

## **HB1555\_MSFDA Letter**

Uploaded by: Delegate Bhandari

Position: FAV



## Maryland State Funeral Directors Association, Inc.

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### House Bill 1555 (2025)

#### Before the Health and Government Operations Committee

#### Position of the Maryland State Funeral Directors Association, Inc.: **FAVORABLE WITH AMENDMENTS**

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. Our membership is comprised of funeral service professionals who have committed their lives to serving the needs of the families of Maryland at the time of death of a loved one.

House Bill 1555 (2025) seeks to address challenges of Oversight of funeral establishments, crematories, and reduction facilities by the Board of Morticians and the Office of Cemetery Oversight. While the bill may be well intentioned, HB 1555 needs certain amendments to the language of the bill to provide clarity to the licensees, regulators, and consumers.

We have attempted to highlight below the most significant areas that need clarity and or amendment(s):

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#### ISSUE NO. 1

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BUSINESS REGULATION §5-204(a)(2)(II) as proposed in HB 1555 (Amended Unofficial Copy) states that the director shall “adopt regulations that require Funeral Establishments, Crematories, and Reduction Facilities to Maintain Adequate refrigerated holding facilities to ensure proper storage of human remains; and”

**Issue:** BUSINESS REGULATION § 5-204(a)(2)(II) is vague, ambiguous and fails to make clear whether each and every Funeral Establishment, Crematory, and Reduction Facility licensed by the Board of Morticians or the Office of Cemetery Oversight must have their own separate Refrigeration at each location?

**Discussion:** HEALTH GENERAL § 5-513(b) states if an un-embalmed body is to be stored for more than 48-hours before final disposition, a funeral establishment or crematory shall maintain the body in refrigeration and at a temperature determined by regulation. HEALTH GENERAL § 5-513 (c) states that if a funeral establishment or crematory is unable to refrigerate the remains after 48 hours, the funeral establishment or crematory shall notify the Board of Morticians or the Office of Cemetery Oversight and the authorizing agent of where the remains will be refrigerated by agreement with a facility having refrigeration.

COMAR 09.34.08.05 outlines the regulations for refrigerating remains by Crematories regulated by the Office of Cemetery Oversight set forth in HEALTH GENERAL § 5-513(b)-(c). COMAR 10.29.19.05 outlines the regulations for refrigerating remains by Crematories regulated by Board of Morticians set forth in HEALTH GENERAL § 5-513(b)-(c).

If BUSINESS REGULATION § 5-204(a)(2)(II) requires each funeral establishment licensee to have their own refrigeration, the Maryland State Funeral Directors Association Inc. would strenuously oppose such a provision because it is financially burdensome, unnecessary, and cost-prohibitive. Many funeral establishments and crematories already comply with HEALTH GENERAL § 5-513(b)-(c), and either maintain their own Refrigeration or have an arrangement pursuant with a facility that has refrigeration in compliance with HEALTH GENERAL § 5-513(b)-(c). Many funeral establishments, especially those who serve a few families a year, are able to embalm the remains of deceased individuals within 48 hours of death and refrigeration is not necessary. The multi-location funeral establishments often have a centralized refrigeration and embalming facility to ensure adequate refrigeration, and the dignified handling of the deceased remains.

**Proposed Amendment:** If BUSINESS REGULATION § 5-204(a)(2)(II) requires each funeral establishment licensee to have their own refrigeration, aside from the regulation being overly burdensome, unnecessary, and cost-prohibitive, then The Maryland State Funeral Directors Association, Inc. respectfully proposes the following amendment(s):

1. BUSINESS REGULATION § 5-204(a)(2)(II) should state: “adopt regulations that require Funeral Establishments, Crematories, and Reduction Facilitates to each Maintain Adequate refrigerated holding facilities of their own to ensure proper storage of human remains; and”;
2. HEALTH GENERAL § 5-513(b)-(c) must be repealed and/or amended to comply with BUSINESS REGULATION § 5-204(a)(2)(II);
3. COMAR 09.34.08.05, COMAR 10.29.19.05 would need to be amended; and
4. BUSINESS REGULATION §5-204(a)(2)(II) in conjunction with Business Regulation §5-204(a)(2)(III) should mandate that Title 10, Subtitle 29 for the Board of Morticians contain identical language to COMAR 09.34.08.05, COMAR 10.29.19.05 for solely funeral establishments without Crematories.

If BUSINESS REGULATION § 5-204(a)(2)(II) does not require each funeral establishment licensee to have their own refrigeration, then:

1. BUSINESS REGULATION § 5-204(a)(2)(II) as proposed should state: “**SUBJECT TO HEALTH GENERAL § 5-513(b)-(c), the DIRECTOR** shall adopt regulations that require Funeral Establishments, Crematories, and Reduction Facilitates to each Maintain Adequate refrigerated holding facilities of their own to ensure proper storage of human remains; and”;

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## ISSUE NO. 2

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BUSINESS REGULATION § 5-204(b)(2) as proposed in HB 1555 (Amended Unofficial Copy) states:

“Each year a trained Staff Member of the Office Who Is Qualified to Do Inspections shall conduct at least two unannounced inspections of each registered crematory operator and registered reduction operator that has

been reprimanded under 5-310 of this title immediately preceding 5 years to ensure compliance with this title.”

**Issue:** BUSINESS REGULATION § 5-204(b)(2) proposes to inspect the Registered Crematory Operator and the Registered Reduction Operator, yet the Registered Crematory Operator is defined by COMAR 10.29.16.02 as “an individual registered to operate a crematory as a sole proprietor or on behalf of a sole proprietor or permit holder.”

**Discussion:** The term operator should be replaced with either Crematory or Permit Holder.

**Proposed Amendment:** The Maryland State Funeral Directors Association, Inc. respectfully proposes the following amendment(s):

“Each year a trained staff member of the Office who is qualified to do inspections shall conduct at least two unannounced inspections of each registered crematory **that holds a permit operator** and registered reduction **operator reduction facility that holds a permit and** has been reprimanded under 5-310 of this title immediately preceding 5 years to ensure compliance with this title.”

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### ISSUE NO. 3

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BUSINESS REGULATION § 5-207 as proposed in HB 1555 (Amended Unofficial Copy) states:

“Establish and maintain a publicly accessible, online database that includes information about each violation by, and inspection of, ~~and complaint~~ ~~against~~ a crematory or reduction facility;”

**Issue:** BUSINESS REGULATION § 5-207 is unclear as to what constitutes a “violation” when viewed in conjunction with COMAR 09.34.07.03, COMAR 10.29.18.03, and COMAR10.29.03.06.

**Discussion:** COMAR 09.34.07.03, COMAR 10.29.18.03, and COMAR10.29.03.06 each discuss deficiencies cited by an inspector at the conclusion of an inspection and noted in an inspection report. Pursuant to COMAR 09.34.07.03, COMAR 10.29.18.03, and COMAR10.29.03.06 a permit holder has the right and opportunity to cure any deficiency noted in the inspection report within thirty days of notification of a deficiency, if any. The word “violation” only appears one time in one sentence in each of the penalty sections of COMAR 09.34.07.03, COMAR 10.29.18.03, and COMAR10.29.03.06. The sentence states:

“In the event that a crematory permit holder fails to allow an inspection of the crematory or fails to comply with a notice to correct deficiencies or **violations** within the time specified, the Office shall...” (citing COMAR 09.34.07.03(F)).

It is unclear whether a deficiency that goes uncorrected becomes a violation after the 30 day period or whether a “deficiency” is synonymous with a “violation”. This distinction is especially important when reporting “violations” on a website pursuant to BUSINESS REGULATION § 5-207 as proposed in HB 1555 (Amended Unofficial Copy). Deficiencies can range in severity from incomplete paperwork to the mishandling of remains. The minimal use of the word “Violation” in the regulations would lead one to conclude that a deficiency does not become a violation unless the licensee fails to correct the deficiency noted with thirty days. In the interest of fairness, the Maryland State Funeral Directors Association, Inc. believes that the online database should only contain confirmed violations, defined by regulations, and not deficiencies noted and cured within the thirty days allowed by regulation.

**Proposed Amendment:** The Maryland State Funeral Directors Association, Inc. recommends that BUSINESS REGULATION § 5-207, as proposed in HB 1555 (Amended Unofficial Copy), be amended by:

1. Defining a “Violation” in BUSINESS REGULATION § 5-207 as proposed in HB 1555 (Amended Unofficial Copy) as “the failure of a licensee to correct a deficiency within thirty days of notice.”
2. Ordering the Director to amend Comar 09.34.07.03 with a definition of “Violation” as “the failure of a licensee to correct a deficiency within thirty days of notice”;
3. Ordering the Director to amend Comar 09.34.07.03(F) as follows:

“In the event that a crematory permit holder fails to allow an inspection of the crematory or fails to comply with a notice to correct deficiencies ~~or~~ **violations** within the time specified, the Office shall:

  - (1) Deem the failure to be a violation and a threat to the public health, safety, or welfare and requiring emergency action;
  - (2) Summarily suspend.....”
4. Ordering the Director to include identical verbiage in the reduction facility regulations;
5. Ordering the Board of Morticians to amend COMAR 10.29.18.03, and COMAR10.29.03.06 with the definition of “Violation” as “the failure of a licensee to correct a deficiency within thirty days of notice.”
- 6.

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#### ISSUE NO. 4

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HEALTH OCCUPATIONS § 7-209 as proposed in HB 1555 (Amended Unofficial Copy) states:

“Establish and maintain a publicly accessible, online database that includes information about each violation by, and inspection of, ~~and complaint against~~ EACH FUNERAL ESTABLISHMENT;”

**Issue:** HEALTH OCCUPATIONS § 7-209 as proposed in HB 1555 (Amended Unofficial Copy) is unclear as to what constitutes a “violation” when viewed in conjunction with COMAR 10.29.18.03, and COMAR10.29.03.06. As you can imagine the lack of clarity relating

to the distinction between a “deficiency” versus a “violation” is identical in HEALTH OCCUPATIONS § 7-209 as proposed in HB 1555 (Amended Unofficial Copy) just as it was unclear in BUSINESS REGULATION § 5-207 as proposed in HB 1555 (Amended Unofficial Copy).

**Discussion:** COMAR 10.29.18.03, and COMAR10.29.03.06 each discuss deficiencies cited by an inspector at the conclusion of an inspection and noted in an inspection report. Pursuant to COMAR 10.29.18.03, and COMAR10.29.03.06 a licensee and permit holder have the right and opportunity to cure any deficiency noted in the inspection report within thirty days of notification of a deficiency, if any. The word “violation” only appears one time in one sentence in each of the penalty sections of COMAR 10.29.18.03, and COMAR10.29.03.06. The sentence states:

“In the event that a permit holder fails to allow an inspection of the crematory or fails to comply with a notice to correct deficiencies or **violations** within the time specified, the Office shall....” (citing COMAR 10.29.18.03(F)).

It is unclear whether a deficiency that goes uncorrected becomes a violation after the 30 day period or whether a “deficiency” is synonymous with a “violation”. This distinction is especially important when reporting “violations” on a website pursuant to HEALTH OCCUPATIONS § 7-209 as proposed in HB 1555 (Amended Unofficial Copy). Deficiencies can range in severity from incomplete paperwork to the mishandling of remains. The minimal use of the word “Violation” in the regulations would lead one to conclude that a deficiency does not become a violation unless the licensee fails to correct the deficiency noted within thirty days. In the interest of fairness, the Maryland State Funeral Directors Association, Inc. believes that the online database should only contain confirmed violations, defined by regulations, and not deficiencies noted and cured within the thirty days allowed by regulation.

**Proposed Amendment:** The Maryland State Funeral Directors Association, Inc. recommends that BUSINESS REGULATION § 5-207, as proposed in HB 1555 (Amended Unofficial Copy), be amended by:

1. Defining a “Violation” in HEALTH OCCUPATIONS § 7-209, in HB 1555 (Amended Unofficial Copy), as “the failure of a licensee to correct a deficiency within thirty days of notice.”
2. Ordering the Board of Morticians to amend COMAR 10.29.18.03, and COMAR10.29.03.06 with a definition of “Violation” as “the failure of a licensee to correct a deficiency within thirty days of notice”;
3. Ordering the Board of Morticians to amend COMAR 10.29.18.03(F), and COMAR10.29.03.06 (F) as follows:

“In the event that a crematory permit holder fails to allow an inspection of the crematory or fails to comply with a notice to correct deficiencies ~~or violations~~ within the time specified, the Office shall:

- (1) Deem the failure to be a violation and a threat to the public health, safety, or welfare and requiring emergency action;
- (2) Summarily suspend.....”

4. Ordering the Board of Morticians to include identical verbiage in the reduction facility regulations;

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**ISSUE NO. 5**

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HEALTH OCCUPATIONS § 7-318.1(A)-(B) as proposed in HB 1555 (Amended Unofficial Copy) states:

“(A) If the Board refers a case to the office of the Attorney General for prosecution, a **Liaison** shall be assigned to assist the Prosecutor with the preparation of the charges.

(B) If the Executive Director determines that a complaint that has been referred for prosecution under subsection (A) of this Section alleges facts that, if true, would pose an imminent threat to human safety, the Executive Director may direct the **Liaison** to prepare charges.”

**Issue:** MSFDA is unclear as to how the “Executive Director may direct the Liaison to prepare charges” as written in HEALTH OCCUPATIONS § 7-318.1(B).

**Proposed Amendment:** We believe it was and is the intent of the writer of the bill to authorize the Executive Director to direct the Prosecutor to prepare charges and not the Liaison in the event the Executive Director determines that a complaint that has been referred for Prosecution under subsection (a) of this section alleges facts that, if true, would pose an imminent threat to human safety. The Maryland State Funeral Directors Association, Inc. recommends the following amendment:

(B) If the Executive Director determines that a complaint that has been referred for prosecution under subsection (A) of this Section alleges facts that, if true, would pose an imminent threat to human safety, the Executive Director may direct the ~~**Liaison**~~ **PROSECUTOR** to prepare charges.”

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**ISSUE NO. 6**

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House Bill 1555 (Amended Unofficial Copy) proposes to remove HEALTH OCCUPATIONS § 7-320(c), which allows a licensee to have an order of suspension or revocation by the Board of Morticians stayed pending an appeal.

**Issue:** Given the current state and composition of the Board of Morticians, is it equitable to suspend or revoke a license for the full duration of an appeal without a proper judicial hearing by a circuit court judge?

**Discussion:** Funeral service is a lifelong profession and often the sole income of a licensee and his or her family. The Maryland State Funeral Director Association, Inc. believes that HB 1555 should be amended to provide the opportunity of a licensee to seek an injunction to lift the suspension or revocation pending a full appeal of the matter if determination

**Proposed Amendment:** The Maryland State Funeral Directors Association, Inc. recommends the following amendment to HEALTH OCCUPATIONS § 7-320(C) as proposed in HB 1555:

- (1) The Board shall enact regulations providing for the ability of a licensee to seek a protective order from the Circuit Court of Maryland to lift the suspension or revocation based upon the strength of the evidence and totality of the circumstances, pending the outcome of a full appeal of the Board's decision to suspend or revoke the license.

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#### ISSUE NO. 7

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BUSINESS REGULATION § 5-204(a)(2)(III) as proposed in House Bill 1555 (Amended Unofficial Copy) states that the Director shall, in conjunction with the Board of Morticians, “adopt regulations adopted by the State Board of Morticians and Funeral Directors to: (1) implement [item] ITEMS (i) AND (II) of this paragraph; and 2. Ensure public health and safety” related to Funeral Establishments, Crematories, and Reduction Facilities.

**Issue:** Presently, there exist no regulations regarding refrigeration in COMAR Title 10, Subtitle 29 for the Board of Morticians solely related to Funeral Establishments without a crematory, identical to either COMAR 09.34.08.05 or 10.29.19.05 (refrigeration for crematories)

**Discussion:** HEALTH GENERAL § 5-513(b) states if an un-embalmed body is to be stored for more than 48-hours before final disposition, a funeral establishment or crematory shall maintain the body in refrigeration and at a temperature determined by regulation. HEALTH GENERAL § 5-513 (c) states that if a funeral establishment or crematory is unable to refrigerate the remains after 48 hours, the funeral establishment or crematory shall notify the Board of Morticians or the Office of Cemetery Oversight and the authorizing agent of where the remains will be refrigerated by agreement with a facility having refrigeration.

COMAR 09.34.08.05 outlines the regulations for refrigerating remains by Crematories regulated by the Office of Cemetery Oversight as set forth in HEALTH GENERAL § 5-513(b)-(c). COMAR 10.29.19.05 outlines the regulations for refrigerating remains by Crematories regulated by Board of Morticians set forth in HEALTH GENERAL § 5-513(b)-(c). Since COMAR Title 10, Subtitle 29 for the Board of Morticians is silent on regulations regarding funeral establishments, if BUSINESS REGULATION § 5-204(a)(2)(II) the Board of Morticians should also promulgate regulations regarding refrigeration.



For the aforementioned reasons, the Maryland State Funeral Directors Association Inc. asks this Committee to issue a report of FAVORABLE WITH AMENDMENTS, provided the amendments contained herein are adopted.

If you would like to discuss any of the issues contained herein, please feel free to contact W. Nathan Malloy Jr., Esq. via email at [nathanmalloyesq@gmail.com](mailto:nathanmalloyesq@gmail.com) or call (410) 435-4529.

# **HB1555\_Response toStateFuneralDirectors**

Uploaded by: Delegate Bhandari

Position: FAV



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](mailto: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

# **FCAME testimony on HB1555 3.27.2025.pdf**

Uploaded by: Barbara Blaylock

Position: FWA



# ***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 HB1555 – Funeral Establishments, Crematories, and Reduction Facilities –  
Oversight (Ensuring Dignity and Accountability in Crematory and Funeral Homes  
Operations Act)**

**Position: Support with further amendments to the amended House version** Hearing date  
March 27, 2025

Thank you for the opportunity to provide testimony from the Funeral Consumers Alliance of Maryland and Environs (FCAME) in support of HB 1555, which would strengthen regulatory oversight of funeral establishments, crematories, and reduction facilities.

The original bill, as introduced in the House, would have gone even further in ensuring the proper storage of human remains by requiring refrigerated holding facilities for each funeral establishment, which we support.

Taxpayers should be able to feel confident that their tax dollars are supporting effective regulatory agencies. We find shocking the report that inspections have been so lax in recent years, and that at least one establishment has been allowed to continue operations in a substandard manner even after it was found that it was not in compliance with regulations. We support the requirement in the original HB1555 bill for an inspection 30 days after a citation is issued and for routine inspections, which were removed in the amended bill.

We support increased oversight of the Board of Morticians by granting the Governor the right to appoint the President of the Board and to remove any Board member for causes specified.

FCAME also supports increased transparency and communication with the public as specified in the original bill and disagree with the amended version, **specifically**: removing the requirements for reports regarding inspections and violations to the Senate Finance Committee, for inspections within 30 days after a citation is issued to a funeral or cremation facility, and for responding to public concerns about violations. The Board of Physicians makes public specifics about disciplinary actions taken with regard to physicians. We have heard from families of the deceased who were frustrated because they assumed that they should be able to get any sort of help from the Board but found none was forthcoming.

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.*

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Funeral Consumers Alliance of Maryland & Environs

<https://www.mdfunerals.org>

info@mdfunerals.org

P.O. Box 34177, Bethesda, MD 20827





# ***Funeral Consumers Alliance of Maryland and Environs***

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

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Funeral Consumers Alliance of Maryland & Environs

<https://www.mdfunerals.org>

info@mfunerals.org

P.O. Box 34177, Bethesda, MD 20827

# **HB 1555 - MDH - FIN - LOSAA (1).pdf**

Uploaded by: Meghan Lynch

Position: FWA



*Wes Moore, Governor · Aruna Miller, Lt. Governor · Ryan Moran, DrPH, MHSA, Acting Secretary*

March 25, 2025

The Honorable Pamela Beidle  
Chair, Senate Finance Committee  
3 East Miller Senate Office Building  
Annapolis, MD 21401-1991

**Re: House Bill 1555 - Funeral Establishments, Crematories, and Reduction Facilities - Oversight (Ensuring Dignity and Accountability in Crematory and Funeral Home Operations Act) - Letter of Support as Amended**

Dear Chair Beidle and Committee Members:

The Maryland Department of Health (Department) respectfully submits this Letter of Support as Amended for House Bill (HB) 1555 - Funeral Establishments, Crematories, and Reduction Facilities - Oversight (Ensuring Dignity and Accountability in Crematory and Funeral Home Operations Act). The bill requires the State Board of Morticians and Funeral Directors to update certain regulations for funeral establishments, crematories, and reduction facilities, and to improve transparency, inspection practices, and oversight of the Board. Specifically, the bill would bring the Board under the oversight of the Department, empowering the Secretary of Health to take a more direct role in Board operations. We respectfully request the addition of a time limit for the oversight aspect of the bill, for the Department's oversight to sunset after three years.

In general, Maryland's health occupation boards operate independently.<sup>1</sup> This structure has traditionally limited the Department's role in operation and oversight of Board functions. However, there are cases when a Board requires more support. For example, in 2023, the General Assembly passed HB 11/SB 960 - State Board of Nursing – Sunset Extension, Licensure Exceptions, and Board Operations and Membership empowered the Secretary of Health to enact operational reforms for a period of two years.<sup>2</sup> During this time, the Board of Nursing and the Department successfully partnered to improve staffing, complaint response and investigation, fiscal responsibility, technology & application processing, and constituent services and communications. This recent example illustrates the Department's ability to improve a board's efficacy and efficiency.

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<sup>1</sup> Maryland Department of Health, MDH Boards, <https://health.maryland.gov/Pages/boards.ASPX>

<sup>2</sup> Maryland Department of Health and Maryland Board of Nursing, Update for Health and Government Operations Committee: Implementation of HB 611 and 2025 Departmental Legislation, January 22, 2025, [https://mgaleg.maryland.gov/meeting\\_material/2025/hgo%20-%20133820430933658697%20-%201%20-%20MDH%20Board%20of%20Nursing%20Update.pdf](https://mgaleg.maryland.gov/meeting_material/2025/hgo%20-%20133820430933658697%20-%201%20-%20MDH%20Board%20of%20Nursing%20Update.pdf)

The Department supports the effort to temporarily bring the Board of Morticians and Funeral Directors under its purview in response to recent concerns. Not only does the Department have the experience of supporting the Board of Nursing when circumstances required, but it also executes relevant work in the areas of decedent management, mitigation of public health hazards, and the licensing, regulation and inspection of a diverse collection of health facilities. It has broad institutional knowledge in upholding facility standards, managing inspection protocol and staff, identifying deficiencies and non-compliance, which are key functions the Board is called on to improve. With the expertise and the capabilities described above, the Department is ready and able to provide oversight of funeral homes and morticians at this time.

The Department believes it will incur costs if the bill is passed as written. Specifically, the Board needs to raise revenues by \$143,000 per year to maintain current operations. Additional staffing and the establishment and maintenance of the online database that includes information regarding each violation by, and inspection of, each funeral establishment, would require additional revenue. The ability to implement these changes is dependent on the Board raising fees.

The amendments to HB1555 add an effective period of three years through September 30, 2028, for Section 2. The Department supports this sunset provision.

If you would like to discuss this further, please do not hesitate to contact Sarah Case-Herron, Director of Governmental Affairs at [sarah.case-herron@maryland.gov](mailto:sarah.case-herron@maryland.gov).

Sincerely,

A handwritten signature in blue ink that reads "Ryan B. Moran". The signature is fluid and cursive, with the first name "Ryan" and last name "Moran" clearly legible.

Ryan B. Moran, DrPH, MHSA  
Acting Secretary

# **HB 1555 - FIN - BoMFD - SWA.docx.pdf**

Uploaded by: State of Maryland (MD)

Position: FWA



*Wes Moore, Governor · Aruna Miller, Lt. Governor · Ryan Moran, DrPH, MHSA, Acting Secretary*

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

March 25, 2025

The Honorable Pamela Beidle  
Chair, Finance Committee  
3 East Senate Miller Office Building  
11 Bladen Street  
Annapolis, MD 21401-1991

**RE: HB 1555 - Funeral Establishments, Crematories, and Reduction Facilities - Oversight (Ensuring Dignity and Accountability in Crematory and Funeral Home Operations Act) – Support with amendments**

Dear Chair Beidle and Committee Members:

The Maryland Board of Morticians and Funeral Directors (the “Board”) respectfully submits this letter in support of HB 1555, with amendments. While the Board fully supports transparency and accountability, certain provisions in the Bill require clarification to ensure they do not create unintended consequences. HB 1555 requires the Board to publish “information regarding each disciplinary action taken by the Board” (H.O. §7-209). However, the Board already fulfills this obligation by publishing final disciplinary actions on its website under H.O. §1-607. Additionally, COMAR 10.29.11.06(B) designates Letters of Education and Letters of Admonishment as confidential. The Bill does not specify whether these measures would remain non-public, thereby creating ambiguity. If the intent is to publish only final disciplinary actions (Consent Orders, Final Orders, or Letters of Surrender), this provision is redundant. Currently, the Board follows an established complaint-handling process under COMAR, which protects the confidentiality of certain disciplinary actions. HB 1555, as introduced, could unintentionally override these protections.

The Board recommends amending the Bill to explicitly clarify its scope. HB 1555 (H.O. §7-209) mandates publishing funeral establishment inspections. However, it is unclear whether this requires only a database of inspection dates or the full inspection reports. The Board recommends clarifying this provision to specify what information will be made public and when. HB 1555 proposes appointing a “liaison” to assist the prosecutor in preparing charges and grants the Executive Director authority to direct the liaison in cases of imminent threats to human safety.

The Board supports HB 1555, as it balances transparency, public protection, and fairness to the

profession. Therefore, the Board respectfully requests a favorable vote on HB 1555 with the amendments in this letter.

For further discussion, please contact me at (410) 764-4714 or [erika.malone1@maryland.gov](mailto:erika.malone1@maryland.gov), or Lillian Reese, Legislative Liaison, at (443) 794-4757 or [lillian.reese@maryland.gov](mailto:lillian.reese@maryland.gov).

Respectfully,

A handwritten signature in black ink, appearing to read "E. Malone", written in a cursive style.

Erika Malone  
Executive Director

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

## **20250325 Favorable With Amendments to HB 1555.pdf**

Uploaded by: Walter Nathan Malloy Jr.

Position: FWA





## Maryland State Funeral Directors Association, Inc.

519 Mabe Drive, Woodbine, MD 21797

Phone: 410-553-7706

Email: [msfda@msfda.net](mailto:msfda@msfda.net) ▪ Web Site: [www.msfda.net](http://www.msfda.net)

March 25, 2025

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

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

Dear Members of the Senate Finance Committee:

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

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

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**PROPOSED AMENDMENT NO. 1:**

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

THE OFFICE SHALL:

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

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

THE OFFICE SHALL:

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

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**PROPOSED AMENDMENT NO. 2:**

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

THE BOARD SHALL

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

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

THE BOARD SHALL

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

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

**March 25, 2025**

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

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

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

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

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

Sincerely,

A handwritten signature in blue ink that reads "Walter Nathan Malloy Jr." with a stylized flourish at the end.

Walter Nathan Malloy Jr., Esq.  
***Lobbyist and Attorney***  
(410) 435-4529 (office)  
E-mail: nathanmalloyesq@gmail.com

## **HB1555\_CharlesScheeler\_INFO**

Uploaded by: Charles Scheeler

Position: INFO

March 26, 2025

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

RE: Letter of Information on House Bill 1555 - Funeral Establishments, Crematories, and Reduction Facilities - Oversight (Ensuring Dignity and Accountability in Crematory and Funeral Home Operations Act)

Madame Chair, Vice Chair and members of the Finance committee, thank you for your commitment to the issues in House Bill 1555. On January 30, 2025, Governor Wes Moore asked me, Charles Scheeler, to conduct a “top to bottom” operational review of the Board of Morticians and Funeral Directors. I want to thank the current and former Board members and staff, MDH personnel, Attorney General’s Office counsel, MSFDA leadership and others who generously shared their thoughts and time. From my work, I developed eighteen recommendations. I understand that my written report has been shared with you.

Of the eighteen recommendations, I have labeled four as “urgent”. Collectively, these four recommendations are designed to ensure that the Board maintains a sufficient and qualified staff and has the legal authority it needs to to order a binding suspension or revocation of a license where appropriate. The four urgent recommendations are listed below:

1. The Secretary should be responsible for Staff personnel matters, subject to input from the Board members. The Board should have discretion to delegate authority to staff as appropriate.
2. The Board should work with MDH and the Department of Budget and Management to staff a second inspector/investigator position to assist with the Board’s expanded workload.
3. Ann. Code of Maryland, Health Occupations Article Section 7-320(c) should be repealed
4. The Board should establish a policy whereby all funeral establishments on probation are inspected at least twice per year and quarterly if possible.

Charlie Scheeler serves as the Chair of Rosedale Federal Savings and Loan Association, Johns Hopkins Bayview Medical Center, and the Horseracing Integrity and Safety Authority. He is a retired partner at DLA Piper LLC. He practiced law for almost 40 years, including five years as a federal prosecutor.

Please reach out to the Governor’s Office for questions or additional information at [june.chung@maryland.gov](mailto:june.chung@maryland.gov) or [maureen.regan@maryland.gov](mailto:maureen.regan@maryland.gov).