

Chapter 106

(Senate Bill 224)

AN ACT concerning

Cemeteries – Burial–Transit Permits – Required Information

FOR the purpose of altering the information that a person in charge of a cemetery is required to write on a burial–transit permit; and generally relating to burial–transit permits.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 4–215

Annotated Code of Maryland

(2023 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Health – General

Section 5–508(a) and (b)

Annotated Code of Maryland

(2023 Replacement Volume)

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

Article – Health – General

4–215.

(a) In this section, “cemetery” includes a crematory or other place for final disposition.

(b) (1) Within 72 hours after death or after delivery in a fetal death and before final disposition or removal of the body or fetus from this State, the mortician who first takes custody of the body or fetus shall obtain a burial–transit permit.

(2) If the death or fetal death certificate is on a multicopy form, one copy of which is designated specifically as a “burial–transit permit” and is signed by the attending physician or medical examiner, that copy shall provide for the later entry of final disposition information and serves as a burial–transit permit.

(c) (1) A person in charge of a cemetery may not permit the final disposition of a body or fetus unless it is accompanied by a burial–transit permit.

(2) The person in charge of a cemetery shall:

(i) Write on the permit [the]:

1. **THE** date of final disposition;

2. **THE NAME AND PHYSICAL ADDRESS OF THE CEMETERY; AND**

3. **A. THE BURIAL, INURNMENT, OR SCATTERING SECTION AND THE LOT AND SPACE NUMBER; OR**

B. IF THE BODY OR FETUS WAS CREMATED AND AN AUTHORIZING AGENT, AS DEFINED IN § 5–508 OF THIS ARTICLE, TAKES CONTROL OF THE CREMAINS, THE NAME AND ADDRESS OF THE AUTHORIZING AGENT AND THE AUTHORIZING AGENT’S RELATIONSHIP TO THE DECEASED OR FETUS;

(ii) Sign the permit; and

(iii) Within 10 days after final disposition, return the permit to the Secretary.

(3) If there is no person in charge of the cemetery, the mortician shall fill out the burial–transit permit.

(d) A burial–transit permit issued by any state or a foreign country is sufficient authority for transit through this State or final disposition in any cemetery in this State.

(e) (1) A permit for disinterment and reinterment is required before the disinterment of human remains if reinterment is not to be made in the same cemetery. The Secretary or a health officer shall issue the permit after receipt of an application on the form that the Secretary requires.

(2) If all human remains in a cemetery are to be disinterred for purposes of relocation or abandonment of the cemetery, one application is sufficient for that purpose.

(3) The Department shall keep a record of each permit issued for the disinterment and reinterment of human remains.

(4) Except as provided in paragraph (5) of this subsection, the Department may not disclose or allow public inspection of information in a permit record about the location of the site of a disinterment or reinterment if a local burial sites advisory board or the Director of the Maryland Historical Trust determines that:

(i) The site is historic property, as defined in § 5A–301 of the State Finance and Procurement Article; and

(ii) Disclosure would create a substantial risk of harm, theft, or destruction to the site.

(5) The Department may not deny inspection of a permit record to:

(i) The owner of the site of the disinterment or reinterment;

(ii) A governmental entity that has the power of eminent domain; or

(iii) The spouse, domestic partner, next of kin, or appointed personal representative of the deceased whose human remains have been disinterred or reinterred.

5-508.

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

(b) “Authorizing agent” means the individual who has legal authority to arrange for and make decisions regarding the final disposition of a dead human body, including by cremation.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.

Approved by the Governor, April 9, 2024.