

SENATE BILL 439

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EMERGENCY BILL

0lr1266
CF HB 106

By: **Senator Klausmeier**

Introduced and read first time: January 27, 2020

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 26, 2020

CHAPTER _____

1 AN ACT concerning

2 **Health Occupations – Morticians and Funeral Directors – Apprenticeships**

3 FOR the purpose of increasing the cap on the number of years that an applicant for a
4 mortician or funeral director license may spend as an apprentice, except under
5 certain circumstances, to be issued a license; requiring certain applicants and
6 licensed apprentices to submit to the Maryland State Board of Morticians and
7 Funeral Directors a certain letter; altering a certain education requirement for an
8 individual appearing before the ~~Maryland State Board of Morticians and Funeral~~
9 ~~Directors~~ for approval of an apprentice license; requiring a licensed apprentice who
10 was enrolled in a mortuary science program at the time the license was granted to
11 be enrolled in the program for the duration of the apprenticeship unless the licensed
12 apprentice graduates; clarifying that the practical experience of an apprentice is
13 required to include at least a certain number of working hours; making this Act an
14 emergency measure; and generally relating to apprenticeships under the State
15 Board of Morticians and Funeral Directors.

16 BY repealing and reenacting, with amendments,
17 Article – Health Occupations
18 Section 7–303(b) and 7–306
19 Annotated Code of Maryland
20 (2014 Replacement Volume and 2019 Supplement)

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

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.



Article – Health Occupations

7–303.

(b) The Board shall examine all applications for licensure for the practice of mortuary science or funeral direction and shall issue the mortician or funeral director license to an individual who:

(1) Is judged to be of good moral character;

(2) Has completed not less than 1 year and not more than [2] 4 years of licensed apprenticeship, unless the Board allowed extensions for additional 1–year terms;

(3) Except as otherwise provided in this section, has graduated with an associate of arts degree in mortuary science or its equivalent from a school accredited by the American Board of Funeral Service Education or approved by the Board, or has acquired at least an associate of arts degree and completed a course in mortuary science that is accredited by the American Board of Funeral Service Education or approved by the Board;

(4) For an individual applying for a license to practice as a mortician, passed the national board examination administered by the Conference of Funeral Service Examining Boards of the United States;

(5) For an individual applying for a license to practice as a funeral director, passed the arts and sciences State board examinations, administered by the Conference of Funeral Service Examining Boards of the United States;

(6) Except as provided in subsection (c) of this section, has passed a written examination on Maryland law and regulations governing the practice of mortuary science and a practical examination demonstrating competency in the preparation of dead human bodies for final disposition and sanitary science; and

(7) Has submitted an application to the Board on the required form and has paid a fee set by the Board.

7–306.

(a) An individual shall obtain an apprentice license from the Board before beginning an apprenticeship in this State.

(b) (1) A mortician apprentice shall have an apprentice sponsor who:

(i) Is a licensed mortician whose license is in good standing with the Board; and

1 (ii) Is employed by the same funeral establishment that employs the
2 apprentice.

3 (2) A funeral director apprentice shall have an apprentice sponsor who:

4 (i) Is a licensed mortician or funeral director whose license is in good
5 standing with the Board; and

6 (ii) Is employed by the same funeral establishment that employs the
7 apprentice.

8 (3) An apprentice may have more than one apprentice sponsor.

9 (c) **(1)** An applicant for an apprentice license shall ~~pay~~:

10 **(I) PAY** to the Board a fee set by the Board; **AND**

11 **(II) SUBMIT A LETTER FROM THE DIRECTOR OF THE MORTUARY**
12 **SCIENCE PROGRAM IN WHICH THE APPLICANT IS ENROLLED THAT:**

13 **1. INCLUDES THE SEAL OF THE SCHOOL; AND**

14 **2. VERIFIES THAT THE APPLICANT IS ACTIVELY**
15 **ENROLLED IN THE PROGRAM.**

16 **(2) WHEN APPLYING FOR LICENSE RENEWAL, A LICENSED**
17 **APPRENTICE SHALL SUBMIT TO THE BOARD A LETTER FROM THE DIRECTOR OF THE**
18 **MORTUARY SCIENCE PROGRAM IN WHICH THE LICENSED APPRENTICE IS ENROLLED**
19 **THAT:**

20 **(I) INCLUDES THE SEAL OF THE SCHOOL; AND**

21 **(II) VERIFIES THAT THE LICENSED APPRENTICE IS ACTIVELY**
22 **ENROLLED IN THE PROGRAM.**

23 (d) (1) **(I) [Prior to an] ~~AN~~ BEFORE AN** individual ~~[appearing~~ **APPEARS**
24 before the Board for approval of an apprentice license, the individual ~~must complete~~
25 ~~two-thirds of the academic credits for]~~ **SHALL BE ENROLLED IN OR HAVE GRADUATED**
26 **FROM** a mortuary science program at a school accredited by the American Board of Funeral
27 Service or approved by the Board, with a 2.0 grade point average or higher that is verified
28 with a certified copy of the college transcript] ~~BEFORE THE INDIVIDUAL APPEARS~~
29 ~~BEFORE THE BOARD FOR APPROVAL OF AN APPRENTICE LICENSE, IF THE~~
30 **INDIVIDUAL HAS A GRADE POINT AVERAGE.**

1 **(II) A LICENSED APPRENTICE WHO WAS ENROLLED IN A**
2 **MORTUARY SCIENCE PROGRAM AT THE TIME THE LICENSE WAS GRANTED SHALL**
3 **REMAIN ENROLLED IN THE PROGRAM FOR THE DURATION OF THE APPRENTICESHIP**
4 **UNLESS THE LICENSED APPRENTICE GRADUATES.**

5 (2) The applicant and a licensed mortician or licensed funeral director shall
6 appear before the Board to seek the Board's approval for an apprentice license for the
7 applicant.

8 (3) On termination of the sponsor-apprentice relationship, both the
9 sponsor and the apprentice shall independently notify the Board in writing of:

10 (i) The date of termination;

11 (ii) The name, date of death, date of service, and evidence of the
12 service for each decedent for whom a funeral service was conducted under subsection
13 (e)(1)(i) of this section in which the apprentice participated; and

14 (iii) The name, date of death, date of the preparation for disposition,
15 and a copy of the decedent's filed death certificate for each decedent for whom the
16 apprentice assisted in accordance with subsection (e)(1)(ii) of this section.

17 (4) Prior approval must be granted by the Board before a change of
18 sponsorship occurs.

19 (e) (1) The practical experience of an apprentice shall include:

20 (i) Participation in at least 20 funerals;

21 (ii) Except as provided in paragraph (2) of this subsection, assistance
22 in the preparation and embalming of at least 20 dead human bodies for final disposition;
23 and

24 (iii) Completion of **AT LEAST** 1,000 working hours in a licensed
25 funeral establishment under the direct supervision of the apprentice sponsor.

26 (2) For an apprentice funeral director, the practical experience under
27 paragraph (1)(ii) of this subsection may not include embalming.

28 (3) For purposes of paragraph (1)(iii) of this subsection, direct supervision
29 may include instruction by a licensed mortician or funeral director employed or supervised
30 by the apprentice sponsor that is observed in person by the apprentice sponsor.

31 (f) While the license is effective, an apprentice license authorizes the licensee to
32 assist a licensed mortician or funeral director in the practice of mortuary science or funeral
33 direction only as part of a training program to become a licensed mortician or funeral
34 director.

1 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
2 ~~October 1, 2020.~~

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
4 measure, is necessary for the immediate preservation of the public health or safety, has
5 been passed by a ye and nay vote supported by three-fifths of all the members elected to
6 each of the two Houses of the General Assembly, and shall take effect from the date it is
7 enacted.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.