

(4) NOT BE USED BEFORE, DURING, OR AFTER CREMATION.

REVISOR'S NOTE: This section formerly appeared as Article 43, § 367A.

Subsection (a) of this section is revised as a prohibition against requiring use of a casket and, as revised, subjects a violator to the criminal penalty provided in § 5-507 of this subtitle. The Commission to Revise the Annotated Code notes that, before enactment of Ch. 8, Acts of 1981, former Article 43, § 367A -- then numbered § 360A -- contained three sentences, the second of which prohibited licensed morticians and their employees from representing that a casket is required. As that sentence affected only licensees, it was included as HO § 6-505 and, thus, subject to the penalties provided in HO § 6-508. However, the Commission feels that it was not the intent of the General Assembly to allow persons other than licensed morticians to make these representations. The Commission also notes that the General Assembly might wish to consider the different penalties provided by § 5-507 of this article and HO § 6-508.

The only other changes are in style.

Defined terms: "Body" § 5-101  
"Person" § 1-101

5-506. CONTROL OF BODY BY HEALTH OFFICER.

(A) POWER OF HEALTH OFFICER.

A HEALTH OFFICER MAY TAKE CONTROL OF A BODY THAT IS BEING KEPT IN A ROOM WHERE AN INDIVIDUAL LIVES AND THAT IS IN A CONDITION THAT ENDANGERS AN INDIVIDUAL IN THE HOUSE WHERE THE BODY IS KEPT IF:

(1) AT LEAST 3 INDIVIDUALS LIVING NEAR THE HOUSE OR A PHYSICIAN ASKS THE HEALTH OFFICER, IN WRITING, TO ORDER FINAL DISPOSITION OF THE BODY;

(2) THE HEALTH OFFICER ISSUES AN ORDER FOR FINAL DISPOSITION, WITHIN A TIME PERIOD STATED IN THE ORDER; AND

(3) FINAL DISPOSITION OF THE BODY IS NOT MADE WITHIN THAT TIME.

(B) PROHIBITED ACT.

A PERSON MAY NOT OBSTRUCT THE CARRYING OUT OF AN ORDER OF A HEALTH OFFICER UNDER THIS SECTION.