

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 42
(Senator Simonaire)
Judicial Proceedings

Reduction Facilities and Veterans Service Organizations - Hydrolyzed and Soil Remains - Immunity

This bill expands existing immunity protections to encompass certain transfers of hydrolyzed and soil remains. More specifically, a licensed funeral establishment, *registered reduction operator*, or holder of a permit to engage in the business of a crematory who acts in good faith is not civilly liable for transferring the unclaimed cremains *or hydrolyzed or soil remains* of a veteran or an eligible dependent of a veteran to a veterans service organization for the purpose of disposition. Likewise, a veterans service organization that acts in good faith is not civilly liable for receiving the unclaimed cremains *or hydrolyzed or soil remains* of a veteran or an eligible dependent of a veteran for the purposes of specified disposition.

Fiscal Summary

State Effect: State operations and finances are not materially affected.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: Requirements related to the final disposition of human bodies are established under the Health – General Article. Also, in Maryland, cremation is regulated either by the Office of Cemetery Oversight (OCO) within the Maryland Department of Labor (under the Business Regulation Article) or the State Board of Morticians and Funeral Directors within the Maryland Department of Health (under the Health Occupations

Article), based on ownership of the crematory or reduction facility. Specifically, OCO and the board each regulate facilities in which their registrants/permit holders or licensees hold majority ownership. As part of their joint oversight of crematories and reduction facilities, OCO and the board must adopt identical regulations.

Cremated, Hydrolyzed, and Soil Remains

The Business Regulation and Health Occupations articles generally mirror each other with regard to cremated, hydrolyzed, and soil remains.

In general, “cremation” means the disposition of a dead human body by means of incineration. A “crematory” means a building, portion of a building, or structure that houses the necessary appliances and facilities for cremation or alkaline hydrolysis. Cremains are the cremated remains following the process of cremation.

“Hydrolyzed remains” means the bone fragments produced by the completion of alkaline hydrolysis. “Alkaline hydrolysis” means the process of reducing human remains using water, alkaline chemicals, and heat inside a watertight vessel to accelerate decomposition.

“Soil remains” means the soil produced at final disposition of a dead human body at a reduction facility by completion of natural organic reduction. “Natural organic reduction” means the contained accelerated conversion of human remains into soil. “Reduction facility” means a building, portion of a building, or structure that houses the necessary appliances, containers, and facilities for performing natural organic reduction.

Remains of Veterans

A licensed funeral establishment or crematory in possession of cremated human remains or hydrolyzed remains that have been unclaimed for 90 days or more must provide identifying information of the unclaimed remains to a veterans service organization in order for the organization to determine if the unclaimed remains are those of a veteran or an eligible dependent. Within 45 days of receipt of the information, a veterans service organization must notify the licensed funeral establishment, crematory permit holder, or reduction facility whether the remains are those of a veteran or an eligible dependent and, if so, whether the veteran or eligible dependent is eligible for burial in a veterans’ cemetery. If the unclaimed remains are those of a veteran or an eligible dependent, the licensed funeral establishment or crematory may transfer the remains to a veterans service organization for the purpose of disposition of the cremains or hydrolyzed remains.

Likewise, a reduction facility in possession of human remains that are being processed by natural organic reduction must provide identifying information to a veterans service organization within five business days after natural organic reduction is initiated to

determine if the soil remains are those of a veteran or eligible dependent. This requirement does not apply if an authorizing agent directs otherwise, or a reduction facility reasonably concludes based on the identifying information or other evidence that a decedent does not qualify for disposition benefits associated with veteran status. If the unclaimed soil remains are those of a veteran or an eligible dependent, the reduction facility may (1) transfer a portion of the soil remains – not exceeding 300 cubic inches in volume – to a veterans service organization that grants permission for the purpose of disposition and (2) if authorized by the cemetery owner, transfer the balance of soil remains to a cemetery or the owner of a woodland protected under Forest Conservation Act (FCA).

If a veterans service organization does not take possession of unclaimed cremains, hydrolyzed remains, or soil remains that qualify for a plot in a State veterans' cemetery within 10 days after the licensed funeral establishment, crematory permit holder, or reduction facility receives the required notification, the licensed funeral establishment, crematory permit holder, or reduction facility must (1) notify Department of Veterans and Military Families (DVMF) of the status of the cremains or hydrolyzed remains for the purpose of appropriate disposition and (2) transfer the cremains, hydrolyzed remains, or soil remains to DVMF for appropriate disposition. For unclaimed soil remains, if authorized by the cemetery or owner, the reduction facility must transfer the balance of the soil remains to a cemetery or the owner of a woodland protected under FCA.

Civil Immunity

A licensed funeral establishment or holder of a permit to engage in the business of a crematory who acts in good faith is not civilly liable for transferring the unclaimed cremated remains of a veteran or an eligible dependent of a veteran to a veterans service organization for the purposes of disposition.

A veterans service organization that acts in good faith is also not civilly liable for receiving the unclaimed cremated remains of a veteran or eligible dependent of a veteran for the purposes of disposition.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Maryland Department of Health; Maryland Department of Labor; Department of Veterans and Military Families; Department of Legislative Services

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