

SENATE BILL 893

M3

EMERGENCY BILL

4r1034
CF 4r2764

By: **Senators M. Washington and Elfreth**
Introduced and read first time: February 2, 2024
Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Siting Requirements for Crematories and Crematory**
3 **Incinerators – Areas III and IV**

4 FOR the purpose of prohibiting a person from locating a new crematory within a certain
5 distance of certain facilities, centers, schools, and properties located in certain areas
6 of the State; prohibiting the Department of the Environment from issuing a certain
7 permit to a crematory or a property or funeral home with a crematory incinerator
8 under certain circumstances; and generally relating to crematories and properties
9 with crematory incinerators.

10 BY adding to
11 Article – Environment
12 Section 2–407
13 Annotated Code of Maryland
14 (2013 Replacement Volume and 2023 Supplement)

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

17 **Article – Environment**

18 **2–407.**

19 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
20 **INDICATED.**

21 **(2) “AREA III” HAS THE MEANING STATED IN COMAR 26.11.01.03.**

22 **(3) “AREA IV” HAS THE MEANING STATED IN COMAR 26.11.01.03.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 **(4) “CREMATION” MEANS THE PROCESS OF REDUCING HUMAN**
2 **REMAINS TO BONE FRAGMENTS THROUGH INTENSE HEAT AND EVAPORATION**
3 **THROUGH THE USE OF:**

4 **(I) A MECHANICAL PROCESS;**

5 **(II) A THERMAL PROCESS; OR**

6 **(III) PULVERIZATION.**

7 **(5) “CREMATORY” MEANS A BUILDING, PORTION OF A BUILDING, OR**
8 **STRUCTURE THAT HAS THE NECESSARY APPLIANCES AND FACILITIES FOR**
9 **CREMATION.**

10 **(6) “FUNERAL HOME” MEANS AN ESTABLISHMENT THAT:**

11 **(I) PREPARES DECEASED INDIVIDUALS FOR BURIAL OR**
12 **CREMATION; AND**

13 **(II) CONDUCTS RITUALS BEFORE BURIAL OR CREMATION.**

14 **(7) “RESIDENTIAL PROPERTY” MEANS A BUILDING, STRUCTURE, OR**
15 **PORTION OF A BUILDING OR STRUCTURE THAT IS DESIGNED PRINCIPALLY AND IS**
16 **INTENDED FOR HUMAN HABITATION.**

17 **(B) THIS SECTION APPLIES ONLY IN:**

18 **(1) AREA III; AND**

19 **(2) AREA IV.**

20 **(C) A PERSON MAY NOT LOCATE A NEW CREMATORY WITHIN 1,000 FEET OF**
21 **THE FOLLOWING FACILITIES, CENTERS, OR PROPERTIES:**

22 **(1) A COMPREHENSIVE CARE FACILITY;**

23 **(2) AN EXTENDED CARE FACILITY;**

24 **(3) A CHILD CARE CENTER;**

25 **(4) A FAMILY CHILD CARE CENTER;**

26 **(5) A PUBLIC OR NONPUBLIC PRIMARY, ELEMENTARY, OR**

1 SECONDARY SCHOOL BUILDING; OR

2 (6) A RESIDENTIAL PROPERTY.

3 (D) THE DEPARTMENT MAY NOT ISSUE A PERMIT UNDER THIS SUBTITLE TO
4 A CREMATORY OR A PROPERTY OR FUNERAL HOME WITH A CREMATORY
5 INCINERATOR THAT IS IN VIOLATION OF THIS SECTION.

6 (E) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THE
7 PROVISIONS OF THIS SECTION.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
9 measure, is necessary for the immediate preservation of the public health or safety, has
10 been passed by a ye and nay vote supported by three-fifths of all the members elected to
11 each of the two Houses of the General Assembly, and shall take effect from the date it is
12 enacted.