

HOUSE BILL 540

J1, J2

2lr0871
CF SB 415

By: **Delegate Reznik (By Request – State Board of Morticians and Funeral Directors) and Delegates Waldstreicher, Carr, Elliott, Feldman, Frank, Frush, Gaines, Hubbard, Kipke, McDonough, McHale, Smigiel, and Sophocleus**

Introduced and read first time: February 3, 2012

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Handling Human Remains with Dignity Act of 2012**

3 FOR the purpose of requiring a funeral establishment or crematory, on taking custody
4 of the body of a decedent, to maintain the body in a certain manner; requiring a
5 funeral establishment or crematory to maintain the body of a decedent with
6 refrigeration and at a certain temperature under certain circumstances;
7 requiring a funeral establishment or a crematory to notify the State Board of
8 Morticians and Funeral Directors and a certain other person if the funeral
9 establishment or crematory cannot comply with certain provisions of this Act;
10 specifying that a certain notice must be given within a certain time period and
11 include certain information; prohibiting the body of a decedent from being
12 embalmed or artificially preserved except under certain circumstances;
13 requiring a funeral establishment or crematory to store the body of a decedent
14 at a specified location; prohibiting a funeral establishment, crematory, or
15 transportation service from transporting or storing the body of a decedent
16 together with certain other remains; prohibiting the body of a decedent, while in
17 the custody of a funeral establishment or crematory, from being transported to a
18 certain facility except under certain circumstances; authorizing the Board to
19 take certain disciplinary action against a licensee who fails to comply with
20 certain provisions of this Act; and generally relating to the transportation and
21 storage of bodies of decedents.

22 BY adding to

23 Article – Health – General

24 Section 5–513

25 Annotated Code of Maryland

26 (2009 Replacement Volume and 2011 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,
2 Article – Health Occupations
3 Section 7–101(a) and (d)
4 Annotated Code of Maryland
5 (2009 Replacement Volume and 2011 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article – Health Occupations
8 Section 7–316(a)(30) and (31)
9 Annotated Code of Maryland
10 (2009 Replacement Volume and 2011 Supplement)

11 BY adding to
12 Article – Health Occupations
13 Section 7–316(a)(32)
14 Annotated Code of Maryland
15 (2009 Replacement Volume and 2011 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – Health – General**

19 **5–513.**

20 **(A) ON TAKING CUSTODY OF THE BODY OF A DECEDENT, A FUNERAL**
21 **ESTABLISHMENT OR CREMATORY SHALL MAINTAIN THE BODY IN A MANNER**
22 **THAT PROVIDES FOR COMPLETE COVERAGE OF THE BODY AND PREVENTS**
23 **LEAKAGE OR SPILLAGE EXCEPT DURING:**

24 **(1) IDENTIFICATION, EMBALMING, OR PREPARATION OF AN**
25 **UNEMBALMED BODY FOR FINAL DISPOSITION;**

26 **(2) RESTORATION AND DRESSING OF A BODY IN PREPARATION**
27 **FOR FINAL DISPOSITION; AND**

28 **(3) VIEWING DURING A VISITATION OR FUNERAL SERVICE.**

29 **(B) IF THE UNEMBALMED BODY OF A DECEDENT IS TO BE STORED FOR**
30 **MORE THAN 72 HOURS BEFORE FINAL DISPOSITION, A FUNERAL**
31 **ESTABLISHMENT OR CREMATORY SHALL MAINTAIN THE BODY WITH**
32 **REFRIGERATION AND AT A TEMPERATURE LOWER THAN 44 DEGREES**
33 **FAHRENHEIT.**

1 **(C) (1) IF A FUNERAL ESTABLISHMENT OR CREMATORY CANNOT**
2 **SECURE THE BODY OF A DECEDENT OR CANNOT STORE THE BODY AS REQUIRED**
3 **IN SUBSECTION (B) OF THIS SECTION DUE TO AN UNFORESEEN CIRCUMSTANCE,**
4 **THE FUNERAL ESTABLISHMENT OR CREMATORY SHALL NOTIFY THE STATE**
5 **BOARD OF MORTICIANS AND FUNERAL DIRECTORS AND THE PERSON**
6 **AUTHORIZED TO ARRANGE FOR THE FINAL DISPOSITION OF THE BODY UNDER §**
7 **5-509 OF THIS SUBTITLE.**

8 **(2) THE NOTIFICATION REQUIRED UNDER PARAGRAPH (1) OF**
9 **THIS SUBSECTION SHALL:**

10 **(I) BE MADE WITHIN 24 HOURS AFTER THE OCCURRENCE**
11 **OF THE UNFORESEEN CIRCUMSTANCE; AND**

12 **(II) INCLUDE THE NAME AND LOCATION OF THE FACILITY**
13 **WHERE THE BODY IS BEING TRANSFERRED, THE REASON FOR THE TRANSFER,**
14 **AND THE METHOD OF STORAGE.**

15 **(D) THE BODY OF A DECEDENT MAY NOT BE EMBALMED OR**
16 **ARTIFICIALLY PRESERVED WITHOUT:**

17 **(1) THE EXPRESS PERMISSION OF THE PERSON AUTHORIZED TO**
18 **ARRANGE FOR THE FINAL DISPOSITION OF THE BODY UNDER § 5-509 OF THIS**
19 **SUBTITLE; OR**

20 **(2) A COURT ORDER.**

21 **(E) A FUNERAL ESTABLISHMENT OR CREMATORY SHALL STORE THE**
22 **BODY OF A DECEDENT UNTIL FINAL DISPOSITION AT A LOCATION APPROVED BY**
23 **THE STATE BOARD OF MORTICIANS AND FUNERAL DIRECTORS FOR THAT**
24 **FUNERAL ESTABLISHMENT OR CREMATORY.**

25 **(F) A FUNERAL ESTABLISHMENT, CREMATORY, OR TRANSPORTATION**
26 **SERVICE MAY NOT TRANSPORT OR STORE THE BODY OF A DECEDENT TOGETHER**
27 **WITH ANIMAL REMAINS IN THE SAME CONFINED SPACE.**

28 **(G) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
29 **SUBSECTION, WHILE THE BODY OF A DECEDENT IS IN THE CUSTODY OF A**
30 **FUNERAL ESTABLISHMENT OR CREMATORY IN THE STATE, THE BODY MAY NOT**
31 **BE TRANSPORTED FOR PREPARATION OR STORAGE TO A FACILITY THAT IS NOT**
32 **WITHIN THE JURISDICTION OF THE STATE OR LICENSED BY THE STATE BOARD**
33 **OF MORTICIANS AND FUNERAL DIRECTORS.**

1 **(2) THE BODY OF A DECEDENT MAY BE TRANSPORTED FOR**
2 **PREPARATION OR STORAGE TO A FACILITY THAT IS NOT WITHIN THE**
3 **JURISDICTION OF THE STATE OR LICENSED BY THE STATE BOARD OF**
4 **MORTICIANS AND FUNERAL DIRECTORS IF:**

5 **(I) THE FACILITY HAS ENTERED INTO A WRITTEN**
6 **AGREEMENT WITH THE STATE BOARD OF MORTICIANS AND FUNERAL**
7 **DIRECTORS TO ALLOW THE STATE TO MAKE UNANNOUNCED INSPECTIONS OF**
8 **THE FACILITY; AND**

9 **(II) THE PERSON AUTHORIZED TO ARRANGE FOR THE FINAL**
10 **DISPOSITION OF THE BODY UNDER § 5-509 OF THIS SUBTITLE HAS GIVEN**
11 **WRITTEN PERMISSION FOR THE BODY TO BE TRANSPORTED TO THE FACILITY.**

12 **Article – Health Occupations**

13 7-101.

14 (a) In this title the following words have the meanings indicated.

15 (d) “Board” means the Maryland State Board of Morticians and Funeral
16 Directors.

17 7-316.

18 (a) Subject to the hearing provisions of § 7-319 of this subtitle and except as
19 to a funeral establishment license, the Board may deny a license to any applicant,
20 reprimand any licensee, place any licensee on probation, or suspend or revoke any
21 license if the applicant or licensee:

22 (30) Fails to comply with inspection requirements in the time specified
23 by the Board; [or]

24 (31) Fails to provide the Board the certification required under §
25 7-405(i) of this title; **OR**

26 **(32) FAILS TO COMPLY WITH § 5-513 OF THE HEALTH – GENERAL**
27 **ARTICLE.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2012.