

THE ARRANGEMENTS FOR THE FINAL DISPOSITION OF THE BODY UNTIL THE FUNERAL DIRECTOR RECEIVES A COURT ORDER OR OTHER WRITTEN AGREEMENT SIGNED BY THE PARTIES IN THE DISAGREEMENT THAT DECIDES THE FINAL DISPOSITION OF THE BODY.

(C) IF THE PRACTITIONER RETAINS THE BODY FOR FINAL DISPOSITION IN ACCORDANCE WITH A COURT ORDER OR WRITTEN AGREEMENT AMONG THE PARTIES, THE PRACTITIONER MAY EMBALM OR REFRIGERATE AND SHELTER THE BODY, OR BOTH, IN ORDER TO PRESERVE IT WHILE AWAITING THE FINAL DECISION AND MAY ADD THE COSTS OF EMBALMING AND REFRIGERATION AND SHELTERING TO THE FINAL DISPOSITION COSTS.

(D) (1) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE OR TO IMPOSE A DUTY UPON A PRACTITIONER TO BRING AN ACTION UNDER THIS SECTION.

(2) A PRACTITIONER MAY NOT BE HELD CRIMINALLY OR CIVILLY LIABLE FOR CHOOSING NOT TO BRING AN ACTION UNDER THIS SECTION.

5-502.4.

(A) A PRACTITIONER AND AN OPERATOR OF A CREMATORY 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 HAVE NO RESPONSIBILITY TO CONTACT OR TO INDEPENDENTLY INVESTIGATE THE EXISTENCE OF ANY NEXT OF KIN OF THE DECEDENT.

(C) AN INDIVIDUAL MAY FILE A PETITION WITH THE APPROPRIATE COURT TO OBTAIN THE AUTHORITY TO BE AUTHORIZING AGENT:

(1) IF THE INDIVIDUAL ALLEGES THAT PERMITTING ONE OR MORE OF THE INDIVIDUALS WITH PRIORITY UNDER § 5-502.2(C) OF THIS SUBTITLE TO AUTHORIZE ARRANGEMENTS FOR THE FINAL DISPOSITION OF THE BODY OF A DECEDENT MAY CAUSE SUBSTANTIAL INJUSTICE; OR

(2) IF, CONSIDERING ALL THE CIRCUMSTANCES, AN INDIVIDUAL OTHER THAN AN INDIVIDUAL WITH PRIORITY UNDER § 5-502.2(C) OF THIS SUBTITLE HAD A CLOSER PERSONAL AFFINITY TO THE DECEDENT AND SHOULD BE ALLOWED TO MAKE THE ARRANGEMENTS.

(D) PENDING THE OUTCOME OF A PETITION FILED UNDER THIS SECTION, A PRACTITIONER SHALL SUSPEND ANY ARRANGEMENTS WITH THE INDIVIDUALS UNDER § 5-502.2(C) OF THIS SUBTITLE.

5-502.5.

(A) A PRACTITIONER OR AN OPERATOR OF A CREMATORY 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 OF A DECEDENT.