

(I) TRUST ACCOUNT.

"TRUST ACCOUNT" MEANS A PRENEED TRUST ACCOUNT.

REVISOR'S NOTE: This subsection is new language added to define "trust account" for this subtitle.

GENERAL REVISOR'S NOTE TO SECTION:

Former Art. 23, § 165B(a)(8), which defined "seller's cost" to mean the actual cost to the seller of goods and services as of the date of the preneed burial contract, is deleted as surplusage because the term was not used in the former law.

5-402. SCOPE OF SUBTITLE.

(A) EXCLUSIONS.

THIS SUBTITLE DOES NOT APPLY TO:

(1) THE SALE OF BURIAL SPACE; OR

(2) A PRENEED CONTRACT MADE BY AN INDIVIDUAL IN CONNECTION WITH PRACTICING FUNERAL DIRECTION OR PRACTICING MORTUARY SCIENCE, AS THOSE PRACTICES ARE DEFINED IN AND REGULATED BY THE HEALTH OCCUPATIONS ARTICLE.

(B) PRACTICING FUNERAL DIRECTION OR MORTUARY SCIENCE.

THIS SUBTITLE DOES NOT ALLOW A PERSON, DIRECTLY OR INDIRECTLY, THROUGH AN AGENT OR OTHERWISE, TO PRACTICE FUNERAL DIRECTION OR PRACTICE MORTUARY SCIENCE, UNLESS THE PERSON IS LICENSED TO PRACTICE FUNERAL DIRECTION OR PRACTICE MORTUARY SCIENCE UNDER THE HEALTH OCCUPATIONS ARTICLE.

(C) INSURANCE.

A PRENEED BURIAL CONTRACT MADE UNDER THIS SUBTITLE IS NOT AN INSURANCE CONTRACT AND DOES NOT INVOLVE THE BUSINESS OF INSURANCE.

(D) CEMETERY NOT REQUIRED TO ACCEPT GOODS OR PERFORM SERVICES.

THIS SUBTITLE DOES NOT REQUIRE A CEMETERY TO ACCEPT GOODS, PERFORM SERVICES, OR ALLOW SERVICES TO BE PERFORMED IF THE GOODS OR SERVICES ARE CONTRARY TO:

(1) THE LAW CONCERNING BURIAL; OR

(2) THE RULES OF THE CEMETERY CONCERNING THE QUALITY AND KIND OF GOODS OR SERVICES THAT MAY BE USED IN CONNECTION WITH BURIAL IN THE CEMETERY.