

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE
Revised

House Bill 431 (Delegate Parrott, *et al.*)
Health and Government Operations

Finance

Health - Burial or Disposal of Body - Requirements and Penalties

This bill restricts where an individual may bury or dispose of a body. An individual may only dispose of a body (1) in a family burial plot or other area allowed by local ordinance; (2) in a crematory; (3) in a cemetery; (4) by donating the body to medical science; or (5) by removing the body to another state for final legal disposition. Anyone who violates the provisions of the bill is guilty of a misdemeanor and subject to maximum penalties of one year imprisonment and/or a fine of \$5,000.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill's criminal penalty provisions.

Local Effect: Potential minimal increase in revenues and expenditures due to the bill's criminal penalty provisions.

Small Business Effect: None.

Analysis

Current Law: The practice of mortuary science without a license is prohibited, but there are no statutes addressing the proper disposal of a human body or associated penalties. The State Board of Morticians and Funeral Directors licenses morticians and funeral directors, apprentices, surviving spouses, executors, pre-need trustees, corporations (under limited circumstances), and funeral establishments. The board permits the owners of mortuary transport services and registers individual transporter employees of a mortuary transport service.

Background: The lack of specific statewide laws addressing proper disposal has created concern in Maryland resulting from reported cases involving the disposal of human remains.

Additional Information

Prior Introductions: Bills with similar provisions were introduced in recent years. HB1236 of 2014 was amended in the House and was referred to the Senate Judicial Proceedings Committee and Senate Finance Committee, where no further action was taken. Its cross file, SB 580, was withdrawn after a hearing in the Senate Judicial Proceedings Committee. HB12 of 2010 received an unfavorable report from the House Health and Government Operations Committee.

Cross File: None.

Information Source(s): Baltimore, Carroll, Harford, Montgomery, Queen Anne's, and St. Mary's counties; cities of Bowie and Takoma Park; Maryland Institute for Emergency Medical Services Systems; Department of Health and Mental Hygiene; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - February 20, 2015
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