



## 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.”
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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.