

making arrangements for the final disposition of the body of a decedent; establishing a certain ~~limitation of immunity from liability for a funeral director~~ certain persons under certain circumstances; authorizing certain persons to file a certain petition with a court for authorization to make arrangements for the final disposition of the body of a decedent under certain circumstances; and generally relating to authorizing certain persons to make arrangements for the final disposition of the body of a decedent under certain circumstances.

BY repealing and reenacting, with amendments,

Article – Health – General
Section 5-502 and 5-507
Annotated Code of Maryland
(1994 Replacement Volume)

BY adding to

Article – Health – General
Section 5-502.1 through 5-502.5
Annotated Code of Maryland
(1994 Replacement Volume)

Preamble

WHEREAS, Historically, funeral directors licensed to practice in Maryland have only been required to bury the remains of the deceased in a burial plot at a cemetery determined by the deceased or agreed to by members of the family of the deceased who have reached agreement on that disposition; and

WHEREAS, Except in unusual circumstances, the funeral director was not involved in this decision or if the funeral director became involved, the only issue was which cemetery would ultimately be selected – decisions which could be agreed upon after consultation with family members or others with a legitimate interest in the issue; and

WHEREAS, The advent and increase in cremation as a means of final disposition has become more acceptable and is no longer restricted by religious prohibitions or traditions; and

WHEREAS, This new concept of disposition often causes emotional, philosophical, and religious differences among the survivors of the deceased; and

WHEREAS, As a result of such differences and disputes, the funeral director is often restricted or unable to carry out the responsibilities and obligations that the proper disposition of the deceased requires; and

WHEREAS, Some legislative direction is necessary to permit the disposition of the deceased in a manner that best carries out the intention of the deceased and those closest to the deceased; and