

# Plain Talk

From the Funeral Consumers Alliance of Maryland & Environs (FCAME)

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## ***Mixed success at General Assembly***

### **3 bills we wanted passed; many defeated**

The fight in the Maryland General Assembly to pass legislation that protects funeral consumers was particularly tough this year. There was a plethora of funeral and cemetery-related bills, with four of them clearly aimed at lessening the effectiveness of the State Board of Morticians and Funeral Directors.

For the first time, we experienced the very active involvement of a high-priced lobbying firm representing Service Corporation International (SCI), the owner of 16 funeral homes in the State. They often worked in concert with the lobbyist representing the Maryland State Funeral Directors Association who routinely opposes funeral-related pro-consumer legislation initiated by FCAME or the Board of Morticians.

FCAME actively supported seven different bills and strongly opposed four bills, with positions much the same as the Board of Morticians. Three of the bills we supported (including two that FCAME took the initiative to have introduced) were passed and signed by the Governor.

Three of the four bills that FCAME and the Board opposed were defeated; the fourth bill that we originally opposed was passed after troublesome language in it had been removed.

FCAME Vice President Brian Ditzler submitted written testimony on behalf of FCAME on 10 of those bills and FCAME Board member Brian Kildee wrote testimony on the remaining bill. Ditzler also testified in person on behalf of FCAME before House and Senate Committees a total of 16 times during the 90-day legislative session that ended April 13. In addition, he was an active participant in negotiations to gain more support for a number of the bills that

FCAME wanted passed.

A summary of the legislation FCAME supported and opposed follows. All of FCAME's written testimony can be viewed at [www.mdfunerals.org](http://www.mdfunerals.org).

#### **Legislation FCAME supported**

**Authorizing cease and desist orders to stop unlicensed practice** (Senate Bill 160 / House Bill 729 - PASSED) - The Board of Morticians will be able to issue public cease and desist orders and impose a fine of up to \$5,000 per offense per day to stop unlicensed individuals from acting as morticians and providing funeral home services and products in Maryland. This bill will

give the Board of Morticians the power many other health occupation boards in the state already have.

#### **Requiring criminal history records check of applicants** (SB 391 - PASSED) - Applicants for a license, permit or registration issued by the Board of Morticians must have a criminal history records check done.

To determine if an applicant with a criminal record has subsequently redeemed him or herself so possibly could be approved for licensing, the bill requires the Board to consider the age when the crime was committed, length of time since conviction, subsequent work history, as well as employment

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## ***More cemeteries offer green burials***

By Barbara Blaylock

Green burial - where the body is not chemically embalmed, only biodegradable burial containers are used and there is no vault or grave liner - is becoming increasingly popular across the country. This is partly because of concerns about the potential harm to the environment posed by the toxic chemicals used to embalm, the desire to avoid energy usage and carbon emissions from manufacturing and transporting metal caskets, concrete vaults and grave liners; and partly because of a desire for a simpler, more natural way of returning the body to the earth.

Cremation, also a simpler and less expensive choice than traditional burial, uses a significant amount of energy in the process of combustion, and results in the immediate release of greenhouse gases.

Green burial containers typically are a simple wood coffin, woven wicker or cardboard container, or cloth shroud. They are usually less expensive than metal or fancier wood caskets.

At green burials, families are often allowed or even encouraged to participate in shoveling some soil back into the grave as a final gesture after the body is lowered.

Green burial cemeteries are still limited in number for several reasons. It takes

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## 3 bills we wanted passed; many were defeated *(continued)*

and character references.

**Authorizing unclaimed cremains of veterans to be buried** (SB 433 - PASSED) - Funeral establishments and crematories with cremated human remains that are unclaimed after 90 days must notify a veterans service organization to have it determine if the cremains are those of a veteran or eligible dependent. If the cremains are of a veteran or dependent and are eligible for burial in a veterans cemetery, the cremains may be transferred to a veterans service organization for disposition in a veterans cemetery.

**Prohibiting stays of summary suspension** (SB 70 / HB 98 - DEFEATED) - The bill would have prohibited a judge from issuing a “stay” of a summary suspension that the Board of Morticians issued to close a funeral establishment that it believed posed a threat to health, safety or the public welfare. Currently, a judge can issue a stay (thereby halting a suspension) without meeting with the Board or reviewing any of the evidence that prompted the Board to issue the summary suspension.

**Reporting and audit requirements for pre-need contracts** (SB 159 / HB 321 - DEFEATED) - The bill called for a funeral home that enters into or fulfills a “pre-need” contract during the previous quarter to report basic info on the contract to the State Board of Morticians. (A pre-need contract is signed when a consumer prepays for funeral goods and services.)

The quarterly reports would enable the Board to maintain a confidential database of pre-need contract information for reference, when needed, to help locate any missing prepaid funds. The bill also would require the Board to conduct an audit of a pre-need contract if the consumer (owner) of the contract had any concerns about it.

**Specifying requirements for conservation cemeteries and their perpetual care trust funds** (HB 491 -

DEFEATED) - The bill would have defined what constitutes a conservation cemetery and would allow such a cemetery to make smaller deposits into its perpetual care trust fund than a conventional cemetery is required to make into its perpetual care trust fund. A conservation cemetery reportedly would need a smaller perpetual care trust fund because it would have lower maintenance costs than a conventional cemetery.

**Specifying requirements for care and custody of human remains** - (HB 1062 - DEFEATED) - The bill would have defined where care and custody of a body begins and ends for funeral establishments and crematories licensed by the Board of Morticians. The bill was intended to clarify which establishment would be responsible for addressing a problem that may occur between when a body is first picked up and final disposition. The bill also would have helped determine legal liability if a problem occurred.

### Legislation FCAME opposed

**Advancing dates for sunset evaluation and potential termination of Board of Morticians** - (HB 127 - DEFEATED) - The bill called for the periodic evaluation of the statutes and regulations of the Board of Morticians by the Department of Legislative Services that is scheduled for 2016 to be moved to 2015, and all statutory and regulatory authority of the Board would have to be reapproved by the General Assembly by 2017 (vs. 2018) or it all would terminate. We opposed the bill because there was no need to move up the sunset review. The Board has continued to accomplish a lot since its last sunset evaluation and already will be quite busy this year completing licensure of two newly regulated groups - crematories and mortuary transport services.

**Prohibiting licensing and permit fees for crematory operators** - (HB 190 - DEFEATED) - The bill would have prohibited a cemeterian registered by the Office of Cemetery Oversight as

well as a mortician or funeral director licensed by the Board of Morticians from being charged an additional fee for registration as a crematory operator or issuance of a permit to operate a crematory. The bill was opposed because the OCO and Board are funded by fees they charge, and the crematory operation fees are needed to pay for the additional work the OCO and Board are incurring to handle regulation of crematories and their operators (which only began last year).

**Authorizing changes regarding the Executive Director of the Board of Morticians** (HB 193 / SB 446 - DEFEATED) - This bill would have authorized Maryland’s Secretary of Health & Mental Hygiene, instead of the Board of Morticians & Funeral Directors, to designate the executive director of that Board. The bill also would have prohibited the Board’s executive director from directly conducting investigations or inspections on behalf of the Board. We opposed the bill because all health occupation boards in the state hire their own staff and function in an autonomous manner apart from the State political system. Also, restricting Board staff from using their skills and carrying out the Board’s responsibilities makes no sense.

**Filling vacancies on the Board of Morticians** (HB 561 - PASSED *after the troublesome half of the bill was removed*) - The bill as proposed would have required two specific professional associations (out of six in the state that represent funeral directors and morticians) to submit nominations to fill vacancies for both funeral practitioner and consumer members on the Board of Morticians. The bill also said that when a mortician or funeral director vacancy on the Board occurred, the Board would be required to send by mail or electronic mail a notice of the vacancy to each mortician and funeral director licensed by the Board, as well as to their professional associations. The amended bill that passed contained only the latter portion of the original bill that called for mailing out notice of Board vacancies.

## **More cemeteries offer green burials (continued)**

time for practices and preferences to evolve and for demand from consumers to shift local offerings. There often needs to be education of officials and nearby residents who may fear that green burials might be a hazard to groundwater or pose other environmental risks. (They do not.)

Also, cemetery owners may be reluctant to discard practices that have provided a main source of their revenue in the past such as the sale of vaults and grave liners as well as the sale and installation of traditional carved stone monuments or markers.

Some funeral establishments and cemeteries that offer green burial products and services have become certified by the **Green Burial Council**, a nonprofit organization ([greenburialcouncil.org](http://greenburialcouncil.org)). This entails paying a fee and conforming to certain requirements. Those certified can be found on the Green Burial Council website by geographic location. Some funeral homes and cemeteries offer the same or similar products and services without obtaining this certification, so it's worth phoning the establishments near you to find out what they offer.

Green burial sites may or may not be less expensive than plots in a traditionally maintained cemetery, and cemeteries that allow green burials are not all alike. Here is a sampling in our area and nearby. The prices quoted here were obtained in April 2015 and will give an idea of the possible variations you may encounter.

The most commonly available green burial option is provided by selected conventional cemeteries with flexible rules or special areas set aside for this practice. **Congressional Cemetery** in Washington, DC allows anything from a metal casket to a simple shroud as the burial container in all of its plots. The cost of plots and "opening and closing" the gravesite are the same for "green" as for more traditional burials. Full body plots sell for \$4000 to \$8800 and half size plots for burying

cremains are \$3750 to \$4400. The opening and closing is done with a backhoe in all cases and costs \$1800 to \$2200; or \$600 for cremains. There is no additional charge for a green burial.

Some cemeteries that allow green burials in traditionally maintained plots may require an additional fee be paid for periodically "topping off" a burial site when the ground sinks later in the absence of a vault or grave liner. Topping off keeps the ground level to facilitate lawn maintenance.

A traditional Jewish burial is done without embalming or use of a metal casket, so in some respects it is a "green burial." However, many cemeteries, including **Gate of Heaven** in Silver Spring, MD, that allow traditional Jewish burials still require a vault or grave liner. Grave sites at Gate of Heaven cost \$1700 plus opening and closing the grave costs \$1330.

**Garden of Remembrance** ([gardenofremembrance.org](http://gardenofremembrance.org)), a nonprofit Jewish cemetery in Clarksburg, MD, offers true green burial without vaults or liners in all of its areas, which range from serene wooded natural glens with natural stone markers, to a traditional expanse of turf with traditional monuments. Only members of the Jewish tradition may buy the right of interment there, although non-Jewish family members may be buried with them. A plot there costs between \$2300 and \$4300, and opening and closing is \$1500 whether or not a vault is used.

Some cemeteries that typically require vaults or liners have set aside a separate area for green burials. An example of this is **Bestgate Memorial Park** in Annapolis. About 50 plots are reserved in a wooded area that is fenced off from the rest of the cemetery. While traditional plots cost \$1000 to \$2200, the green burial plots are \$2600 because they are limited in number. Full plots must be purchased for burying cremains. Opening and

closing costs \$1895 in the traditional part of the cemetery, and \$2295 (or \$1295 for cremains) in the green burial area where graves are hand dug.

Some newer cemeteries are devoted exclusively to green burials and are created with an emphasis on conservation of the land using natural plants and materials native to the region. Instead of traditional headstones, only natural stones such as might be found on the site are allowed. This type of cemetery may be designated a "natural burial ground" by the Green Burial Council. No such cemetery is currently found nearby but an example of one is **Penn Forest Natural Burial Park** near Pittsburgh. PA ([pennforestcemetery.com](http://pennforestcemetery.com)).

Penn Forest offers a range of natural settings and some amenities that make it particularly friendly for families to visit. Plots there range from \$1620 to \$2200 for full plots, or \$540 to \$600 for cremains-sized plots. Opening and closing is \$595 for burying cremains, and \$1295 for body burial. Ashes may be scattered on the site for \$250. One consumer-friendly feature of this cemetery is that it is willing to buy back a plot for the purchased price (less the 15% set aside to a perpetual care trust fund) if the purchaser moves more than 75 miles away and no longer wants the gravesite.

Another relatively nearby natural cemetery is **Duck Run** ([duckruncemetery.com](http://duckruncemetery.com)) near Harrisonburg, VA. A unique feature of this cemetery is that in addition to the usual "perpetual care" lots, it offers the option of a "renewable lot." This is similar to a common European arrangement in which the body is buried and occupies the space for a period of time, after which the lot reverts back to the cemetery to be used again after the body has returned to its "natural elements."

In this case, the "life cycle" of the lot is 75 years, after which any memorial marker used on the site will be placed  
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*Plain Talk* is the newsletter of the Funeral Consumers Alliance of Maryland & Environs, the volunteer-run regional chapter of the national non-profit consumer education and advocacy organization, the Funeral Consumers Alliance (FCA). FCAME serves residents in Maryland, DC and Delaware.

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## Your support is vital to FCAME's mission and success

To join or remain a member of FCAME, we encourage an initial contribution of at least \$25, plus a similar donation at least every other year to help support FCAME as well as our national organization, FCA, which is sent a portion of the donations we receive.

### **What you get for being a member of FCAME:**

- Information and advice that enable you to make more informed choices when planning a funeral, burial, cremation, memorial service and other option for after-death care.
- Periodic newsletters with current information and advice that supplement what we provide on our website, [www.mdfunerals.org](http://www.mdfunerals.org).
- Results of periodic price surveys of the funeral industry in our area.
- An invitation to our annual meeting.
- Membership in the only regional and national non-profit organization that focuses solely on consumer education and advocacy of fair practices in the after-death care industry through state

and national legislation and regulation.

Individuals who give FCAME gifts of \$100 or more will be recognized

periodically in a special section of *Plain Talk*, the FCAME Newsletter.

If you'd like to become more involved with FCAME, let us know.

### ***More cemeteries offer green burials (continued)***

along one of the nature trails and the site will be offered again for burial. The cost of either kind of plot is \$2500 and the charge for opening and closing the grave is \$750. Cremains may be buried in a cremation lot, which costs \$400, with an opening and closing charge of \$375, or scattered on the property for a fee of \$250. A natural stone selected from the property as a memorial marker, engraved and installed, is \$500.

A natural cemetery in Virginia is **Cool Spring** ([virginiatrappists.org/cemetery](http://virginiatrappists.org/cemetery)), located at Holy Cross Abbey, the home of a group of Cistercian monks near Berryville, VA. It offers a wooded area, a meadow, and an area near the chapel. Plots cost from \$4000 to \$8000 depending on location, with cremation burial sites half the price for body burials and allowing the interment of two sets of cremains per gravesite. Opening and closing is \$750 to \$1000.

Some green burial cemeteries go a step further and are set up to protect the land in a natural state in perpetuity with a formal conservation easement or deed restriction. Currently there are no such cemeteries in Maryland, DC, or Delaware, but a 66-acre preserve has been purchased in Baltimore County. The owners are going through the approval process with hopes to open it soon. It is **Resh Mill Conservation Cemetery** ([reshmillpreserve.com](http://reshmillpreserve.com)).

Because demand for green burials is increasing, we can expect more green burial options to become available over time.