



Maryland State Funeral Directors Association, Inc.

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February 17, 2026

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

Re: Proposed Senate Bill 0413 – State Board of Morticians and Funeral Directors – Board Operations and Regulation of Crematories and Reduction Facilities

Position: UNFAVORABLE

Dear Members of the Senate Finance Committee:

Please find enclosed comments, thoughts, and suggestions on behalf of the Maryland State Funeral Directors Association, Inc. regarding **Senate Bill 0413 – State Board of Morticians and Funeral Directors – Board Operations and Regulation of Crematories and Reduction Facilities**.

While we believe the proposed bill is well intentioned, and we are neutral on the transfer of regulation of crematories to the Board of Morticians, the additional provisions that have expanded the ability to sell preneed to crematories, and the mandatory disclosure of financial records is wholly inappropriate and unnecessary.

For the reasons stated herein, the Maryland Funeral Directors Association, Inc. is unable to support Senate Bill 0413 and recommends an **UNFAVORABLE** report by the Senate Finance Committee. While the issues outlined herein are not intended to be an exhaustive list of concerns held by the Maryland State Funeral Directors Association, Inc., we have attempted to highlight the most significant areas of concern related to enacting Senate Bill 0413.

Please see our comments below:

ISSUE NO. 1

Issue No. 1: It is imperative that this legislation and HB0698 redefine the word “Crematory” to remove any reference to alkaline hydrolysis to avoid any confusion by the Maryland consumer under existing Maryland Law.

Proposed Section(s): Business Regulations 5-101(G), Health Occupations 7-101(i)

DISCUSSION: The proposed sections of §5-101(g) of the Business Regulations Article and §7-101(i) of the Health Occupations Article inappropriately define “Crematory” as:

“Crematory” means a building, portion of a building, or structure that houses the necessary appliances and facilities for cremation or alkaline hydrolysis.” (§5-101(g) of the Business Regulations Article and §7-101(i) of the Health Occupations Article)

With the enactment of alkaline hydrolysis legislation in 2024, the process of alkaline hydrolysis was defined as occurring at a structure known as a “Crematory”. Consequently, if one were to solely possess equipment to perform the alkaline hydrolysis process of human remains, such a facility and structure must be called a Crematory under current Maryland Law, even if the structure does not have an incinerator or retort on the premise, or perform cremations. Such a definition is confusing to professionals, and especially confusing to the consumer.

Over the years, the public has come to know Cremation and Crematories for the process of the incineration of human remains as a form of disposition. Adding the alkaline hydrolysis process to the definition of a “Crematory” has and will continue to lead to uncertainty and confusion when the terms “Cremation” or “Crematory” are used. Either Alkaline Hydrolysis should have their own Alkaline Hydrolysis facility or “Hydrolysis Facility”, or, in the alternative, be grouped with Natural Organic Reduction as a form of “Reduction” of human remains that occurs in a “Reduction Facility”.

It is extremely important to the consumer that the legislature and the Board of Morticians, differentiate between the two processes for transparency and clarity. A crematory should solely be a location where cremation only occurs; this is the term that the public has adopted and understands. A “Reduction Facility” or “Alkaline Hydrolysis Facility” should be the term for a building that houses, or is capable of, cremation, alkaline hydrolysis, and or natural organic reduction. **There should be three (3) separate and distinct Sections of Health Occupations Article and COMAR for:**

- 1. Cremation and Crematories**
- 2. Alkaline Hydrolysis and Alkaline Hydrolysis Facilities**
- 3. Natural Organic Reduction**

to avoid confusion and ensure transparency regarding what the regulations require for each form of disposition.

As technology advances, the need for separate sections of COMAR will become more evident. One can review how the advancements in cremation, as a distinct form of disposition, necessitated a separate set of regulations. It is short-sighted to attempt to include Alkaline Hydrolysis within the Crematory Regulations or the term Crematory.

The term Crematory should be restricted to referencing an area that contains a Cremator. Since the 1870’s people have understood the word crematory to mean a building or facility that incinerates human remains. The use of the term Crematory to now include alkaline hydrolysis will confuse the consumer and could lead to massive liability for the permit holder due to confusion over which process the consumer has

selected and which Authorization was given to perform which process. An “Alkaline Hydrolysis Facility” should be the term used to reference an area that contains Alkaline Hydrolysis equipment. In fact, **the Board of Morticians uses the term Alkaline Hydrolysis Facility in a draft of their proposed regulations.**

In the alternative, the legislature could add the term “Alkaline Hydrolysis”, to the definition of “Reduction Facility” to be inclusive of the necessary appliances for two or more forms of disposition, i.e. Alkaline Hydrolysis, and/or Natural Organic Reduction.

ISSUE NO. 2

Issue No. 2: §5-101(L) Business Regulations Article’s definition of “Interment” means “all final disposition of human remains” is incorrect?

Proposed Section: Health Occupations 5-101(L) Business Regulations Article

DISCUSSION: §5-101(L) Business Regulations Article’s definition of “Interment” states:

“Interment” means all final disposition of human remains or pet remains, including:

- (1) earth burial;*
- (2) mausoleum entombment; and*
- (3) niche or columbarium interment.*

In fact, “Interment” does not mean “all” final disposition; cremation is also a form of disposition and does not require a burial, entombment, or interment. Disposition is final once the process of cremation is complete. Many retain the cremated remains of their loved one in an urn in their home. With the establishment of Natural Organic Reduction as a permissible form of disposition in Maryland, “Interment” does not mean “all” final disposition of human remains. Consequently, the word “all” needs to be removed from the definition of interment in §5-101(L) Business Regulations Article.

ISSUE NO. 3

Issue No. 3: At a minimum, §5-101(I)(2) and §5-101(Q)(2) of the Business Regulations Article should include a definition of “burial space” to clarify that Cemeteries sell rights of interment in a location, and not physical land. The use of the term burial “space” is misleading.

Proposed Section: §5-101(Q)(2), 5-303(b)(4), 5-308(3), 5-702, 5-901 of the Business Regulations Article, §7-101(AA)(2) of the Health Occupations Article.

DISCUSSION: The use of the term “burial space” is misleading to the consumer and professionals alike, without a clear definition of the term. Cemeteries sell a right of interment at a specific location within the grounds of a cemetery. The consumer believes that they own the “land” or “space” stated in their purchase agreement or contract. There is no transfer of land or actual “space”. It is akin to a perpetual timeshare. You own the right to use that location in perpetuity, but you do not own the physical land or space itself. The purchaser of a right of interment owns the right to be buried in a specific location at the cemetery, but under no circumstances does it mean the consumer owns the land or “space”.

For the aforementioned reasons, the term “burial space” should be clearly defined throughout Title 5 of the business Regulations Article as well as any reference in Title 7 of the Health Occupations Article.

ISSUE NO. 4

Issue No. 4: It is misleading to leave out the term “Reduction Facilities” from the heading of Title 7.

Proposed Section: Title 7 Health Occupations (Heading)

DISCUSSION:

Leaving out the term “Reduction Facilities” from the heading of Title 7 is misleading. If in fact the committee adopts our recommendation of the changes to the definition of “Crematory” (*See Issue No. 1 above*), removes the term alkaline hydrolysis from the definition of Crematory and places “alkaline hydrolysis” as an activity under a Reduction Facility, it will be imperative to amend the heading of Title 7 to read:

Title 7. Morticians, Funeral Directors, Crematories, and Reduction Facilities

“Hydrolysis Facilities” or “Reduction Facilities” should be the term used to house alkaline hydrolysis equipment, not Crematories.

ISSUE NO. 5

Issue No. 5: Title 7-101(c)(2) of Health Occupations Article is inconsistent with COMAR 10.29.09(B)(2)(b). An apprentice sponsor must be licensed for at least one (1) year pursuant to 7-101(c)(2) of the Health Occupations Article; however, an apprentice sponsor must be licensed for at least and five (5) years pursuant to COMAR 10.29.09(B)(2)(b).

Proposed Section: Title 7-101(c)(2) of Health Occupations Article and COMAR 10.29.09(B)(2)(b).

DISCUSSION: There currently exists differing time requirements that an apprentice sponsor must be licensed under Title 7-101(a)(c)(2) of Health Occupations Article and COMAR 10.29.09(B)(2)(b). The conflicting requirements are confusing to the apprentice applicant, to the applicant sponsors, and licensees. Which standard should an applicant apply when selecting a sponsor Title 7-101(a)(c)(2) of Health Occupations Article **OR** COMAR 10.29.09(B)(2)(b).? Which provision should the Board of Morticians follow? The discrepancy must be clarified and corrected immediately.

ISSUE NO. 6

Issue No. 6: The definition of an Apprentice sponsor states that the apprentice sponsor “provides direct supervision to an apprentice” pursuant to Title 7-101(c)(3) of Health Occupations Article. However, COMAR 10.29.09(B)(5) states that supervision does not have to be “direct”, and may be delegated.

Proposed Section: Title 7-101(c)(3) of Health Occupations Article and COMAR 10.29.09(B)(5).

DISCUSSION: Title 7-101(c)(3) of Health Occupations Article states that:

“Apprentice sponsor” means an individual who:

.....

(3) Provides direct supervision to an apprentice.

However, COMAR 10.29.09(B)(5) states:

(5) “Delegate” means a licensed mortician or a licensed funeral director employed by the same licensed funeral establishment as the apprentice sponsor and to whom the apprentice sponsor delegates direct supervision.

As a result of the two different interpretations of supervision of an apprentice:

Title 7-101(c)(3) of Health Occupations Article should be amended and state:

“Apprentice sponsor” means an individual who:

.....

*(3) Provides direct supervision to an apprentice **or delegates said supervision to another licensed mortician or a licensed funeral director employed by the same licensed funeral establishment as the apprentice sponsor .***

ISSUE NO. 7

Issue No. 7: 7-101(d) definition of Board” should state “Board” means the State Board of Morticians, Funeral Directors, Crematories, Hydrolysis Facilities, and Reduction Facilities”

Proposed Section: Title 7-101(d) of Health Occupations Article

DISCUSSION: See the Discussion Section of Issue No. 1 and Issue No. 4 above. The definition of the term “Board” should include a reference to Natural Organic Reduction by including “Reduction Facilities” in the “NEW” name of the State Board of Morticians.

See also Issues No. 9, 14, 15, and 16.

ISSUE NO. 8

Issue No. 8: It is imperative for the legislature to define what is meant by the term “not directly related to cremation” contained in 7-101(e)(2)(ii), 7-101(J)(2)(II)(1)&(4), 7-101(K)(2)(II)(1)&(4) of the Health Occupations Article.

Proposed Section: Title 7-101(e)(2)(ii) and 7-101(J)(2)(II)(1)&(4) of Health Occupations Article

DISCUSSION: In an effort to define what is meant by the “Business of operating a crematory” the legislature promulgated language in 7-101(e)(2)(ii) that states in pertinent part:

“Business of operating a crematory” does not include:

- (i) The practice of funeral direction or the practice of mortuary science;
- (ii) 1. Assistance in making decisions and filling out forms that are ***not directly related to cremation [emphasis added]***;
2. Obtaining vital statistics, signatures, and other information necessary to complete a death certificate;
3. Transportation of a body to the place of disposition; or
4. Any other services regarding the disposition of a body that are ***not directly related to cremation [emphasis added]***.

(7-101(e)(2)(ii) Health Occupations Article)

The legislature must make abundantly clear what the legislature means by “***not directly related to cremation***”. Use of such a vague group of terms as “***not directly related to cremation***” is open to interpretation as to what does and what does not constitute “related to cremation”; the legislature needs to be extremely clear what is not permitted.

MSFDA proposes the following terms be inserted into 7-101(e)(2)(ii):

- (a) “***not directly related*** to the physical process of cremation” or, in the alternative,
- (b) “***not directly related*** to the physical process of the incineration of human remains” makes the statute clear to the licensee and to the consumer.

ISSUE NO. 9

Issue No. 9: The definition of “Crematory” contained in 7-101(i) needs to remove the term Alkaline Hydrolysis and either create the term “Alkaline Hydrolysis Facility” or place the term alkaline hydrolysis as part of the definition of a “Reduction Facility” under 7-101(BB) of the Health Occupations Article.

Proposed Section: Title 7-101(i), and 7-101(BB) of Health Occupations Article

DISCUSSION: *“Crematory” means a building, portion of a building, or structure that houses the necessary appliances and facilities for cremation or alkaline hydrolysis.*” (§5-101(g) of the Business Regulations Article and §7-101(i) of the Health Occupations Article)

With the enactment of alkaline hydrolysis legislation in 2024, the process of alkaline hydrolysis was grouped under the term “Crematory”. Consequently, if one were to solely possess equipment to perform the alkaline hydrolysis process of human remains, such a facility and structure must be called a Crematory under current Maryland Law, even if the structure does not have an incinerator or retort on the premise, or perform cremations. Such a definition is confusion to professionals, and especially confusing to the consumer.

Over the years, the public has come to know Cremation and Crematories for the process of incineration of human remains as a form of disposition. Adding alkaline hydrolysis process to the definition of a Crematory has and will continue to lead to uncertainty and confusion when the terms “Cremation” or “Crematory” are used. Alkaline Hydrolysis would be grouped with Natural Organic Reduction as a form of “Reduction” of human remains and should be categorized as a reduction facility.

It is extremely important to the consumer that the BOM, differentiate between the two processes for transparency and clarity. A crematory should solely be a location where cremation only occurs; this is the term that the public has adopted and understands. A “Reduction Facility” or “Alkaline Hydrolysis Facility” should be the term for a building that houses, or is capable of, cremation, alkaline hydrolysis, and or natural organic reduction. **There should be three (3) separate and distinct Sections of COMAR for:**

- 1. Cremation and Crematories**
- 2. Alkaline Hydrolysis and Alkaline Hydrolysis Facilities**
- 3. Natural Organic Reduction**

to avoid confusion and ensure transparency regarding what the regulations require for each form of disposition.

As technology advances, the need for separate sections of COMAR will become more evident. One can review how the advancements in cremation as a distinct form of disposition necessitated a separate set of regulations. It is misguided and short-sighted

to attempt to include Alkaline Hydrolysis within the Crematory Regulations or the term Crematory.

The term Crematory should be restricted to referencing an area that contains a Cremator. Since the 1870's people have understood the word crematory to mean a building or facility that incinerates human remains. The use of the term Crematory to now include alkaline hydrolysis will confuse the consumer and could lead to massive liability for the permit holder due to confusion over which process the consumer has selected and which Authorization was given to perform which process. An "Alkaline Hydrolysis Facility" should be the term used to reference an area that contains Alkaline Hydrolysis equipment. **The Board of Morticians uses the term Alkaline Hydrolysis Facility in a draft of their proposed regulations.**

In the alternative, the legislature could add the term to the definition of "Reduction Facility" to be inclusive of the necessary appliances for two or more forms of disposition, i.e. Alkaline Hydrolysis, and Natural Organic Reduction.

Additionally, see Issue(s) No. 4 and 7 above.

ISSUE NO. 10

Issue No. 10: It is imperative for the legislature to insert the term "licensed" before the word "building" in the definition of "funeral establishment" contained in 7-101(M) of the Health Occupations Article.

Proposed Section: Title 7-101(M) of Health Occupations Article

DISCUSSION: §7-101(M) of the Health Occupations Article defines "funeral establishment" as:

"Funeral establishment" means any building, structure, or premises from which the business of practicing mortuary science is conducted.

(§7-101(M) of the Health Occupations Article).

A funeral establishment is not just any building. Funeral direction can occur in a church, a rental hall, a mausoleum, and many other locations. What distinguishes any structure or building from a funeral establishment is the fact that the building has been inspected, approved, and licensed by the Board of Morticians as meeting the necessary requirements of Maryland Law. The MSFDA proposes inserting "licensed by the Board" as follows:

"Funeral establishment" means any building, structure, or premises "licensed by the Board" from which the business of practicing mortuary science is conducted.

In fact, 7-101(s) separately defines “licensed funeral establishment”. We believe the addition of “licensed by the Board” makes the definition abundantly clear how to achieve and maintain funeral establishment status for a structure.

ISSUE NO. 11

Issue No. 11: The definition of a Preneed contract in §7-101(Z) has been dangerously expanded to allow a “Registered Crematory Operator” and a “Registered Reduction Operator” to sell preneed. It has been well established that only a mortician or funeral director or a surviving spouse may sell preneed pursuant to §7-504 of the Health Occupations Article. Neither a “Registered Crematory Operator” nor a “Registered Reduction Operator” are allowed to sell preneed service to include preservation or disposition that a mortician normally provides in the ordinary course of business as outlined in the definition of a “Pre-need Contract” in §7-101(Z)(1) of the Health Occupations Article. Consequently, “Registered Crematory Operator” and a “Registered Reduction Operator” MUST be removed from the definition of a “Pre-need Contract” in §7-101(Z)(1) of the Health Occupations Article.

Proposed Section: Title 7-101(Z)(1) of Health Occupations Article

DISCUSSION: §7-101(Z)(1) of the Health Occupations Article is prima facie evidence as to why one should not copy and paste legislation. The author of SB0413 merely attempted to insert “Registered Crematory Operator” and “Registered Reduction Operator” into the definition of preneed without the assistance, guidance, or consultation with a funeral service professional to fully comprehend preneed. The definition of preneed previously read:

(v) Pre-need contract. - "Pre-need contract" means an agreement between a consumer and a licensed funeral director, licensed mortician, or surviving spouse to provide any goods and services purchased prior to the time of death. Goods and services shall include:

(1) A service, including any form of preservation and disposition, that a mortician normally provides in the ordinary course of business; or

(2) Merchandise, including a casket, vault, or clothing that a mortician normally provides in the ordinary course of business.

(§7-101(v) Health Occupations Article, 2026)

The proposed verbiage contained in §7-101(Z) Health Occupations Article states:

*“Pre-need contract” means an agreement between a consumer and a licensed funeral director, licensed mortician, **REGISTERED CREMATORY OPERATOR, REGISTERED REDUCTION OPERATOR**, or surviving spouse to provide any goods and services purchased prior to the time of death[. Goods and services shall include], INCLUDING:*

(1) A service, including any form of preservation and disposition, that a mortician normally provides in the ordinary course of business; or

(2) Merchandise, including a casket, vault, or clothing that a mortician normally provides in the ordinary course of business.

The insertion of “Registered Crematory Operator” and “Registered Reduction Operator” into the definition of preneed has now invalidated the statute because neither a “Registered Crematory Operator” nor a “Registered Reduction Operator” can perform preservation services that a mortician can normally provide. §7-101(Z)(1) states:

(1) A service, including any form of preservation and disposition, that a mortician normally provides in the ordinary course of business

Only a mortician may practice embalming preservation. Moreover, only a licensed mortician can remove “battery operated, implanted devices including pacemakers, defibrillators, or pain relief devices” prior to cremation as required by COMAR 10.29.19.02(A)(2) otherwise the “Registered Crematory Operator” or “Registered Reduction Operator” has committed the tort of mutilation of human remains.

There is severe danger in copying and pasting terms into legislation that could lead to tort liability and injury to the Maryland consumer. The authors of Senate Bill 0413 (2026) and Senate Bill 0413 (2026) should have consulted with the Maryland State Funeral Directors Association Inc. regarding the drafting of these bills.

ISSUE NO. 12

Issue No. 12: The definition of a Preneed contract in §7-101(Z) and the Pre-need statute in §7-504 has been dangerously expanded to allow either a “Registered Crematory Operator” and a “Registered Reduction Operator” to sell preneed. This is a dangerous expansion of the law and poses a risk of harm to the consumer.

Proposed Section: Title 7-101(Z)(1), 7-405, and 7-504 of Health Occupations Article

DISCUSSION: It has been well established that only a licensed mortician, a licensed funeral director, or a holder of a surviving spouse license may sell preneed in Maryland pursuant to §7-504 (2026) of the Health Occupations Article. The insertion of “Registered Crematory Operator” and a “Registered Reduction Operator” in the definition of Preneed dangerously expands the potential for problems with what is permitted and what is not permitted by the “Registered Crematory Operator” and the “Registered Reduction Operator”. Based on our analysis of Issue No. 11 involving 7-101(Z)(1) read in light of COMAR 10.29.19.02(A)(2), the MSFDA is not confident the legislature understands what services are permitted to be performed by a “Registered Crematory Operator” and a “Registered Reduction Operator”.

Neither a “Registered Crematory Operator” nor a “Registered Reduction Operator” should be permitted to sell preneed service to include preservation and disposition that a mortician normally provides in the ordinary course of business, as proposed in the definition of a “Pre-need Contract” in §7-101(Z)(1) of the Health Occupations Article. There are services only a mortician may perform and those MUST BE DISTINGUISHED FROM WHAT A “Registered Crematory Operator” AND a “Registered Reduction Operator” are going to be permitted to perform. See Issue No. 11 above for further discussion.

ISSUE NO. 13

Issue No. 13: The drafter of Senate Bill 0413 (2026) copied and pasted into §7-101(AA)(1) of the Health Occupations Article the definition of “Pre-Need Goods” from Title 5 of the Business Regulations Article, yet, not knowing the subject matter, failed to realize that Title 7 fails to identify and define both “Burial Goods” and “Burial Space”.

Proposed Section: Title 7-101(AA)(1) of Health Occupations Article

DISCUSSION: Title 7 must define what is meant by Burial Goods §7-101(AA)(1) of the Health Occupations Article. Title 7 must define what is meant by “Burial Space” in §7-101(AA)(2) of the Health Occupations Article. For a discussion of the term “Burial Space” see also Issue No. 3 stated above.

ISSUE NO. 14

Issue No. 14: Again, the Maryland State Funeral Directors Association, Inc. proposed to remove “alkaline hydrolysis” from the definition of “Crematory”, place the term “alkaline hydrolysis” under a “New” definition of a “Hydrolysis Facility”, or, in the alternative, place the term under the “New” definition of “Reduction Facility” to be contained in §7-101(BB) of the Health Occupations Article.

Proposed Section: Title §7-101(BB)(1), 7-101(i) of Health Occupations Article

DISCUSSION: See Issues No. 1, 4, and 9.

ISSUE NO. 15

Issue No. 15: Again, the name of the State Board of Morticians in 7-201 of Health Occupations Article should read State Board of Morticians, Funeral Directors, Crematories, Hydrolysis Facilities, and Reduction Facilities to include all forms of alternative disposition.

Proposed Section: Title §7-201, 7-206 of the Health Occupations Article.

DISCUSSION: See Issues No. 1, 4, 7, and 9.

ISSUE NO. 16

Issue No. 16: Again, the name of the State Board of Morticians in 7-206 of Health Occupations Article should read State Board of Morticians, Funeral Directors,

Crematories, Hydrolysis Facilities, and Reduction Facilities to include all forms of alternative disposition.

Proposed Section: Title §7-201, 7-206 of the Health Occupations Article.

DISCUSSION: See Issues No. 1, 4, 7, 9, 14, 15.

ISSUE NO. 17

Issue No. 17: Senate Bill 0413 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.

Proposed Section: Title §7-320 of the Health Occupations Article.

DISCUSSION: Funeral service is a lifelong profession and often the sole income for a licensee and his or her family. The Maryland State Funeral Director Association, Inc. believes that a licensee should be permitted to operate pending the adjudication of the allegations by a court of proper jurisdiction. If the licensee has his license suspended or revoked prior to a judicial ruling, the licensee is without financial means to pay business debts, expenses, and salaries.

Instead, MSFDA believes that an alternative supervising mortician should be appointed pending the outcome of an appeal thereby allowing the establishment to continue to operate, pay expenses, and salaries in the event the court determines that due process was not followed and the suspension or revocation was unjust.

ISSUE NO. 18

Issue No. 18: Senate Bill 0413 appears to have copied the Crematory regulations contained in Title 5 Business Regulations and pasted them into a new section of Title 7 called Title §7-3A-01 thru §7-3A-12 and §7-3B-01 thru §7-3B-09

Proposed Section: Title §7-3A-01 thru §7-3A-12 and §7-3B-01 thru §7-3B-09 of the Health Occupations Article.

DISCUSSION: Prior to Senate Bill 0413, Title 7 contained sufficient administrative and regulatory controls for the application, regulation, and disciplinary process for Funeral Establishments and Crematories. Moving Crematories and Reduction Facilities from the Office of Cemetery Oversight (OCO) to the regulatory control of the Board of Morticians and Funeral Directors should not necessitate the imposition of new regulatory controls. Crematories and Reduction Facilities should be regulated under the existing guidelines and disciplinary procedures contained in Title 7 of the Health Occupations Article.

Second, mandating that crematories and affiliated entities disclose confidential financial statements to competitors who now preside over the State Board of Morticians is both unnecessary, and intrusive. Filing a financial statement with the sole Director of the Office of Cemetery Oversight is completely different from turning over your financial statements to competitors who sit on the Board of Morticians. The mandatory requirement of financial

stability was enacted as part of the Cemetery regulations in 2001 after a number of cemeteries had gone out of business and no longer maintained their property. (2001 Maryland Laws Ch. 186 - House Bill 085). Mandatory financial disclosures have not been, and should not be, a part of the Crematory regulations contained in Title 7 of the Health Occupations Article. The author has simply copied the Cemetery regulations contained in Title 5-302 and 5-304 and pasted them unnecessarily in Title 7.

The mandatory disclosure of confidential financial information to your competitors that sit on the Board of Morticians and Funeral Directors is intrusive and absolutely unnecessary. What does the disclosure of financial information to the Board actually achieve? The regulations were initially implemented to ensure that **Cemeteries, not Crematories**, had the ability to support the Perpetual Care needed to maintain a cemetery.

ISSUE NO. 19

Issue No. 19: §7-3A-11(H)(2)(IV) of Senate Bill 0413 references violations involving the complaints related to the illegal recycling of graves. Again, this is just another example of the many instances where the author of Senate Bill 0413 appears to have copied the Crematory regulations from the Cemetery statutes contained in Title 5 Business Regulations and pasted them into a new section of Title 7 called Title §7-3A-01 thru §7-3A-12 and §7-3B-01 thru §7-3B-09 of the Health Occupations Article.

Proposed Section: Title §7-3A-01 thru §7-3A-12 and §7-3B-01 thru §7-3B-09 of the Health Occupations Article.

DISCUSSION:

Clearly the recycling of graves is not under the purview of the Board of Morticians. §7-3A-11(H)(2)(IV) of Senate Bill 0413 is part of the remnants of Title 5 which were erroneously copied and pasted into Title 7 of the Health Occupations Article. It should be discarded as should most of Title §7-3A-01 thru §7-3A-12 and §7-3B-01 thru §7-3B-09 of the Health Occupations Article.

ISSUE NO. 20

Issue No. 20: §7-3A-11(H)(3) of Senate Bill 0413 references sending a copy of the Annual Violation report to each member of the “Advisory Council”. Again, this is just another example of the many instances where the author of Senate Bill 0413 appears to have copied the Crematory regulations contained in Title 5 Business Regulations and pasted them into a new section of Title 7 called Title §7-3A-01 thru §7-3A-12 and §7-3B-01 thru §7-3B-09 of the Health Occupations Article.

Proposed Section: Title §7-3A-01 thru §7-3A-12 and §7-3B-01 thru §7-3B-09 of the Health Occupations Article.

DISCUSSION:

To my knowledge, there is no Advisory Council for the Board of Morticians. The term “Advisory Council” references the “Advisory Council” to the Office of Cemetery Oversight enacted in §5-201(c)(1). It is abundantly clear that the copying and pasting of legislation was erroneous. Why was the Maryland State Funeral Directors Association, Inc. not consulted before filing the bill?

Erroneously copying the remnants of Title 5 of the Business Regulations Article and pasting them in Title 7 should not have happened. Title §7-3A-01 thru §7-3A-12 and §7-3B-01 thru §7-3B-09 of the Health Occupations Article as proposed in Senate Bill 0413 should be discarded.

Our comments are not intended to be an exhaustive list of the problems with, and errors contained in, Senate Bill 0413. The imposition of inaccurate and inconsistent legislation will most certainly make the legislation impossible to implement.

For the aforementioned reasons, the Maryland State Funeral Directors Association Inc. respectfully requests the Senate Finance Committee strongly weigh our comments in light of what is in the best interest of both the Maryland communities we serve and the industry as a whole, and **issue an UNFAVORABLE report**. Crematories in Maryland ought to be regulated by the existing cremation regulations contained in Title 7 of the Health Occupations Article prior to the drafting of Senate Bill 0413.

The Maryland State Funeral Directors Association, Inc. welcomes the opportunity to be consulted on future legislation prior to the filing of any, and all, bills in the State of Maryland.

Our recommendations are not only what we believe to be good for the consumer, but best for the industry as a whole. We welcome the opportunity to discuss the issues raised herein. Please feel free to contact me at (410) 435-4529 or via email at nathanmalloyesq@gmail.com with any questions or concerns.

Sincerely,



Walter Nathan Malloy Jr., Esq.
Attorney for MSFDA, Inc.

cc: Earl Canapp
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