

SENATE BILL 160

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5lr0744
CF HB 729

By: **Senators Montgomery, Benson, Guzzone, Kelley, and Raskin**

Introduced and read first time: January 30, 2015

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2015

CHAPTER _____

1 AN ACT concerning

2 **State Board of Morticians and Funeral Directors – Cease and Desist Orders and**
3 **Injunctive Relief – Authority**

4 FOR the purpose of authorizing the State Board of Morticians and Funeral Directors to
5 issue a public cease and desist order or ~~obtain injunctive relief~~ impose a civil fine of
6 no more than a certain amount for certain violations of certain provisions of law
7 under certain circumstances; ~~making a technical correction~~ providing that each
8 violation of certain provisions of law is a separate offense under certain
9 circumstances; and generally relating to the State Board of Morticians and Funeral
10 Directors.

11 ~~BY repealing and reenacting, with amendments,~~
12 ~~Article – Health Occupations~~
13 ~~Section 7–316.1~~
14 ~~Annotated Code of Maryland~~
15 ~~(2014 Replacement Volume)~~

16 BY repealing and reenacting, without amendments,
17 Article – Health Occupations
18 Section 7–501 and 7–502
19 Annotated Code of Maryland
20 (2014 Replacement Volume)

21 BY adding to
22 Article – Health Occupations

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 7-509
2 Annotated Code of Maryland
3 (2014 Replacement Volume)

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

6 **Article – Health Occupations**

7 ~~7-316.1.~~

8 ~~(a) THE BOARD MAY ISSUE A CEASE AND DESIST ORDER OR OBTAIN~~
9 ~~INJUNCTIVE RELIEF FOR A VIOLATION OF ANY PROVISION OF:~~

10 ~~(1) § 5-513 OF THE HEALTH GENERAL ARTICLE; OR~~

11 ~~(2) THIS TITLE.~~

12 ~~(b) An action may be maintained in the name of the State or the Board to enjoin:~~

13 ~~(1) The unauthorized practice of mortuary science; or~~

14 ~~(2) Conduct that constitutes a ground for disciplinary action under [§~~
15 ~~7-315] § 7-316 of this subtitle.~~

16 ~~[(b)] (c) An action under this section may be brought by:~~

17 ~~(1) The Board;~~

18 ~~(2) The Attorney General; or~~

19 ~~(3) A State's Attorney.~~

20 ~~[(c)] (d) An action under this section shall be brought in the county where the~~
21 ~~defendant:~~

22 ~~(1) Resides; or~~

23 ~~(2) Engages in the practice of mortuary science.~~

24 ~~[(d)] (e) Proof of actual damage or proof that a person will sustain damage if an~~
25 ~~injunction is not granted is not required for an action under this section.~~

26 ~~[(e)] (f) Criminal prosecution for the unauthorized practice of mortuary science~~
27 ~~under § 7-501 of this title or disciplinary action under § 7-316 of this subtitle does not~~
28 ~~prohibit an action to enjoin under this section.~~

1 7-501.

2 Except as otherwise provided in this title, a person may not practice, attempt to
3 practice, offer to practice, or assist in the practice of mortuary science in this State unless
4 licensed by the Board.

5 7-502.

6 Unless authorized to practice mortuary science under this title, a person may not
7 represent to the public by title, by description of services, methods, or procedures, or
8 otherwise, that the person is authorized to practice mortuary science in this State.

9 7-509.

10 (A) SUBJECT TO SUBSECTION (C) OF THIS SECTION AND THE HEARING
11 PROVISIONS OF § 7-319 OF THIS TITLE, AND IN ADDITION TO ANY OTHER SANCTION
12 AUTHORIZED FOR A VIOLATION OF § 7-501 OR § 7-502 OF THIS SUBTITLE, THE
13 BOARD MAY ISSUE A PUBLIC CEASE AND DESIST ORDER, IMPOSE A CIVIL FINE OF
14 NOT MORE THAN \$5,000 PER OFFENSE, OR BOTH.

15 (B) FOR THE PURPOSES OF THIS SECTION, EACH VIOLATION IS A SEPARATE
16 OFFENSE IF THE VIOLATION OCCURS:

17 (1) AT A DIFFERENT TIME, DATE, OR LOCATION; OR

18 (2) ON THE SAME DATE AND LOCATION AT A DIFFERENT TIME.

19 (C) THE BOARD MAY NOT ISSUE A PUBLIC CEASE AND DESIST ORDER TO A
20 FUNERAL ESTABLISHMENT THAT WAS PREVIOUSLY LICENSED BY THE BOARD.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2015.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.