive in light of the putative benefits from the Act's regulation.

While Maryland does not have extensive records explaining the purpose of the Act, the Supreme Court has recognized that promoting familiarity between an owner and his business in a licensed and regulated industry is a legitimate local interest. See *North Dakota State Bd. of Pharmacy v. Snyder's Drug Stores, Inc.*, 414 U.S. 156, 166-67, 94 S.Ct. 407, 38 L.Ed.2d 379 (1973); see also *Goldfarb v. Supreme Court of Va.*, 766 F.2d 859, 862 (4th Cir.1985) (recognizing that a state law exempting from examination lawyers licensed out of state who moved into Virginia to practice full time provides a putative local benefit because "the full-time practice requirement promotes familiarity with Virginia law among attorneys who have not passed the state bar examination"); *id.* (recognizing the "broad power [of States] to establish standards for licensing practitioners and regulating the practice of professions" (internal quotation marks and citation omitted)).

More broadly, a State "has a substantial interest in preventing the corporate form from becoming a shield for unfair business dealing." *CTS Corp. v. Dynamics Corp. of Am.*, 481 U.S. 69, 93, 107 S.Ct. 1637, 95 L.Ed.2d 67 (1987). The district court recognized that these very principles apply in this case to support "the notion that ownership of corporations may be limited in highly skilled occupations where licensing is required, such as mortuary science."

Maryland asserts that "limiting funeral home licenses to licensed individuals [will] foster a greater degree of accountability to regulators than would the continued licensing of corporations, which are inherently designed to limit the personal responsibility of owners. That rational legislative judgment could reasonably be expected to yield putative benefits by allowing the [Morticians'] Board to better 'protect the health and welfare of the public.' " (Quoting Md. Health Occ.Code § 7-103). And the State's position is indeed advanced by the complaint in this case and the affidavits of the plaintiffs where they assert that they desire to use the corporate form because they "want to be insulated from personal liability for . negligence." This is precisely the kind of personal responsibility that the Morticians Act wishes to maintain. Indeed, the Maryland State Board of Morticians expressed this concern, claiming that unlicensed individuals and corporations would be less accountable. Thus, the Morticians Act provides individual liability and therefore more direct accountability for owners of funeral establishments while the plaintiffs desire less individual liability. This is the type of legislative decisionmaking into which courts

should avoid inserting themselves. See, e.g., *Powers v. Harris*, 379 F.3d 1208, 1222 (10th Cir.2004) (“While the creation of such a libertarian paradise may be a worthy goal, Plaintiffs must turn to the . electorate for its institution, not us”).

In short, we conclude that the Morticians Act's incidental burden on interstate commerce is not excessive and is justified by the very real benefits of protecting the public health, safety, and welfare by encouraging familiarity of the owner of a funeral business with the day-to-day workings of that business and creating accountability to regulators and to clients. Accordingly, we reverse the district court's conclusion that the Act violates the dormant Commerce Clause.

III

In addressing plaintiffs' Due Process and Equal Protection Clause arguments, we agree with the district court's reasoning rejecting these arguments. Because the Morticians Act is an economic regulation, we may not strike it down unless it is “wholly arbitrary, without any basis in reason.” *Guardian Plans Inc. v. Teague*, 870 F.2d 123, 126 (4th Cir.1989) (internal quotation marks and citation omitted). In other words, to survive such challenges, the Act need only be “rationally related to a legitimate state interest.” *Id.*

Our court has already recognized that a State has a “legitimate interest in protecting the health, safety and welfare of its citizens through regulation of the funeral profession.” *Guardian Plans*, 870 F.2d at 126. A State's legislature may “rationally determine[] that keeping the arrangement of funerals in the hands of licensed funeral professionals would benefit the public by ensuring competence in funeral arrangement. Our inquiry [under the Equal Protection and Due Process Clauses] ends here.” *Id.*

Moreover, there is a rational basis to restrict corporate and unlicensed individual ownership of professional businesses. See *North Dakota Pharmacy Bd.*, 414 U.S. at 166-67, 94 S.Ct. 407. In *North Dakota Pharmacy Board*, the North Dakota legislature required that in order to obtain a permit to operate a pharmacy, the applicant had to be a registered pharmacist in good standing or a corporation or association, the majority of whose stock must be owned by registered pharmacists in good standing who are active in the day-to-day affairs of the corporation or association. In upholding those restrictions on corporate ownership, the Supreme Court explained that a rational relationship exists between restricting corporate ownership and the professions, quoting with approval Justice Holmes' dissenting opinion in *Louis K. Liggett Co. v. Baldridge*, 278 U.S. 105, 114-15, 49 S.Ct. 57, 73 L.Ed. 204 (1928) (Holmes, J. dissenting):

“A standing criticism of the use of corporations in business is that it causes such business to be owned by people who do not know anything about it. Argument has not been supposed to be necessary in order to show that the divorce between the power of control and knowledge is an evil. The selling of drugs and poisons calls for knowledge in a high degree, and [the State] after enacting a series of

other safeguards has provided that in that matter the divorce shall not be allowed. Of course, notwithstanding the requirement that in corporations hereafter formed all the stockholders shall be licensed pharmacists, it still would be possible for a stockholder to content himself with drawing dividends and to take no hand in the company's affairs. But obviously he would be more likely to observe the business with an intelligent eye than a casual investor who looked only to the standing of the stock in the market. The Constitution does not make it a condition of preventive legislation that it should work a perfect cure. It is enough if the questioned act has a manifest tendency to cure or at least to make the evil less."

North Dakota State Bd., 414 U.S. at 166-67, 94 S.Ct. 407. The same rationality exists for upholding the restrictions on corporate and unlicensed individual ownership in the Morticians Act.

The rationality of restricting corporate ownership in the Morticians Act is not undermined by exemptions contained in the Act, so long as the exemptions too are rationally based. See Goldfarb, 766 F.2d at 862-63 (finding rational an exemption from a state bar exam for out-of-state lawyers who moved to Virginia to practice full time even though bar applicants generally must take the bar exam before being licensed).

In the Morticians Act, corporations that historically held licenses in the funeral business were allowed to continue to hold licenses because the General Assembly wanted to protect reliance interests of family members. For a similar reason, spouses of deceased licensees are exempted from being licensed to allow the spouse, who presumably was already involved in the affairs of the business, to continue the business. The Act also provides an exemption for executors of licensees, allowing the temporary operation of the funeral establishment to wind down the affairs of the business. The fact that the General Assembly created these rational exemptions does not undermine the overall rationality of the Morticians Act based on its relationship to a legitimate government purpose. See Goldfarb, 766 F.2d at 862-63.

The plaintiffs' position boils down to a disagreement with the General Assembly's judgment in refusing to authorize a different structure for practicing mortuary science in Maryland. This disagreement, however, is not a basis on which to render the Morticians Act unconstitutional.

[A] law may exact a needless, wasteful requirement in many cases. But it is for the legislature, not the courts, to balance the advantages and disadvantages of the . requirement.

* * *

[T]he law need not be in every respect logically consistent with its aims to be constitutional. It is enough that there is an evil at hand for correction, and that it might be thought that the particular legislative measure was a rational way to correct it.

The day is gone when this Court uses the Due Process Clause of the Fourteenth Amendment to strike down state laws, regulatory of business and industrial conditions, because they may be unwise, improvident, or out of harmony with a particular school of thought. For protection against abuses by legislatures the people must resort to the polls, not to the courts.

Williamson v. Lee Optical of Okla., Inc., 348 U.S. 483, 487-88, 75 S.Ct. 461, 99 L.Ed. 563 (1955) (internal quotation marks and citations omitted).

IV

We conclude that the Morticians Act does not violate the dormant Commerce Clause, and accordingly we reverse the district court's judgment in that regard. We also conclude that the Act does not violate either the Equal Protection Clause or the Due Process Clause, and accordingly we affirm the district court in that regard.

The judgment of the district court is therefore

AFFIRMED IN PART AND REVERSED IN PART.

I concur in the judgment reached by the majority. As to the dormant Commerce Clause issue, I concur to the extent that we find “that the Morticians Act's incidental burden on interstate commerce is not excessive and is justified by the very real benefits of protecting the public health, safety, and welfare by encouraging familiarity of the owner of a funeral business with the day-to-day workings of that business and creating accountability to regulators and to clients.” See Majority Op. at 367-68.

Affirmed in part and reversed in part by published opinion. Judge NIEMEYER wrote the opinion, in which Judge TRAXLER joined. Judge SHEDD wrote a separate concurring opinion.

Was this helpful?

Yes



No



BROWN III v. HOVATTER (2009)

Docket No: Nos. 08-1121, 08-1125.

Decided: March 27, 2009

Court: United States Court of Appeals,Fourth Circuit.

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SB 957_SCI_unf.pdf

Uploaded by: William Castelli

Position: UNF

Senate Bill 957 – Morticians and Funeral Directors – Not-For-Profit Funeral Establishments

Position: Unfavorable

Service Corporation International (SCI) is proud to be North America's leading provider of funeral, cremation and cemetery services. Since 1962, SCI has been serving families during their most difficult, personal and challenging times. SCI has 17 funeral homes, 14 cemeteries and 2 crematories in Maryland. SCI opposes SB 957 which will permit nonprofit owners of funeral establishments.

Recently, Maryland experienced what happens when under resourced funeral establishments run a funeral business. The recent closure of Heaven Bound Cremation Services in Charles County demonstrates why providing the lowest cost service to families is not the end goal of our business.

Providing funeral services is not like running a typical business. Our licenses are in the Health Occupations Article because our service providers, like other health service providers, are caring for human bodies. Our businesses are much more centered around the treatment of human bodies and should have experienced and qualified owners, with the best training, capital, and resources to take care of family's loved ones.

SCI believes current Maryland law provides the highest level of care to Maryland families and that SB 957 risks lowering Maryland standards of care. For that reason, we request an unfavorable report.

For more information contact: cfesche@rwillaw.com or wcastelli@rwillaw.com

Bills.pdf

Uploaded by: William Pumphrey

Position: UNF

Robert A. Pumphrey Funeral Home
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February 21, 2025

To Whom It May Concern:

The concerns regarding the ownership and control of funeral homes and crematories by religiously oriented not-for-profit organizations are indeed serious and merit consideration. The potential for religious exemptions could pose risks by allowing certain organizations to bypass critical consumer protection regulations, leading to disparities in service quality and accountability. This concern is heightened by the example of Heaven Bound Cremation Services' recent closure, which highlights the importance of maintaining strong oversight and sound financial management in this industry.

The closure of Heaven Bound serves as a reminder that even well-meaning not-for-profit organizations can falter without sufficient resources, oversight, and operational stability. In areas like Montgomery County, where the cost of doing business is high, not-for-profit funeral homes may face difficulties in maintaining the level of service required to meet consumer expectations and comply with state laws. This financial strain could result in cutting corners, potentially compromising consumer safety and public health, which is a significant concern for the community.

On the other hand, for-profit funeral homes generally have the financial stability to meet regulatory requirements, invest in necessary equipment, and adhere to high industry standards. Their ability to provide transparency, accountability, and consistent service can often translate to a higher level of consumer protection. While the intent behind not-for-profit funeral homes is to offer affordable options, it's essential that they are held to the same regulatory standards as their for-profit counterparts to ensure that affordability does not come at the expense of quality or safety.

There is a lack of evidence and research to support the proposed bill that would allow not-for-profit funeral homes to enter the market. The absence of comprehensive, data-driven evidence is a significant concern, especially when advocating for a shift in policy that could potentially disrupt the long-standing and well-established practices of for-profit funeral homes in Maryland. Without robust research demonstrating clear benefits for communities, the argument in favor of this change seems less compelling.

The economic impact of this shift cannot be overlooked. For-profit funeral homes have become integral to the local economy, employing people and contributing to the community in various ways. Introducing not-for-profit funeral homes, especially those potentially backed by religious institutions, could shift the financial landscape. It could divert resources from existing funeral homes, weakening the long-standing, stable relationships they have cultivated with their clients. The potential for religious institutions to enter the competitive landscape of funeral services may also create new economic challenges for the broader industry.

The lack of solid research and the absence of comprehensive community feedback from key stakeholders, particularly faith communities, raises doubts about the wisdom of pursuing this bill. Until there is more evidence to show the necessity and potential benefits of not-for-profit funeral homes, and a broader consensus that includes the voices of all affected parties, the rationale for such a legislative change appears weak and potentially disruptive to Maryland's trusted funeral industry.

This proposed legislation could have significant implications for funeral establishments and consumer protection in Maryland.

- **Senate Bill 0957 (2025) and House Bill 1051 (2025)** are proposing to allow unlicensed individuals to operate a Not-for-Profit Corporation as a funeral establishment.
- This would potentially violate **Section 7-309 of the Health Occupations Article of the Annotated Code of Maryland**, which likely sets forth requirements for licensed funeral directors to oversee funeral establishments.
- The concern is that the Maryland legislature previously enacted these restrictions to ensure that funeral establishments are run by professionals who are licensed, aiming to protect consumers from potential malpractice or unethical practices in the industry.

This move could be controversial, as the legislature's prior action (banning unlicensed individuals from owning such businesses) was intended to safeguard the public. Allowing unlicensed individuals to operate funeral establishments might dilute oversight and could lead to practices that aren't in line with the standards for care and ethics that licensed professionals are bound by.

Brown III v. Hovatter is a significant legal precedent regarding the regulation of funeral establishments in Maryland, especially concerning the ownership of such establishments by licensed funeral directors.

- **The Challenge to Ownership Restrictions:** In 2007, the constitutionality of Maryland's law, which limits the ownership of funeral establishments to licensed funeral directors, was challenged in federal district court and later appealed to the U.S. Court of Appeals for the 4th Circuit in 2009.
- **The Ruling:** The 4th Circuit Court of Appeals ruled in favor of the Maryland law, upholding the restriction that only licensed funeral directors could own funeral establishments. The court found the law to be a valid and necessary regulation that served the public interest in protecting consumers.

- **Supreme Court Refusal:** The Plaintiffs, who sought to overturn the decision, petitioned the U.S. Supreme Court to hear the case. However, the Supreme Court refused to hear the appeal, effectively letting the 4th Circuit's ruling stand.

The 4th Circuit's ruling reinforced the idea that restricting ownership to licensed individuals in the funeral industry serves important public interests, such as ensuring ethical business practices, protecting consumers from potential exploitation, and upholding professional standards.

This case set a significant legal precedent, reaffirming that states have the authority to regulate the ownership of funeral establishments as a way to safeguard consumers.

Allowing unlicensed individuals to own funeral establishments contradicts the principles upheld in **Brown III v. Hovatter** and undermines consumer protection efforts.

The education, training, and licensing requirements that individuals must undergo to become licensed funeral directors in Maryland are tied to consumer protection.

For unlicensed individuals who wish to own and operate a funeral home, the pathway is clear:

- **Education:** They must attend mortuary science school, studying subjects like human anatomy, microbiology, thanatology (the study of death), business management, mortuary law, and funeral principles.
- **Apprenticeship:** They must complete a one-year apprenticeship, gaining hands-on experience under a licensed funeral director.
- **Licensing:** After the educational and apprenticeship requirements, they must undergo a criminal background check and apply to the Board of Morticians to assess their knowledge, character, and fitness.
- **Certification:** Once they pass the licensing process, they can either run a non-profit funeral home or buy a corporate license to run a profit-oriented one.

This extensive process ensures that funeral directors are well-prepared to handle the responsibilities associated with death care, which includes knowledge of both the technical aspects (e.g., embalming, body care) and the emotional and legal facets of the profession (e.g., family interactions, legal regulations, ethical practices). The training is not just about running a business but also about caring for people during one of the most difficult times in their lives.

As the court cited in the **Brown III** case, the Maryland General Assembly had a rational basis for limiting funeral home licenses to licensed individuals. Here's why:

- **Accountability:** Licensed individuals are personally accountable for their actions, which enhances the degree of oversight and regulation. Unlike corporations, which can shield individuals from personal responsibility, licensing individuals ensures that there's a clear line of accountability for the operation of a funeral home.
- **Consumer Protection:** The legislative judgment to limit ownership to licensed individuals was aimed at better protecting the health and welfare of the public. It allows

regulatory bodies, such as the Board of Morticians, to enforce standards, conduct inspections, and ensure ethical practices are upheld.

The current **Senate Bill 0957** and **House Bill 1051** seem to offer a shortcut for individuals who may not want to dedicate the time and effort necessary to go through the rigorous process of becoming a licensed funeral director. These individuals would be able to operate a funeral home without obtaining the qualifications that have historically been required.

This raises a few issues:

- **Quality of Care:** Without the education, training, and oversight that comes with licensing, there could be concerns about the quality of service provided to families during their time of grief.
- **Public Safety:** The educational requirements and legal training are not just about running a business but ensuring that funeral directors can handle complex situations involving public health, safety, and ethical decisions.
- **Undermining the Profession:** As you mentioned, proponents of the bill may want to bypass years of education and training, potentially undermining the standards and ethical obligations that have been developed over time in the profession.

The bills, in effect, can be seen as offering a shortcut to benefits that professionals in the field have worked hard for throughout their careers. Funeral service professionals spend years acquiring the necessary expertise, building reputations for ethical behavior, and maintaining accountability to their communities. Allowing unlicensed individuals to run funeral homes could potentially diminish the integrity of the profession and put consumers at risk.

There are potential risks posed by proposed shifts in regulation.

The funeral home industry in Maryland is carefully regulated to protect consumer interests, ensuring that families receive the best care during a difficult time. These regulations cover:

- **Ethical standards:** Funeral homes are required to adhere to strict ethical guidelines that protect families from exploitation or malpractice.
- **Transparency:** There are rules in place that ensure clear pricing and transparency, allowing families to make informed decisions about funeral services.
- **Health and Safety:** Regulation ensures that funeral homes follow sanitary practices, meet health standards, and provide safe and professional care for the deceased and their families.

These protections are vital for ensuring that the industry remains accountable to the public and provides the highest level of service.

The existing framework allows for-profit funeral homes to operate within a competitive environment, benefiting both consumers and the market:

- **Market competition:** For-profit funeral homes drive innovation, pricing strategies, and service improvements by competing to offer the best services at competitive rates.
- **Trusted legacy businesses:** Many established for-profit funeral homes have built **decades of trust** with families in Maryland. Their experience and longstanding commitment to their communities ensure a high level of expertise, quality, and compassion.
- **Affordable services:** Despite being for-profit, these businesses have shown the ability to provide affordable services while maintaining quality care, showing that profitability doesn't necessarily lead to exploitation.

The shift towards not-for-profit funeral homes, as proposed in Senate Bill 0957 and House Bill 1051, may introduce several challenges:

- **Disruption of established business models:** Established for-profit funeral homes with decades of service could face new competition from not-for-profit entities, which might alter the dynamics of the market.
- **Reduction of employment opportunities:** Not-for-profit organizations may have different business structures that could lead to fewer job opportunities or lower wages for those in the industry. For-profit funeral homes, by nature, often have larger operations, which can result in a broader range of employment and career advancement options.
- **Increased costs:** Ironically, the shift toward a not-for-profit model could raise costs for consumers due to reduced competition, fewer operational efficiencies, and changes in how services are structured. For-profit companies are incentivized to keep costs competitive, while not-for-profit entities may not have the same focus on cost efficiency.

Furthermore, the funding mechanisms of not-for-profit businesses may result in inefficiencies or potential financial instability, which could harm the very families the regulation aims to protect.


The current regulatory framework already ensures that funeral homes are operating at a high standard, protecting families from exploitation while allowing for business innovation and flexibility. The Board of Morticians is already tasked with overseeing the industry, ensuring ethical practices, and protecting consumer interests. This oversight has been tested and proven through cases like **Brown III v. Hovatter**, which reinforced the necessity of stringent regulations.

At the heart of these concerns is the wellbeing of Maryland families, who deserve affordable, compassionate care during a difficult time. The current system, which supports both accountability and competition, has been effective in striking a balance between keeping costs reasonable and ensuring families have access to high-quality services.

In conclusion, the proposed shift towards allowing unlicensed individuals to operate funeral establishments, especially under a not-for-profit model, could disrupt this balance. While the intent may be to offer more options or create an alternative business structure, the existing regulatory framework seems to be functioning well in protecting both consumer interests and the stability of the funeral service industry. For-profit funeral homes have demonstrated that they can

operate responsibly, ethically, and in a way that fosters competition and provides quality services at affordable prices.

Very truly yours,


William A. Pumphrey
Vice President/General Manager