

MARYLAND REGISTER

Proposed Action on Regulations	
Date Filed with AELR Committee November 13, 2023	Date Filed with Division of State Documents
	Document Number 23-295-P
	Date of Publication in MD Register

1. Desired date of publication in Maryland Register: December 15, 2023

2. COMAR Codification

Title	Subtitle	Chapter	Regulation
09	34	01	13

3. Promulgating Authority

Maryland Department of Labor

4. Name of Regulations Coordinator

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5. Name of Person to Call About this Document

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6. Check applicable items:

- New Regulations
- Amendments to Existing Regulations
- Repeal of Existing Regulations
- Recodification
- Incorporation by Reference of Documents Requiring DSD Approval

7. Is there Emergency text that is identical to this Proposal:

Yes No

8. Incorporation by Reference

Incorporation by Reference (IBR) approval form(s) attached and 16 copies of documents proposed for incorporation submitted to DSD. (Submit 16 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Matthew Venuti, Assistant Attorney General, telephone #410-230-6137, on October 25, 2023. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Portia Wu

Title

Secretary of Labor

Telephone No.

410-230-6020

Date

November 9, 2023

Title 09

MARYLAND DEPARTMENT OF LABOR

Subtitle 34 OFFICE OF CEMETERY OVERSIGHT

09.34.01 Registration and Permit Requirements

Authority: Business Regulation Article, §§5-204—5-205, 5-301—5-308, and 5-401—5-405, Annotated Code of Maryland

Notice of Proposed Action

[23-295-P]

The Office of Cemetery Oversight proposes to:

create a regulation requiring applicants, licensees, and all others subject to the jurisdiction of the Office of Cemetery Oversight, to respond to communications when requested within 30 days. This action was considered by the Office of Cemetery Oversight on October 26, 2023.

Statement of Purpose

The purpose of this action is to create a regulation requiring applicants, licensees, and all others subject to the jurisdiction of the Office of Cemetery Oversight, to respond to communications when requested within 30 days. The new regulation would also require a person to notify the Office of a change in address. Lastly, pursuant to the regulation the failure to respond within 30 days may be considered a violation of Business Regulation Article, Title 5, Annotated Code of Maryland. All other O&P boards and commissions have adopted failure to respond regulations. Therefore, the Office would like to be in compliance with the rest of the Division Occupational and Professional Licensing.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Deborah Rappazzo, Executive Director, Department of Labor, Office of Cemetery Oversight Division of Occupational and Professional Licensing 1100 N. Eutaw Street, 5th floor Baltimore MD 21201, or call 410-230-6228, or email to deborah.rappazzo@maryland.gov. Comments will be accepted through January 16, 2024. A public hearing has not been scheduled.

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Secretary of Labor

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: **FY 2024**

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

General

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

This regulation would only require licensees to respond to requests from the Office of Cemetery Oversight.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

This regulation would only require licensees to respond to requests from the Office of Cemetery Oversight.

G. Small Business Worksheet:

Small Business Analysis Worksheet

This worksheet is designed to assist the agency in determining if and how the proposal impacts small businesses. Quantify the number of affected small businesses and estimates of costs and benefits to small businesses if possible. State Government Article, §2-1505.2, includes the following definitions which are relevant to the analysis:

“Economic impact analysis” means an estimate of the cost or the economic benefit to small

businesses that may be affected by a regulation proposed by an agency pursuant to Title 9, Subtitle 11 of this article.

“Small business” means a corporation, partnership, sole proprietorship, or other business entity, including its affiliates, that: (i) is independently owned and operated; (ii) is not dominant in its field; and (iii) employs 50 or fewer full-time employees.

1a. Intended Beneficiaries. Who are the intended beneficiaries of the proposed regulation? Are these intended beneficiaries primarily households or businesses?

The Maryland Department of Labor and those served by the Maryland State Office of Cemetery Oversight are the intended beneficiaries.

1b. Intended Beneficiaries: Households. If households are the primary intended beneficiaries, will the proposal affect their income or purchasing power such that the volume or patterns of their consumer spending will change? If so, what directions of change would you anticipate? Will these expected spending changes have a disproportionate impact on small businesses? Can you descriptively identify the industries or types of business activities that are impacted?

Households are not expected to substantially benefit from the proposed regulation.

1c. Intended Beneficiaries: Businesses. If businesses are the intended beneficiaries, identify the businesses by industry or by types of business activities. How will businesses be impacted? Are these Maryland establishments disproportionately small businesses? If so, how will these Maryland small businesses be affected? Can you identify or estimate the present number of small businesses affected? Can you estimate the present total payroll or total employment of small businesses affected?

Businesses are not expected to substantially benefit from the proposed regulation.

2a. Other Direct or Indirect Impacts: Adverse. Businesses may not be the intended beneficiaries of the proposal. Instead, the proposal may direct or otherwise cause businesses to incur additional expenses of doing business in Maryland. Does this proposal require Maryland businesses to respond in such a fashion that they will incur additional work-time costs or monetary costs in order to comply? Describe how Maryland establishments may be adversely affected. Will Maryland small businesses bear a disproportionate financial burden or suffer consequences that affect their ability to compete? Can you estimate the possible number of Maryland small businesses adversely affected? (Note that small business compliance costs in the area of regulation are the sum of out-of-pocket (cash) costs plus time costs — usually expressed as payroll, akin to calculations for legislative fiscal notes. Precise compliance costs may be difficult to estimate, but the general nature of procedures that businesses must accomplish to comply can be described.)

The proposal will impact the industry to the extent that the fee increases will affect its

individual members and will be passed on to consumers

2b. Other Direct or Indirect Impacts: Positive. Maryland businesses may positively benefit by means other than or in addition to changed consumer spending patterns. How may Maryland businesses be positively impacted by this initiative? Will Maryland small businesses share proportionately or disproportionately in these gains? Can you estimate the possible number of Maryland small businesses positively affected?

None.

3. Long-Term Impacts. There are instances where the longer run economic impact effect from regulations differ significantly from immediate impact. For example, regulations may impose immediate burdens on Maryland small businesses to comply, but the overall restructuring of the industry as a consequence of monitoring and compliance may provide offsetting benefits to the affected small businesses in subsequent years. Can you identify any long run economic impact effects on Maryland small businesses that over time (a) may compound or further aggravate the initial economic impact described above, or (b) may mitigate or offset the initial economic impact described above?

There is no long-term economic impact anticipated.

4. Estimates of Economic Impact. State Government Article, §2-1505.2 requires that an agency include estimates, as appropriate, directly relating to: (1) cost of providing goods and services; (2) effect on the work force; (3) effect on the cost of housing; (4) efficiency in production and marketing; (5) capital investment, taxation, competition, and economic development; and (6) consumer choice.

(1) There is no effect on the cost of providing goods and services; (2) There is no effect on the work force; (3) There is no effect on the cost of housing; (4) There is no effect on efficiency in production and marketing; (5) There is no effect on capital investment, taxation, competition, and economic development; (6) There is no effect on consumer choice.

Title 09

MARYLAND DEPARTMENT OF LABOR

Subtitle 34 OFFICE OF CEMETERY OVERSIGHT

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.13 COMMUNICATION FROM DIRECTOR—FAILURE TO RESPOND.

A. DEFINITION.

(1) IN THIS REGULATION, THE FOLLOWING TERM HAS THE MEANING INDICATED.

(2) TERM DEFINED.

(A) "PERSON" HAS THE MEANING PROVIDED IN BUSINESS REGULATION ARTICLE, §1-101(G), ANNOTATED CODE OF MARYLAND.

(B) "PERSON" INCLUDES:

(i) ANY REGISTRANT OR PERMIT HOLDER UNDER BUSINESS REGULATION ARTICLE, TITLE 5, ANNOTATED CODE OF MARYLAND, AND ANY APPLICANT FOR A REGISTRATION OR PERMIT TO OPERATE A CEMETERY OR CREMATORY, OR TO PROVIDE BURIAL GOODS, IN THIS STATE; AND

(II) ANY OTHER PERSON REQUIRED UNDER THE PROVISIONS OF BUSINESS REGULATION ARTICLE, TITLE 5, ANNOTATED CODE OF MARYLAND, OR ANY REGULATION IN THIS SUBTITLE, TO RESPOND TO A COMMUNICATION FROM THE DIRECTOR.

B. DUTY TO RESPOND.

(1) IF A PERSON RECEIVES FROM THE DIRECTOR OR THE OFFICE A WRITTEN COMMUNICATION REQUESTING A RESPONSE, THE PERSON SHALL RESPOND IN WRITING, BY FIRST-CLASS MAIL, WITHIN 30 DAYS OF THE DATE OF THE MAILING.

(2) IT IS THE RESPONSIBILITY OF A PERSON TO NOTIFY THE OFFICE IN WRITING IF THERE HAS BEEN A CHANGE IN THE PERSON'S ADDRESS.

C. FAILURE TO RESPOND AS REQUIRED BY THIS REGULATION MAY BE CONSIDERED BY THE DIRECTOR TO BE A VIOLATION OF BUSINESS REGULATION ARTICLE, TITLE 5, ANNOTATED CODE OF MARYLAND.