



Committee: PHP

Committee Review: At a future date

Staff: Livhu Ndou, Senior Legislative Attorney

Purpose: To introduce agenda item – no vote expected

Attachment A

AGENDA ITEM #2A

June 17, 2025

Introduction

SUBJECT

Zoning Text Amendment (ZTA) 25-09, Funeral and Internment Services – Alkaline Hydrolysis

Lead Sponsor: Councilmember Fani-González

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- To introduce agenda item – no vote expected

DESCRIPTION/ISSUE

ZTA 25-09 will allow alkaline hydrolysis as part of the Funeral Home, Undertaker and Crematory uses.

SUMMARY OF KEY DISCUSSION POINTS

- Alkaline hydrolysis is a process where a deceased body is placed in a pressurized vessel containing water and an alkaline solution to decompose.
- During the 2024 legislative session, the General Assembly passed [SB1028](#), the “Green Death Care Options Act”, which established requirements and prohibitions for water cremation facilities and required the Office of Cemetery Oversight and the State Board of Morticians and Funeral Directors to adopt regulations to govern these facilities.
- ZTA 25-09 will allow alkaline hydrolysis to be performed in Funeral Homes and Crematories.
- A public hearing is tentatively scheduled for July 22, 2025.

This report contains:

ZTA 25-09

© 1

Senate Bill 1028

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Ordinance No.: _____
Zoning Text Amendment No.: 25-09
Concerning: Funeral and Internment
Services – Alkaline
Hydrolysis
Revised: 6/5/2025 Draft No.: 1
Introduced: June 17, 2025
Public Hearing: _____
Adopted: _____
Effective: _____

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmember Fani-González

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- (1) allow alkaline hydrolysis as an accessory use in Funeral Home, Undertaker;
- (2) allow alkaline hydrolysis in a Crematory; and
- (3) generally amend the Funeral and Interment Services uses.

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

Division 1.4.	“Defined Terms”
Section 1.4.2.	“Specific Terms and Phrases Defined”
Division 3.5.	“Commercial Uses”
Section 3.5.4.	“Funeral and Interment Services”

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*

Underlining indicates text that is added to existing law by the original text amendment.

[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.

Double underlining indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. DIVISION 59-1.4 is amended as follows:

Division 1.4. Defined Terms

* * *

Section 1.4.2. Specific Terms and Phrases Defined

* * *

Alkaline hydrolysis: The process of reducing human remains using water, alkaline chemicals, and heat inside a watertight vessel to accelerate decomposition of a human body.

* * *

Cremation: The disposition of a dead human body by means of incineration.

Crematory: See Section 3.5.4.B.1

* * *

Funeral Home, Undertaker: See Section 3.5.4.C.1

* * *

Sec. 2. DIVISION 59-3.5 is amended as follows:

Division 3.5. Commercial Uses

* * *

Section 3.5.4. Funeral and Interment Services

* * *

B. Crematory

1. Defined

Crematory means a structure in which cremation or alkaline hydrolysis occurs.

2. Use Standards

Where a Crematory is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use.

C. Funeral Home, Undertaker

1. Defined

Funeral Home, Undertaker means a facility that holds and transports human remains to and from the premises; embalms and caskets remains; allows visits to view the remains and conduct business with the establishment; and conducts funeral and memorial services, including organization of funeral processions.

2. Use Standards

- a. Where a Funeral Home, Undertaker is allowed as a limited use, it must satisfy the following standards:
 - i. The cremation of remains is prohibited. Alkaline hydrolysis is allowed as an accessory use.
 - ii. The funeral home may include a dwelling or sleeping facilities either as a separate building or a portion of the main building to be occupied by the owner or an employee of the establishment.
 - iii. If public water and sewer are available, they must be used for the operation of the facility. Where public water and sewer are not available, chemicals used for burial preparation are prohibited.
 - iv. Queuing of motor vehicles is prohibited in the public right-of-way.
 - v. If the subject lot abuts or confronts a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, site plan approval is required under Section 7.3.4.

- b. Where a Funeral Home, Undertaker is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 3.5.4.C.2.a.i through Section 3.5.4.C.2.a.iii, Section 7.3.1, Conditional Use, and the following standards:
- i. The minimum side setback is 50 feet.
 - ii. The minimum rear setback is 50 feet.
 - iii. Frontage upon and access to a street or roadway having more than one through travel lane in each direction of travel.
 - iv. In the RE-2, RE-1, R-200, and R-90 zones, the minimum lot area is 2 acres.
 - v. In the AR zone, this use is allowed only where it is operating with a Cemetery established by conditional use approval before August 20, 2001. Also, this use may be prohibited under Section 3.1.5, Transferable Development Rights.
 - vi. Alkaline hydrolysis is allowed as an accessory use.

* * *

Sec. 3. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.

Chapter 599

(Senate Bill 1028)

AN ACT concerning

**Human Remains – Alkaline Hydrolysis and Natural Organic Reduction
(Green Death Care Options Act)**

FOR the purpose of establishing a regulatory system for reduction operators and reduction facilities; establishing requirements and prohibitions related to the performance of alkaline hydrolysis and natural organic reduction and the disposition of hydrolyzed or soil remains by certain facilities; requiring the Director of the Office of Cemetery Oversight and the Director of the State Board of Morticians and Funeral Directors to adopt regulations governing the performance of natural organic reduction; prohibiting a person from using or disposing of soil remains produced by natural organic reduction in a certain manner, including by using the soil to grow food for consumption by humans or livestock; and generally relating to alkaline hydrolysis and natural organic reduction.

BY repealing and reenacting, with amendments,

Article – Business Regulation

Section 5–101, 5–204(a), (b), and (k), 5–301, 5–302, 5–303, 5–306(a), 5–308, 5–310(a)
and (b), 5–401, 5–402, 5–403, 5–803, 5–902, and 5–903

Annotated Code of Maryland

(2015 Replacement Volume and 2023 Supplement)

BY adding to

Article – Business Regulation

Section 5–901(d)

Annotated Code of Maryland

(2015 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 5–502, 5–503, 5–504, 5–508, 5–511(a) and (b), 5–512, 5–513, and 5–514

Annotated Code of Maryland

(2023 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 7–101(a)

Annotated Code of Maryland

(2021 Replacement Volume and 2023 Supplement)

BY adding to

Article – Health Occupations

Section 7-101(a-1), (l-1), (s-1), (v-1), ~~and (v-2)~~, and (v-3)
Annotated Code of Maryland
(2021 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 7-101(c-1), (h), (i), (l), (t), and (u), 7-102, 7-205(c), 7-406, and 7-505
Annotated Code of Maryland
(2021 Replacement Volume and 2023 Supplement)

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

Article – Business Regulation

5-101.

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

(B) “ALKALINE HYDROLYSIS” MEANS THE PROCESS OF REDUCING HUMAN REMAINS USING WATER, ALKALINE CHEMICALS, AND HEAT INSIDE A WATERTIGHT VESSEL TO ACCELERATE DECOMPOSITION.

(C) “AUTHORIZING AGENT” HAS THE MEANING STATED IN § 5-508 OF THE HEALTH – GENERAL ARTICLE.

[(b)] (D) (1) “Burial goods” means goods that are used in connection with burial.

(2) “Burial goods” includes:

- (i) a casket;
- (ii) a grave liner;
- (iii) a memorial;
- (iv) a monument;
- (v) a scroll;
- (vi) an urn;
- (vii) a vase; and
- (viii) a vault.

[(c)] (E) “Burial goods business” means a business that provides burial goods.

[(d)] (F) (1) “Cemetery” means land used or to be used for interment.

(2) “Cemetery” includes a structure used or to be used for interment.

[(e)] (G) “Cremation” means the [process of reducing human remains to bone fragments through intense heat and evaporation, including any mechanical or thermal process] **DISPOSITION OF A DEAD HUMAN BODY BY MEANS OF INCINERATION.**

[(f)] (H) “Crematory” means a building, portion of a building, or structure that houses the necessary appliances and facilities for cremation **OR ALKALINE HYDROLYSIS.**

[(g)] (I) “Director” means the Director of the Office of Cemetery Oversight.

[(h)] (J) “Engage in the operation of a cemetery” means owning, controlling, or managing a cemetery, including performing activities necessary for:

(1) the establishment, improvement, care, preservation, or embellishment of a cemetery;

(2) interment; and

(3) the providing of burial space or burial goods.

[(i)] (K) (1) “Engage in the operation of a crematory” means controlling or managing a crematory.

(2) “Engage in the operation of a crematory” does not include:

(i) the practice of funeral direction or the practice of mortuary science; or

(ii) 1. assistance in making decisions and filling out forms that are not directly related to cremation;

2. obtaining vital statistics, signatures, and other information necessary to complete a death certificate;

3. transportation of a body to the place of disposition; or

4. any other services regarding the disposition of a body that are not directly related to cremation.

(L) (1) “ENGAGE IN THE OPERATION OF A REDUCTION FACILITY” MEANS CONTROLLING OR MANAGING A REDUCTION FACILITY.

(2) “ENGAGE IN THE OPERATION OF A REDUCTION FACILITY” DOES NOT INCLUDE:

(I) THE PRACTICE OF FUNERAL DIRECTION OR THE PRACTICE OF MORTUARY SCIENCE; OR

(II) 1. ASSISTANCE IN MAKING DECISIONS AND FILLING OUT FORMS THAT ARE NOT DIRECTLY RELATED TO NATURAL ORGANIC REDUCTION;

2. OBTAINING VITAL STATISTICS, SIGNATURES, AND OTHER INFORMATION NECESSARY TO COMPLETE A DEATH CERTIFICATE;

3. TRANSPORTATION OF A BODY TO THE PLACE OF DISPOSITION; OR

4. ANY OTHER SERVICES REGARDING THE DISPOSITION OF A BODY THAT ARE NOT DIRECTLY RELATED TO NATURAL ORGANIC REDUCTION.

[(j)] (M) “Funeral establishment” means a building, structure, or premises from which the business of funeral directing or embalming is conducted.

[(k)] (N) (1) “Human remains” means:

(i) the body of a deceased person; or

(ii) a part of a body or limb that has been removed from a living person.

(2) “Human remains” includes the body or part of a body or limb in any state of decomposition.

(3) “HUMAN REMAINS” DOES NOT INCLUDE SOIL REMAINS PRODUCED AFTER THE COMPLETION OF NATURAL ORGANIC REDUCTION.

(O) “HYDROLYZED REMAINS” MEANS THE BONE FRAGMENTS PRODUCED BY THE COMPLETION OF ALKALINE HYDROLYSIS.

[(l)] (P) “Interment” means all final disposition of human remains or pet remains, including:

(1) earth burial;

- (2) mausoleum entombment; and
- (3) niche or columbarium interment.

(Q) “NATURAL ORGANIC REDUCTION” MEANS THE CONTAINED ACCELERATED CONVERSION OF HUMAN REMAINS INTO SOIL.

[(m)] (R) “Office” means the Office of Cemetery Oversight.

[(n)] (S) “Permit” means a permit issued by the Director to allow a partnership, limited liability company, or corporation to operate a business through which a registrant may:

- (1) engage in the operation of a cemetery or crematory; or
- (2) provide burial goods.

[(o)] (T) (1) “Pet remains” means the body of a deceased animal that was kept as a pet.

(2) “Pet remains” includes the body of a pet or a part of a pet’s body in any state of decomposition or the body of a pet after having been cremated.

[(p)] (U) (1) “Preneed goods” means burial goods that are sold before the buyer’s death.

- (2) “Preneed goods” does not include burial space.

[(q)] (V) “Provide burial goods” means a retail transaction:

- (1) to erect, service, or inscribe burial memorials; or
- (2) to sell burial goods.

(W) “REDUCTION FACILITY” MEANS A BUILDING, PORTION OF A BUILDING, OR STRUCTURE THAT HOUSES THE NECESSARY APPLIANCES, CONTAINERS, AND FACILITIES FOR PERFORMING NATURAL ORGANIC REDUCTION.

[(r)] (X) “Registered cemeterian” means an individual registered to operate a cemetery as a sole proprietor or on behalf of a sole proprietor or of a permit holder.

[(s)] (Y) “Registered crematory operator” means an individual registered to operate a crematory as a sole proprietor or on behalf of a sole proprietor or permit holder.

(Z) “REGISTERED REDUCTION OPERATOR” MEANS AN INDIVIDUAL REGISTERED TO OPERATE A REDUCTION FACILITY AS A SOLE PROPRIETOR OR ON BEHALF OF A SOLE PROPRIETOR OR A PERMIT HOLDER.

[(t)] (AA) “Registered seller” means an individual registered to provide burial goods as a sole proprietor or on behalf of a sole proprietor or of a permit holder.

[(u)] (BB) “Registration” means a registration issued by the Director authorizing an individual to operate a cemetery, to operate a crematory, **TO OPERATE A REDUCTION FACILITY**, or to provide burial goods.

[(v)] (CC) “Responsible party” means a sole proprietor or the individual designated by a partnership, limited liability company, or corporation to be responsible for the operations of a cemetery, crematory, **REDUCTION FACILITY**, or burial goods business.

(DD) “SOIL REMAINS” MEANS THE SOIL PRODUCED AT FINAL DISPOSITION OF A DEAD HUMAN BODY AT A REDUCTION FACILITY BY COMPLETION OF NATURAL ORGANIC REDUCTION.

5–204.

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

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

(ii) a code of ethics for engaging in the operation of a cemetery [or], crematory, **OR REDUCTION FACILITY** or providing burial goods.

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

(i) establish a process for regulating crematories **AND REDUCTION FACILITIES** that provides for:

1. registration of crematory operators **AND REDUCTION FACILITY OPERATORS** or issuance of permits for operating crematories **AND REDUCTION FACILITIES**, and renewal;

2. applications, including certification of ownership and identification of individuals who will perform **ALKALINE HYDROLYSIS**, cremation, **OR NATURAL ORGANIC REDUCTION**;

3. registration and permit fees;

4. inspections and oversight;
5. grounds for discipline and penalties; and
6. complaints and hearings; and

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

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

(3) THE DIRECTOR SHALL ADOPT REGULATIONS THAT:

(I) REQUIRE A ~~LICENSED FUNERAL ESTABLISHMENT OR~~ REGISTERED REDUCTION OPERATOR TO NOTIFY THE AUTHORIZING AGENT IN WRITING AND BEFORE INITIATING NATURAL ORGANIC REDUCTION THAT A PERSON ~~IS PROHIBITED BY LAW FROM USING WHO USES OR DISPOSING~~ DISPOSES OF SOIL REMAINS ~~UNDER~~ IS IN VIOLATION OF § 5-514 OF THE HEALTH – GENERAL ARTICLE;

(II) REQUIRE A REDUCTION FACILITY TO MONITOR AND RECORD WRITTEN VERIFICATION THAT THE TEMPERATURE DURING EACH INSTANCE OF A NATURAL ORGANIC REDUCTION PROCESS ATTAINS A SPECIFIED MINIMUM INTERNAL EQUIPMENT TEMPERATURE FOR A SPECIFIED MINIMUM PERIOD OF TIME;

(III) ESTABLISH APPROPRIATE STANDARDS FOR TRAINING AND EXPERIENCE FOR THE REGISTRATION OF REDUCTION OPERATORS;

(IV) PROHIBIT THE USE OF NATURAL ORGANIC REDUCTION IN ANY INSTANCE IN WHICH THE HUMAN REMAINS ARE KNOWN, OR REASONABLY SUSPECTED, TO BE EMBALMED OR TO HAVE AN INFECTION, DISEASE, OR BIOLOGICAL CONDITION THAT RENDERS THE PROCESS OF NATURAL ORGANIC REDUCTION OR THE RESULTING SOIL REMAINS UNREASONABLY UNSAFE, INCLUDING:

1. **CREUTZFELDT-JAKOB DISEASE OR OTHER PRION DISEASE;**
2. **EBOLA VIRUS INFECTION;**
3. **MYCOBACTERIUM TUBERCULOSIS INFECTION;**

4. THE PRESENCE OF DIAGNOSTIC OR THERAPEUTIC RADIOISOTOPES; OR

5. ANY OTHER INFECTION, DISEASE, OR BIOLOGICAL CONDITION IDENTIFIED BY THE DIRECTOR BASED ON THE REASONABLE RECOMMENDATION OF A FEDERAL, STATE, OR LOCAL HEALTH AUTHORITY;

(V) ESTABLISH A MANDATORY CONTAMINATION TESTING PROGRAM FOR REDUCTION FACILITIES TO ENSURE THE SAFETY OF SOIL REMAINS PRODUCED, INCLUDING THE FOLLOWING MINIMUM PROGRAM ELEMENTS:

1. COLLECTING ROUTINE MATERIAL SAMPLES FROM SOIL REMAINS FOR ANALYSIS USING:

A. A RELIABLE SAMPLING METHODOLOGY; AND

B. AN APPROPRIATE FREQUENCY OF SAMPLING, AS RECOMMENDED OR APPROVED BY THE U.S. COMPOSTING COUNCIL OR ANOTHER RELIABLE SCIENTIFIC ADVISORY AUTHORITY;

2. RECORDING AND RETAINING THE RESULTS OF AN ANALYSIS OF SAMPLES FROM THE SOIL REMAINS CONDUCTED BY AN INDEPENDENT THIRD-PARTY LABORATORY TO IDENTIFY THE PRESENCE OF HEAVY METALS OR MICROBIAL PATHOGENS ACCORDING TO THE APPROPRIATE CONTAMINATION PARAMETERS FOR BIOSOLIDS SPECIFIED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY UNDER TITLE 40 C.F.R. PART 503, CHAPTER I, SUBCHAPTER O;

3. CONDUCTING AN ANALYSIS FOR EACH PRODUCTION OF SOIL REMAINS TO ENSURE THAT THE SOIL REMAINS CONTAIN LESS THAN 0.01 MG/KG DRY WEIGHT OF SPECIFIC PHYSICAL CONTAMINANTS, WHICH MAY INCLUDE INTACT BONE, DENTAL FILLINGS, AND MEDICAL IMPLANTS;

4. ENSURING THAT NO SOIL REMAINS ARE RELEASED UNTIL THE SOIL REMAINS COMPLY WITH EACH OF THE APPLICABLE CONTAMINATION TESTING PARAMETERS; AND

5. PERIODIC REPORTING OF TESTING RESULTS TO APPROPRIATE STATE AND LOCAL HEALTH AUTHORITIES THAT HAVE REQUESTED THE RESULTS; AND

(VI) ESTABLISH ANY OTHER REASONABLE PROHIBITION, RULE, OR REQUIREMENT THE DIRECTOR DETERMINES IS NECESSARY TO PROTECT THE

PUBLIC HEALTH AND SAFETY DURING THE PROCESS OF NATURAL ORGANIC REDUCTION.

(b) Upon receipt of a written complaint, or at the discretion of the Director, the Director or the Director's designee may conduct an investigation and an inspection of the records and site of a registered cemeterian, registered crematory operator, **REGISTERED REDUCTION OPERATOR**, registered seller, permit holder, or any other person subject to the registration or permit provisions of this title.

(k) In conjunction with the State Board of Morticians and the Division of Consumer Protection of the Office of the Attorney General, the Director shall publish a consumer information pamphlet that describes:

(1) the rights of consumers in the purchase of funeral, cemetery, [and] crematory goods and services, **AND NATURAL ORGANIC REDUCTION**; and

(2) any other information that the Director considers reasonably necessary to aid consumers.

5-301.

An individual shall register with the Office before:

(1) engaging in the operation of a cemetery [or], crematory, **OR REDUCTION FACILITY** in this State; or

(2) providing burial goods in this State.

5-302.

(a) In order to register, an applicant shall meet the requirements of this section.

(b) The applicant must be at least 18 years old.

(c) The applicant must be of good character and reputation.

(d) The applicant must be affiliated with a cemetery, crematory, **REDUCTION FACILITY**, or burial goods business operated by a registrant or permit holder.

(e) The cemetery, crematory, **REDUCTION FACILITY**, or burial goods business with which the applicant is affiliated must be financially stable in accordance with § 5-304 of this subtitle.

5-303.

(a) An applicant shall register by:

- (1) submitting to the Director an application on the form that the Director provides; and
 - (2) paying a nonrefundable application fee set by the Director.
- (b) The application shall state:
- (1) the name, date of birth, and residential address of the applicant;
 - (2) the name and fixed address of the affiliated cemetery, crematory, or burial goods business;
 - (3) whether the cemetery, crematory, **REDUCTION FACILITY**, or burial goods business with which the applicant is affiliated is owned or controlled by a sole proprietor, partnership, limited liability company, or corporation;
 - (4) if the applicant is designated as the responsible party, the name and residential address of each employee who sells burial space, goods, or services to the public for the business while engaging in the operation of a cemetery, crematory, **REDUCTION FACILITY**, or burial goods business; and
 - (5) any other reasonable information that the Director determines is necessary to carry out this title.

5-306.

- (a) While a registration is in effect, it authorizes the registrant to engage in the operation of a cemetery, crematory, **REDUCTION FACILITY**, or burial goods business.

5-308.

Within 1 week after the effective date of the change, the applicant designated as the responsible party or the registered responsible party shall submit to the Director an application form that shows a change in the:

- (1) cemetery, crematory, **REDUCTION FACILITY**, or burial goods business with which a registrant is affiliated;
- (2) individual designated as the responsible party;
- (3) employees of the business who engage in the sale of burial space, goods, or services or cremation to the public;
- (4) officers, directors, members, or agents of the permit holder; or

- (5) name or address of the registrant or permit holder.

5–310.

(a) Subject to the hearing provisions of § 5–312 of this subtitle, the Director may deny a registration or permit to an applicant, reprimand a person subject to the registration or permit provisions of this title, or suspend or revoke a registration or permit if an applicant, registrant, or permit holder, or an agent, employee, officer, director, or partner of the applicant, registrant, or permit holder:

(1) fraudulently or deceptively obtains or attempts to obtain a registration or permit;

(2) fraudulently or deceptively uses a registration or permit;

(3) under the laws of the United States or of any state, is convicted of a:

(i) felony; or

(ii) misdemeanor that is directly related to the fitness and qualifications of the applicant, registrant, or permit holder to own or operate a cemetery [or], crematory, **OR REDUCTION FACILITY** or provide burial goods;

(4) fails to provide or misrepresents any information required to be provided under this title;

(5) violates this title;

(6) violates the code of ethics adopted by the Director;

(7) violates a regulation adopted under this title;

(8) fails to provide reasonable and adequate supervision of the operation of the cemetery [or], crematory, **OR REDUCTION FACILITY** or the provision of burial goods by agents, employees, officers, directors, or partners affiliated with a cemetery, crematory, **REDUCTION FACILITY**, or burial goods business;

(9) refuses to allow an inspection required by this title;

(10) fails to comply with an order of the Director;

(11) fails to comply with any terms of settlement under a binding arbitration agreement;

(12) is found guilty by a court in this State of violating an unfair or deceptive trade practices provision under Title 13 of the Commercial Law Article; or

(13) fails to comply with § 5–513 of the Health – General Article.

(b) (1) If a person is charged with a violation of this title that could result in suspension or revocation of a registration or permit, the Director may seek an immediate restraining order in a circuit court in this State to prohibit the person from engaging in the operation of any cemetery, crematory, **REDUCTION FACILITY**, or burial goods business.

(2) The restraining order is in effect until:

(i) the court lifts the order; or

(ii) the charges are adjudicated or dismissed.

5–401.

(a) Subject to the provisions of this section, a registered cemeterian, registered crematory operator, **REGISTERED REDUCTION OPERATOR**, or registered seller may engage in the operation of a cemetery, crematory, **REDUCTION FACILITY**, or burial goods business as a sole proprietor or through:

(1) a corporation as an officer, director, employee, or agent of the corporation;

(2) a limited liability company as a member, employee, or agent of the limited liability company; or

(3) a partnership as a partner, employee, or agent of the partnership.

(b) Subject to the provisions of this title, a corporation, limited liability company, or partnership may engage in the operation of a cemetery, crematory, **REDUCTION FACILITY**, or burial goods business through a registered cemeterian, registered crematory operator, **REGISTERED REDUCTION OPERATOR**, or registered seller.

(c) (1) A registered cemeterian who engages in the operation of a cemetery through a corporation, limited liability company, or partnership under this title is subject to all of the provisions of this title that relate to engaging in the operation of a cemetery.

(2) A registered crematory operator who engages in the operation of a crematory through a corporation, limited liability company, or partnership under this title is subject to all of the provisions of this title that relate to engaging in the operation of a crematory.

(3) A REGISTERED REDUCTION OPERATOR WHO ENGAGES IN THE OPERATION OF A REDUCTION FACILITY THROUGH A CORPORATION, LIMITED

LIABILITY COMPANY, OR PARTNERSHIP UNDER THIS TITLE IS SUBJECT TO ALL THE PROVISIONS OF THIS TITLE THAT RELATE TO ENGAGING IN THE OPERATION OF A REDUCTION FACILITY.

[(3)] (4) A registered seller who engages in the operation of a burial goods business through a corporation, limited liability company, or partnership under this title is subject to all of the provisions of this title that relate to providing burial goods services.

(d) (1) A corporation, limited liability company, or partnership that engages in the operation of a cemetery, crematory, **REDUCTION FACILITY**, or burial goods business under this title is not, by its compliance with this title, relieved of any responsibility that the corporation, limited liability company, or partnership may have for an act or an omission by its officer, director, member, partner, employee, or agent.

(2) An individual who engages in the operation of a cemetery, crematory, **REDUCTION FACILITY**, or burial goods business through a corporation, limited liability company, or partnership is not, by reason of the individual's employment or other relationship with the corporation, limited liability company, or partnership, relieved of any individual responsibility that the individual may have regarding that practice.

5-402.

A corporation, limited liability company, or partnership shall obtain a permit issued by the Director, before the corporation, limited liability company, or partnership may engage in the operation of a cemetery, crematory, **REDUCTION FACILITY**, or burial goods business in the State.

5-403.

To qualify for a permit, a corporation, limited liability company, or partnership shall:

(1) designate a separate registered cemeterian, registered crematory operator, **REGISTERED REDUCTION OPERATOR**, or registered seller as the responsible party for the operations of each affiliated cemetery, crematory, **REDUCTION FACILITY**, or burial goods business;

(2) provide the name and business address of each affiliated cemetery, crematory, **REDUCTION FACILITY**, or burial goods business;

(3) provide a list of the officers, directors, members, partners, agents, and employees of the entity applying for the permit; and

(4) comply with §§ 5-303(b)(4) and 5-304 of this title.

5-803.

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

(2) “Eligible dependent” means a veteran’s spouse, a veteran’s unmarried child under the age of 21 years, or a veteran’s unmarried adult child who before the age of 21 became permanently incapable of self-support because of physical or mental disability.

(3) (i) “Identifying information” means data required by a veterans service organization to verify the eligibility of a veteran or an eligible dependent for burial in a national or state veterans cemetery.

(ii) “Identifying information” includes name, service number, Social Security number, date of birth, date of death, place of birth, and copy of the death certificate.

(4) “Veteran” has the meaning stated in § 9–901 of the State Government Article.

(5) “Veterans service organization” means an association or other entity organized for the benefit of veterans that has been recognized by the U.S. Department of Veterans Affairs or chartered by Congress and any employee or representative of the association or entity.

(b) (1) If a licensed funeral establishment or a crematory is in possession of cremated human remains **OR HYDROLYZED REMAINS** that have been unclaimed for 90 days or more, the licensed funeral establishment or holder of the permit for the business of operating a crematory shall provide identifying information of the unclaimed cremains **OR HYDROLYZED REMAINS** to a veterans service organization in order for the veterans service organization to determine if the unclaimed cremains **OR HYDROLYZED REMAINS** are those of a veteran or an eligible dependent.

(2) (I) **SUBPARAGRAPH (II) OF THIS PARAGRAPH DOES NOT APPLY IF:**

1. **AN AUTHORIZING AGENT DIRECTS OTHERWISE; OR**

2. **A ~~LICENSED FUNERAL ESTABLISHMENT~~ OR REDUCTION FACILITY REASONABLY CONCLUDES BASED ON THE IDENTIFYING INFORMATION OR OTHER EVIDENCE THAT A DECEDENT DOES NOT QUALIFY FOR DISPOSITION BENEFITS ASSOCIATED WITH VETERANS STATUS.**

(II) A ~~LICENSED FUNERAL ESTABLISHMENT~~ OR REDUCTION FACILITY IN POSSESSION OF HUMAN REMAINS THAT ARE BEING PROCESSED BY NATURAL ORGANIC REDUCTION SHALL PROVIDE IDENTIFYING INFORMATION TO A VETERANS SERVICE ORGANIZATION WITHIN 5 BUSINESS DAYS AFTER NATURAL

ORGANIC REDUCTION IS INITIATED TO DETERMINE IF THE SOIL REMAINS ARE THOSE OF A VETERAN OR AN ELIGIBLE DEPENDENT.

(c) Within 45 days after receipt of the information required by subsection (b) of this section, the veterans service organization shall notify the licensed funeral establishment [or], permit holder, **OR REDUCTION FACILITY**:

(1) whether the cremains, **HYDROLYZED REMAINS, OR SOIL REMAINS** are those of a veteran or an eligible dependent; and

(2) if so, whether the veteran or eligible dependent is eligible for burial in a veterans cemetery.

(d) If the unclaimed cremains **OR HYDROLYZED REMAINS** are those of a veteran or an eligible dependent, the licensed funeral establishment or permit holder may transfer the cremains to a veterans service organization for the purpose of disposition of the cremains **OR HYDROLYZED REMAINS**.

(E) IF THE UNCLAIMED SOIL REMAINS ARE THOSE OF A VETERAN OR AN ELIGIBLE DEPENDENT, THE ~~LICENSED FUNERAL ESTABLISHMENT OR~~ REDUCTION FACILITY MAY:

(1) TRANSFER A PORTION OF THE SOIL REMAINS NOT EXCEEDING 300 CUBIC INCHES IN VOLUME TO A VETERANS SERVICE ORGANIZATION THAT GRANTS PERMISSION FOR THE PURPOSE OF DISPOSITION; AND

(2) IF AUTHORIZED BY THE CEMETERY OR OWNER, TRANSFER THE BALANCE OF SOIL REMAINS TO A CEMETERY OR THE OWNER OF A WOODLAND PROTECTED UNDER THE FOREST CONSERVATION ACT.

5-901.

(D) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL MAY NOT ENGAGE IN THE OPERATION OF A REDUCTION FACILITY, ATTEMPT TO ENGAGE IN THE OPERATION OF A REDUCTION FACILITY, OR PROVIDE OR OFFER TO PROVIDE NATURAL ORGANIC REDUCTION UNLESS THE INDIVIDUAL IS A REGISTERED REDUCTION OPERATOR.

5-902.

Except for a registered cemeterian, registered crematory operator, **REGISTERED REDUCTION OPERATOR**, or registered seller who operates a business as a sole proprietor or a registrant employed by a sole proprietor, a person may not engage in the operation of a cemetery, crematory, **REDUCTION FACILITY**, or burial goods business unless:

(1) the business is a corporation, limited liability company, or partnership;
and

(2) the corporation, limited liability company, or partnership holds a permit issued under this title.

5–903.

Unless a person is authorized as a registrant, a person may not represent to the public, by use of a title, including cemeterian, registered cemeterian, crematory operator, registered crematory operator, **REGISTERED REDUCTION OPERATOR**, burial goods seller, or registered seller, by description of services, methods, or procedures, or otherwise, that the person is authorized to engage in the operation of a cemetery [or], crematory, **OR REDUCTION FACILITY** or provide burial goods.

Article – Health – General

5–502.

(a) This section does not apply to the disposition of a body by a school of medicine or dentistry.

(b) Except as otherwise provided in this section, a person may not cremate **OR INITIATE ALKALINE HYDROLYSIS OR NATURAL ORGANIC REDUCTION OF** a body until it has been identified by:

(1) The next of kin;

(2) A person who is authorized to arrange for final disposition of the body under §§ 5–508 through 5–512 of this subtitle; or

(3) A medical examiner.

(c) If a person who is authorized to arrange for final disposition of a body is not available to identify the body and authorize cremation, **REDUCTION BY ALKALINE HYDROLYSIS, OR NATURAL ORGANIC REDUCTION**, that person may delegate that authority to another person by sending to the delegate an electronic communication that contains the name, address, and relationship of the sender to the deceased and the name and address of the individual to whom authority is delegated. Written authorization shall follow by mail but does not take precedence over the electronic communication authorizing the identification and cremation.

5–503.

A person may not cremate **OR INITIATE ALKALINE HYDROLYSIS OR NATURAL ORGANIC REDUCTION OF** a body until at least 12 hours after death.

5-504.

A person may not transport a body to a crematory **OR REDUCTION FACILITY** without using a cot and pouch or receptacle.

5-508.

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

(B) “ALKALINE HYDROLYSIS” HAS THE MEANING STATED IN § 5-101 OF THE BUSINESS REGULATION ARTICLE.

[(b)] (C) “Authorizing agent” means the individual who has legal authority to arrange for and make decisions regarding the final disposition of a dead human body, including by cremation, **ALKALINE HYDROLYSIS, OR NATURAL ORGANIC REDUCTION.**

[(c)] (D) “Cremation” means the disposition of a dead human body by means of incineration.

[(d)] (E) “Crematory” [is a building in which cremations are performed] **HAS THE MEANING STATED IN § 5-101 OF THE BUSINESS REGULATION ARTICLE.**

[(e)] (F) “Decedent” means a dead human being.

(G) “NATURAL ORGANIC REDUCTION” HAS THE MEANING STATED IN § 5-101 OF THE BUSINESS REGULATION ARTICLE.

[(f)] (H) “Practitioner” means a person who is licensed by the State as a funeral director, mortician, or surviving spouse licensee to practice mortuary science.

[(g)] (I) “Pre-need contract” means an agreement prior to the time of death between a consumer and a practitioner to provide any goods and services regarding the final disposition of a dead human body.

(J) “REDUCTION FACILITY” HAS THE MEANING STATED IN § 5-101 OF THE BUSINESS REGULATION ARTICLE.

(K) “SOIL REMAINS” HAS THE MEANING STATED IN § 5-101 OF THE BUSINESS REGULATION ARTICLE.

5-511.

(a) A practitioner and an operator of a crematory **OR REDUCTION FACILITY** may rely on the representations made by an authorizing agent and are not guarantors of the reliability of those representations.

(b) A practitioner and an operator of a crematory **OR REDUCTION FACILITY** have no responsibility to contact or to independently investigate the existence of any next of kin of the decedent.

5-512.

(a) A practitioner or an operator of a crematory **OR REDUCTION FACILITY** may not require an authorizing agent to obtain appointment as personal representative of the decedent's estate as a condition precedent to making final arrangements or authorizing cremation, **ALKALINE HYDROLYSIS, OR NATURAL ORGANIC REDUCTION** of a decedent.

(b) A person may not authorize cremation, **ALKALINE HYDROLYSIS, OR NATURAL ORGANIC REDUCTION** when a decedent has left instructions in a document that the decedent does not wish to be cremated **OR BE SUBJECT TO ALKALINE HYDROLYSIS OR NATURAL ORGANIC REDUCTION**.

5-513.

(a) On taking custody of the body of a decedent in accordance with all authorizations required by law, a funeral establishment [or], crematory, **OR REDUCTION FACILITY** shall maintain the body in a manner that provides for complete coverage of the body and prevents leakage or spillage except during:

(1) Identification, embalming, or preparation of an unembalmed body for final disposition;

(2) Restoration and dressing of a body in preparation for final disposition;
[and]

(3) IF APPLICABLE, PLACEMENT INSIDE A CONTAINED CHAMBER OR VESSEL WITHOUT AN EXTERNAL VISUAL EXPOSURE DURING THE PROCESS OF ALKALINE HYDROLYSIS OR NATURAL ORGANIC REDUCTION; AND

[(3)] (4) Viewing during a visitation or funeral service.

(b) If the unembalmed body of a decedent is to be stored for more than 48 hours before final disposition, a funeral establishment [or], crematory, **OR REDUCTION FACILITY** shall maintain the body with refrigeration and at a temperature determined by regulation.

(c) (1) If a funeral establishment [or], crematory, **OR REDUCTION FACILITY** cannot secure the body of a decedent or cannot store the body as required in subsection (b) of this section due to an unforeseen circumstance, the funeral establishment [or], crematory, **OR REDUCTION FACILITY** shall notify the State Board of Morticians and Funeral Directors or the Office of Cemetery Oversight and the person authorized to arrange for the final disposition of the body under § 5–509 of this subtitle.

(2) The notification required under paragraph (1) of this subsection shall:

(i) Be made within 24 hours after the occurrence of the unforeseen circumstance; and

(ii) Include the name and location of the facility where the body is being transferred, the reason for the transfer, and the method of storage.

(d) The body of a decedent may not be embalmed or artificially preserved without:

(1) The express permission of the person authorized to arrange for the final disposition of the body under § 5–509 of this subtitle; or

(2) A court order.

(e) A funeral establishment [or], crematory, **OR REDUCTION FACILITY** shall store the body of a decedent until final disposition at:

(1) A funeral establishment licensed under Title 7 of the Health Occupations Article;

(2) A crematory **OR REDUCTION FACILITY** licensed under Title 7 of the Health Occupations Article;

(3) A crematory **OR REDUCTION FACILITY** permitted under Title 5 of the Business Regulation Article; or

(4) Another facility that has passed an inspection with the State Board of Morticians and Funeral Directors or the Office of Cemetery Oversight within the past 2 years.

(f) A funeral establishment, crematory, **REDUCTION FACILITY**, or transportation service may not transport or store the body of a decedent together with animal remains in the same confined space.

(g) (1) Except as provided in paragraph (2) of this subsection, while the body of a decedent is in the custody of a funeral establishment [or], crematory, **OR REDUCTION FACILITY** in the State, the body may not be transported for preparation or storage to a

facility that is not within the jurisdiction of the State, licensed by the State Board of Morticians and Funeral Directors, or permitted by the Office of Cemetery Oversight.

(2) The body of a decedent may be transported for preparation or storage to a facility that is not within the jurisdiction of the State, licensed by the State Board of Morticians and Funeral Directors, or permitted by the Office of Cemetery Oversight if:

(i) The facility has entered into a written agreement with the State Board of Morticians and Funeral Directors or the Office of Cemetery Oversight to allow the State to make unannounced inspections of the facility; and

(ii) The person authorized to arrange for the final disposition of the body under § 5–509 of this subtitle:

1. Has given written permission for the body to be transported to the facility; or

2. A. Has given oral permission for the body to be transported to the facility; and

B. Within 36 hours after giving oral permission, provides written verification of the oral permission.

5–514.

(a) An individual may not bury or dispose of a body except:

(1) In a family burial plot or other area allowed by a local ordinance;

(2) In a crematory;

(3) In a cemetery;

(4) **IN A REDUCTION FACILITY;**

(5) By donating the body to medical science; or

[(5)] (6) By removing the body to another state for final disposition in accordance with the laws of the other state.

(B) A PERSON MAY NOT USE OR DISPOSE OF SOIL REMAINS PRODUCED BY NATURAL ORGANIC REDUCTION:

(1) ON PUBLIC OR PRIVATE PROPERTY WITHOUT THE PRIOR WRITTEN PERMISSION OF:

(I) THE OWNER OF THE PUBLIC PROPERTY;

(II) THE SURVIVING OWNERS OF PUBLIC RECORD OF THE PRIVATE PROPERTY; OR

(III) IF THE DECEDENT WAS SOLE OWNER OF THE PROPERTY AT DEATH, THE AUTHORIZING AGENT;

(2) BY USING THE SOIL REMAINS TO GROW FOOD FOR CONSUMPTION BY HUMANS OR LIVESTOCK;

(3) BY SELLING OR RESELLING THE SOIL REMAINS TO A THIRD PARTY; OR

(4) BY COMBINING OR INCORPORATING THE SOIL REMAINS INTO COMPOST OFFERED FOR SALE TO CONSUMERS OR FOR COMMERCIAL OR AGRICULTURAL PURCHASERS.

(C) UNLESS A FUNERAL ESTABLISHMENT OR CEMETERY HAS OTHERWISE AGREED IN WRITING, A REDUCTION FACILITY THAT PRODUCES SOIL REMAINS IS RESPONSIBLE FOR PROVIDING FOR THE FINAL DISPOSITION AND DISPOSAL OF THE SOIL REMAINS IN ACCORDANCE WITH WRITTEN DIRECTION GIVEN BY AN AUTHORIZING AGENT.

(D) EXCEPT FOR ACTS OF GROSS NEGLIGENCE OR RECKLESS DISREGARD OF THE PROHIBITIONS UNDER SUBSECTION (B) OF THIS SECTION, A PRACTITIONER OR REDUCTION FACILITY OPERATOR IS NOT LIABLE FOR:

(1) TRANSFERRING POSSESSION OF SOIL REMAINS AT A REDUCTION FACILITY; OR

(2) DELIVERING SOIL REMAINS TO ANOTHER LOCATION ACCORDING TO THE WRITTEN DIRECTION PROVIDED BY AN AUTHORIZING AGENT.

[(b)] (E) An individual who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$5,000 or both.

Article – Health Occupations

7–101.

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

(A-1) “ALKALINE HYDROLYSIS” HAS THE MEANING STATED IN § 5-101 OF THE BUSINESS REGULATION ARTICLE.

~~(c-1) “Authorizing agent” means the individual who has legal authority to arrange for and make decisions regarding the final disposition of a dead human body, including by cremation, ALKALINE HYDROLYSIS, OR NATURAL ORGANIC REDUCTION HAS THE MEANING STATED IN § 5-508 OF THE HEALTH – GENERAL ARTICLE.~~

(h) “Cremation” means [the process of reducing human remains to bone fragments through intense heat and evaporation, including any mechanical or thermal process] **DISPOSITION OF A DEAD HUMAN BODY BY MEANS OF INCINERATION.**

(i) “Crematory” means a building, portion of a building, or structure that houses the necessary appliances and facilities for cremation **OR ALKALINE HYDROLYSIS.**

(l) (1) “Human remains” means:

(i) The body of a deceased person; or

(ii) A part of a body or limb that has been removed from a living person.

(2) “Human remains” includes the body or part of a body or limb in any state of decomposition.

(3) “HUMAN REMAINS” DOES NOT INCLUDE SOIL REMAINS PRODUCED AFTER THE COMPLETION OF NATURAL ORGANIC REDUCTION.

(L-1) “HYDROLYZED REMAINS” HAS THE MEANING STATED IN § 5-101 OF THE BUSINESS REGULATION ARTICLE.

(S-1) “NATURAL ORGANIC REDUCTION” HAS THE MEANING STATED IN § 5-101 OF THE BUSINESS REGULATION ARTICLE.

(t) (1) “Practice funeral direction” means:

(i) To operate a funeral establishment;

(ii) For compensation, to prepare a dead human body for disposition;

or

(iii) For compensation, to arrange for or make final disposition of a dead human body.

(2) “Practice funeral direction” does not include:

(i) For compensation, disinfecting or preserving a dead human body or any of its parts by arterial or cavity injection or any other type of preservation; or

(ii) The business of operating a crematory **OR REDUCTION FACILITY**.

(u) (1) “Practice mortuary science” means:

(i) To operate a funeral establishment;

(ii) For compensation, to prepare a dead human body for disposition;
or

(iii) For compensation, to arrange for or make final disposition of a dead human body.

(2) “Practice mortuary science” includes:

(i) The practice of funeral direction; and

(ii) Disinfecting or preserving a dead human body or any of its parts by arterial or cavity injection.

(3) “Practice mortuary science” does not include:

(i) The pickup, removal, or transportation of a dead human body, if the unlicensed individual is acting under the direction of a licensed mortician or funeral director; or

(ii) The business of operating a crematory **OR REDUCTION FACILITY**.

(V-1) “REDUCTION FACILITY” HAS THE MEANING STATED IN § 5-101 OF THE BUSINESS REGULATION ARTICLE.

(V-2) “REGISTERED REDUCTION OPERATOR” HAS THE MEANING STATED IN § 5-101 OF THE BUSINESS REGULATION ARTICLE.

(V-3) “SOIL REMAINS” HAS THE MEANING STATED IN § 5-101 OF THE BUSINESS REGULATION ARTICLE.

7-102.

(a) This title does not limit the right of an individual to practice a health occupation that the individual is authorized to practice under this article.

(b) (1) In this subsection, “registrant or permit holder” means a person regulated under Title 5 of the Business Regulation Article as a registered cemeterian, **REGISTERED REDUCTION OPERATOR**, registered seller, or holder of a permit to operate a cemetery, **REDUCTION FACILITY**, or burial goods business.

(2) This title does not apply to:

(i) The business of operating a cemetery, including the sale of cemetery lots, grave sites, mausoleums, monuments, lawn crypts, or vaults;

(ii) The ownership of a crematory **OR REDUCTION FACILITY** or the business of operating a crematory **OR REDUCTION FACILITY** in which:

1. A registrant or permit holder owns a greater percentage of the crematory **OR REDUCTION FACILITY** than a person licensed under this title;

2. Ownership is equal between a registrant or permit holder and a person licensed under this title; or

3. Neither a registrant, permit holder, or person licensed under this title has an ownership interest in the crematory **OR REDUCTION FACILITY**; or

(iii) The ownership of a crematory or the business of operating a crematory or incinerator at a licensed medical facility or educational institution.

7–205.

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

(1) Establish a process for regulating crematories **AND REDUCTION FACILITIES** that provides for:

(i) Registration of crematory operators **AND REDUCTION OPERATORS** or issuance of permits for operating crematories **AND REDUCTION FACILITIES**, and renewal;

(ii) Applications, including certification of ownership and identification of individuals who will perform cremation, **ALKALINE HYDROLYSIS, OR NATURAL ORGANIC REDUCTION**;

(iii) Registration or permit fees;

- (iv) Inspections and oversight;
- (v) Grounds for discipline and penalties; and
- (vi) Complaints and hearings; and

(2) Adopt regulations that are identical to regulations adopted by the Director of the Office of Cemetery Oversight to:

- (i) Implement item (1) of this subsection; ~~and~~
- (ii) Ensure public health and safety; AND

(III) MEET THE REQUIREMENTS OF § 5-204(A)(3) OF THE BUSINESS REGULATION ARTICLE.

7-406.

(a) A licensee shall maintain a complete file [of a] **FOR EACH cremation AND EACH ALKALINE HYDROLYSIS OR NATURAL ORGANIC REDUCTION THAT IS INITIATED** that includes the signature of the next of kin, person identifying the body, or person responsible for disposition, time of death, and the date and time of cremation **OR THE TIME THAT THE ALKALINE HYDROLYSIS OR NATURAL ORGANIC REDUCTION WAS INITIATED.**

(b) (1) (i) In this subsection the following words have the meanings indicated.

(ii) “Eligible dependent” means a veteran’s spouse, a veteran’s unmarried child under the age of 21 years, or a veteran’s unmarried adult child who before the age of 21 became permanently incapable of self-support because of physical or mental disability.

(iii) 1. “Identifying information” means data required by a veterans service organization to verify the eligibility of a veteran or an eligible dependent for burial in a national or state veterans cemetery.

2. “Identifying information” includes name, service number, Social Security number, date of birth, date of death, place of birth, and copy of the death certificate.

(iv) “Veteran” has the meaning stated in § 9-901 of the State Government Article.

(v) “Veterans service organization” means an association or other entity organized for the benefit of veterans that has been recognized by the U.S.

Department of Veterans Affairs or chartered by Congress and any employee or representative of the association or entity.

(2) (I) If a licensed funeral establishment ~~for~~, a crematory, ~~OR A REDUCTION FACILITY~~ is in possession of cremated human remains **OR HYDROLYZED REMAINS** that have been unclaimed for 90 days or more, the licensed funeral establishment or holder of the permit for the business of operating a crematory shall provide identifying information of the unclaimed cremains **OR HYDROLYZED REMAINS** to a veterans service organization in order for the veterans service organization to determine if the unclaimed cremains are those of a veteran or an eligible dependent.

(II) 1. **SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH DOES NOT APPLY IF:**

A. **AN AUTHORIZING AGENT DIRECTS OTHERWISE; OR**

B. **A ~~LICENSED FUNERAL ESTABLISHMENT~~ OR REDUCTION FACILITY REASONABLY CONCLUDES BASED ON THE IDENTIFYING INFORMATION OR OTHER EVIDENCE THAT A DECEDENT DOES NOT QUALIFY FOR DISPOSITION BENEFITS ASSOCIATED WITH VETERAN STATUS.**

2. **A ~~LICENSED FUNERAL ESTABLISHMENT~~ OR REDUCTION FACILITY IN POSSESSION OF HUMAN REMAINS THAT ARE BEING PROCESSED BY NATURAL ORGANIC REDUCTION SHALL PROVIDE IDENTIFYING INFORMATION TO A VETERANS SERVICE ORGANIZATION WITHIN 5 BUSINESS DAYS AFTER NATURAL ORGANIC REDUCTION IS INITIATED TO DETERMINE IF THE SOIL REMAINS ARE THOSE OF A VETERAN OR AN ELIGIBLE DEPENDENT.**

(3) Within 45 days after receipt of the information required under paragraph (2) of this subsection, the veterans service organization shall notify the licensed funeral establishment ~~for~~, permit holder, **OR REDUCTION FACILITY:**

(i) Whether the cremains, **HYDROLYZED REMAINS, OR SOIL REMAINS** are those of a veteran or an eligible dependent; and

(ii) If so, whether the veteran or eligible dependent is eligible for burial in a veterans cemetery.

(4) If the unclaimed cremains **OR HYDROLYZED REMAINS** are those of a veteran or an eligible dependent, the licensed funeral establishment or permit holder may transfer the cremains **OR HYDROLYZED REMAINS** to a veterans service organization for the purpose of the appropriate disposition of the cremains **OR HYDROLYZED REMAINS**.

(5) IF THE UNCLAIMED SOIL REMAINS ARE THOSE OF A VETERAN OR ELIGIBLE DEPENDENT, THE ~~LICENSED FUNERAL ESTABLISHMENT OR REDUCTION FACILITY~~ MAY:

(I) TRANSFER A PORTION OF THE SOIL REMAINS NOT EXCEEDING 300 CUBIC INCHES IN VOLUME TO A VETERANS SERVICE ORGANIZATION THAT GRANTS PERMISSION FOR THE PURPOSE OF DISPOSITION; AND

(II) IF AUTHORIZED, TRANSFER THE BALANCE OF THE SOIL REMAINS TO A CEMETERY OR THE OWNER OF A WOODLAND PROTECTED UNDER THE FOREST CONSERVATION ACT.

[(5)] (6) If a veterans service organization does not take possession of unclaimed cremains ~~OR HYDROLYZED REMAINS OR THE PORTION OF UNCLAIMED SOIL REMAINS~~ that qualify for a plot in a State veterans' cemetery under § 9-906 of the State Government Article within 10 days after the licensed funeral establishment, ~~REDUCTION FACILITY~~, or permit holder receives the notification required under paragraph (3) of this subsection, the licensed funeral establishment, ~~REDUCTION FACILITY~~, or permit holder shall:

(i) Notify the Department of Veterans Affairs of the status of the cremains, ~~OR HYDROLYZED REMAINS, OR PORTION OF SOIL REMAINS~~ for the purpose of the appropriate disposition of the cremains, ~~OR HYDROLYZED REMAINS, OR PORTION OF SOIL REMAINS~~; ~~and~~

(ii) Transfer the cremains, ~~OR HYDROLYZED REMAINS, OR PORTION OF SOIL REMAINS~~ to the Department of Veterans Affairs for the purpose of the appropriate disposition of the cremains, ~~OR HYDROLYZED REMAINS, OR PORTION OF SOIL REMAINS~~; ~~AND~~.

(7) IF A VETERANS SERVICE ORGANIZATION DOES NOT TAKE POSSESSION OF A PORTION OF UNCLAIMED SOIL REMAINS UNDER PARAGRAPH (5)(I) OF THIS SUBSECTION THAT QUALIFIES FOR A PLOT IN A STATE VETERAN'S CEMETERY UNDER § 9-906 OF THE STATE GOVERNMENT ARTICLE WITHIN 10 DAYS AFTER THE REDUCTION FACILITY RECEIVES THE NOTIFICATION REQUIRED UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE REDUCTION FACILITY SHALL:

(I) NOTIFY THE DEPARTMENT OF VETERANS AFFAIRS OF THE STATUS OF THE SOIL REMAINS FOR THE PURPOSE OF THE APPROPRIATE DISPOSITION OF THE PORTION OF SOIL REMAINS;

(II) TRANSFER THE PORTION OF SOIL REMAINS TO THE DEPARTMENT OF VETERANS AFFAIRS FOR THE PURPOSE OF THE APPROPRIATE DISPOSITION OF THE PORTION OF THE SOIL REMAINS; AND

(III) IF AUTHORIZED BY THE CEMETERY OR OWNER, TRANSFER THE BALANCE OF THE SOIL REMAINS TO A CEMETERY OR THE OWNER OF A WOODLAND PROTECTED UNDER THE FOREST CONSERVATION ACT.

7-505.

A licensee or the agent of a licensee may not represent that a burial or funeral casket is required for cremation, **ALKALINE HYDROLYSIS, OR NATURAL ORGANIC REDUCTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.

Approved by the Governor, May 9, 2024.