

# HOUSE BILL 138

P1

(PRE-FILED)

5lr0104  
CF SB 237

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By: **Chair, Health and Government Operations Committee (By Request –  
Departmental – Veterans and Military Families)**

Requested: September 28, 2024

Introduced and read first time: January 8, 2025

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Veterans – Burial at State Veterans’ Cemeteries**  
3 **(Burial Equity Act)**

4 FOR the purpose of expanding eligibility for burial in a State veterans’ cemetery to include  
5 members of the National Guard and the military reserves; removing the residency  
6 requirement for certain veterans for burial in a State veterans’ cemetery;  
7 establishing a burial fee for National Guard and military reserves service members  
8 and their eligible dependents; and generally relating to burial at State veterans’  
9 cemeteries.

10 BY repealing and reenacting, with amendments,  
11 Article – State Government  
12 Section 9–906(a), (f), and (i)  
13 Annotated Code of Maryland  
14 (2021 Replacement Volume and 2024 Supplement)

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

17 **Article – State Government**

18 9–906.

19 (a) (1) In this section the following words have the meanings indicated.

20 (2) “Eligible dependent” means:

21 (i) a child who meets the requirements stated in 38 C.F.R. §  
22 38.620(e); or

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) a parent who meets the requirements stated in 38 C.F.R. §  
2 38.620(i).

3 (3) “Eligible spouse” means a spouse who meets the requirements stated in  
4 38 C.F.R. § 38.620(e).

5 (4) “State veterans’ cemetery” means a cemetery that the Department  
6 establishes under this section.

7 (5) In this section and in § 9–907 of this subtitle, “veteran” means an  
8 individual who:

9 (i) served other than dishonorably on active duty in the armed  
10 forces of the United States; [or]

11 (ii) served other than dishonorably as a **FULL–TIME** member of the  
12 [State militia ordered into active service of the United States by order of the President and  
13 was killed in the line of duty] **COMMISSIONED CORPS OF THE U.S. PUBLIC HEALTH  
14 SERVICE OR THE COMMISSIONED CORPS OF THE NATIONAL OCEANIC AND  
15 ATMOSPHERIC ADMINISTRATION; OR**

16 **(III) SERVED OTHER THAN DISHONORABLY AND COMPLETED  
17 THE INDIVIDUAL’S CONTRACTUAL OBLIGATION OF SERVICE AS A MEMBER OF THE  
18 NATIONAL GUARD OR THE MILITARY RESERVES.**

19 (6) “Washington Cemetery” means the Civil War cemetery grounds  
20 authorized by Chapter 213 of the Acts of the General Assembly of 1870.

21 (f) To qualify for a plot in a State veterans’ cemetery:

22 (1) the applicant must be a veteran who meets the requirements for burial  
23 at a national veterans’ cemetery or an eligible spouse or dependent of a veteran who meets  
24 the requirements of this subsection; and

25 (2) if a veteran[, the veteran] **IS A MEMBER OF THE NATIONAL GUARD  
26 OR THE MILITARY RESERVES, THE MEMBER** must also have been a resident of the State:

27 (i) when the [veteran] **MEMBER** entered the armed forces;

28 (ii) when the [veteran] **MEMBER** died; or

29 (iii) for 2 years, unless, for a reason that the Department finds  
30 compelling, the Department waives the time period.

1           (i)   **(1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
2 **SUBSECTION, THE Department [shall bury the] MAY NOT CHARGE A veteran or eligible**  
3 **spouse or dependent [without charge] FOR BURIAL.**

4                   **(2) IF THE INDIVIDUAL BEING BURIED IS A MEMBER OF THE**  
5 **NATIONAL GUARD OR THE MILITARY RESERVES OR THE INDIVIDUAL'S ELIGIBLE**  
6 **DEPENDENT, THE DEPARTMENT SHALL COLLECT AT THE TIME OF BURIAL A FEE**  
7 **EQUAL TO THE ANNUAL PLOT ALLOWANCE ESTABLISHED BY THE NATIONAL**  
8 **CEMETERY ADMINISTRATION.**

9           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
10 1, 2025.