

(1) IS THE SURVIVING SPOUSE OF A LICENSED MORTICIAN WHO AT THE TIME OF DEATH WAS OPERATING AND WHOLLY OR PARTLY OWNED A MORTUARY SCIENCE BUSINESS;

(2) IS NOT A LICENSED MORTICIAN; AND

(3) SUBMITS TO THE BOARD, WITHIN 90 DAYS OF THE DEATH OF THE LICENSED MORTICIAN, THE APPLICATION REQUIRED BY THE BOARD.

(B) SCOPE.

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, WHILE A SURVIVING SPOUSE LICENSE IS EFFECTIVE, IT AUTHORIZES THE LICENSEE TO:

(1) CONTINUE THE OPERATION OF THE MORTUARY SCIENCE BUSINESS THAT HAD BEEN OPERATED AND WHOLLY OR PARTLY OWNED BY THE SPOUSE OF THE LICENSEE; AND

(2) ASSIST WITH THE PLANNING AND CONDUCTING OF FUNERAL SERVICES FOR THAT MORTUARY SCIENCE BUSINESS.

(C) CONDITIONS.

THE BOARD MAY ISSUE A LICENSE UNDER THIS SECTION ONLY IF:

(1) THE BUSINESS IS OPERATED UNDER THE DIRECT SUPERVISION OF A LICENSED MORTICIAN; AND

(2) THE EMBALMING IS DONE BY A LICENSED MORTICIAN.

REVISOR'S NOTE: This section is new language derived in part from Art. 43, § 353.

In subsections (a)(1) and (b) of this section, new language is added to clarify that a surviving spouse is authorized to do certain acts only with respect to the mortuary science business that was operated and wholly or partly owned by the deceased licensed mortician.

Subsection (c)(2) of this section is new language added to clarify that while a surviving spouse may continue to operate a mortuary science business, the surviving spouse may not perform the technical processes of embalming. Originally, a surviving spouse's license was issued only to the surviving spouse of a funeral director -- not to the surviving spouse of an embalmer. When legislation was enacted to consolidate the funeral directing and embalming licenses in 1962, the new role of the surviving spouse's license was not clarified.