



Funeral Consumers Alliance of Maryland and Environs

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

HB 753 - Support

Testimony for the House Committee on Health and Government Operations of the Maryland General Assembly

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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 support of House Bill 753, which would establish basic standards for mortuary transport services in the state and require they be licensed by the Maryland State Board of Morticians and Funeral Directors.

FCAME is the volunteer-run, regional chapter of the national non-profit Funeral Consumers Alliance (FCA). The 100 or so chapters across the country of the FCA are dedicated to helping consumers be more informed about after-death care options available to them, and protecting the public from fraud and abuse in cremation, funeral and burial transactions.

House Bill 753 would close a gaping hole that now exists in current law in Maryland. Our state has recognized the need for morticians, funeral directors and apprentices to those positions to have the proper training and experience, and to be accountable for acting in a proper, respectful and lawful manner at all times in order to continue to be licensed.

Similarly, funeral homes, crematories and cemeteries also must abide by specified standards and follow basic requirements in order to be licensed. The Board of Morticians and Funeral Directors and the Office of Cemetery Oversight oversee licensure of individuals and establishments, and have inspectors who periodically verify that licensed establishments are following the rules, maintaining proper hygiene, and keeping all equipment operating as it should.

However, there currently are no standards specified or licenses required to provide mortuary transport services in our state, nor is there any requirement that such transport services be held responsible for ensuring the dignified and respectful treatment of human remains they carry. There are no training or coursework requirements for transporters, and no prohibition of convicted felons from operating as transporters.

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Currently there is no requirement that vehicles used to transport human remains be inspected periodically to ensure they are kept clean and operating properly, nor is there a requirement that transporters have liability insurance. There also is no prohibition of false or misleading advertising by mortuary transport services, nor prohibition of soliciting or accepting any payment for recommending or delivery a body to a crematory, mausoleum, cemetery or funeral home. Willfully filing a false report or record, or obstructing the filing or recording of a required report also is not specifically prohibited now.

The lack of laws governing mortuary transport services in Maryland means there is virtually no accountability now for how such services operate and, as a result, the public is suffering. Instances of human remains being transported in a bag tied onto a vehicle or in trucks normally used to haul food or construction materials are understandably upsetting and must be curtailed.

The standards and prohibitions specified in HB 753 for mortuary transport services and transporters to be licensed in our state are both needed and reasonable, and deserve your support. The Board of Morticians and Funeral Directors is to be commended for recognizing a significant problem now exists and crafting a comprehensive bill to address the current shortcomings in our law regarding mortuary transport services.

It is important to note that mortuary transport services as defined in HB 753 would not include licensed funeral establishments or employees of licensed funeral establishments that remove and transport human remains as they already are regulated and inspected by the Board of Morticians.

The primary way that funeral homes would be affected by HB 753 is that when they choose not to use their own vehicles and employees to transport human remains, they would have to hire a licensed mortuary transport service to handle that responsibility. Any liability from a traffic accident or mishandling of a body during transport would rest with the mortuary transport service and not the funeral establishment. That clearly would be a benefit to funeral establishments.

Also, the likelihood of problems during the transport of human remains would surely be diminished because licensed mortuary transport services would inevitably maintain a higher standard of service than now exists. Such a reduction in the number of instances of problems during transport couldn't help but reflect positively on the reputation of the funeral profession, which is another reason the funeral industry in our state should support this bill.

The only complaint my consumer group has with HB 753 as now written is that when a person who violates any provision of the mortuary transport service subtitle is found guilty, the conviction would only be regarded as a misdemeanor carrying a fine not exceeding \$500 or imprisonment not exceeding one year or both. We think the potential punishment when convicted should be much greater.

In summary, HB 753 provides reasonable standards for mortuary transport services where none exist now, along with accountability for ethical and responsible performance where none exist now. The changes specified in this bill would greatly benefit the consumer and better protect the public welfare. My consumer group strongly supports HB 753 and encourages this committee to issue a favorable report on the bill.

