

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 564
Health

(Delegate Allen, *et al.*)

Finance

Pet Cremation and Burial Services - Requirements (Pet Cremation and Burial Services Consumer Protection Act)

This bill establishes numerous consumer protection and disclosure requirements for registered cemeterians, registered cemetery operators, and certain permit holders and licensees that sell (or offer for sale) pet cremation services of pet remains. The bill also establishes duties of persons responsible for returning pet cremains to pet owners after cremation. The bill includes provisions establishing the same requirements for crematories owned and operated by individuals regulated by the State Board of Morticians and Funeral Directors. In addition, the bill includes a contingency provision to account for the potential passage of separate legislation that transfers certain regulatory powers from the Office of Cemetery Oversight (OCO) to the State Board of Morticians and Funeral Directors. In addition to other penalties, violation of the bill is an unfair, abusive, or deceptive trade practice under the Maryland Consumer Protection Act (MCPA), subject to MCPA’s civil and criminal penalty provisions.

Fiscal Summary

State Effect: Any impact on OCO, the Office of the Attorney General (OAG), Consumer Protection Division, and the State Board of Morticians and Funeral Directors is assumed to be absorbable within existing budgeted resources, as discussed below. The bill’s penalty provisions are not anticipated to have a material impact on incarceration costs or the workloads of the Office of the Public Defender or the Judiciary. Revenues are likely not materially affected.

Local Effect: The bill’s imposition of existing MCPA penalty provisions (and additional penalty provisions) does not have a material impact on local government finances or operations.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: A “pet” means a domesticated or tamed animal kept as a companion or for pleasure. “Pet cremains” means the body fragments of a pet after having been cremated.

Applicability

The bill applies only to a registered cemeterian, registered cemetery operator, permit holder, or licensee that engages in the operation of a cemetery, crematory, or burial goods business that sells (or offers to sell) to the public cremation services for pet remains or a burial lot or a burial right in a cemetery for pet remains.

Required Disclosure of Services

Each registrant, permit holder, or licensee must distribute a written description of available pet cremation services to the following persons:

- each owner (or the owner’s agent) of a deceased pet who arranges for pet cremation services;
- each veterinarian, pet shop, funeral director, or other person who refers pet owners or delivers deceased pets to the registrant permit holder, or licensee more than five times in a calendar year;
- the Department of Agriculture; and
- on request, any other person.

Each registrant, permit holder, or licensee must make written copies of the above information (1) available in sufficient quantities to allow for the distribution to pet owners who may be referred to or served by the registrant, permit holder, or licensee and (2) available at no cost. A veterinarian, pet shop, registrant, permit holder, or any other person who refers pet owners or accepts deceased pets for cremation more than five times in a calendar year must provide a copy of the description of pet cremation services noted above to the pet owner at the time of referral or acceptance of the deceased pet.

The description must include a detailed and clear explanation of each pet cremation service offered by the registrant, permit holder, or licensee including specified descriptions of the following:

- private cremation;
- individual-partitioned cremation; and
- communal cremation.

A registrant, permit holder, or licensee may not (1) fail to include a complete and accurate explanation of each pet cremation service; (2) omit a required disclosure; or (3) include text, illustrations, a layout, or formatting that causes confusion about the nature of the pet cremation service (or obstructs accurate disclosure).

Additional Disclosures for the Return of Pet Cremains

If pet cremation services provided by a registrant, permit holder, or licensee include the return of pet cremains, the registrant, permit holder, or licensee must provide a written certificate with the returned pet cremains that includes specified information (*e.g.*, the date the cremation was completed, a statement that the service was performed in accordance with the written description of services unless otherwise indicated on the certificate, etc.).

A veterinarian, pet shop, or other person responsible for returning pet cremains to a pet owner must provide to the pet owner certain information, including a copy of the certificate described above *and* an additional certificate stating that the returned pet cremains are those of the pet owner's deceased pet and have been returned in accordance with the registrant's, permit holder's, or licensee's representations.

The bill specifies that a veterinarian, pet shop, or other person responsible for returning pet cremains to a pet owner is not required to observe the cremation process and may rely in good faith on the certificate provided (and representations made) by a registrant, permit holder, or licensee providing the pet cremation services.

Other Procedural and Recordkeeping Requirements

Each registrant, permit holder, or licensee providing pet cremation services must post (in a conspicuous place in the place of business) a copy of the bill's provisions and a written description of the pet cremation services being offered. Further, each registrant, permit holder, or licensee that provides pet cremation services must ensure that a holding facility used to retain pet remains before cremation meets specified requirements, including preserving the dignity of the pet remains.

Each registrant, permit holder, or licensee that provides pet cremation services must also maintain complete and accurate records and retain specified records for a period of at least five years. Finally, each registrant, permit holder, or licensee must also establish and maintain reasonable procedures to ensure the confidentiality and security of all records, including personally identifying information related to a pet owner or cremated pet.

Enforcement Provisions

A person who violates the bill is guilty of a misdemeanor and subject to (1) for a first offense, maximum imprisonment of up to one year and/or a fine of up to \$5,000; (2) for a second offense, maximum imprisonment of two years and/or a fine of up to \$10,000; and (3) for a third or subsequent offense, maximum imprisonment of three years and/or a fine of up to \$15,000.

If the director of OCO finds that a person has violated the bill or a regulation adopted pursuant to the bill, the director may refer the matter to (1) the Attorney General for civil enforcement or (2) the appropriate State's Attorney for criminal prosecution. Further, the Attorney General may sue for (and a court may grant) injunctive or other equitable relief and/or imposition of a civil penalty of up to \$5,000.

Current Law: Chapter 591 of 2023 establishes that a registered cemeterian, registered crematory operator, or permit holder who sells (or offers to sell) to the public certain services for pet remains (*i.e.*, cremation services, a burial lot, or a burial right) owes a duty of perpetual care for the cemetery in which the pet remains are interred. OCO must adopt regulations, as specified, to enforce the Act's requirements.

Definitions

"Pet remains" means the body of a deceased animal that was kept as a pet, including the body of a pet (or a part of a pet's body) in any state of decomposition or the body of a pet after having been cremated.

"Perpetual care" means the maintenance, including the cutting of grass abutting memorials or monuments, as well as the administration, supervision, and embellishment of a cemetery and its grounds, roads, and paths. Additionally, it includes the repair and renewal of buildings, including columbaria and mausoleums, and the property of the cemetery.

"Cemetery" is defined as land used or to be used for interment. "Interment" means all final disposition of human remains *or pet remains*. "Cremation" means the disposition of a dead human body by means of incineration.

"Preneed burial contract" means a written instrument under which preneed goods or preneed services (*i.e.*, services sold before the buyer's death in connection with burial or cremation) are to be sold and delivered or performed.

Preneed Burial Contracts

A preneed burial contract must contain (1) the name the buyer; (2) the name of the seller; (3) the name of each individual (other than the buyer) as to whom the preneed goods or services are to be furnished; (4) the name of the pet, if applicable; (5) a description of the preneed goods or services; and (6) the amount of the buyer's financial obligation.

Office of Cemetery Oversight

The primary objective of OCO is to register and monitor individuals and businesses engaged in the operation of cemeteries and burial goods businesses in Maryland. This includes individuals and companies that sell funerary monuments and memorials on a retail basis. OCO also regulates and provides registration for crematories under its jurisdiction in the State.

Responsibilities of OCO include the investigation and mediation of consumer complaints involving registrants and permit holders. To protect Maryland citizens from unfair and unscrupulous practices, OCO determines and enforces the ethical standards related to the operation of cemeteries and those related to the provision of burial goods and services within the State. OCO also regulates and monitors the funds held in perpetual care and preneed trusts by its licensees.

State Board of Morticians and Funeral Directors

The primary purpose of the board is the protection of the public's health and welfare through proper credentialing; examination; licensure; and discipline of morticians, funeral directors, corporations, crematory operators, reduction facility operators, apprentices, surviving spouses, mortuary transport services, transporters, courtesy card holders, and holders of an executor license in Maryland. The board also licenses, permits, and inspects funeral establishments and specified crematories for compliance with all applicable federal, State, and local laws and takes disciplinary action against such establishments where warranted. The board has jurisdiction over crematories (and other facilities) that are majority-owned by its licensees.

Maryland Consumer Protection Act

An unfair, abusive, or deceptive trade practice under MCPA includes, among other acts, any false, falsely disparaging, or misleading oral or written statement, visual description, or other representation of any kind, which has the capacity, tendency, or effect of deceiving or misleading consumers. The prohibition against engaging in any unfair, abusive, or deceptive trade practice encompasses the offer for or actual sale, lease, rental, loan, or bailment of any consumer goods, consumer realty, or consumer services; the extension of

consumer credit; the collection of consumer debt; or the offer for or actual purchase of consumer goods or consumer realty from a consumer by a merchant whose business includes paying off consumer debt in connection with the purchase of any consumer goods or consumer realty from a consumer.

The Consumer Protection Division is responsible for enforcing MCPA and investigating the complaints of aggrieved consumers. The division may attempt to conciliate the matter, issue a cease and desist order, or file a civil action in court. A merchant who violates MCPA is subject to a fine of up to \$10,000 for each violation and up to \$25,000 for each repetition of the same violation. In addition to any civil penalties that may be imposed, any person who violates MCPA is guilty of a misdemeanor and, on conviction, is subject to a fine of up to \$1,000 and/or imprisonment for up to one year.

State Expenditures: Although neither OCO nor the Maryland Department of Health responded to requests for comment on the impact of the bill, the Department of Legislative Services (DLS) assumes that the bill's requirements can generally be enforced with existing staff, as many of the bill's provisions are disclosure requirements for registrants, permit holders, or licensees. However, as noted above, the bill also establishes certain procedural and recordkeeping requirements. To the extent OCO receives a significant number of complaints that require investigations and/or enforcement actions, additional resources can be requested through the annual budget process. Likewise, if certain regulatory powers are transferred from OCO to the State Board of Morticians and Funeral Directors, it is assumed the board can implement the bill's requirements with existing resources.

OAG advises that one assistant Attorney General and one investigator is necessary to enforce the bill, at an average annual cost of nearly \$300,000. DLS disagrees with this assessment and notes that OAG may, in its discretion, choose to bring enforcement actions as a result of any referrals from OCO. However, as noted above, it is unclear whether the bill will result in a significant increase in complaints and/or investigations.

Small Business Effect: Although the bill's disclosure requirements are not assumed to have a significant impact on small business entities that are subject to the bill, certain provisions – including the bill's procedural and recordkeeping requirements – likely meaningfully affect small businesses and result in additional staff time to ensure compliance.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Office of the Attorney General (Consumer Protection Division);
Maryland Department of Agriculture; Department of Legislative Services

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