
MARYLAND DEPARTMENT OF LABOR LETTER OF INFORMATION HB1003.

TO: House Health & Government Operations Committee
FROM: Deborah Rappazzo, Executive Director, Cemetery Oversight
DATE: March 4, 2025
BILL: HB 1003 -Relocation of Human Remains - Authorization Process

House Bill 1003 requires a person seeking to relocate human remains from a burial site to apply for approval for relocation with the Office of Cemetery Oversight (“Office”) before seeking authorization from a State’s Attorney. This bill will establish requirements and procedures for an application for authorization to relocate human remains as well as requiring the Office to delay authorization for 90 days for relocation of human remains under certain circumstances.

The bill contains a funding mechanism to deposit fines collected under this proposal into the Office’s segregated fund, although it’s unclear if that could occur. According to Business Regulations § 5-310(f), civil penalties collected by the Office for violations of the Maryland Cemetery Act are paid into the general fund. However, this proposed legislation would fall under Criminal Law Article - not the Cemetery Act. Typically, fines under the Criminal Law Article are kept by the prosecuting government agency, which would be the State’s Attorneys Office for that particular county. This legislation would change that and could create the appearance of a conflict of interest for the Office, where the Office is incentivized by this legislation to find violations to increase its segregated fund. Each segregated fund in the Department of Labor avoids this potential conflict.

Additionally, the Office does not have a way to estimate the amount of disinterment and reinterment requests each State’s Attorney Office across the State receives and approves on a yearly basis. The number of additional employees to handle the

requests could be underestimated. It is not clear whether these fines would offset the added staff required to fulfill the obligations created by this bill.

The OCO is a small, self-funded unit. When fully staffed, the OCO consists of a total of three full-time employees and one part-time employee. Due to the Office's limited staffing, the Office will have to increase staff to handle the new duties created by SHouse Bill 1003. Since the Office is a self-funded unit, it will be challenging for the Office to absorb the additional staffing and legal expenses that will be necessary to fulfill the goals of this legislation.