

Section 4-215(e)

Annotated Code of Maryland

(1994 Replacement Volume and 1994 Supplement)

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

Article - Health - General

4-215.

(e) (1) A permit for disinterment and reinterment is required before the disinterment of [a body or fetus] HUMAN REMAINS if reinterment is not to be made in the same cemetery. The Secretary or a health officer shall issue the permit after receipt of an application on the form that the Secretary requires.

(2) If all [the bodies] HUMAN REMAINS in a cemetery are to be disinterred for purposes of relocation or abandonment of the cemetery, one application is sufficient for that purpose.

(3) THE DEPARTMENT SHALL KEEP A RECORD OF EACH PERMIT ISSUED FOR THE DISINTERMENT AND REINTERMENT OF HUMAN REMAINS.

(4) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, THE DEPARTMENT MAY NOT DISCLOSE OR ALLOW PUBLIC INSPECTION OF INFORMATION IN A PERMIT RECORD ABOUT THE LOCATION OF THE SITE OF A DISINTERMENT OR REINTERMENT IF A LOCAL BURIAL SITES ADVISORY BOARD OR THE DIRECTOR OF THE MARYLAND HISTORICAL TRUST DETERMINES THAT:

(I) THE SITE IS HISTORIC PROPERTY, AS DEFINED IN ARTICLE 83B, § 5-601 OF THE CODE; AND

(II) DISCLOSURE WOULD CREATE A SUBSTANTIAL RISK OF HARM, THEFT, OR DESTRUCTION TO THE SITE.

(5) THE DEPARTMENT MAY NOT DENY INSPECTION OF A PERMIT RECORD TO:

(I) THE OWNER OF THE SITE OF THE DISINTERMENT OR REINTERMENT;

(II) A GOVERNMENTAL ENTITY THAT HAS THE POWER OF EMINENT DOMAIN; OR

(III) THE SPOUSE, NEXT OF KIN, OR APPOINTED PERSONAL REPRESENTATIVE OF THE DECEASED WHOSE HUMAN REMAINS HAVE BEEN DISINTERRED OR REINTERRED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1995.

Approved May 18, 1995.