

House Bill No. 546

AN ACT concerning

Disposition of Body by Cremation Options - Liability for Costs

FOR the purpose of ~~repealing the requirement~~ clarifying that liability for certain costs arising from the disposition of a body by cremation will automatically may be imposed on certain persons only if the right to dispose of the body by cremation is exercised by those persons a person with the responsibility for disposing of a dead human body may consider cremation as an option; repealing the requirement that liability for certain costs arising from the disposition of a body, including by cremation, will automatically be imposed on certain persons; and generally relating to the disposition of bodies by cremation.

BY repealing and reenacting, with amendments,

Article - Health - General

Section 5-502.2

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

5-502.2.

(a) Any individual who is 18 years of age or older may decide the disposition of the individual's own body after that individual's death without the predeath or post-death consent of another person by executing a document that expresses the individual's wishes regarding cremation or by entering into a preneed contract.

(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, the following persons, in the order of priority stated, have the right to arrange for the final disposition ~~by cremation~~ of the body of the decedent, INCLUDING BY CREMATION under § 5-502 of this subtitle; ~~and, IF SUCH RIGHT IS EXERCISED, are liable for the reasonable costs of preparation, care, and disposition of the decedent]~~ TO THE EXTENT THE DECEDENT HAS INSUFFICIENT ASSETS:

- (1) The surviving spouse of the decedent;
- (2) An adult child of the decedent;
- (3) A parent of the decedent;