



# ***Funeral Consumers Alliance of Maryland and Environs***

*Protecting a consumer's right to a meaningful, dignified, and affordable funeral.*

## **HB 905 - Oppose**

### **Testimony for the Committee on Health and Government Operations Of the Maryland General Assembly**

March 6, 2013

Submitted by Brian E. Ditzler, Vice President  
**Funeral Consumers Alliance of Maryland & Environs**

Chairman Hammen, Vice Chair Pendergrass and Members of the Committee:

Thank you for the opportunity to provide testimony from the Funeral Consumers Alliance of Maryland and Environs (FCAME) in opposition to House Bill 905.

FCAME is the volunteer-run, regional chapter of the Funeral Consumers Alliance (FCA), the oldest and largest non-profit watchdog organization protecting the rights (and wallets) of grieving consumers. FCA's many chapters across the country are dedicated to: helping consumers be more informed about death care options, and protecting the public from fraud and abuse in cremation, funeral and burial transactions. FCA and its chapters take no money from the death care industry or government, and act as a voice for consumer interests.

House Bill 905 would allow a funeral establishment that uses a central preparation room at another funeral establishment to not have its own preparation or holding room.

Some historical perspective on this matter is useful. In 2001, the Board of Morticians and Funeral Directors decided each funeral establishment must have a preparation room and/or a holding room in order to properly handle bodies awaiting burial in a proper manner. The regulation specified minimal requirements for these rooms (including ventilation, lighting, water supply and drainage, instruments and equipment) in order to pass inspection.

To lessen the immediate impact of the new regulation, the Board said that only funeral establishments that were new, renovated, or had changed ownership such as through purchase or sale, would be required to meet this requirement. In the decade or more that has passed since the regulation was issued, 90 percent of funeral establishments in the state now have a preparation room and/or a holding room.

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Late last year, after the Handling Human Remains with Dignity Act was enacted to ensure proper storage of bodies awaiting burial, the Board decided it would be appropriate to have all funeral establishments in the state meet the same standard and have at least a holding room. Those funeral establishments without either a preparation room or holding room were issued restricted licenses and given six months to create a holding room. A small number of funeral establishment owners objected, claiming unrealistically high cost estimates to have holding rooms installed on their premises, and complained to their state legislators. A bill was written and introduced in both houses of the General Assembly to eliminate the requirement.

Here's why it makes sense to continue the holding room requirement that the Board of Morticians decided was needed, and why HB 905 should not receive a favorable report from this committee.

A holding room is where, for example, human remains can be properly stored before burial or cremation, where make-up on a body can be touched up before a viewing, and where a body can be taken if it starts to purge liquids or gases (and start smelling) during a viewing as sometimes happens. If there is no preparation or holding room in the establishment, where would these needs be handled? Would it be in the viewing area where families gather? Would it be in the reception area or a hallway?

If there is no holding or prep room at the establishment, a body that is starting to purge would have to be removed from the funeral establishment and transported to another funeral establishment that has a preparation or holding room. The viewing would obviously have to come to a screeching halt. Think how traumatic that would be for the family of the loved one.

However, if the funeral establishment which was having the viewing had a holding room, the purge could be handled there easily and the body returned to the viewing a short time later.

The funeral establishments objecting to having holding rooms claim unrealistically high cost estimates to comply with the regulation because, for example, many claim they would need to install a new septic system. However, at the Board of Morticians' last monthly meeting, a representative of the state's Department of the Environment's Water Management Administration said an existing septic system could handle the outflow from having a holding room added as long as the septic system is maintained properly.

HB 905 would allow those funeral establishments that don't already have a preparation or holding room to escape their responsibility to protect the public welfare because they object to making the modest outlays required to comply with a reasonable regulation the Board decided was needed to fulfill the

requirement for proper storage from the Handling Human Remains with Dignity Act of 2012.

The Funeral Consumers Alliance of Maryland & Environs asks you to do what's best for the public welfare and consumers in our state - respect the judgment of the State's Board of Morticians and Funeral Directors and allow the holding room regulation to continue.

Please issue an unfavorable report on HB 905.