

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 696

A bill to amend 1980 PA 299, entitled
"Occupational code,"
by amending sections 1801 and 1809 (MCL 339.1801 and 339.1809),
section 1801 as amended by 2006 PA 300.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1801. As used in this article:

2 (a) "Funeral establishment" means a place of business used in
3 the care and preparation for burial or transportation of a dead
4 human body or a place where ~~a person~~**an individual** represents that
5 ~~the person~~**he or she** is engaged in the profession of undertaking or
6 the practice of mortuary science.

7 (b) "Holder of a license for the practice of mortuary science"
8 means ~~a person~~**an individual** who satisfactorily completes a course



1 in mortuary science, ~~who~~ passes an examination ~~prescribed in~~
 2 **required under** this article, serves the required resident training,
 3 and is issued a license for the practice of mortuary science.

4 (c) "Practice of embalming" means the disinfecting or
 5 preserving of a dead human body, entirely or in part, by the use of
 6 a chemical substance, fluid, or gas in the body or by the
 7 introduction of the chemical substance, fluid, or gas into the body
 8 by a vascular or hypodermic injection, or by direct application
 9 into an organ or cavity.

10 (d) "Practice of funeral directing" means engaging in or
 11 representing oneself as engaging in the supervising of the burial
 12 and disposal of a dead human body, ~~maintaining~~ **managing** a funeral
 13 establishment for the preparation, disposition, and care of a dead
 14 human body, ~~or using,~~ in connection with the user's name or
 15 funeral establishment, the word "funeral director", "funeral
 16 service professional", "undertaker", or "mortician", or any other
 17 title embodying the words "mortuary science" or otherwise implying
 18 that ~~one~~ **the individual** is engaged as a funeral director.

19 (e) "Practice of mortuary science" means the practice of
 20 embalming or the practice of funeral directing, or both.

21 (f) "Resident trainee" means ~~a person~~ **an individual** who is
 22 engaged in learning the practice of embalming or funeral directing
 23 or the practice of mortuary science under the instruction and
 24 personal supervision of a holder of a license for the practice of
 25 mortuary science in this state.

26 Sec. 1809. (1) **All of the following apply to the ownership and**
 27 **management of a funeral establishment:**

28 (a) A funeral establishment shall be ~~operated~~ **managed** by a
 29 ~~person~~ **an individual** who is the holder of a license for the



1 practice of mortuary science. ~~The establishment shall have~~
2 ~~conspicuously displayed at its entrance the name of the person~~
3 ~~licensed to conduct the establishment. The name of the person~~
4 ~~owning the funeral establishment shall be registered with the~~
5 ~~department. Failure to make full and complete disclosure of the~~
6 ~~owners shall be grounds for the revocation of the establishment~~
7 ~~license.~~**The manager shall ensure that the funeral establishment**
8 **complies with all applicable laws.**

9 (b) A funeral establishment shall notify the department in
10 writing of the name of the individual appointed as the manager of
11 the funeral establishment and conspicuously display the name of the
12 manager at the entrance of the funeral establishment.

13 (c) A manager of a funeral establishment shall not reside more
14 than 75 miles from that funeral establishment.

15 (d) Except as provided in subsection (2), an individual shall
16 not manage more than 1 funeral establishment.

17 (e) If a new manager is appointed for a funeral establishment,
18 the funeral establishment shall notify the department in writing of
19 the name of the new manager not more than 30 days after the date of
20 his or her appointment.

21 (2) The director shall receive and approve or deny requests
22 for waivers to allow an individual to act as the manager of 2
23 funeral establishments under this subsection. All of the following
24 apply to a request for a waiver under this subsection:

25 (a) The prospective manager shall request the waiver. The
26 request must include the following:

27 (i) The prospective manager's name and mortuary science license
28 number.

29 (ii) The name and license number of each funeral establishment



1 affected.

2 (iii) Documentation supporting the existence of the factors
3 listed in subdivision (b).

4 (b) The director shall not grant a waiver under this
5 subsection unless all of the following factors are met:

6 (i) The funeral establishments are located in the same county
7 or contiguous counties.

8 (ii) The population density of the county in which each of the
9 funeral establishments is located is less than the population
10 density for this state, based on data from the most recent
11 decennial census.

12 (iii) The funeral establishments are located within 90 miles of
13 each other.

14 (c) If the waiver is denied, the director shall send a written
15 notice of the denial and the reasons for denial to the individual
16 who requested the waiver. The individual may appeal the denial to
17 the board in the manner provided for in section 515.

18 (3) ~~(2) A person~~ **An individual** whose license ~~has been~~ **is**
19 revoked under this article shall not ~~operate~~ **manage**, either
20 directly or indirectly, or hold an interest in, a funeral
21 establishment. This subsection ~~shall~~ **does** not prohibit ~~a person~~ **an**
22 **individual** whose license ~~has been~~ **is** revoked from leasing property
23 owned by the ~~person~~ **individual** for use as a funeral establishment
24 if the ~~person~~ **individual** does not participate in the control or
25 profit of the funeral establishment, ~~otherwise~~ **other** than as a
26 lessor of the premises for a fixed rental **that is** not dependent
27 ~~upon~~ **on** earnings.

28 (4) ~~(3)~~ A branch establishment shall be ~~operated~~ **managed** by a
29 ~~person~~ **an individual** who is the holder of a license for the



1 practice of mortuary science. **The manager shall ensure that the**
2 **branch establishment complies with all applicable laws.**

3 (5) ~~(4)~~—The department and the board may inspect the premises
4 in which funeral directing is conducted, ~~or where~~—embalming is
5 practiced, or ~~where~~—an applicant ~~proposes~~—**intends** to practice.

6 (6) ~~(5)~~—A funeral establishment shall contain a preparation
7 room equipped with tile, cement, or composition floor and necessary
8 drainage and ventilation, and contain each necessary instrument or
9 supply for the preparation and embalming of a dead human body for
10 burial, transportation, or other disposition.

11 (7) ~~(6)~~—A branch establishment shall comply with each
12 requirement or rule relating to a funeral establishment.

13 Enacting section 1. This amendatory act takes effect 90 days
14 after the date it is enacted into law.

