

SENATE BILL 233

C2

6lr1474

SB 1021/25 – FIN

By: Senator Salling

Introduced and read first time: January 15, 2026

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Business Regulation – Cemeteries – Actions for Sale, Transfer, or Alternate Use**

3 FOR the purpose of authorizing certain persons to bring an action when the owner of a
4 property that includes a cemetery proposes the sale, transfer, or alternate use of all
5 or part of a certain cemetery; requiring a court to take certain actions under certain
6 circumstances; and generally relating to actions for the sale, transfer, or alternate
7 use of cemeteries.

8 BY repealing and reenacting, with amendments,

9 Article – Business Regulation

10 Section 5–101 and 5–505

11 Annotated Code of Maryland

12 (2024 Replacement Volume and 2025 Supplement)

13 BY repealing

14 Article – Business Regulation

15 Section 5–506

16 Annotated Code of Maryland

17 (2024 Replacement Volume and 2025 Supplement)

18 BY repealing and reenacting, without amendments,

19 Article – Real Property

20 Section 14–121(a)(1), (3), and (4)

21 Annotated Code of Maryland

22 (2023 Replacement Volume and 2025 Supplement)

Preamble

24 WHEREAS, The purpose of a cemetery is to be a permanent place for the disposition
25 of the dead, a sacred ground to memorialize and honor the dead, and to provide a place for

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 visitation by relatives, friends, and others to remember, honor, and grieve and to preserve
2 the history of those interred and their community; now, therefore,

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
4 That the Laws of Maryland read as follows:

5 **Article – Business Regulation**

6 5–101.

7 (a) In this title the following words have the meanings indicated.

8 (b) “Alkaline hydrolysis” means the process of reducing human remains using
9 water, alkaline chemicals, and heat inside a watertight vessel to accelerate decomposition.

10 (c) “Authorizing agent” has the meaning stated in § 5–508 of the Health – General
11 Article.

12 (d) (1) “Burial goods” means goods that are used in connection with burial.

13 (2) “Burial goods” includes:

14 (i) a casket;

15 (ii) a grave liner;

16 (iii) a memorial;

17 (iv) a monument;

18 (v) a scroll;

19 (vi) an urn;

20 (vii) a vase; and

21 (viii) a vault.

22 (e) “Burial goods business” means a business that provides burial goods.

23 (f) (1) “Cemetery” means land used or to be used for interment.

24 (2) “Cemetery” includes:

25 (I) a structure used or to be used for interment; AND

1 **(II) A STRUCTURE USED TO CONDUCT BUSINESS RELATED TO**
2 **THE OPERATION OF A CEMETERY.**

3 (g) "Cremation" means the disposition of a dead human body by means of
4 incineration.

5 (h) "Crematory" means a building, portion of a building, or structure that houses
6 the necessary appliances and facilities for cremation or alkaline hydrolysis.

7 **(I) "CULTURAL AFFILIATION" HAS THE MEANING STATED IN § 14-121 OF**
8 **THE REAL PROPERTY ARTICLE.**

9 **(J) "DESCENDANT COMMUNITY ORGANIZATION" MEANS AN ORGANIZATION**
10 **THAT HAS MEMBERS WHO HAVE ANCESTORS WHO ARE INTERRED AT A CEMETERY**
11 **OR WHO HAVE A CULTURAL AFFILIATION WITH THE DECEASED PERSONS INTERRED**
12 **AT A CEMETERY.**

13 [(i)] **(K)** "Director" means the Director of the Office of Cemetery Oversight.

14 [(j)] **(L)** "Engage in the operation of a cemetery" means owning, controlling, or
15 managing a cemetery, including performing activities necessary for:

16 (1) the establishment, improvement, care, preservation, or embellishment
17 of a cemetery;

18 (2) interment; and

19 (3) the providing of burial space or burial goods.

20 [(k)] **(M)** (1) "Engage in the operation of a crematory" means controlling or
21 managing a crematory.

22 (2) "Engage in the operation of a crematory" does not include:

23 (i) the practice of funeral direction or the practice of mortuary
24 science; or

25 (ii) 1. assistance in making decisions and filling out forms that
26 are not directly related to cremation;

27 2. obtaining vital statistics, signatures, and other
28 information necessary to complete a death certificate;

29 3. transportation of a body to the place of disposition; or

1 4. any other services regarding the disposition of a body that
2 are not directly related to cremation.

3 [(l)] (N) (1) “Engage in the operation of a reduction facility” means
4 controlling or managing a reduction facility.

5 (2) “Engage in the operation of a reduction facility” does not include:

6 (i) the practice of funeral direction or the practice of mortuary
7 science; or

8 (ii) 1. assistance in making decisions and filling out forms that
9 are not directly related to natural organic reduction;

10 2. obtaining vital statistics, signatures, and other
11 information necessary to complete a death certificate;

12 3. transportation of a body to the place of disposition; or

13 4. any other services regarding the disposition of a body that
14 are not directly related to natural organic reduction.

15 [(m)] (O) “Funeral establishment” means a building, structure, or premises from
16 which the business of funeral directing or embalming is conducted.

17 [(n)] (P) (1) “Human remains” means:

18 (i) the body of a deceased person; or

19 (ii) a part of a body or limb that has been removed from a living
20 person.

21 (2) “Human remains” includes the body or part of a body or limb in any
22 state of decomposition.

23 (3) “Human remains” does not include soil remains produced after the
24 completion of natural organic reduction.

25 [(o)] (Q) “Hydrolyzed remains” means the bone fragments produced by the
26 completion of alkaline hydrolysis.

27 [(p)] (R) “Interment” means all final disposition of human remains or pet
28 remains, including:

29 (1) earth burial;

30 (2) mausoleum entombment; and

1 (3) niche or columbarium interment.

2 **[(q)] (S)** “Natural organic reduction” means the contained accelerated
3 conversion of human remains into soil.

4 **[(r)] (T)** “Office” means the Office of Cemetery Oversight.

5 **[(s)] (U)** “Permit” means a permit issued by the Director to allow a partnership,
6 limited liability company, or corporation to operate a business through which a registrant
7 may:

8 (1) engage in the operation of a cemetery or crematory; or

9 (2) provide burial goods.

10 **[(t)] (V)** (1) “Pet remains” means the body of a deceased animal that was kept
11 as a pet.

12 (2) “Pet remains” includes the body of a pet or a part of a pet’s body in any
13 state of decomposition or the body of a pet after having been cremated.

14 **[(u)] (W)** (1) “Preneed goods” means burial goods that are sold before the
15 buyer’s death.

16 (2) “Preneed goods” does not include burial space.

17 **[(v)] (X)** “Provide burial goods” means a retail transaction:

18 (1) to erect, service, or inscribe burial memorials; or

19 (2) to sell burial goods.

20 **[(w)] (Y)** “Reduction facility” means a building, portion of a building, or structure
21 that houses the necessary appliances, containers, and facilities for performing natural
22 organic reduction.

23 **[(x)] (Z)** “Registered cemeterian” means an individual registered to operate a
24 cemetery as a sole proprietor or on behalf of a sole proprietor or of a permit holder.

25 **[(y)] (AA)** “Registered crematory operator” means an individual registered to
26 operate a crematory as a sole proprietor or on behalf of a sole proprietor or permit holder.

27 **[(z)] (BB)** “Registered reduction operator” means an individual registered to
28 operate a reduction facility as a sole proprietor or on behalf of a sole proprietor or a permit
29 holder.

1 [(aa)] **(CC)** “Registered seller” means an individual registered to provide burial
2 goods as a sole proprietor or on behalf of a sole proprietor or of a permit holder.

3 [(bb)] **(DD)** “Registration” means a registration issued by the Director authorizing
4 an individual to operate a cemetery, to operate a crematory, to operate a reduction facility,
5 or to provide burial goods.

6 [(cc)] **(EE)** “Responsible party” means a sole proprietor or the individual
7 designated by a partnership, limited liability company, or corporation to be responsible for
8 the operations of a cemetery, crematory, reduction facility, or burial goods business.

9 [(dd)] **(FF)** “Soil remains” means the soil produced at final disposition of a dead
10 human body at a reduction facility by completion of natural organic reduction.

11 5–505.

12 (a) **IN THIS SECTION, “PERSON IN INTEREST” HAS THE MEANING STATED IN**
13 **§ 14–121 OF THE REAL PROPERTY ARTICLE.**

14 (B) (1) An action may be brought in accordance with the Maryland Rules [and
15 a court may pass a judgment for sale of a burial ground for another purpose if:

16 (1) the ground has been dedicated and used for burial;

17 (2) burial lots have been sold in the burial ground and deeds executed or
18 certificates issued to buyers of the lots;

19 (3) the ground has ceased to be used for burial; and

20 (4) it is desirable to dispose of the burial ground for another purpose]
21 **WHEN THE OWNER OF PROPERTY THAT INCLUDES A CEMETERY PROPOSES THE**
22 **SALE, TRANSFER, OR ALTERNATE USE OF ALL OR PART OF THE CEMETERY THAT**
23 **DOES NOT CONFORM WITH THE OPERATION OF A CEMETERY.**

24 (2) **AN ACTION UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE**
25 **BROUGHT BY:**

26 (I) **A PERSON WITH A BURIAL RIGHT IN THE CEMETERY;**

27 (II) **A DESCENDANT COMMUNITY ORGANIZATION;**

28 (III) **A NONPROFIT ORGANIZATION THAT HAS A PURPOSE OF**
29 **PRESERVING THE CEMETERY;**

1 **(IV) A GOVERNMENTAL UNIT WITH AN INTEREST IN THE**
2 **PROPERTY; OR**

3 **(V) A PERSON IN INTEREST.**

4 **(3) THE OWNER OF THE PROPERTY THAT INCLUDES THE CEMETERY**
5 **HAS THE BURDEN OF PROOF IN ANY PROCEEDING REGARDING THE DISPOSITION OF**
6 **THE PROPERTY AND THE CEMETERY.**

7 **(C) AFTER HEARING FROM ANY PERSON DESCRIBED UNDER SUBSECTION**
8 **(B)(2) OF THIS SECTION WHO WISHES TO BE HEARD ON THE PROPOSED SALE,**
9 **TRANSFER, OR ALTERNATE USE OF THE CEMETERY UNDER SUBSECTION (B) OF THIS**
10 **SECTION, THE COURT SHALL:**

11 **(1) ALLOW THE PROPOSED SALE, TRANSFER, OR ALTERNATE USE OF**
12 **ALL OR PART OF THE CEMETERY;**

13 **(2) PROHIBIT THE PROPOSED SALE, TRANSFER, OR ALTERNATE USE**
14 **OF ALL OR PART OF THE CEMETERY; OR**

15 **(3) ORDER AN ALTERNATIVE DISPOSITION OF THE CEMETERY.**

16 **[(b)] (D)** If the court is satisfied that it is [expedient] APPROPRIATE or would
17 be in the interest of [the parties] **A PERSON DESCRIBED IN SUBSECTION (B)(2) OF THIS**
18 **SECTION** to sell the [burial ground] CEMETERY, the court SHALL:

19 (1) [may] pass a judgment for the sale of the [burial ground] CEMETERY
20 on the terms and notice the court sets;

21 (2) [shall] order that as much of the proceeds of the sale as necessary be
22 used to pay the expenses of removing any human remains in the [burial ground]
23 CEMETERY, buying burial lots in another [burial ground] CEMETERY, and reburying the
24 remains; and

25 (3) [shall] distribute the remaining proceeds of the sale among the parties
26 according to their interests.

27 **[(c)] (E)** A judgment [for] APPROVING the sale of a [burial ground passes to the
28 buyer of the burial ground] CEMETERY CONVEYS the title [to the burial ground] OF THE
29 CEMETERY free of the claims of:

30 (1) the owners of the [burial ground] CEMETERY; and

31 (2) the holders of burial [lots] RIGHTS IN THE CEMETERY.

1 **(F) IF THE COURT DETERMINES THAT THE SALE OR TRANSFER OF A**
2 **CEMETERY IS INAPPROPRIATE AND NOT IN THE BEST INTEREST OF A PERSON**
3 **DESCRIBED IN SUBSECTION (B)(2) OF THIS SECTION, THE COURT SHALL:**

4 **(1) (I) APPROVE THE TRANSFER TO A DESCENDANT COMMUNITY**
5 **ORGANIZATION OR OTHER NONPROFIT ORGANIZATION THAT AGREES TO MAINTAIN**
6 **AND PRESERVE THE CEMETERY; AND**

7 **(II) APPROVE THE PRICE OF THE TRANSFER, INCLUDING A**
8 **DONATION OR NOMINAL FEE; OR**

9 **(2) ORDER A NEGOTIATION BETWEEN THE OWNER OF THE CEMETERY**
10 **AND THE PERSON THAT WISHES TO ACQUIRE IT.**

11 [5–506.]

12 (a) An action may be brought in accordance with the Maryland Rules and a court
13 may pass a judgment for sale of a burial ground in Baltimore City for another purpose if:

14 (1) the ground has been dedicated and used for burial;

15 (2) burial lots have been sold in the burial ground and deeds executed or
16 other written instruments issued to buyers of the lots without provision being made for
17 perpetual care of the lots; and

18 (3) more than 75% of the area of the burial ground:

19 (i) has been abandoned; or

20 (ii) is harmful to the public health, safety, or welfare.

21 (b) The action may be brought by:

22 (1) a person with a property right in the burial ground; or

23 (2) a governmental unit with an interest in ending the conditions that are
24 harmful to the public health, safety, or welfare.

25 (c) If the court is satisfied that more than 75% of the area of a burial ground has
26 been abandoned or is harmful to the public health, safety, or welfare, the court:

27 (1) may pass a judgment for the sale of the entire burial ground on the
28 terms and notice the court sets; and

29 (2) may appoint a trustee to sell the burial ground.

(d) The trustee shall distribute the sale proceeds:

(1) first, to pay the expenses of removing any human remains, that, with reasonable care, can be definitely located in the burial ground, buying burial lots in another burial ground, and reburying the remains;

(2) second, to pay expenses of removing any markers that are in good condition from the old lots and relocating the markers on new lots;

(3) third, to pay the expenses of ending conditions that are harmful to the public health, safety, or welfare, unless the contract of sale of the burial ground provides for abatement of those conditions within a reasonable period of time after the sale is completed;

(4) fourth, to pay the costs of necessary legal proceedings, including court costs, trustee's commissions, and legal fees;

13 (5) fifth, to pay in full any taxes; and

14 (6) finally, to pay the balance of the proceeds to the person who,
15 immediately before the sale, had record title to the burial ground in its entirety according
16 to the land records of Baltimore City.

17 (e) A judgment for the sale of a burial ground or a deed or other conveyancing
18 instrument executed by a trustee under this section passes to the buyer of the burial ground
19 the title to the burial ground free of:

20 (1) the claims of the owners of the burial ground;

(2) the claims of the holders of burial lots; and

22 (3) the intended or actual use or dedication of the land in the burial ground
23 for burial.]

Article – Real Property

25 14-121.

26 (a) (1) In this section the following words have the meanings indicated.

(3) "Cultural affiliation" means a relationship of shared group identity that can be reasonably traced historically between a present-day group, tribe, band, or clan and an identifiable earlier group.

30 (4) "Person in interest" means a person who:

(ii) Is a domestic partner, as defined in § 1-101 of the Health – General Article, of a person interred in a burial site;

(iv) Has an interest in a burial site that the Office of the State's Attorney for the county where the burial site is located recognizes is in the public interest after consultation with a local burial sites advisory board or, if such a board does not exist, the Maryland Historical Trust.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2026.