

HOUSE BILL 1374

M3

EMERGENCY BILL

4lr2764

By: **Delegates Embry and Boyce**

Introduced and read first time: February 9, 2024

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Crematory – Setback Requirements and Permits**

3 FOR the purpose of prohibiting a person from locating a new crematory within a certain
4 distance of certain properties; prohibiting the Department of the Environment from
5 issuing a certain permit to a crematory under certain circumstances; and generally
6 relating to setback requirements for crematories.

7 BY adding to

8 Article – Environment

9 Section 2–407

10 Annotated Code of Maryland

11 (2013 Replacement Volume and 2023 Supplement)

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

14 **Article – Environment**

15 **2–407.**

16 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
17 **INDICATED.**

18 **(2) “CREMATORY” HAS THE MEANING STATED IN § 7–101 OF THE**
19 **HEALTH OCCUPATIONS ARTICLE.**

20 **(3) “RESIDENTIAL PROPERTY” MEANS A BUILDING, STRUCTURE, OR**
21 **PORTION OF A BUILDING OR STRUCTURE THAT IS DESIGNED PRINCIPALLY AND IS**
22 **INTENDED FOR HUMAN HABITATION.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(B) A PERSON MAY NOT LOCATE A NEW CREMATORY WITHIN 1,000 FEET OF:

(1) AN ASSISTED LIVING OR NURSING FACILITY;

(2) A PROPERTY THAT PRIMARILY SERVES CHILDREN, INCLUDING:

(I) A CHILD CARE CENTER;

(II) A FAMILY CHILD CARE HOME;

(III) A PRESCHOOL FACILITY; OR

(IV) A PUBLIC OR NONPUBLIC ELEMENTARY OR SECONDARY SCHOOL; OR

(3) A RESIDENTIAL PROPERTY.

(C) THE DEPARTMENT MAY NOT ISSUE A PERMIT UNDER THIS SUBTITLE TO A CREMATORY THAT IS LOCATED IN VIOLATION OF SUBSECTION (B) OF THIS SECTION.

(D) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.