

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 869

(Delegate Boyce, *et al.*)

Health and Government Operations

Finance

Department of the Environment - Study on Deathcare and Funeral Practices

This bill requires the Maryland Department of the Environment (MDE), in consultation with the Maryland Department of Health (MDH) and the Maryland Department of Labor (MDL), to conduct a study of the impacts of deathcare and funeral practices on the environment and public health of the State. The study must examine the environmental and public health impacts of (1) casket and vault burial; (2) mausoleum burial; (3) casket only burial; (4) natural or green burial; (5) cremation; (6) alkaline hydrolysis or water cremation; (7) resomation or natural water cremation; and (8) natural organic reduction. MDE is authorized to consult trade groups or organizations and academic institutions to complete the study. MDE must report its findings and recommendations to the Governor and the General Assembly by October 1, 2024. **The bill takes effect July 1, 2023.**

Fiscal Summary

State Effect: General fund expenditures increase by \$100,000 in FY 2024 only for MDE to hire a consultant to conduct the study. State revenues are not affected.

(in dollars)	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	100,000	0	0	0	0
Net Effect	(\$100,000)	\$0	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: None. The bill does not affect local government operations or finances.

Small Business Effect: None.

Analysis

Current Law:

Final Disposition of a Decedent

Generally, the body of a decedent may not be embalmed or artificially preserved without the express permission of the person authorized to arrange for the final disposition of the body or a court order. A funeral establishment or crematory must store the body of a decedent until final disposition at (1) a licensed funeral establishment; (2) a licensed or permitted crematory; or (3) another facility that has passed inspection by the State Board of Morticians and Funeral Directors or the Office of Cemetery Oversight (OCO) within the previous two years.

Office of Cemetery Oversight

The primary objective of OCO is to register and monitor individuals and businesses engaged in the operation of cemeteries and burial goods businesses in Maryland. This includes individuals and companies that sell funerary monuments and memorials on a retail basis. OCO also regulates and provides registration for crematories under its jurisdiction in the State.

Responsibilities of OCO include the investigation and mediation of consumer complaints involving registrants and permit holders. To protect Maryland citizens from unfair and unscrupulous practices, OCO determines and enforces the ethical standards related to the operation of cemeteries and those related to the provision of burial goods and services within the State. OCO also regulates and monitors the funds held in perpetual care and preneed trusts by its licensees.

Board of Morticians and Funeral Directors

The primary purpose of the Board of Morticians and Funeral Directors is the protection of the public's health and welfare through proper credentialing; examination; licensure; and discipline of morticians, funeral directors, corporations, crematory operators, apprentices, surviving spouses, mortuary transport services, transporters, courtesy card holders, and holders of an executor license in Maryland. The board also licenses, permits, and inspects funeral establishments and specified crematories for compliance with all applicable federal, State, and local laws and takes disciplinary action against such establishments where warranted. Additionally, the board audits pre-need contracts.

Maryland Department of the Environment

Among other possible permits that may be required that relate to cremation, an air quality permit to construct from MDE is required for any operation or equipment that discharges emissions to the outside air.

State Expenditures: General fund expenditures increase by \$100,000 in fiscal 2024 only for MDE to hire a consultant to conduct the study. MDE advises that existing staff are able to facilitate the study protocols with the contractor, coordinate with MDH and MDL, review data, and finalize the report.

MDH advises that its general fund expenditures increase by \$22,861 in fiscal 2024 and by \$3,854 in fiscal 2025 to hire one part-time (25%) contractual health policy analyst to lead MDH's involvement in the required study. The Department of Legislative Services disagrees. Because MDE is the lead agency and plans to hire a consultant to conduct the study, it is assumed that MDH can consult with MDE using existing budgeted resources.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Department of the Environment; Maryland Department of Health; Maryland Department of Labor; Department of Legislative Services

Fiscal Note History: First Reader - March 5, 2023
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