



LEGISLATIVE UPDATE

As a member of MDCCA, we are pleased to share with you this Legislative Update provided by our lobbyist and consultant, John R. Stierhoff, Esq., a Partner at VENABLE LLP

Updated - January 29, 2025 (*Additions indicated below)

MDCCA and our lobbyist, John Stierhoff, are following the following legislative initiatives introduced in the new legislative session in Annapolis:

HB138/SB237 - STATE GOVERNMENT – VETERANS – BURIAL AT STATE VETERANS' CEMETERIES (BURIAL EQUITY ACT)

Expanding eligibility for burial in a State veterans' cemetery to include members of the National Guard and the military reserves; removing the residency requirement for certain veterans for burial in a State veterans' cemetery; and establishing a burial fee equal to the annual plot allowance established by the National Cemetery Administration for National Guard and military reserves service members and their eligible dependents.

SB57 - FUNERAL ESTABLISHMENTS, CREMATORIES, & REDUCTION FACILITIES-DISPOSITION OF UNCLAIMED VETERAN REMAINS

Requiring a licensed funeral establishment, crematory operator, or reduction facility to take certain actions if a certain veterans service organization does not take possession of certain unclaimed cremains, hydrolyzed remains, or soil remains that qualify for a plot in a veterans cemetery within a certain period of time.

SB354/HB509* - MARYLAND INVENTORY OF CEMETERIES AND BURIAL SITES WORKGROUP – ESTABLISHMENT

Establishing the Maryland Inventory of Cemeteries and Burial Sites Workgroup for the purpose of studying issues related to the establishment and maintenance of a State cemetery inventory system; and requiring the Workgroup to report its findings and recommendations to the Governor by December 1, 2025.

SB394/HB674* - CRIMINAL LAW - CONCEALMENT OF DEATH AND DISTURBING AND DISMEMBERING HUMAN REMAINS

Prohibiting a person, with the intent to conceal the death of another, from failing to notify emergency medical services or law enforcement regarding the death, knowingly and willfully dismembering, destroying, removing, or otherwise obliterating by any means any portion of human remains, or burying or otherwise disposing of a dead body; prohibiting a person from aiding or abetting another in committing a violation of the Act; and establishing that a violation of the Act is a felony with a penalty of imprisonment not exceeding 10 years.

***SB421/HB421 - CRIMINAL LAW – DESTROYING FUNERARY OBJECTS & CEMETERY ELEMENTS – STATUTE OF LIMITATIONS & PROHIBITION**

Extending from 1 year to 3 years the statute of limitations for prosecutions relating to destroying funerary objects and other elements of a cemetery to begin at the time local authorities knew or reasonably should have known of the violation; and prohibiting a person from willfully destroying, damaging, defacing, or removing landscaping or part of the grounds of a cemetery.

***HB 535 - ABANDONED AND NEGLECTED CEMETERIES FUND – ESTABLISHMENT AND INCOME TAX CHECKOFF**

Establishing the Abandoned and Neglected Cemeteries Fund to provide for the care, preservation, maintenance, and restoration of abandoned and neglected cemeteries in the State; establishing an income tax checkoff for contributions to the Fund; requiring the Comptroller to include a checkoff on individual income tax returns and to include certain information in income tax return packaged; and requiring an annual report by September 30 to the General Assembly on the donations to the Fund and promotional efforts undertaken by money from the Fund.



***HB 711 - OFFICE OF CEMETERY OVERSIGHT – STUDY OF DEATHCARE AND FUNERAL PRACTICES**

Requiring the Office of Cemetery Oversight, in consultation with the Maryland Department of Health, the Maryland Department of Labor, and the Department of the Environment, to conduct a study of the environmental and public health impacts of deathcare and funeral practices in the State; and requiring the Office to submit an interim report by December 1, 2025, and a final report by July 2026, to the Governor and the General Assembly including any recommended policy changes for sustainable deathcare and funeral practices.

***HB 724/HB 724* COMMISSION ON ABANDONED AND NEGLECTED MARYLAND CEMETERIES –ESTABLISHMENT**

Establishing the Commission on Abandoned and Neglected Maryland Cemeteries within the Office of Cemetery Oversight to establish standard definitions for neglected and abandoned cemeteries, support the development of a statewide inventory of cemeteries and burial sites in the State, develop recommendations relating to historical cemeteries concentrating on abandoned African American cemeteries; and requiring the Commission to submit an annual report by December 1 with its recommendations to the Governor and the General Assembly.

***SB 607 HUMAN REMAINS – TRANSPORTATION PROTECTION AGREEMENTS**

Excluding transportation protection agreements from the definition of “preneed burial contract” and “pre-need contract” under the Maryland Cemetery Act and the Maryland Morticians and Funeral Directors Act, respectively; and providing that transportation protection agreements are not insurance and are not subject to regulation under certain provisions of law.

***SB 616 CRIMINAL LAW – HUMAN REMAINS, PET REMAINS, AND CEMETERIES – PROHIBITIONS**

Altering the definition of “permanent cemetery” to include a cemetery owned by a family or religious organization; prohibiting a person from tampering with human remains interred in a cemetery; altering certain penalties relating to prohibitions against removal of human remains from a burial site; prohibiting a person from damaging, desecrating, mutilating, storing, tampering with, trafficking, or transporting human remains; prohibiting a person from removing or attempting to remove pet remains from a cemetery; etc.

***SB 624 RELOCATION OF HUMAN REMAINS – AUTHORIZATION PROCESS**

Requiring a person seeking to relocate human remains from a burial site to apply for approval for relocation with the Office of Cemetery Oversight before seeking authorization from a State’s Attorney; establishing requirements and procedures for an application for authorization to relocate human remains; requiring the Office of Cemetery Oversight to delay authorization for 90 days for relocation of human.

As initiatives progress through the legislative process, information will be shared with our association members. Please direct any questions or concerns to our MDCCA Legislation Committee Co-Chairs, Nathan Nardi or Glenn Easton at info@mdcca.org.