# Chapter 500

**(Senate Bill 415)**

AN ACT concerning

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

FOR the purpose of requiring a funeral establishment or crematory, on taking custody of the body of a decedent in accordance with all authorizations required by law, to maintain the body in a certain manner; requiring a funeral establishment or crematory to maintain the body of a decedent with refrigeration and at a certain temperature under certain circumstances; requiring a funeral establishment or a crematory to notify the State Board of Morticians and Funeral Directors or the Office of Cemetery Oversight and a certain other person if the funeral establishment or crematory cannot comply with certain provisions of this Act; specifying that a certain notice must be given within a certain time period and include certain information; prohibiting the body of a decedent from being embalmed or artificially preserved except under certain circumstances; requiring a funeral establishment or crematory to store the body of a decedent at a specified location; prohibiting a funeral establishment, crematory, or transportation service from transporting or storing the body of a decedent together with certain other remains; prohibiting the body of a decedent, while in the custody of a funeral establishment or crematory, from being transported to a certain facility except under certain circumstances; authorizing the ~~Board~~ State Board of Morticians and Funeral Directors and the Office of Cemetery Oversight to take certain disciplinary action against a licensee or permit holder who fails to comply with certain provisions of this Act; and generally relating to the transportation and storage of bodies of decedents.

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 5–101(a) and (g)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 5–310(a)(11) and (12)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY adding to
Article – Business Regulation
Section 5–310(a)(13)

Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY adding to
Article – Health – General
Section 5–513
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

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

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

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

**Article – Business Regulation**

5–101.

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

(g) "Director" means the Director of the Office of Cemetery Oversight.

5–310.

(a) Subject to the hearing provisions of § 5–312 of this subtitle, the Director may deny a registration or permit to an applicant, reprimand a person subject to the registration or permit provisions of this title, or suspend or revoke a registration or permit if an applicant, registrant, or permit holder, or an agent, employee, officer, director, or partner of the applicant, registrant, or permit holder:

(11) fails to comply with any terms of settlement under a binding arbitration agreement; [or]

(12) is found guilty by a court in this State of violating an unfair or deceptive trade practices provision under Title 13 of the Commercial Law Article; OR

**(13) FAILS TO COMPLY WITH § 5–513 OF THE HEALTH – GENERAL ARTICLE.**

**Article – Health – General**

**5–513.**

**(A) ON TAKING CUSTODY OF THE BODY OF A DECEDENT IN ACCORDANCE WITH ALL AUTHORIZATIONS REQUIRED BY LAW, A FUNERAL ESTABLISHMENT OR CREMATORY SHALL MAINTAIN THE BODY IN A MANNER THAT PROVIDES FOR COMPLETE COVERAGE OF THE BODY AND PREVENTS LEAKAGE OR SPILLAGE EXCEPT DURING:**

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

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

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

**(B) IF THE UNEMBALMED BODY OF A DECEDENT IS TO BE STORED FOR MORE THAN ~~72~~ 48 HOURS BEFORE FINAL DISPOSITION, A FUNERAL ESTABLISHMENT OR CREMATORY SHALL MAINTAIN THE BODY WITH REFRIGERATION AND AT A TEMPERATURE ~~LOWER THAN 44 DEGREES FAHRENHEIT~~ DETERMINED BY REGULATION.**

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

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

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

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

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

(1) THE EXPRESS PERMISSION OF THE PERSON AUTHORIZED TO ARRANGE FOR THE FINAL DISPOSITION OF THE BODY UNDER § 5–509 OF THIS SUBTITLE; OR

(2) A COURT ORDER.

(E) A FUNERAL ESTABLISHMENT OR CREMATORY SHALL STORE THE BODY OF A DECEDENT UNTIL FINAL DISPOSITION AT ~~A LOCATION APPROVED BY THE STATE BOARD OF MORTICIANS AND FUNERAL DIRECTORS FOR THAT FUNERAL ESTABLISHMENT OR CREMATORY~~:

(1) A FUNERAL ESTABLISHMENT LICENSED UNDER TITLE 7 OF THE HEALTH OCCUPATIONS ARTICLE;

(2) A CREMATORY LICENSED UNDER TITLE 7 OF THE HEALTH OCCUPATIONS ARTICLE;

(3) A CREMATORY PERMITTED UNDER TITLE 5 OF THE BUSINESS REGULATION ARTICLE; OR

(4) ANOTHER FACILITY THAT HAS PASSED AN INSPECTION WITH THE STATE BOARD OF MORTICIANS AND FUNERAL DIRECTORS OR THE OFFICE OF CEMETERY OVERSIGHT WITHIN THE PAST 2 YEARS.

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

(G) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, WHILE THE BODY OF A DECEDENT IS IN THE CUSTODY OF A FUNERAL ESTABLISHMENT OR CREMATORY IN THE STATE, THE BODY MAY NOT BE TRANSPORTED FOR PREPARATION OR STORAGE TO A FACILITY THAT IS NOT WITHIN THE JURISDICTION OF THE STATE ~~OR~~, LICENSED BY THE STATE BOARD

OF MORTICIANS AND FUNERAL DIRECTORS, OR PERMITTED BY THE OFFICE OF CEMETERY OVERSIGHT.

(2) THE BODY OF A DECEDENT MAY BE TRANSPORTED FOR PREPARATION OR STORAGE TO A FACILITY THAT IS NOT WITHIN THE JURISDICTION OF THE STATE ~~OR~~, LICENSED BY THE STATE BOARD OF MORTICIANS AND FUNERAL DIRECTORS, OR PERMITTED BY THE OFFICE OF CEMETERY OVERSIGHT IF:

(I) THE FACILITY HAS ENTERED INTO A WRITTEN AGREEMENT WITH THE STATE BOARD OF MORTICIANS AND FUNERAL DIRECTORS OR THE OFFICE OF CEMETERY OVERSIGHT TO ALLOW THE STATE TO MAKE UNANNOUNCED INSPECTIONS OF THE FACILITY; AND

(II) THE PERSON AUTHORIZED TO ARRANGE FOR THE FINAL DISPOSITION OF THE BODY UNDER § 5–509 OF THIS SUBTITLE ~~HAS~~:

1. HAS GIVEN WRITTEN PERMISSION FOR THE BODY TO BE TRANSPORTED TO THE FACILITY; OR

2. A. HAS GIVEN ORAL PERMISSION FOR THE BODY TO BE TRANSPORTED TO THE FACILITY; AND

B. WITHIN 36 HOURS AFTER GIVING ORAL PERMISSION, PROVIDES WRITTEN VERIFICATION OF THE ORAL PERMISSION.

**Article – Health Occupations**

7–101.

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

(d) "Board" means the Maryland State Board of Morticians and Funeral Directors.

7–316.

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

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

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

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

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

**Approved by the Governor, May 22, 2012.**