

WHEREAS, It is the intent of the Maryland General Assembly to enact legislation that specifies the relationship in descending order of the individuals with authority to decide the manner and means of disposition of the deceased in the event the deceased has failed or refused to make that decision prior to death; now, therefore,

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

**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 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; ~~AS PROVIDED IN § 5-502.1~~ UNDER §§ 5-502.1 THROUGH 5-502.5 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, that person may delegate that authority to another person by sending to the delegate a telegram 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 telegram authorizing the identification and cremation.

~~5-502.1.~~

~~(A) ANY INDIVIDUAL WHO IS 18 YEARS OF AGE OR OLDER MAY DECIDE THE DISPOSITION OF THE INDIVIDUAL'S BODY AFTER THE INDIVIDUAL'S DEATH WITHOUT THE PRE DEATH OR POST DEATH CONSENT OF ANOTHER PERSON BY EXECUTING A DOCUMENT THAT EXPRESSES THE INDIVIDUAL'S WISHES REGARDING THE PLACE OR METHOD OF DISPOSITION OF THE INDIVIDUAL'S BODY.~~

~~(B) IN ORDER TO BE VALID, ANY DOCUMENT EXECUTED UNDER SUBSECTION (A) OF THIS SECTION MUST BE WRITTEN AND SIGNED BY THE INDIVIDUAL IN THE PRESENCE OF A WITNESS, WHO, IN TURN, SHALL SIGN THE DOCUMENT IN THE PRESENCE OF THE INDIVIDUAL.~~

~~(C) UNLESS A PERSON HAS KNOWLEDGE THAT CONTRARY DIRECTIONS HAVE BEEN GIVEN BY THE DECEDENT, IF A DECEDENT HAS NOT EXECUTED A DOCUMENT UNDER SUBSECTION (A) OF THIS SECTION OR THE COSTS OF EXECUTING THE DECEDENT'S WISHES AS EXPRESSED IN A DOCUMENT EXCEED A REASONABLE AMOUNT, THE FOLLOWING PERSONS, IN THE ORDER OF PRIORITY STATED, HAVE THE RIGHT TO ARRANGE FOR THE FINAL DISPOSITION OF THE BODY OF THE DECEDENT UNDER § 5-502 OF THIS SUBTITLE AND ARE LIABLE FOR THE REASONABLE COST OF PREPARATION, CARE, AND DISPOSITION OF THE BODY:~~