



March 12, 2025

Chairwoman Delegate Joseline A. Pena-Melnyk
Vice-Chair Bonnie Cullison
Health and Government Operations Committee
240 Taylor House Office Building
Annapolis, MD 21401

**Re: House Bill 1555 –Funeral Establishments, Crematories, Reduction
Facilities Oversight**

Dear Chairwoman Pena-Melnyk, Vice-Chair Cullison and Members of the House Health and Government Operations 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 support for House Bill 1055 (unofficial amended copy) provided the committee amends the bill to clarify and/or correct the following issues:

ISSUE 1: BUSINESS REGULATION § 5-204(a)(2)(II), as proposed, 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. BUSINESS REGULATION § 5-204(a)(2)(II), as proposed, needs an amendment to make the meaning and intent of the statute clear.

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. 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. If BUSINESS REGULATION § 5-204(a)(2)(II) requires each funeral establishment licensee to have their own refrigeration, I would strenuously oppose such a provision because it is financially burdensome, unnecessary, cost-prohibitive, and in conflict with HEALTH GENERAL § 5-513 (c). Many funeral establishments and crematories already comply with HEALTH GENERAL § 5-513(b)-(c), and either maintain their own Refrigeration or have an arrangement with a facility that has refrigeration in compliance with HEALTH GENERAL § 5-513(b)-(c). Funeral establishments licensed to embalm, generally embalm the remains of a deceased individual within 48 hours of death and refrigeration is not necessary. Most funeral establishments with several locations, like March Funeral Homes have a centralized refrigeration and embalming facility to ensure adequate

refrigeration, and the dignified handling of the deceased remains. To require each of our facilities to have refrigeration, is cost prohibitive and unduly burdensome on our business.

ISSUE 2: 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.”

The registered crematory and registered reduction facility should be inspected not the operators.

ISSUE 3: Before publishing a database of “violations” as proposed in BUSINESS REGULATION § 5-207, House Bill 1555 needs to clearly define what constitutes a violation and order the Director of the Office of Cemetery Oversight to include the definition of a “Violation” in their respective regulations.

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;”

COMAR 09.34.07.03, COMAR 10.29.18.03, and COMAR 10.29.03.06 each discuss deficiencies cited by an inspector at the conclusion of an inspection and noted in an inspection report. The regulations further outline that the licensee has thirty days to correct the deficiency. However, the regulations are not clear on the distinction between a deficiency and a violation. Before reporting violations, BUSINESS REGULATION § 5-207 as proposed in HB 1555 (Amended Unofficial Copy) needs to define a violation so the online database does not contain deficiencies that have been corrected.

ISSUE 4: Before publishing a database of “violations” as proposed in HEALTH OCCUPATIONS § 7-209, House Bill 1555 needs to clearly define what constitutes a “violation” and order the the Board of Morticians to include the definition of “Violation” in their respective regulations.

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;”

While this may seem duplicative, identical provisions appear in both BUSINESS REGULATION § 5-207 and HEALTH OCCUPATIONS § 7-209. 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 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, I believe 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.

ISSUE 5: 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.”

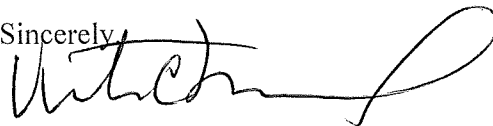
I believe the intent of the bill was to allow the Executive Director to direct the Prosecutor to prepare charges, and not the Liaison, in the event the Executive Director determines that a complaint that has been referred for Prosecution under subsection (a) of this section alleges facts that, if true, would pose an imminent threat to human safety.

ISSUE 6: 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. While I understand the intent of removing § 7-320(c), we should be fair and equitable to the licensee, who may have lost his, or her, only means of supporting his family as a result of a suspension or revocation. I believe it fair and just to amend HEALTH OCCUPATIONS § 7-320(C) to allow a licensee to seek an immediate injunction or protective order from a Circuit Court Judge pending the outcome of an appeal that has the ability to lift the suspension or revocation balancing the strength of the evidence against the licensee, or lack thereof, the potential of public harm, and the totality of the circumstances.

Issue 7: The civil penalty proposed in HEALTH OCCUPATIONS § 7-317.1(1), for a violation is excessive. The proposed language of **HEALTH OCCUPATIONS § 7-317.1(1)**, states that the civil penalty shall not exceed \$50,000.00. \$50,000.00 is an excessive penalty in light of the fact that the current penalty is \$5,000.00. I believe the maximum civil penalty should be \$10,000 to \$15,000.00 which would be 2 – 3 times the current penalty in § 7-317.

My written testimony is not intended to be an exhaustive list of proposed amendments, but a recital of my greatest concerns regarding House Bill 1555 (Amended Unofficial Copy). I respectfully request that the committee issue a **FAVORABLE REPORT, provided the amendments contained herein are included.** If there are any questions or concerns, please do not hesitate to contact me.

Sincerely,



Victor C. March

Chief Executive Officer and President

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