

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 676

(Delegate Wivell, *et al.*)

Health and Government Operations

Finance

Cemeteries - Interment - Pet Remains

This bill establishes that a registered cemeterian, registered crematory operator, or permit holder who sells (or offers to sell) to the public certain services for pet remains (*i.e.*, cremation services, a burial lot, or a burial right) owes a duty of perpetual care for the cemetery in which the pet remains are interred. The bill defines “pet remains” as the body of a deceased animal that was kept as a pet, including the body of a pet (or a part of a pet’s body) in any state of decomposition or the body of a pet after having been cremated. Additionally, the bill makes certain provisions of law governing cemeteries applicable to pet cemeteries, such as redefining “interment” to include the final disposition of pet remains (in addition to human remains). The Director of the Office of Cemetery Oversight (OCO) must adopt regulations, as specified, to enforce the bill’s requirements.

Fiscal Summary

State Effect: Any impact on OCO within the Maryland Department of Labor is likely minimal. OCO can adopt the required regulations and enforce the bill with existing budgeted resources. Special fund revenues may be minimally affected to the extent pet cemeteries in the State register with OCO.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: “Perpetual care” means the maintenance, including the cutting of grass abutting memorials or monuments, as well as the administration, supervision, and

embellishment of a cemetery and its grounds, roads, and paths. Additionally, it includes the repair and renewal of buildings, including columbaria and mausoleums, and the property of the cemetery.

“Cemetery” is defined as land used or to be used for interment. “Interment” means all final disposition of human remains. “Cremation” means the process of reducing human remains to bone fragments through intense heat and evaporation.

“Preneed burial contract” means a written instrument under which preneed goods or preneed services (*i.e.*, services sold before the buyer’s death in connection with burial or cremation) are to be sold and delivered or performed.

Preneed Burial Contracts

A preneed burial contract must contain (1) the name the buyer; (2) the name of the seller; (3) the name of each individual (other than the buyer) as to whom the preneed goods or services are to be furnished; (4) a description of the preneed goods or services; and (5) the amount of the buyer’s financial obligation.

If a preneed burial contract provides, for two or more individuals, preneed goods or preneed services to which trust requirements in State law apply, a seller may designate in the seller’s records the consideration paid for each individual.

Office of Cemetery Oversight

The primary objective of OCO is to register and monitor individuals and businesses engaged in the operation of cemeteries and burial goods businesses in Maryland. This includes individuals and companies that sell funerary monuments and memorials on a retail basis. OCO also regulates and provides registration for crematories under its jurisdiction in the State.

Responsibilities of OCO include the investigation and mediation of consumer complaints involving registrants and permit holders. To protect Maryland citizens from unfair and unscrupulous practices, OCO determines and enforces the ethical standards related to the operation of cemeteries and those related to the provision of burial goods and services within the State. OCO also regulates and monitors the funds held in perpetual care and preneed trusts by its licensees.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Department of Labor; Department of Legislative Services

Fiscal Note History: First Reader - February 27, 2023
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