



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Delegate Harry Bhandari
Maryland House of Delegates
6 Bladen Street, Room 304
Annapolis, MD 21401
March 14, 2025

Maryland State Funeral Directors Association, Inc.
519 Mabe Drive
Woodbine, MD 21797

Dear Members of the Maryland State Funeral Directors Association,

I am writing to you as the primary sponsor of House Bill 1555 (2025), the "Ensuring Dignity and Accountability in Crematory and Funeral Home Operations Act," to address the concerns and proposed amendments outlined in your position statement submitted to the Health and Government Operations Committee on March 11, 2025. While I appreciate your engagement with this legislation and your commitment to professionalism in funeral service, I respectfully disagree with the necessity of the amendments you have proposed. The finalized version of HB 1555, as presented, strikes an appropriate balance between protecting public health and safety, ensuring accountability, and maintaining fairness for licensees. Below, I address each of your seven issues, providing my rationale for retaining the bill as finalized.

ISSUE NO. 1: BUSINESS REGULATION § 5-204(a)(2)(II) - Refrigeration
Requirements

MSFDA Concern: You argue that the requirement for funeral establishments, crematories, and reduction facilities to maintain "adequate refrigerated holding facilities" is vague and potentially mandates separate refrigeration at each location, which you deem financially burdensome and unnecessary given existing compliance options under HEALTH GENERAL § 5-513(b)-(c).

Sponsor Comment: The language in § 5-204(a)(2)(II) is intentionally broad to allow regulatory flexibility, not to mandate separate refrigeration units at every location. The bill does not repeal or contradict HEALTH GENERAL § 5-513(b)-(c), which permits

arrangements with facilities having refrigeration when needed. The intent is to ensure that all entities handling human remains have access to adequate refrigeration—on-site or via agreement—without imposing an overly prescriptive requirement. **Your proposed amendments, such as mandating separate facilities or repealing existing statutes, would undermine this flexibility and impose unnecessary rigidity.** The current framework, supported by existing COMAR regulations, sufficiently addresses cost concerns while prioritizing dignified treatment of remains.

ISSUE NO. 2: BUSINESS REGULATION § 5-204(b)(2) - Inspection of Operators

MSFDA Concern: You suggest replacing "registered crematory operator and registered reduction operator" with "crematory" or "permit holder" in the inspection requirement, arguing that "operator" refers to individuals rather than facilities.

Sponsor Comment: The use of "registered crematory operator and registered reduction operator" in § 5-204(b)(2) is deliberate and aligns with the regulatory focus on individuals responsible for operations, as defined in COMAR 10.29.16.02. This provision targets oversight of those directly managing these facilities, not just the physical structures or permit holders. Changing the language to "crematory" or "permit holder" would dilute accountability by shifting focus away from the operators who are most directly responsible for compliance. **The finalized text ensures that those with operational control are held accountable, enhancing public safety without necessitating your proposed amendment.**

ISSUE NO. 3: BUSINESS REGULATION § 5-207 - Definition of "Violation" in Online Database

MSFDA Concern: You assert that "violation" in the online database requirement is unclear compared to "deficiency" in COMAR regulations, proposing a definition tied to uncorrected deficiencies after 30 days to avoid unfairly reporting minor issues.

Sponsor Comment: The term "violation" in § 5-207 is intentionally broad to encompass all instances of noncompliance identified through inspections or complaints, not just uncorrected deficiencies. This transparency is critical for public trust and accountability. Limiting "violation" to only those deficiencies uncorrected after 30 days, as you suggest, would obscure significant issues—like mishandling remains—that warrant immediate public awareness, even if corrected swiftly. **The Director retains discretion to define "violation" via regulation, ensuring fairness while avoiding the overly restrictive definition you propose. The finalized text balances licensee rights with consumer protection, making your amendment unnecessary.**

ISSUE NO. 4: HEALTH OCCUPATIONS § 7-209 - Definition of "Violation" for Funeral Establishments

MSFDA Concern: Similar to Issue No. 3, you argue that "violation" in § 7-209 lacks clarity and should be defined as an uncorrected deficiency after 30 days to protect licensees from unfair reporting.

Sponsor Comment: As with § 5-207, the broad use of "violation" in § 7-209 is intentional to ensure comprehensive transparency regarding funeral establishments. The public deserves to know about all substantiated issues—ranging from paperwork errors to serious misconduct—regardless of whether they are corrected within 30 days. **The Board of Morticians can refine this term through regulation, providing clarity without the restrictive definition you propose. Your amendment would weaken the bill's goal of accountability and public safety, which the finalized version upholds effectively.**

ISSUE NO. 5: HEALTH OCCUPATIONS § 7-318.1(B) - Role of Liaison vs. Prosecutor

MSFDA Concern: You question the Executive Director directing the "liaison" to prepare charges, suggesting it should be the "prosecutor" instead, assuming a drafting error.

Sponsor Comment: The assignment of the liaison to prepare charges in § 7-318.1(B) is not an error but a deliberate mechanism to expedite responses to imminent threats. The liaison, assigned under subsection (A) to assist the prosecutor, is empowered under (B) to act swiftly at the Executive Director's direction, ensuring rapid preparation of charges before formal prosecution. **Replacing "liaison" with "prosecutor" would bypass this intermediary step, potentially delaying action in urgent cases. The finalized text enhances efficiency and responsiveness, rendering your amendment counterproductive.**

ISSUE NO. 6: HEALTH OCCUPATIONS § 7-320(c) - Removal of Stay on Suspension/Revocation

MSFDA Concern: You oppose the repeal of § 7-320(c), which stays suspensions or revocations during appeals, arguing it's inequitable without judicial review, and propose allowing licensees to seek injunctions.

Sponsor Comment: The repeal of § 7-320(c) is a cornerstone of HB 1555's accountability measures. Allowing automatic stays during appeals has historically enabled bad actors to continue operating despite serious violations, jeopardizing public safety. Licensees retain the right to seek judicial relief **through existing legal channels, such as injunctions, without needing a specific statutory provision. Your proposed**

amendment would reintroduce a loophole that undermines the bill's intent to protect families during vulnerable times. The finalized version ensures swift enforcement while preserving due process, making your suggestion unnecessary.

ISSUE NO. 7: BUSINESS REGULATION § 5-204(a)(2)(III) - Refrigeration Regulations for Funeral Establishments

MSFDA Concern: You note the absence of refrigeration regulations in COMAR Title 10, Subtitle 29 for funeral establishments without crematories, suggesting the Board of Morticians promulgate such rules to align with § 5-204(a)(2)(II).

Sponsor Comment: The absence of specific refrigeration regulations for non-crematory funeral establishments in COMAR Title 10, Subtitle 29 does not necessitate your proposed amendment. Section § 5-204(a)(2)(III) already mandates the Director, in conjunction with the Board, to adopt regulations implementing § 5-204(a)(2)(II), which includes funeral establishments. This process will naturally address any gaps, ensuring consistency with HEALTH GENERAL § 5-513(b)-(c) without requiring a separate mandate. **The finalized bill provides sufficient authority for regulatory development, making your amendment redundant.**

Conclusion

House Bill 1555, as finalized, reflects a carefully crafted approach to strengthen oversight, protect public health, and ensure dignity in funeral services without imposing undue burdens on licensees. The concerns you've raised, while thoughtful, are either addressed by the bill's existing flexibility or would weaken its core objectives if amended as proposed. I urge the Maryland State Funeral Directors Association to support this legislation in its current form, recognizing its balance of accountability and practicality. I am open to further dialogue and invite you to contact me at (410) 841-3526 or harry.bhandari@house.state.md.us to discuss this matter further.

Sincerely,

Delegate Harry Bhandari, PhD
Primary Sponsor, House Bill 1555
Maryland House of Delegates