

SENATE BILL 233

C2

(6lr1474)

ENROLLED BILL

— Finance/Economic Matters and Health —

Introduced by ~~Senator Salling~~ Senators Salling, Jackson, Beidle, Ellis, Gile, Lam, and Ready

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Business Regulation – Cemeteries *and Abandoned Cemeteries* – ~~Actions for Sale,~~**
3 **~~Transfer, or Alternate Use Requirements for Sale or, Transfer, or Government~~**
4 **Acquisition and Disposition**

5 FOR the purpose of ~~authorizing certain persons to bring an action when the owner of a~~
6 ~~property that includes a cemetery proposes the sale, transfer, or alternate use of all~~
7 ~~or part of a certain cemetery; requiring a court to take certain actions under certain~~
8 ~~circumstances; and generally relating to actions for the sale, transfer, or alternate~~
9 ~~use of cemeteries prohibiting certain owners of a cemetery from selling or~~
10 ~~transferring the cemetery without the approval of the Director of the Office of~~
11 ~~Cemetery Oversight; exempting a certain cemetery owner from the requirement to~~
12 ~~obtain an approval from the Director; authorizing a governmental unit to acquire an~~
13 ~~abandoned cemetery under certain circumstances; establishing certain requirements~~
14 ~~for the sale, transfer, or government acquisition of a cemetery; and generally relating~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



~~to the sale, transfer, or acquisition of cemeteries, authorizing certain persons to bring an action when the owner of a property that includes a cemetery proposes the sale, transfer, or alternate use of all or part of a certain cemetery; requiring a court to take certain actions under certain circumstances; authorizing a governmental unit to acquire property on which an abandoned cemetery is located under certain circumstances and for a certain purpose; requiring a governmental unit that acquires property under this Act to make a certain effort to contact certain persons for a certain purpose; authorizing a person or organization to bring an action to request the court to transfer property acquired under this Act to the person or organization; and generally relating to actions for the sale, transfer, or alternate use of cemeteries.~~

~~BY repealing and reenacting, with amendments,
Article — Business Regulation
Section 5 — 101 and 5 — 505
Annotated Code of Maryland
(2024 Replacement Volume and 2025 Supplement)~~

~~BY repealing
Article — Business Regulation
Section 5 — 506
Annotated Code of Maryland
(2024 Replacement Volume and 2025 Supplement)~~

~~BY repealing and reenacting, without amendments,
Article — Real Property
Section 14 — 121(a)(1), (3), and (4)
Annotated Code of Maryland
(2023 Replacement Volume and 2025 Supplement)~~

Preamble

~~WHEREAS, The purpose of a cemetery is to be a permanent place for the disposition of the dead, a sacred ground to memorialize and honor the dead, and to provide a place for visitation by relatives, friends, and others to remember, honor, and grieve and to preserve the history of those interred and their community; now, therefore,~~

~~BY repealing
Article — Business Regulation
Section 5 — 505
Annotated Code of Maryland
(2024 Replacement Volume and 2025 Supplement)~~

~~BY adding to
Article — Business Regulation
Section 5 — 505 and 5 — 507
Annotated Code of Maryland
(2024 Replacement Volume and 2025 Supplement)~~

1 BY repealing and reenacting, with amendments,
2 Article – Business Regulation
3 Section 5–101
4 Annotated Code of Maryland
5 (2024 Replacement Volume and 2025 Supplement)

6 BY repealing
7 Article – Business Regulation
8 Section 5–505
9 Annotated Code of Maryland
10 (2024 Replacement Volume and 2025 Supplement)

11 BY adding to
12 Article – Business Regulation
13 Section 5–505 and 5–507
14 Annotated Code of Maryland
15 (2024 Replacement Volume and 2025 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article – Real Property
18 Section 14–121(a)(1), (3), and (4)
19 Annotated Code of Maryland
20 (2023 Replacement Volume and 2025 Supplement)

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

23 **Article – Business Regulation**

24 5–101.

25 (a) In this title the following words have the meanings indicated.

26 (b) “Alkaline hydrolysis” means the process of reducing human remains using
27 water, alkaline chemicals, and heat inside a watertight vessel to accelerate decomposition.

28 (c) “Authorizing agent” has the meaning stated in § 5–508 of the Health – General
29 Article.

30 (d) (1) “Burial goods” means goods that are used in connection with burial.

31 (2) “Burial goods” includes:

32 (i) a casket;

33 (ii) a grave liner;

1 (iii) a memorial;

2 (iv) a monument;

3 (v) a scroll;

4 (vi) an urn;

5 (vii) a vase; and

6 (viii) a vault.

7 (e) “Burial goods business” means a business that provides burial goods.

8 (f) (1) “Cemetery” means land used or to be used for interment.

9 (2) “Cemetery” includes a structure used or to be used for interment.

10 (g) “Cremation” means the disposition of a dead human body by means of
11 incineration.

12 (h) “Crematory” means a building, portion of a building, or structure that houses
13 the necessary appliances and facilities for cremation or alkaline hydrolysis.

14 **(I) “CULTURAL AFFILIATION” HAS THE MEANING STATED IN § 14–121 OF**
15 **THE REAL PROPERTY ARTICLE.**

16 **(J) “DESCENDANT COMMUNITY ORGANIZATION” MEANS AN ORGANIZATION**
17 **THAT HAS MEMBERS WHO HAVE ANCESTORS WHO ARE INTERRED AT A CEMETERY OR**
18 **WHO HAVE A CULTURAL AFFILIATION WITH THE DECEASED PERSONS INTERRED AT A**
19 **CEMETERY.**

20 ~~(i)~~ (K) “Director” means the Director of the Office of Cemetery Oversight.

21 ~~(i)~~ (L) “Engage in the operation of a cemetery” means owning, controlling, or
22 managing a cemetery, including performing activities necessary for:

23 (1) the establishment, improvement, care, preservation, or embellishment of
24 a cemetery;

25 (2) interment; and

26 (3) the providing of burial space or burial goods.

1 ~~[(k)]~~ **(M)** (1) “Engage in the operation of a crematory” means controlling or
2 managing a crematory.

3 (2) “Engage in the operation of a crematory” does not include:

4 (i) the practice of funeral direction or the practice of mortuary
5 science; or

6 (ii) 1. assistance in making decisions and filling out forms that
7 are not directly related to cremation;

8 2. obtaining vital statistics, signatures, and other
9 information necessary to complete a death certificate;

10 3. transportation of a body to the place of disposition; or

11 4. any other services regarding the disposition of a body that
12 are not directly related to cremation.

13 ~~[(l)]~~ **(N)** (1) “Engage in the operation of a reduction facility” means controlling
14 or managing a reduction facility.

15 (2) “Engage in the operation of a reduction facility” does not include:

16 (i) the practice of funeral direction or the practice of mortuary
17 science; or

18 (ii) 1. assistance in making decisions and filling out forms that
19 are not directly related to natural organic reduction;

20 2. obtaining vital statistics, signatures, and other
21 information necessary to complete a death certificate;

22 3. transportation of a body to the place of disposition; or

23 4. any other services regarding the disposition of a body that
24 are not directly related to natural organic reduction.

25 ~~[(m)]~~ **(O)** “Funeral establishment” means a building, structure, or premises from
26 which the business of funeral directing or embalming is conducted.

27 ~~[(n)]~~ **(P)** (1) “Human remains” means:

28 (i) the body of a deceased person; or

1 (ii) a part of a body or limb that has been removed from a living
2 person.

3 (2) “Human remains” includes the body or part of a body or limb in any
4 state of decomposition.

5 (3) “Human remains” does not include soil remains produced after the
6 completion of natural organic reduction.

7 ~~[(o)]~~ (Q) “Hydrolyzed remains” means the bone fragments produced by the
8 completion of alkaline hydrolysis.

9 ~~[(p)]~~ (R) “Interment” means all final disposition of human remains or pet
10 remains, including:

11 (1) earth burial;

12 (2) mausoleum entombment; and

13 (3) niche or columbarium interment.

14 ~~[(q)]~~ (S) “Natural organic reduction” means the contained accelerated conversion
15 of human remains into soil.

16 ~~[(r)]~~ (T) “Office” means the Office of Cemetery Oversight.

17 ~~[(s)]~~ (U) “Permit” means a permit issued by the Director to allow a partnership,
18 limited liability company, or corporation to operate a business through which a registrant
19 may:

20 (1) engage in the operation of a cemetery or crematory; or

21 (2) provide burial goods.

22 ~~[(t)]~~ (V) (1) “Pet remains” means the body of a deceased animal that was kept
23 as a pet.

24 (2) “Pet remains” includes the body of a pet or a part of a pet’s body in any
25 state of decomposition or the body of a pet after having been cremated.

26 ~~[(u)]~~ (W) (1) “Preneed goods” means burial goods that are sold before the
27 buyer’s death.

28 (2) “Preneed goods” does not include burial space.

29 ~~[(v)]~~ (X) “Provide burial goods” means a retail transaction:

1 (1) to erect, service, or inscribe burial memorials; or

2 (2) to sell burial goods.

3 ~~[(w)]~~ (Y) “Reduction facility” means a building, portion of a building, or structure
4 that houses the necessary appliances, containers, and facilities for performing natural
5 organic reduction.

6 ~~[(x)]~~ (Z) “Registered cemeterian” means an individual registered to operate a
7 cemetery as a sole proprietor or on behalf of a sole proprietor or of a permit holder.

8 ~~[(y)]~~ (AA) “Registered crematory operator” means an individual registered to
9 operate a crematory as a sole proprietor or on behalf of a sole proprietor or permit holder.

10 ~~[(z)]~~ (BB) “Registered reduction operator” means an individual registered to
11 operate a reduction facility as a sole proprietor or on behalf of a sole proprietor or a permit
12 holder.

13 ~~[(aa)]~~ (CC) “Registered seller” means an individual registered to provide burial
14 goods as a sole proprietor or on behalf of a sole proprietor or of a permit holder.

15 ~~[(bb)]~~ (DD) “Registration” means a registration issued by the Director authorizing
16 an individual to operate a cemetery, to operate a crematory, to operate a reduction facility,
17 or to provide burial goods.

18 ~~[(cc)]~~ (EE) “Responsible party” means a sole proprietor or the individual designated
19 by a partnership, limited liability company, or corporation to be responsible for the
20 operations of a cemetery, crematory, reduction facility, or burial goods business.

21 ~~[(dd)]~~ (FF) “Soil remains” means the soil produced at final disposition of a dead
22 human body at a reduction facility by completion of natural organic reduction.

23 [5-505.

24 (a) An action may be brought in accordance with the Maryland Rules and a court
25 may pass a judgment for sale of a burial ground for another purpose if:

26 (1) the ground has been dedicated and used for burial;

27 (2) burial lots have been sold in the burial ground and deeds executed or
28 certificates issued to buyers of the lots;

29 (3) the ground has ceased to be used for burial; and

30 (4) it is desirable to dispose of the burial ground for another purpose.

1 (b) If the court is satisfied that it is expedient or would be in the interest of the
 2 parties to sell the burial ground, the court:

3 (1) may pass a judgment for the sale of the burial ground on the terms and
 4 notice the court sets;

5 (2) shall order that as much of the proceeds of the sale as necessary be used
 6 to pay the expenses of removing any human remains in the burial ground, buying burial lots
 7 in another burial ground, and reburying the remains; and

8 (3) shall distribute the remaining proceeds of the sale among the parties
 9 according to their interests.

10 (c) A judgment for the sale of a burial ground passes to the buyer of the burial
 11 ground the title to the burial ground free of the claims of:

12 (1) the owners of the burial ground; and

13 (2) the holders of burial lots.]

14 **5-505.**

15 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
 16 **INDICATED.**

17 **(2) "CEMETERY OWNER" MEANS:**

18 **(I) A REGISTERED CEMETERIAN;**

19 **(II) A PERMIT HOLDER UNDER SUBTITLE 4 OF THIS TITLE; OR**

20 **(III) AN OWNER OF A CEMETERY THAT IS EXEMPT FROM THE**
 21 **REGISTRATION AND PERMITTING REQUIREMENTS UNDER § 5-102 OF THIS TITLE.**

22 **(3) "PERSON IN INTEREST" HAS THE MEANING STATED IN § 14-121 OF**
 23 **THE REAL PROPERTY ARTICLE.**

24 **(B) THIS SECTION DOES NOT APPLY TO:**

25 **(1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (G) AND (H)**
 26 **OF THIS SECTION, A RELIGIOUS ORGANIZATION THAT IS A CEMETERY OWNER; OR**

1 **(2) PROPERTY ACQUIRED BY THE DEPARTMENT OF TRANSPORTATION**
2 **THAT IS NECESSARY FOR A PUBLIC PROJECT IN ACCORDANCE WITH STATE OR**
3 **FEDERAL LAW.**

4 **(C) (1) A REGISTERED CEMETERIAN OR PERMIT HOLDER MAY NOT SELL**
5 **OR TRANSFER A CEMETERY, IN WHOLE OR IN PART, TO ANOTHER PERSON FOR A USE**
6 **OTHER THAN AS A CEMETERY WITHOUT THE APPROVAL OF THE DIRECTOR.**

7 **(2) THE OWNER OF A CEMETERY THAT IS EXEMPT FROM THE**
8 **REGISTRATION AND PERMITTING REQUIREMENTS UNDER § 5-102 OF THIS TITLE MAY**
9 **NOT SELL OR TRANSFER THE CEMETERY, IN WHOLE OR IN PART, TO ANOTHER**
10 **PERSON WITHOUT THE APPROVAL OF THE DIRECTOR.**

11 **(D) BEFORE APPROVING THE SALE OR TRANSFER OF A CEMETERY UNDER**
12 **THIS SECTION, THE DIRECTOR SHALL:**

13 **(1) REQUIRE A CEMETERY OWNER TO SUBMIT TO THE DIRECTOR:**

14 **(I) AN APPLICATION UNDER SUBSECTION (E) OF THIS SECTION;**

15 **(II) A COMPLETED PRESERVATION PLAN UNDER SUBSECTION**
16 **(F) OF THIS SECTION; AND**

17 **(III) SATISFACTORY EVIDENCE OF COMPLETION OF THE PUBLIC**
18 **NOTICE REQUIREMENTS UNDER SUBSECTION (H) OF THIS SECTION; AND**

19 **(2) REVIEW AND CONSIDER ANY PUBLIC COMMENTS REGARDING THE**
20 **CEMETERY IN ACCORDANCE WITH SUBSECTION (I) OF THIS SECTION.**

21 **(E) (1) TO REQUEST APPROVAL TO SELL OR TRANSFER A CEMETERY**
22 **UNDER SUBSECTION (C) OF THIS SECTION, A CEMETERY OWNER SHALL SUBMIT AN**
23 **APPLICATION TO THE DIRECTOR ON THE FORM THAT THE DIRECTOR PROVIDES.**

24 **(2) IN ADDITION TO ANY OTHER INFORMATION REQUIRED ON AN**
25 **APPLICATION FORM, THE FORM SHALL REQUIRE:**

26 **(I) THE NAME AND ADDRESS OF EACH CEMETERY OWNER;**

27 **(II) NOTICE OF THE INTENT TO SELL OR TRANSFER THE**
28 **CEMETERY, IN WHOLE OR IN PART;**

29 **(III) A DESCRIPTION OF THE CEMETERY OR PART OF THE**
30 **CEMETERY INTENDED FOR SALE OR TRANSFER, INCLUDING THE NAME, LOCATION,**

1 SIZE, ESTIMATED NUMBER OF HUMAN REMAINS AND PET REMAINS INTERRED IN THE
2 CEMETERY, AND NUMBER OF UNUSED OR UNSOLD BURIAL SITES;

3 (IV) THE NAME AND CONTACT INFORMATION OF ANY POTENTIAL
4 BUYERS OR TRANSFEREES OF THE CEMETERY, IF KNOWN;

5 (V) AN AGREEMENT TO SUBMIT A PRESERVATION PLAN IN
6 ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION; AND

7 (VI) A COPY OF THE PUBLIC NOTICE REQUIRED UNDER
8 SUBSECTION (H) OF THIS SECTION.

9 (F) (1) A CEMETERY OWNER SHALL, IN CONSULTATION WITH THE
10 DIRECTOR, DEVELOP A PRESERVATION PLAN FOR A CEMETERY THAT THE CEMETERY
11 OWNER INTENDS TO SELL OR TRANSFER.

12 (2) IN DEVELOPING THE PRESERVATION PLAN UNDER PARAGRAPH (1)
13 OF THIS SUBSECTION, THE CEMETERY OWNER SHALL COMPLY WITH SUBSECTION (G)
14 OF THIS SECTION.

15 (G) EACH CEMETERY OWNER, INCLUDING A RELIGIOUS ORGANIZATION
16 THAT IS A CEMETERY OWNER, SHALL ATTEMPT TO IDENTIFY AND CONTACT:

17 (1) ANY DESCENDENT OR DESCENDENT COMMUNITY ORGANIZATION
18 OF AN INDIVIDUAL INTERRED IN THE CEMETERY;

19 (2) ANY INDIVIDUAL OR FAMILY WHO HAS PURCHASED AN UNUSED
20 PLOT IN THE CEMETERY; AND

21 (3) ANY PERSON THAT HAS WORKED TO MAINTAIN THE ABANDONED
22 CEMETERY.

23 (H) (1) BEFORE A CEMETERY OWNER, INCLUDING A RELIGIOUS
24 ORGANIZATION THAT IS A CEMETERY OWNER, MAY SELL OR TRANSFER A CEMETERY
25 UNDER THIS SECTION, THE CEMETERY OWNER SHALL PROVIDE PUBLIC NOTICE OF
26 THE CEMETERY OWNER'S INTENT TO SELL OR TRANSFER THE CEMETERY BY:

27 (I) PUBLISHING NOTICE OF THE SALE OR TRANSFER IN A
28 NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY WHERE THE CEMETERY IS
29 LOCATED FOR 9 SUCCESSIVE WEEKS;

30 (II) PLACING A WRITTEN NOTICE OF INTENT TO SELL OR
31 TRANSFER IN THE CEMETERY AT A CONSPICUOUS LOCATION IN FULL PUBLIC VIEW
32 FOR NOT LESS THAN 60 DAYS;

1 (III) PROVIDING NOTICE TO LOCAL GENEALOGICAL AND
2 HISTORICAL SOCIETIES; AND

3 (IV) HOLDING A PUBLIC MEETING AT WHICH PUBLIC TESTIMONY
4 MUST BE OFFERED.

5 (2) A PUBLIC NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS
6 SUBSECTION SHALL INCLUDE:

7 (I) THE ADDRESS OF THE CEMETERY;

8 (II) THE ESTIMATED SIZE AND NUMBER OF HUMAN REMAINS OR
9 PET REMAINS INTERRED IN THE CEMETERY;

10 (III) ANY AVAILABLE INFORMATION ABOUT THE CEMETERY FROM
11 THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION; AND

12 (IV) IF AVAILABLE, THE NAME OF THE LAST KNOWN OWNER OF
13 THE CEMETERY.

14 (I) BEFORE APPROVING THE SALE OR TRANSFER OF A CEMETERY UNDER
15 THIS SECTION, THE DIRECTOR SHALL CONSIDER ANY PUBLIC COMMENTS ABOUT THE
16 CEMETERY RECEIVED BY THE CEMETERY OWNER AT A PUBLIC HEARING UNDER
17 SUBSECTION (H)(1)(IV) OF THIS SECTION OR BY THE DIRECTOR, INCLUDING:

18 (1) WHETHER THE CEMETERY OWNER HAS CONSIDERED THE
19 CONCERNS OF THE DESCENDANT COMMUNITY, INCLUDING:

20 (I) REASONS FOR THE PROPOSED SALE OR TRANSFER AND
21 FUTURE PLANS FOR THE PROPERTY;

22 (II) WHETHER THE CURRENT LOCATION OF THE CEMETERY
23 HOLDS ANY CULTURAL OR HISTORICAL SIGNIFICANCE;

24 (III) THE COST OF DISINTERMENT AND REINTERMENT OF THE
25 HUMAN REMAINS OR PET REMAINS IN THE CEMETERY AND WHO SHOULD BEAR THE
26 COST; AND

27 (IV) WHERE ANY HUMAN REMAINS OR PET REMAINS
28 DISINTERRED FROM THE CEMETERY WOULD BE RELOCATED; AND

1 **(2) WHETHER THE CEMETERY OWNER RECEIVED OTHER EQUIVALENT**
2 **OFFERS FOR PURCHASE OF THE CEMETERY THAT MAY BE LESS DISRUPTIVE TO THE**
3 **CEMETERY.**

4 **(J) THE DIRECTOR SHALL APPROVE THE SALE OR TRANSFER OF A**
5 **CEMETERY OR PART OF A CEMETERY UNDER THIS SECTION IF:**

6 **(1) THE CEMETERY OWNER SATISFIES ALL THE REQUIREMENTS OF**
7 **THIS SECTION; AND**

8 **(2) THE DIRECTOR DETERMINES THAT IT IS IN THE INTEREST OF ALL**
9 **THE PARTIES TO SELL OR TRANSFER THE CEMETERY OR PART OF THE CEMETERY.**

10 **(K) (1) AN ACTION MAY BE BROUGHT IN ACCORDANCE WITH THE**
11 **MARYLAND RULES AND A COURT MAY PASS JUDGMENT REGARDING THE SALE OF A**
12 **BURIAL GROUND FOR ANOTHER PURPOSE IF ANY PARTY DISPUTES THE DIRECTOR'S**
13 **DECISION UNDER SUBSECTION (J) OF THIS SECTION.**

14 **(2) AN ACTION UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE**
15 **BROUGHT BY:**

16 **(I) A PERSON WITH A BURIAL RIGHT IN THE CEMETERY;**

17 **(II) A DESCENDANT COMMUNITY ORGANIZATION;**

18 **(III) A NONPROFIT ORGANIZATION THAT HAS A PURPOSE OF**
19 **PRESERVING THE CEMETERY;**

20 **(IV) A GOVERNMENTAL UNIT WITH A FINANCIAL, REGULATORY,**
21 **OR OTHER INTEREST IN THE PROPERTY; OR**

22 **(V) A PERSON IN INTEREST.**

23 **(3) THE OWNER OF THE PROPERTY THAT INCLUDES THE CEMETERY**
24 **HAS THE BURDEN OF PROOF IN ANY PROCEEDING REGARDING THE DISPOSITION OF**
25 **THE PROPERTY AND THE CEMETERY.**

26 **(L) AFTER HEARING FROM ANY PERSON DESCRIBED UNDER SUBSECTION**
27 **(K)(2) OF THIS SECTION WHO WISHES TO BE HEARD ON THE PROPOSED SALE,**
28 **TRANSFER, OR ALTERNATE USE OF THE CEMETERY UNDER SUBSECTION (K) OF THIS**
29 **SECTION, THE COURT SHALL:**

30 **(1) ALLOW THE PROPOSED SALE, TRANSFER, OR ALTERNATE USE OF**
31 **ALL OR PART OF THE CEMETERY;**

1 (2) PROHIBIT THE PROPOSED SALE, TRANSFER, OR ALTERNATE USE
2 OF ALL OR PART OF THE CEMETERY; OR

3 (3) ORDER AN ALTERNATIVE DISPOSITION OF THE CEMETERY.

4 (M) IF THE COURT IS SATISFIED THAT IT IS APPROPRIATE OR WOULD BE IN
5 THE INTEREST OF A PERSON DESCRIBED IN SUBSECTION (K)(2) OF THIS SECTION TO
6 SELL THE CEMETERY, THE COURT SHALL:

7 (1) PASS A JUDGMENT FOR THE SALE OF THE CEMETERY ON THE
8 TERMS AND NOTICE THE COURT SETS;

9 (2) ORDER THAT AS MUCH OF THE PROCEEDS OF THE SALE AS
10 NECESSARY BE USED TO PAY THE COSTS OF REMOVING ANY HUMAN REMAINS IN THE
11 CEMETERY, BUYING BURIAL LOTS IN ANOTHER CEMETERY, AND REBURYING THE
12 REMAINS; AND

13 (3) DISTRIBUTE THE REMAINING PROCEEDS OF THE SALE AMONG THE
14 PARTIES ACCORDING TO THEIR INTERESTS.

15 (N) A JUDGMENT APPROVING THE SALE OF A CEMETERY CONVEYS THE TITLE
16 OF THE CEMETERY FREE OF THE CLAIMS OF:

17 (1) THE OWNERS OF THE CEMETERY; AND

18 (2) THE HOLDERS OF BURIAL RIGHTS IN THE CEMETERY.

19 (O) IF THE COURT DETERMINES THAT THE SALE OR TRANSFER OF A
20 CEMETERY IS INAPPROPRIATE AND NOT IN THE BEST INTEREST OF A PERSON
21 DESCRIBED IN SUBSECTION (K)(2) OF THIS SECTION, THE COURT SHALL:

22 (1) (I) APPROVE THE TRANSFER TO A DESCENDANT COMMUNITY
23 ORGANIZATION OR OTHER NONPROFIT ORGANIZATION THAT AGREES TO MAINTAIN
24 AND PRESERVE THE CEMETERY; AND

25 (II) APPROVE THE PRICE OF THE TRANSFER, INCLUDING A
26 DONATION OR NOMINAL FEE; OR

27 (2) ORDER A NEGOTIATION BETWEEN THE OWNER OF THE CEMETERY
28 AND THE PERSON THAT WISHES TO ACQUIRE THE CEMETERY.

29 (P) A COURT SHALL MAKE ALL DETERMINATIONS REQUIRED UNDER THIS
30 SECTION FOR THE DISPOSITION OF A PROPERTY THAT INCLUDES A CEMETERY NOT

1 MORE THAN 6 MONTHS AFTER THE ACTION UNDER SUBSECTION (K)(2) OF THIS
2 SECTION IS SERVED.

3 5-507.

4 (A) IN THIS SECTION, "ABANDONED CEMETERY" MEANS A CEMETERY FOR
5 WHICH:

6 (1) LEGAL OWNERSHIP CANNOT BE DETERMINED;

7 (2) THE PERSON WITH LEGAL RESPONSIBILITY FOR OPERATION AND
8 MAINTENANCE OF THE CEMETERY CANNOT BE DETERMINED;

9 (3) THE ENTITY THAT OPERATED THE CEMETERY HAS CEASED TO
10 OPERATE; OR

11 (4) THE REAL PROPERTY ON WHICH THE CEMETERY IS LOCATED HAS
12 BEEN CONDEMNED.

13 (B) (1) THE STATE, A COUNTY, OR A MUNICIPALITY MAY ACQUIRE AN
14 ABANDONED CEMETERY, INCLUDING OWNERSHIP OF ANY UNOCCUPIED LOTS OR
15 BURIAL SITES, FOR THE PURPOSE OF TRANSFERRING OWNERSHIP OF THE
16 ABANDONED CEMETERY TO A DESCENDANT COMMUNITY ORGANIZATION, VETERANS
17 ORGANIZATION, OR NONPROFIT ORGANIZATION.

18 (2) A DESCENDENT COMMUNITY ORGANIZATION, VETERANS
19 ORGANIZATION, OR NONPROFIT ORGANIZATION THAT AGREES TO THE TRANSFER OF
20 TITLE OF A CEMETERY UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL AGREE
21 TO PROPERLY MAINTAIN, PRESERVE, AND PROTECT THE CEMETERY.

22 (C) IF A GOVERNMENTAL ENTITY THAT HAS ACQUIRED AN ABANDONED
23 CEMETERY UNDER SUBSECTION (B) OF THIS SECTION IS UNABLE TO TRANSFER
24 OWNERSHIP OF THE ABANDONED CEMETERY WITHIN A REASONABLE PERIOD OF
25 TIME, THE DIRECTOR MAY FACILITATE THE REINTERMENT OF ANY HUMAN REMAINS
26 OR PET REMAINS FROM THE ABANDONED CEMETERY TO AN OPERATIONAL CEMETERY
27 IN A PROFESSIONAL MANNER.

28 (D) (1) A GOVERNMENTAL UNIT THAT ACQUIRES PROPERTY ON WHICH AN
29 ABANDONED CEMETERY IS LOCATED UNDER SUBSECTION (B)(1) OF THIS SECTION
30 SHALL MAKE TIMELY AND REASONABLE EFFORTS AFTER ACQUISITION TO CONTACT
31 DESCENDANTS OF THE DECEASED PERSONS INTERRED IN THE ABANDONED
32 CEMETERY IN ORDER TO IDENTIFY DESCENDANTS, A DESCENDANT COMMUNITY
33 ORGANIZATION, VETERANS ORGANIZATION, OR NONPROFIT ORGANIZATION TO
34 WHICH THE PROPERTY MAY BE TRANSFERRED.

- 1 (d) (1) ~~“Burial goods” means goods that are used in connection with burial.~~
- 2 (2) ~~“Burial goods” includes:~~
- 3 (i) ~~a casket;~~
- 4 (ii) ~~a grave liner;~~
- 5 (iii) ~~a memorial;~~
- 6 (iv) ~~a monument;~~
- 7 (v) ~~a scroll;~~
- 8 (vi) ~~an urn;~~
- 9 (vii) ~~a vase; and~~
- 10 (viii) ~~a vault.~~
- 11 (e) ~~“Burial goods business” means a business that provides burial goods.~~
- 12 (f) (1) ~~“Cemetery” means land used or to be used for interment.~~
- 13 (2) ~~“Cemetery” includes:~~
- 14 (I) ~~a structure used or to be used for interment; AND~~
- 15 (II) ~~A STRUCTURE USED TO CONDUCT BUSINESS RELATED TO~~
- 16 ~~THE OPERATION OF A CEMETERY.~~
- 17 (g) ~~“Cremation” means the disposition of a dead human body by means of~~
- 18 ~~incineration.~~
- 19 (h) ~~“Crematory” means a building, portion of a building, or structure that houses~~
- 20 ~~the necessary appliances and facilities for cremation or alkaline hydrolysis.~~
- 21 (i) ~~“CULTURAL AFFILIATION” HAS THE MEANING STATED IN § 14-121 OF~~
- 22 ~~THE REAL PROPERTY ARTICLE.~~
- 23 (j) ~~“DESCENDANT COMMUNITY ORGANIZATION” MEANS AN ORGANIZATION~~
- 24 ~~THAT HAS MEMBERS WHO HAVE ANCESTORS WHO ARE INTERRED AT A CEMETERY~~
- 25 ~~OR WHO HAVE A CULTURAL AFFILIATION WITH THE DECEASED PERSONS INTERRED~~
- 26 ~~AT A CEMETERY.~~

1 ~~[(i)] (K)~~ ~~“Director” means the Director of the Office of Cemetery Oversight.~~

2 ~~[(j)] (L)~~ ~~“Engage in the operation of a cemetery” means owning, controlling, or~~
 3 ~~managing a cemetery, including performing activities necessary for:~~

4 ~~(1) the establishment, improvement, care, preservation, or embellishment~~
 5 ~~of a cemetery;~~

6 ~~(2) interment; and~~

7 ~~(3) the providing of burial space or burial goods.~~

8 ~~[(k)] (M)~~ ~~(1) “Engage in the operation of a crematory” means controlling or~~
 9 ~~managing a crematory.~~

10 ~~(2) “Engage in the operation of a crematory” does not include:~~

11 ~~(i) the practice of funeral direction or the practice of mortuary~~
 12 ~~science; or~~

13 ~~(ii) 1. assistance in making decisions and filling out forms that~~
 14 ~~are not directly related to cremation;~~

15 ~~2. obtaining vital statistics, signatures, and other~~
 16 ~~information necessary to complete a death certificate;~~

17 ~~3. transportation of a body to the place of disposition; or~~

18 ~~4. any other services regarding the disposition of a body that~~
 19 ~~are not directly related to cremation.~~

20 ~~[(l)] (N)~~ ~~(1) “Engage in the operation of a reduction facility” means~~
 21 ~~controlling or managing a reduction facility.~~

22 ~~(2) “Engage in the operation of a reduction facility” does not include:~~

23 ~~(i) the practice of funeral direction or the practice of mortuary~~
 24 ~~science; or~~

25 ~~(ii) 1. assistance in making decisions and filling out forms that~~
 26 ~~are not directly related to natural organic reduction;~~

27 ~~2. obtaining vital statistics, signatures, and other~~
 28 ~~information necessary to complete a death certificate;~~

29 ~~3. transportation of a body to the place of disposition; or~~

1 ~~[(t)] (V)~~ (1) ~~“Pet remains” means the body of a deceased animal that was kept~~
2 ~~as a pet.~~

3 (2) ~~“Pet remains” includes the body of a pet or a part of a pet’s body in any~~
4 ~~state of decomposition or the body of a pet after having been cremated.~~

5 ~~[(u)] (W)~~ (1) ~~“Preneed goods” means burial goods that are sold before the~~
6 ~~buyer’s death.~~

7 (2) ~~“Preneed goods” does not include burial space.~~

8 ~~[(v)] (X)~~ ~~“Provide burial goods” means a retail transaction:~~

9 (1) ~~to erect, service, or inscribe burial memorials; or~~

10 (2) ~~to sell burial goods.~~

11 ~~[(w)] (Y)~~ ~~“Reduction facility” means a building, portion of a building, or structure~~
12 ~~that houses the necessary appliances, containers, and facilities for performing natural~~
13 ~~organic reduction.~~

14 ~~[(x)] (Z)~~ ~~“Registered cemeterian” means an individual registered to operate a~~
15 ~~cemetery as a sole proprietor or on behalf of a sole proprietor or of a permit holder.~~

16 ~~[(y)] (AA)~~ ~~“Registered crematory operator” means an individual registered to~~
17 ~~operate a crematory as a sole proprietor or on behalf of a sole proprietor or permit holder.~~

18 ~~[(z)] (BB)~~ ~~“Registered reduction operator” means an individual registered to~~
19 ~~operate a reduction facility as a sole proprietor or on behalf of a sole proprietor or a permit~~
20 ~~holder.~~

21 ~~[(aa)] (CC)~~ ~~“Registered seller” means an individual registered to provide burial~~
22 ~~goods as a sole proprietor or on behalf of a sole proprietor or of a permit holder.~~

23 ~~[(bb)] (DD)~~ ~~“Registration” means a registration issued by the Director authorizing~~
24 ~~an individual to operate a cemetery, to operate a crematory, to operate a reduction facility,~~
25 ~~or to provide burial goods.~~

26 ~~[(cc)] (EE)~~ ~~“Responsible party” means a sole proprietor or the individual~~
27 ~~designated by a partnership, limited liability company, or corporation to be responsible for~~
28 ~~the operations of a cemetery, crematory, reduction facility, or burial goods business.~~

29 ~~[(dd)] (FF)~~ ~~“Soil remains” means the soil produced at final disposition of a dead~~
30 ~~human body at a reduction facility by completion of natural organic reduction.~~

1 ~~(a) IN THIS SECTION, "PERSON IN INTEREST" HAS THE MEANING STATED IN~~
 2 ~~§ 14-121 OF THE REAL PROPERTY ARTICLE.~~

3 ~~(B) (1) An action may be brought in accordance with the Maryland Rules [and~~
 4 ~~a court may pass a judgment for sale of a burial ground for another purpose if:~~

5 ~~(1) the ground has been dedicated and used for burial;~~

6 ~~(2) burial lots have been sold in the burial ground and deeds executed or~~
 7 ~~certificates issued to buyers of the lots;~~

8 ~~(3) the ground has ceased to be used for burial; and~~

9 ~~(4) it is desirable to dispose of the burial ground for another purpose]~~
 10 ~~WHEN THE OWNER OF PROPERTY THAT INCLUDES A CEMETERY PROPOSES THE~~
 11 ~~SALE, TRANSFER, OR ALTERNATE USE OF ALL OR PART OF THE CEMETERY THAT~~
 12 ~~DOES NOT CONFORM WITH THE OPERATION OF A CEMETERY.~~

13 ~~(2) AN ACTION UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE~~
 14 ~~BROUGHT BY:~~

15 ~~(I) A PERSON WITH A BURIAL RIGHT IN THE CEMETERY;~~

16 ~~(II) A DESCENDANT COMMUNITY ORGANIZATION;~~

17 ~~(III) A NONPROFIT ORGANIZATION THAT HAS A PURPOSE OF~~
 18 ~~PRESERVING THE CEMETERY;~~

19 ~~(IV) A GOVERNMENTAL UNIT WITH AN INTEREST IN THE~~
 20 ~~PROPERTY; OR~~

21 ~~(V) A PERSON IN INTEREST.~~

22 ~~(3) THE OWNER OF THE PROPERTY THAT INCLUDES THE CEMETERY~~
 23 ~~HAS THE BURDEN OF PROOF IN ANY PROCEEDING REGARDING THE DISPOSITION OF~~
 24 ~~THE PROPERTY AND THE CEMETERY.~~

25 ~~(C) AFTER HEARING FROM ANY PERSON DESCRIBED UNDER SUBSECTION~~
 26 ~~(B)(2) OF THIS SECTION WHO WISHES TO BE HEARD ON THE PROPOSED SALE,~~
 27 ~~TRANSFER, OR ALTERNATE USE OF THE CEMETERY UNDER SUBSECTION (B) OF THIS~~
 28 ~~SECTION, THE COURT SHALL:~~

1 ~~(1) ALLOW THE PROPOSED SALE, TRANSFER, OR ALTERNATE USE OF~~
2 ~~ALL OR PART OF THE CEMETERY;~~

3 ~~(2) PROHIBIT THE PROPOSED SALE, TRANSFER, OR ALTERNATE USE~~
4 ~~OF ALL OR PART OF THE CEMETERY; OR~~

5 ~~(3) ORDER AN ALTERNATIVE DISPOSITION OF THE CEMETERY.~~

6 ~~[(b)] (D) If the court is satisfied that it is [expedient] APPROPRIATE or would~~
7 ~~be in the interest of [the parties] A PERSON DESCRIBED IN SUBSECTION (B)(2) OF THIS~~
8 ~~SECTION to sell the [burial ground] CEMETERY, the court SHALL:~~

9 ~~(1) [may] pass a judgment for the sale of the [burial ground] CEMETERY~~
10 ~~on the terms and notice the court sets;~~

11 ~~(2) [shall] order that as much of the proceeds of the sale as necessary be~~
12 ~~used to pay the expenses of removing any human remains in the [burial ground]~~
13 ~~CEMETERY, buying burial lots in another [burial ground] CEMETERY, and reburying the~~
14 ~~remains; and~~

15 ~~(3) [shall] distribute the remaining proceeds of the sale among the parties~~
16 ~~according to their interests.~~

17 ~~[(e)] (E) A judgment [for] APPROVING the sale of a [burial ground] passes to the~~
18 ~~buyer of the [burial ground] CEMETERY CONVEYS the title [to the burial ground] OF THE~~
19 ~~CEMETERY free of the claims of:~~

20 ~~(1) the owners of the [burial ground] CEMETERY; and~~

21 ~~(2) the holders of burial [lots] RIGHTS IN THE CEMETERY.~~

22 ~~(F) IF THE COURT DETERMINES THAT THE SALE OR TRANSFER OF A~~
23 ~~CEMETERY IS INAPPROPRIATE AND NOT IN THE BEST INTEREST OF A PERSON~~
24 ~~DESCRIBED IN SUBSECTION (B)(2) OF THIS SECTION, THE COURT SHALL:~~

25 ~~(1) (I) APPROVE THE TRANSFER TO A DESCENDANT COMMUNITY~~
26 ~~ORGANIZATION OR OTHER NONPROFIT ORGANIZATION THAT AGREES TO MAINTAIN~~
27 ~~AND PRESERVE THE CEMETERY; AND~~

28 ~~(II) APPROVE THE PRICE OF THE TRANSFER, INCLUDING A~~
29 ~~DONATION OR NOMINAL FEE; OR~~

30 ~~(2) ORDER A NEGOTIATION BETWEEN THE OWNER OF THE CEMETERY~~
31 ~~AND THE PERSON THAT WISHES TO ACQUIRE IT.~~

1 ~~§ 5-506.~~

2 ~~(a) An action may be brought in accordance with the Maryland Rules and a court~~
3 ~~may pass a judgment for sale of a burial ground in Baltimore City for another purpose if:~~

4 ~~(1) the ground has been dedicated and used for burial;~~

5 ~~(2) burial lots have been sold in the burial ground and deeds executed or~~
6 ~~other written instruments issued to buyers of the lots without provision being made for~~
7 ~~perpetual care of the lots; and~~

8 ~~(3) more than 75% of the area of the burial ground:~~

9 ~~(i) has been abandoned; or~~

10 ~~(ii) is harmful to the public health, safety, or welfare.~~

11 ~~(b) The action may be brought by:~~

12 ~~(1) a person with a property right in the burial ground; or~~

13 ~~(2) a governmental unit with an interest in ending the conditions that are~~
14 ~~harmful to the public health, safety, or welfare.~~

15 ~~(c) If the court is satisfied that more than 75% of the area of a burial ground has~~
16 ~~been abandoned or is harmful to the public health, safety, or welfare, the court:~~

17 ~~(1) may pass a judgment for the sale of the entire burial ground on the~~
18 ~~terms and notice the court sets; and~~

19 ~~(2) may appoint a trustee to sell the burial ground.~~

20 ~~(d) The trustee shall distribute the sale proceeds:~~

21 ~~(1) first, to pay the expenses of removing any human remains, that, with~~
22 ~~reasonable care, can be definitely located in the burial ground, buying burial lots in another~~
23 ~~burial ground, and reburying the remains;~~

24 ~~(2) second, to pay expenses of removing any markers that are in good~~
25 ~~condition from the old lots and relocating the markers on new lots;~~

26 ~~(3) third, to pay the expenses of ending conditions that are harmful to the~~
27 ~~public health, safety, or welfare, unless the contract of sale of the burial ground provides~~
28 ~~for abatement of those conditions within a reasonable period of time after the sale is~~
29 ~~completed;~~

1 ~~§ 5-505.~~

2 ~~(a) An action may be brought in accordance with the Maryland Rules and a court~~
 3 ~~may pass a judgment for sale of a burial ground for another purpose if:~~

4 ~~(1) the ground has been dedicated and used for burial;~~

5 ~~(2) burial lots have been sold in the burial ground and deeds executed or~~
 6 ~~certificates issued to buyers of the lots;~~

7 ~~(3) the ground has ceased to be used for burial; and~~

8 ~~(4) it is desirable to dispose of the burial ground for another purpose.~~

9 ~~(b) If the court is satisfied that it is expedient or would be in the interest of the~~
 10 ~~parties to sell the burial ground, the court:~~

11 ~~(1) may pass a judgment for the sale of the burial ground on the terms and~~
 12 ~~notice the court sets;~~

13 ~~(2) shall order that as much of the proceeds of the sale as necessary be used~~
 14 ~~to pay the expenses of removing any human remains in the burial ground, buying burial~~
 15 ~~lots in another burial ground, and reburying the remains; and~~

16 ~~(3) shall distribute the remaining proceeds of the sale among the parties~~
 17 ~~according to their interests.~~

18 ~~(c) A judgment for the sale of a burial ground passes to the buyer of the burial~~
 19 ~~ground the title to the burial ground free of the claims of:~~

20 ~~(1) the owners of the burial ground; and~~

21 ~~(2) the holders of burial lots.†~~

22 ~~§ 5-505.~~

23 ~~(A) IN THIS SECTION, "CEMETERY OWNER" MEANS:~~

24 ~~(1) A REGISTERED CEMETERIAN;~~

25 ~~(2) A PERMIT HOLDER UNDER SUBTITLE 4 OF THIS TITLE; OR~~

26 ~~(3) AN OWNER OF A CEMETERY THAT IS EXEMPT FROM THE~~
 27 ~~REGISTRATION AND PERMITTING REQUIREMENTS UNDER § 5-102 OF THIS TITLE.~~

1 ~~(B) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (G) AND (H) OF THIS~~
2 ~~SECTION, THIS SECTION DOES NOT APPLY TO A RELIGIOUS ORGANIZATION THAT IS~~
3 ~~A CEMETERY OWNER.~~

4 ~~(C) (1) A REGISTERED CEMETERIAN OR PERMIT HOLDER MAY NOT SELL~~
5 ~~OR TRANSFER A CEMETERY, IN WHOLE OR IN PART, TO ANOTHER PERSON FOR A USE~~
6 ~~OTHER THAN AS A CEMETERY WITHOUT THE APPROVAL OF THE DIRECTOR.~~

7 ~~(2) THE OWNER OF A CEMETERY THAT IS EXEMPT FROM THE~~
8 ~~REGISTRATION AND PERMITTING REQUIREMENTS UNDER § 5-102 OF THIS TITLE~~
9 ~~MAY NOT SELL OR TRANSFER THE CEMETERY, IN WHOLE OR IN PART, TO ANOTHER~~
10 ~~PERSON WITHOUT THE APPROVAL OF THE DIRECTOR.~~

11 ~~(D) BEFORE APPROVING THE SALE OR TRANSFER OF A CEMETERY UNDER~~
12 ~~THIS SECTION, THE DIRECTOR SHALL:~~

13 ~~(1) REQUIRE A CEMETERY OWNER TO SUBMIT TO THE DIRECTOR:~~

14 ~~(I) AN APPLICATION UNDER SUBSECTION (E) OF THIS SECTION;~~

15 ~~(H) A COMPLETED PRESERVATION PLAN UNDER SUBSECTION~~
16 ~~(F) OF THIS SECTION; AND~~

17 ~~(III) SATISFACTORY EVIDENCE OF COMPLETION OF THE PUBLIC~~
18 ~~NOTICE REQUIREMENTS UNDER SUBSECTION (H) OF THIS SECTION; AND~~

19 ~~(2) REVIEW AND CONSIDER ANY PUBLIC COMMENTS REGARDING THE~~
20 ~~CEMETERY IN ACCORDANCE WITH SUBSECTION (I) OF THIS SECTION.~~

21 ~~(E) (1) TO REQUEST APPROVAL TO SELL OR TRANSFER A CEMETERY~~
22 ~~UNDER SUBSECTION (C) OF THIS SECTION, A CEMETERY OWNER SHALL SUBMIT AN~~
23 ~~APPLICATION TO THE DIRECTOR ON THE FORM THAT THE DIRECTOR PROVIDES.~~

24 ~~(2) IN ADDITION TO ANY OTHER INFORMATION REQUIRED ON AN~~
25 ~~APPLICATION FORM, THE FORM SHALL REQUIRE:~~

26 ~~(I) THE NAME AND ADDRESS OF EACH CEMETERY OWNER;~~

27 ~~(H) NOTICE OF THE INTENT TO SELL OR TRANSFER THE~~
28 ~~CEMETERY, IN WHOLE OR IN PART;~~

29 ~~(III) A DESCRIPTION OF THE CEMETERY OR PART OF THE~~
30 ~~CEMETERY INTENDED FOR SALE OR TRANSFER, INCLUDING THE NAME, LOCATION,~~

~~1 SIZE, ESTIMATED NUMBER OF HUMAN REMAINS AND PET REMAINS INTERRED IN THE~~
~~2 CEMETERY, AND NUMBER OF UNUSED OR UNSOLD BURIAL SITES;~~

~~3 (IV) THE NAME AND CONTACT INFORMATION OF ANY POTENTIAL~~
~~4 BUYERS OR TRANSFEREES OF THE CEMETERY, IF KNOWN;~~

~~5 (V) AN AGREEMENT TO SUBMIT A PRESERVATION PLAN IN~~
~~6 ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION; AND~~

~~7 (VI) A COPY OF THE PUBLIC NOTICE REQUIRED UNDER~~
~~8 SUBSECTION (H) OF THIS SECTION.~~

~~9 (F) (1) A CEMETERY OWNER SHALL, IN CONSULTATION WITH THE~~
~~10 DIRECTOR, DEVELOP A PRESERVATION PLAN FOR A CEMETERY THAT THE~~
~~11 CEMETERY OWNER INTENDS TO SELL OR TRANSFER.~~

~~12 (2) IN DEVELOPING THE PRESERVATION PLAN UNDER PARAGRAPH~~
~~13 (1) OF THIS SUBSECTION, THE CEMETERY OWNER SHALL COMPLY WITH SUBSECTION~~
~~14 (C) OF THIS SECTION.~~

~~15 (G) EACH CEMETERY OWNER, INCLUDING A RELIGIOUS ORGANIZATION~~
~~16 THAT IS A CEMETERY OWNER, SHALL ATTEMPT TO IDENTIFY AND CONTACT:~~

~~17 (1) ANY DESCENDENT OR DESCENDENT COMMUNITY ORGANIZATION~~
~~18 OF AN INDIVIDUAL INTERRED IN THE CEMETERY;~~

~~19 (2) ANY INDIVIDUAL OR FAMILY WHO HAS PURCHASED AN UNUSED~~
~~20 PLOT IN THE CEMETERY; AND~~

~~21 (3) ANY PERSON THAT HAS WORKED TO MAINTAIN THE ABANDONED~~
~~22 CEMETERY.~~

~~23 (H) (1) BEFORE A CEMETERY OWNER, INCLUDING A RELIGIOUS~~
~~24 ORGANIZATION THAT IS A CEMETERY OWNER, MAY SELL OR TRANSFER A CEMETERY~~
~~25 UNDER THIS SECTION, THE CEMETERY OWNER SHALL PROVIDE PUBLIC NOTICE OF~~
~~26 THE CEMETERY OWNER'S INTENT TO SELL OR TRANSFER THE CEMETERY BY:~~

~~27 (I) PUBLISHING NOTICE OF THE SALE OR TRANSFER IN A~~
~~28 NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY WHERE THE CEMETERY IS~~
~~29 LOCATED FOR 9 SUCCESSIVE WEEKS;~~

~~30 (II) PLACING A WRITTEN NOTICE OF INTENT TO SELL OR~~
~~31 TRANSFER IN THE CEMETERY AT A CONSPICUOUS LOCATION IN FULL PUBLIC VIEW~~
~~32 FOR NOT LESS THAN 60 DAYS;~~

1 ~~(III) PROVIDING NOTICE TO LOCAL GENEALOGICAL AND~~
2 ~~HISTORICAL SOCIETIES; AND~~

3 ~~(IV) HOLDING A PUBLIC MEETING AT WHICH PUBLIC TESTIMONY~~
4 ~~MUST BE OFFERED.~~

5 ~~(2) A PUBLIC NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS~~
6 ~~SUBSECTION SHALL INCLUDE:~~

7 ~~(I) THE ADDRESS OF THE CEMETERY;~~

8 ~~(II) THE ESTIMATED SIZE AND NUMBER OF HUMAN REMAINS OR~~
9 ~~PET REMAINS INTERRED IN THE CEMETERY;~~

10 ~~(III) ANY AVAILABLE INFORMATION ABOUT THE CEMETERY~~
11 ~~FROM THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION; AND~~

12 ~~(IV) IF AVAILABLE, THE NAME OF THE LAST KNOWN OWNER OF~~
13 ~~THE CEMETERY.~~

14 ~~(I) BEFORE APPROVING THE SALE OR TRANSFER OF A CEMETERY UNDER~~
15 ~~THIS SECTION, THE DIRECTOR SHALL CONSIDER ANY PUBLIC COMMENTS ABOUT~~
16 ~~THE CEMETERY RECEIVED BY THE CEMETERY OWNER AT A PUBLIC HEARING UNDER~~
17 ~~SUBSECTION (H)(1)(IV) OF THIS SECTION OR BY THE DIRECTOR, INCLUDING:~~

18 ~~(1) WHETHER THE CEMETERY OWNER HAS CONSIDERED THE~~
19 ~~CONCERNS OF THE DESCENDANT COMMUNITY, INCLUDING:~~

20 ~~(I) REASONS FOR THE PROPOSED SALE OR TRANSFER AND~~
21 ~~FUTURE PLANS FOR THE PROPERTY;~~

22 ~~(II) WHETHER THE CURRENT LOCATION OF THE CEMETERY~~
23 ~~HOLDS ANY CULTURAL OR HISTORICAL SIGNIFICANCE;~~

24 ~~(III) THE COST OF DISINTERMENT AND REINTERMENT OF THE~~
25 ~~HUMAN REMAINS OR PET REMAINS IN THE CEMETERY AND WHO SHOULD BEAR THE~~
26 ~~COST; AND~~

27 ~~(IV) WHERE ANY HUMAN REMAINS OR PET REMAINS~~
28 ~~DISINTERRED FROM THE CEMETERY WOULD BE RELOCATED; AND~~

1 ~~(2) WHETHER THE CEMETERY OWNER RECEIVED OTHER EQUIVALENT~~
2 ~~OFFERS FOR PURCHASE OF THE CEMETERY THAT MAY BE LESS DISRUPTIVE TO THE~~
3 ~~CEMETERY.~~

4 ~~(J) THE DIRECTOR SHALL APPROVE THE SALE OR TRANSFER OF A~~
5 ~~CEMETERY OR PART OF A CEMETERY UNDER THIS SECTION IF:~~

6 ~~(1) THE CEMETERY OWNER SATISFIES ALL THE REQUIREMENTS OF~~
7 ~~THIS SECTION; AND~~

8 ~~(2) THE DIRECTOR DETERMINES THAT IT IS IN THE INTEREST OF ALL~~
9 ~~THE PARTIES TO SELL OR TRANSFER THE CEMETERY OR PART OF THE CEMETERY.~~

10 ~~(K) AN ACTION MAY BE BROUGHT IN ACCORDANCE WITH THE MARYLAND~~
11 ~~RULES AND A COURT MAY PASS JUDGMENT REGARDING THE SALE OF A BURIAL~~
12 ~~GROUND FOR ANOTHER PURPOSE IF ANY PARTY DISPUTES THE DIRECTOR'S~~
13 ~~DECISION UNDER SUBSECTION (J) OF THIS SECTION.~~

14 ~~5-507.~~

15 ~~(A) IN THIS SECTION, "ABANDONED CEMETERY" MEANS A CEMETERY FOR~~
16 ~~WHICH:~~

17 ~~(1) LEGAL OWNERSHIP CANNOT BE DETERMINED;~~

18 ~~(2) THE PERSON WITH LEGAL RESPONSIBILITY FOR OPERATION AND~~
19 ~~MAINTENANCE OF THE CEMETERY CANNOT BE DETERMINED;~~

20 ~~(3) THE ENTITY THAT OPERATED THE CEMETERY HAS CEASED TO~~
21 ~~OPERATE; OR~~

22 ~~(4) THE REAL PROPERTY ON WHICH THE CEMETERY IS LOCATED HAS~~
23 ~~BEEN CONDEMNED.~~

24 ~~(B) (1) THE STATE, A COUNTY, OR A MUNICIPALITY MAY ACQUIRE AN~~
25 ~~ABANDONED CEMETERY, INCLUDING OWNERSHIP OF ANY UNOCCUPIED LOTS OR~~
26 ~~BURIAL SITES, FOR THE PURPOSE OF TRANSFERRING OWNERSHIP OF THE~~
27 ~~ABANDONED CEMETERY TO A DESCENDANT COMMUNITY ORGANIZATION OR A~~
28 ~~NONPROFIT ORGANIZATION.~~

29 ~~(2) A DESCENDENT COMMUNITY ORGANIZATION OR NONPROFIT~~
30 ~~ORGANIZATION THAT AGREES TO THE TRANSFER OF TITLE OF A CEMETERY UNDER~~
31 ~~PARAGRAPH (1) OF THIS SUBSECTION SHALL AGREE TO PROPERLY MAINTAIN,~~
32 ~~PRESERVE, AND PROTECT THE CEMETERY.~~

1 ~~(C) IF A GOVERNMENTAL ENTITY THAT HAS ACQUIRED AN ABANDONED~~
 2 ~~CEMETERY UNDER SUBSECTION (B) OF THIS SECTION IS UNABLE TO TRANSFER~~
 3 ~~OWNERSHIP OF THE ABANDONED CEMETERY WITHIN A REASONABLE PERIOD OF~~
 4 ~~TIME, THE DIRECTOR MAY FACILITATE THE REINTERMENT OF ANY HUMAN REMAINS~~
 5 ~~OR PET REMAINS FROM THE ABANDONED CEMETERY TO AN OPERATIONAL~~
 6 ~~CEMETERY IN A PROFESSIONAL MANNER.~~

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 8 October 1, 2026.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.