

SENATE BILL 607

J2, C2, C4

5lr1787
CF 5lr2427

By: **Senator West**

Introduced and read first time: January 23, 2025

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Human Remains – Transportation Protection Agreements**

3 FOR the purpose of excluding transportation protection agreements from the definition of
4 “preneed burial contract” and “pre-need contract” under the Maryland Cemetery Act
5 and the Maryland Morticians and Funeral Directors Act, respectively; providing that
6 transportation protection agreements are not insurance and are not subject to
7 regulation under certain provisions of law; and generally relating to transportation
8 protection agreements.

9 BY repealing and reenacting, without amendments,
10 Article – Business Regulation
11 Section 5–101(a) and 5–701(a)
12 Annotated Code of Maryland
13 (2024 Replacement Volume)

14 BY adding to
15 Article – Business Regulation
16 Section 5–101(ee) and 5–805
17 Annotated Code of Maryland
18 (2024 Replacement Volume)

19 BY repealing and reenacting, with amendments,
20 Article – Business Regulation
21 Section 5–701(d)
22 Annotated Code of Maryland
23 (2024 Replacement Volume)

24 BY repealing and reenacting, without amendments,
25 Article – Health Occupations
26 Section 7–101(a)
27 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2021 Replacement Volume and 2024 Supplement)

2 BY repealing and reenacting, with amendments,
3 Article – Health Occupations
4 Section 7–101(v)
5 Annotated Code of Maryland
6 (2021 Replacement Volume and 2024 Supplement)

7 BY adding to
8 Article – Health Occupations
9 Section 7–101(x) and 7–412
10 Annotated Code of Maryland
11 (2021 Replacement Volume and 2024 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Insurance
14 Section 1–202(a)(4)(xii) and (5)(v)
15 Annotated Code of Maryland
16 (2017 Replacement Volume and 2024 Supplement)

17 BY adding to
18 Article – Insurance
19 Section 1–202(a)(6)
20 Annotated Code of Maryland
21 (2017 Replacement Volume and 2024 Supplement)

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

24 **Article – Business Regulation**

25 5–101.

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

27 **(EE) “TRANSPORTATION PROTECTION AGREEMENT” MEANS AN AGREEMENT**
28 **THAT PRIMARILY PROVIDES FOR THE COORDINATION AND ARRANGING OF ALL**
29 **PROFESSIONAL SERVICES RELATED TO THE PREPARATION AND TRANSPORTATION**
30 **OF HUMAN REMAINS, HYDROLYZED REMAINS, OR SOIL REMAINS.**

31 5–701.

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

33 (d) **(1)** “Preneed burial contract” means a written instrument under which
34 preneed goods or preneed services are to be sold and delivered or performed.

1 **(2) “PRENEED BURIAL CONTRACT” DOES NOT INCLUDE A**
2 **TRANSPORTATION PROTECTION AGREEMENT.**

3 **5–805.**

4 **A TRANSPORTATION PROTECTION AGREEMENT SOLD BY A PERSON**
5 **REGISTERED UNDER THIS TITLE IS NOT AN INSURANCE CONTRACT AND IS NOT**
6 **SUBJECT TO REGULATION UNDER THE INSURANCE ARTICLE.**

7 **Article – Health Occupations**

8 **7–101.**

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

10 (v) **(1)** “Pre–need contract” means an agreement between a consumer and a
11 licensed funeral director, licensed mortician, or surviving spouse to provide any goods and
12 services purchased prior to the time of death. Goods and services shall include:

13 **[(1)] (I)** A service, including any form of preservation and disposition or
14 cremation, that a mortician normally provides in the ordinary course of business; or

15 **[(2)] (II)** Merchandise, including a casket, vault, or clothing, that a
16 mortician normally provides in the ordinary course of business.

17 **(2) “PRE–NEED CONTRACT” DOES NOT INCLUDE A TRANSPORTATION**
18 **PROTECTION AGREEMENT.**

19 **(X) “TRANSPORTATION PROTECTION AGREEMENT” MEANS AN AGREEMENT**
20 **THAT PRIMARILY PROVIDES FOR THE COORDINATION AND ARRANGING OF ALL**
21 **PROFESSIONAL SERVICES RELATED TO THE PREPARATION AND TRANSPORTATION**
22 **OF HUMAN REMAINS, HYDROLYZED REMAINS, OR SOIL REMAINS.**

23 **7–412.**

24 **A TRANSPORTATION PROTECTION AGREEMENT SOLD BY A LICENSEE IS NOT**
25 **AN INSURANCE CONTRACT AND IS NOT SUBJECT TO REGULATION UNDER THE**
26 **INSURANCE ARTICLE.**

27 **Article – Insurance**

28 **1–202.**

29 (a) This article does not apply to:

1 (4) a voluntary noncontractual religious publication arrangement that:

2 (xii) provides the following verbatim written disclaimer as a separate
3 cover sheet for any and all documents distributed by or on behalf of the exempt
4 arrangement, including applications, guidelines, promotional, or informational material
5 and all periodic publications:

6 “Notice

7 This publication is not issued by an insurance company nor is it offered through an
8 insurance company. It does not guarantee or promise that your medical bills will be
9 published or assigned to others for payment. No other subscriber will be compelled to
10 contribute toward the cost of your medical bills. Therefore, this publication should never be
11 considered a substitute for an insurance policy. This activity is not regulated by the State
12 Insurance Administration, and your liabilities are not covered by the Life and Health
13 Guaranty Fund. Whether or not you receive any payments for medical expenses and
14 whether or not this entity continues to operate, you are always liable for any unpaid bills.”;
15 [or]

16 (5) except as provided in subsection (b) of this section, a self-funded
17 student health plan operated by an independent institution of higher education, as defined
18 in § 10–101 of the Education Article, that provides health care services to its students and
19 their dependents if the institution files on July 1 each year, for the student health plan that
20 will be offered to students for the upcoming school year, a report with the Commissioner
21 certifying under penalties of perjury that:

22 (v) the institution operates the student health plan in compliance
23 with Title 15, Subtitles 10A and 10D of this article; OR

24 **(6) A TRANSPORTATION PROTECTION AGREEMENT, AS DEFINED IN §**
25 **5–101 OF THE BUSINESS REGULATION ARTICLE OR § 7–101 OF THE HEALTH**
26 **OCCUPATIONS ARTICLE, THAT IS SOLD BY A PERSON REGISTERED UNDER TITLE 5**
27 **OF THE BUSINESS REGULATION ARTICLE OR TITLE 7 OF THE HEALTH**
28 **OCCUPATIONS ARTICLE.**

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2025.