

HOUSE BILL 872

C2, J1, J2

2lr1273

By: **Delegates Hucker, Cullison, Barkley, Barve, Carr, Feldman, Harrison,
Kaiser, Luedtke, and Vaughn**

Introduced and read first time: February 9, 2012

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Cremation Choice Act of 2012**

3 FOR the purpose of expanding the definition of “cremation” for purposes of certain
4 provisions of law to mean cold cremation, which is the disposition of human
5 remains by deep freezing and evaporation; and generally relating to the
6 definition of “cremation” used by the Office of Cemetery Oversight and the State
7 Board of Morticians and Funeral Directors.

8 BY repealing and reenacting, with amendments,
9 Article – Business Regulation
10 Section 5–101(e)
11 Annotated Code of Maryland
12 (2010 Replacement Volume and 2011 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – Business Regulation
15 Section 5–204(a)
16 Annotated Code of Maryland
17 (2010 Replacement Volume and 2011 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Health – General
20 Section 5–508(c)
21 Annotated Code of Maryland
22 (2009 Replacement Volume and 2011 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article – Health Occupations
25 Section 7–101(h)
26 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2009 Replacement Volume and 2011 Supplement)

2 BY repealing and reenacting, without amendments,
3 Article – Health Occupations
4 Section 7–205(c)
5 Annotated Code of Maryland
6 (2009 Replacement Volume and 2011 Supplement)

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

9 **Article – Business Regulation**

10 5–101.

11 (e) “Cremation” means:

12 **(1)** the process of reducing human remains to bone fragments through
13 intense heat and evaporation, including any mechanical or thermal process; **OR**

14 **(2) COLD CREMATION, WHICH IS THE PROCESS OF REDUCING**
15 **HUMAN REMAINS TO FRAGMENTS THROUGH DEEP FREEZING AND**
16 **EVAPORATION, INCLUDING ANY MECHANICAL OR THERMAL PROCESS.**

17 5–204.

18 (a) (1) With the advice of the Advisory Council and after consultation
19 with representatives of the cemetery industry, the Director shall adopt:

20 (i) rules and regulations to carry out this title; and

21 (ii) a code of ethics for engaging in the operation of a cemetery
22 or crematory or providing burial goods.

23 (2) In conjunction with the State Board of Morticians and Funeral
24 Directors, the Director shall:

25 (i) establish a process for regulating crematories that provides
26 for:

27 1. registration of crematory operators or issuance of
28 permits for operating crematories, and renewal;

29 2. applications, including certification of ownership and
30 identification of individuals who will perform cremation;

- 1 3. registration and permit fees;
- 2 4. inspections and oversight;
- 3 5. grounds for discipline and penalties; and
- 4 6. complaints and hearings; and

5 (ii) adopt regulations that are identical to regulations adopted
6 by the State Board of Morticians and Funeral Directors to:

- 7 1. implement item (i) of this paragraph; and
- 8 2. ensure public health and safety.

9 **Article – Health – General**

10 5–508.

11 (c) “Cremation” means [the]:

- 12 **(1) THE** disposition of a dead human body by means of incineration;
- 13 **OR**
- 14 **(2) COLD CREMATION, WHICH IS THE PROCESS OF REDUCING**
15 **HUMAN REMAINS TO FRAGMENTS BY DEEP FREEZING AND EVAPORATION,**
16 **INCLUDING ANY MECHANICAL OR THERMAL PROCESS.**

17 **Article – Health Occupations**

18 7–101.

19 (h) “Cremation” means [the]:

- 20 **(1) THE** process of reducing human remains to bone fragments
21 through intense heat and evaporation, including any mechanical or thermal process;
- 22 **OR**
- 23 **(2) COLD CREMATION, WHICH IS THE PROCESS OF REDUCING**
24 **HUMAN REMAINS TO FRAGMENTS BY DEEP FREEZING AND EVAPORATION,**
25 **INCLUDING ANY MECHANICAL OR THERMAL PROCESS.**

26 7–205.

27 (c) In conjunction with the Office of Cemetery Oversight, the Board shall:

HOUSE BILL 872

- 1 (1) Establish a process for regulating crematories that provides for:
- 2 (i) Registration or licensure and renewal;
- 3 (ii) Applications, including certification of ownership and
4 identification of individuals who will perform cremation;
- 5 (iii) Registration or licensure fees;
- 6 (iv) Inspections and oversight;
- 7 (v) Grounds for discipline and penalties; and
- 8 (vi) Complaints and hearings; and
- 9 (2) Adopt regulations that are identical to regulations adopted by the
10 Director of the Office of Cemetery Oversight to:
- 11 (i) Implement item (1) of this subsection; and
- 12 (ii) Ensure public health and safety.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2012.