

REVISOR'S NOTE: This section is new language derived without substantive change from Art. 43, §§ 366B and 366C.

As to the Regulatory Programs Evaluation Act of 1978, see Art. 41, § 484 et seq. of the Code.

Chapter 808, Acts of 1978, numbered the "sunset" provisions that relate to funeral directors and embalmers as Art. 43, §§ 367D and 367E. The language of these sections speaks only of provisions of "this subtitle" as it relates to the Board and the regulation of funeral directors and embalmers. Yet the balance of Art. 43, § 367A et seq. series comprises a separate subtitle entitled "Cremation", which relates only indirectly to funeral directors and embalmers.

Because the section number 367D already had been used, the "sunset" provisions were codified as Art. 43, §§ 366B and 366C -- clearly under the subtitle "Funeral Directors and Embalmers". This location is more appropriate considering the language of the "sunset" provisions.

Under this revision, only present Art. 43, § 367A of the present Cremation subtitle is included in this title. This provision relates to the keeping of cremation records by licensed morticians and is subject now to the "sunset" section of the title.

It also is unclear if the General Assembly intended to "sunset" § 6-504 of this title, which prohibits anyone who is not a licensed mortician from making pre-need contracts.

GENERAL REVISOR'S NOTE:

Dual Licensing.

Most of the provisions of this title originally were enacted by Ch. 160, Acts of 1902. Until Ch. 129 was enacted in 1962, individuals who practiced the occupation of funeral directing and the occupation of embalming were issued separate licenses.

Chapter 129, Acts of 1962 provided for a single consolidated license to practice both funeral directing and embalming. Uncodified Section 3 of that law provided for a 1-year transitional period after which no more separate licenses would be issued. This transition was not carried out. While the Board issued the new unified license to some practitioners, it also continued to issue the funeral director license to others.