

Chapter 452

(House Bill 729)

AN ACT concerning

State Board of Morticians and Funeral Directors – Cease and Desist Orders and Injunctive Relief – Authority

FOR the purpose of authorizing the State Board of Morticians and Funeral Directors to issue a public cease and desist order or ~~obtain injunctive relief~~ impose a civil fine of no more than a certain amount for certain violations of certain provisions of law under certain circumstances; ~~making a technical correction~~ providing that each violation of certain provisions of law is a separate offense under certain circumstances; and generally relating to the State Board of Morticians and Funeral Directors.

~~BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 7-316.1
Annotated Code of Maryland
(2014 Replacement Volume)~~

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 7-501 and 7-502
Annotated Code of Maryland
(2014 Replacement Volume)

BY adding to
Article – Health Occupations
Section 7-509
Annotated Code of Maryland
(2014 Replacement Volume)

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

Article – Health Occupations

~~7-316.1.~~

~~(a) THE BOARD MAY ISSUE A CEASE AND DESIST ORDER OR OBTAIN INJUNCTIVE RELIEF FOR A VIOLATION OF ANY PROVISION OF:~~

~~(1) § 5-513 OF THE HEALTH GENERAL ARTICLE; OR~~

~~(2) THIS TITLE.~~~~(B) An action may be maintained in the name of the State or the Board to enjoin:~~~~(1) The unauthorized practice of mortuary science; or~~~~(2) Conduct that constitutes a ground for disciplinary action under [§ 7-315] § 7-316 of this subtitle.~~~~[(b)] (C) An action under this section may be brought by:~~~~(1) The Board;~~~~(2) The Attorney General; or~~~~(3) A State's Attorney.~~~~[(e)] (D) An action under this section shall be brought in the county where the defendant:~~~~(1) Resides; or~~~~(2) Engages in the practice of mortuary science.~~~~[(d)] (E) Proof of actual damage or proof that a person will sustain damage if an injunction is not granted is not required for an action under this section.~~~~[(e)] (F) Criminal prosecution for the unauthorized practice of mortuary science under § 7-501 of this title or disciplinary action under § 7-316 of this subtitle does not prohibit an action to enjoin under this section.~~7-501.

Except as otherwise provided in this title, a person may not practice, attempt to practice, offer to practice, or assist in the practice of mortuary science in this State unless licensed by the Board.

7-502.

Unless authorized to practice mortuary science under this title, a person may not represent to the public by title, by description of services, methods, or procedures, or otherwise, that the person is authorized to practice mortuary science in this State.

7-509.

(A) SUBJECT TO SUBSECTION (C) OF THIS SECTION AND THE HEARING PROVISIONS OF § 7-319 OF THIS TITLE, AND IN ADDITION TO ANY OTHER SANCTION AUTHORIZED FOR A VIOLATION OF § 7-501 OR § 7-502 OF THIS SUBTITLE, THE BOARD MAY ISSUE A PUBLIC CEASE AND DESIST ORDER, IMPOSE A CIVIL FINE OF NOT MORE THAN \$5,000 PER OFFENSE, OR BOTH.

(B) FOR THE PURPOSES OF THIS SECTION, EACH VIOLATION IS A SEPARATE OFFENSE IF THE VIOLATION OCCURS:

(1) AT A DIFFERENT TIME, DATE, OR LOCATION; OR

(2) ON THE SAME DATE AND LOCATION AT A DIFFERENT TIME.

(C) THE BOARD MAY NOT ISSUE A PUBLIC CEASE AND DESIST ORDER TO A FUNERAL ESTABLISHMENT THAT WAS PREVIOUSLY LICENSED BY THE BOARD.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.