

# HOUSE BILL 1220

J2, C2, C4

5lr2427  
CF SB 607

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By: **Delegates S. Johnson, A. Johnson, Lopez, and Taveras**

Introduced and read first time: February 7, 2025

Assigned to: Health and Government Operations and Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Human Remains – Transportation Protection Agreements**

3 FOR the purpose of excluding transportation protection agreements from the definition of  
4 “preneed burial contract” and “pre–need contract” under the Maryland Cemetery Act  
5 and the Maryland Morticians and Funeral Directors Act, respectively; providing that  
6 transportation protection agreements are not insurance and are not subject to  
7 regulation under certain provisions of law; and generally relating to transportation  
8 protection agreements.

9 BY repealing and reenacting, without amendments,  
10 Article – Business Regulation  
11 Section 5–101(a) and 5–701(a)  
12 Annotated Code of Maryland  
13 (2024 Replacement Volume)

14 BY adding to  
15 Article – Business Regulation  
16 Section 5–101(ee) and 5–805  
17 Annotated Code of Maryland  
18 (2024 Replacement Volume)

19 BY repealing and reenacting, with amendments,  
20 Article – Business Regulation  
21 Section 5–701(d)  
22 Annotated Code of Maryland  
23 (2024 Replacement Volume)

24 BY repealing and reenacting, without amendments,  
25 Article – Health Occupations  
26 Section 7–101(a)  
27 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2021 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,  
Article – Health Occupations  
Section 7–101(v)  
Annotated Code of Maryland  
(2021 Replacement Volume and 2024 Supplement)

BY adding to  
Article – Health Occupations  
Section 7–101(x) and 7–412  
Annotated Code of Maryland  
(2021 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,  
Article – Insurance  
Section 1–202(a)(4)(xii) and (5)(v)  
Annotated Code of Maryland  
(2017 Replacement Volume and 2024 Supplement)

BY adding to  
Article – Insurance  
Section 1–202(a)(6)  
Annotated Code of Maryland  
(2017 Replacement Volume and 2024 Supplement)

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

### **Article – Business Regulation**

5–101.

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

**(EE) “TRANSPORTATION PROTECTION AGREEMENT” MEANS AN AGREEMENT  
THAT PRIMARILY PROVIDES FOR THE COORDINATION AND ARRANGING OF ALL  
PROFESSIONAL SERVICES RELATED TO THE PREPARATION AND TRANSPORTATION  
OF HUMAN REMAINS, HYDROLYZED REMAINS, OR SOIL REMAINS.**

5–701.

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

(d) **(1)** “Preneed burial contract” means a written instrument under which  
preneed goods or preneed services are to be sold and delivered or performed.

**(2) “PRENEED BURIAL CONTRACT” DOES NOT INCLUDE A  
TRANSPORTATION PROTECTION AGREEMENT.**

**5–805.**

**A TRANSPORTATION PROTECTION AGREEMENT SOLD BY A PERSON  
REGISTERED UNDER THIS TITLE IS NOT AN INSURANCE CONTRACT AND IS NOT  
SUBJECT TO REGULATION UNDER THE INSURANCE ARTICLE.**

### **Article – Health Occupations**

**7–101.**

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

(v) **(1)** “Pre–need contract” means an agreement between a consumer and a  
licensed funeral director, licensed mortician, or surviving spouse to provide any goods and  
services purchased prior to the time of death. Goods and services shall include:

**[(1)] (I)** A service, including any form of preservation and disposition or  
cremation, that a mortician normally provides in the ordinary course of business; or

**[(2)] (II)** Merchandise, including a casket, vault, or clothing, that a  
mortician normally provides in the ordinary course of business.

**(2) “PRE–NEED CONTRACT” DOES NOT INCLUDE A TRANSPORTATION  
PROTECTION AGREEMENT.**

**(X) “TRANSPORTATION PROTECTION AGREEMENT” MEANS AN AGREEMENT  
THAT PRIMARILY PROVIDES FOR THE COORDINATION AND ARRANGING OF ALL  
PROFESSIONAL SERVICES RELATED TO THE PREPARATION AND TRANSPORTATION  
OF HUMAN REMAINS, HYDROLYZED REMAINS, OR SOIL REMAINS.**

**7–412.**

**A TRANSPORTATION PROTECTION AGREEMENT SOLD BY A LICENSEE IS NOT  
AN INSURANCE CONTRACT AND IS NOT SUBJECT TO REGULATION UNDER THE  
INSURANCE ARTICLE.**

### **Article – Insurance**

**1–202.**

(a) This article does not apply to:

(4) a voluntary noncontractual religious publication arrangement that:

(xii) provides the following verbatim written disclaimer as a separate cover sheet for any and all documents distributed by or on behalf of the exempt arrangement, including applications, guidelines, promotional, or informational material and all periodic publications:

“Notice

This publication is not issued by an insurance company nor is it offered through an insurance company. It does not guarantee or promise that your medical bills will be published or assigned to others for payment. No other subscriber will be compelled to contribute toward the cost of your medical bills. Therefore, this publication should never be considered a substitute for an insurance policy. This activity is not regulated by the State Insurance Administration, and your liabilities are not covered by the Life and Health Guaranty Fund. Whether or not you receive any payments for medical expenses and whether or not this entity continues to operate, you are always liable for any unpaid bills.”; [or]

(5) except as provided in subsection (b) of this section, a self-funded student health plan operated by an independent institution of higher education, as defined in § 10–101 of the Education Article, that provides health care services to its students and their dependents if the institution files on July 1 each year, for the student health plan that will be offered to students for the upcoming school year, a report with the Commissioner certifying under penalties of perjury that:

(v) the institution operates the student health plan in compliance with Title 15, Subtitles 10A and 10D of this article; OR

**(6) A TRANSPORTATION PROTECTION AGREEMENT, AS DEFINED IN § 5–101 OF THE BUSINESS REGULATION ARTICLE OR § 7–101 OF THE HEALTH OCCUPATIONS ARTICLE, THAT IS SOLD BY A PERSON REGISTERED UNDER TITLE 5 OF THE BUSINESS REGULATION ARTICLE OR TITLE 7 OF THE HEALTH OCCUPATIONS ARTICLE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.